

CODIFIED ORDINANCES OF WOOSTER

PART ELEVEN – PLANNING AND ZONING CODE

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CHAPTER 1101

Purpose, Interpretation, General Provisions

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1101.01 TITLE.

This Code includes standards for planning, subdividing, and developing land within the City. This Code combines the subdivision and zoning rules, regulations, and standards into one unified land use ordinance titled the “Planning and Zoning Code of the City of Wooster Ohio.” These rules, regulations, procedures and accompanying maps shall be known, cited and referred to as the Wooster Planning and Zoning Code. (Ord. 2006-49. Passed 5-21-07.)

1101.02 AUTHORITY AND SCOPE.

This Planning and Zoning Code is adopted by the City pursuant to its authority under the Ohio Revised Code Chapter 713 and the City of Wooster Charter. Nothing in this Planning and Zoning Code shall be construed to limit City Council in the exercise of all of the powers to zone or redistrict now or hereafter as authorized by the Ohio Revised Code or the City Charter. (Ord. 2006-49. Passed 5-21-07.)

1101.03 PURPOSE.

This Planning and Zoning Code establishes certain districts in the City and regulates and restricts the ways in which land can be used and subdivided in order to promote the public health, safety, convenience, prosperity, and general welfare. More specific purposes are to:

- (a) Promote the orderly and beneficial development of the City of Wooster in accordance with the City's land use policies.
- (b) Establish districts of such classification and number to implement the City's Comprehensive Plan that encourages the most appropriate uses of the land and guides the future development of the City and to carry out the purposes of this Planning and Zoning Code.
- (c) Encourage compatibility between different land uses and protect the scale and character of existing development from the encroachment of incompatible uses.
- (d) Regulate and restrict the location, bulk, height, design, and land coverage of buildings to protect the character and value of the City's residential, business, industrial, institutional and recreational areas.
- (e) Regulate the area and dimension of lots, yards, setbacks, and other open spaces to provide adequate open spaces for light and air.
- (f) Regulate and limit the density of population to prevent overcrowding of the land and excessive concentration of the population.
- (g) Ensure efficient traffic circulation, manage congestion on the streets and improve public safety by locating buildings and uses adjacent to streets in such a manner that they will cause the least interference with, and be damaged least by, traffic movements.
- (h) Facilitate adequate provisions for public utilities and facilities such as schools, recreation facilities, sewer, water, transportation, and other public necessities.
- (i) Provide regulations, standards and procedures for the administration, amendment and enforcement of this Planning and Zoning Code.
- (j) To preserve and strengthen the reasonable balance of commercial and industrial activities within the City, so long as they are consistent with the City's residential character and the foregoing objectives, in order to serve the convenience of the inhabitants of the City and provide a strong economic and tax base to assure the City's ability to provide essential services to its inhabitants.
- (k) To accomplish the specific intents and purposes set forth in the introduction of the respective chapters.

- (l) To guide the future development of the City so as to bring about the gradual conformity of land and building uses in accordance with the objectives of the Comprehensive Plan of the City. (Ord. 2006-49. Passed 5-21-07.)

1101.04 APPLICABILITY.

- (a) No structure shall be located, erected, constructed, reconstructed, moved, converted, or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Planning and Zoning Code and, when required, after the lawful issuance of the certificate(s) required by this Planning and Zoning Code.
- (b) Existing lots, buildings, structures and uses of land that do not comply with the regulations of this Planning and Zoning Code are subject to the regulations set forth in Chapter 1149 Nonconforming Uses, Lots, and Structures.
- (c) In the case of subdivisions, no person shall sell any land or authorize the sale of land under his control except in accordance with the all of the applicable provisions of this Planning and Zoning Code.
- (d) No person shall subdivide or lay out into lots any land within the City or three-mile area except in conformity to this Planning and Zoning Code.
- (e) Within three miles of the corporate limits of the City, the City Planning Commission shall have authority for preliminary and final review and approval of major subdivisions and any minor subdivisions within this three-mile limit that it may choose to exercise its authority.

The County Planning Department shall submit written comments for the City Planning Commission to consider whenever a subdivision within the three-mile limit is to be reviewed and approved. The developer shall insure that all required plans, plats and/or documents are properly submitted to the County Planning Department prior to submission to the City Planning Commission.

- (f) No lot or land shall be sold from any plat until such plat has been approved as herein required.
- (g) The design and layout of all subdivisions shall conform with the requirements of this Planning and Zoning Code. The subdivider shall submit plans and plats, all in accordance with Chapter 1109, Subdivision Procedures. (Ord. 2006-49. Passed 5-21-07.)

1101.05 RELATIONSHIP TO PLANS.

It is the intention of Council that this Planning and Zoning Code implement the planning policies reflected in the City of Wooster Comprehensive Plan and other planning documents. While the Council reaffirms its commitment that this Planning and Zoning Code, as amended, be in conformity with adopted planning policies, Council hereby expresses its intent that neither this Planning and Zoning Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document. (Ord. 2006-49. Passed 5-21-07.)

1101.06 SEPARABILITY.

Sections and sub-sections of this Planning and Zoning Code and the several parts or provisions thereof are hereby declared to be independent sections, sub-sections, parts and provisions. If any provision of this Planning and Zoning Code, or amendment thereto, or any application of any provision to particular circumstances is held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Planning and Zoning Code or amendments thereto, or the application of such provision to other circumstances. (Ord. 2006-49. Passed 5-21-07.)

1101.07 INTERPRETATION AND APPLICATION.

For subdivisions, in their interpretation and application, the provisions of this Planning and Zoning Code shall be held to be the minimum requirements to provide for the coordination of subdivision streets with existing streets and roads, or with the plan or plats of the City, for the proper amount of open spaces, for traffic circulation, and utilities, and for the avoidance of future congestions of population detrimental to the public health and safety, and for the actual construction of streets or other improvements or facilities or assurance of such construction as a condition precedent to the approval of a subdivision plat.

Unless specifically noted otherwise, in interpreting and applying the provisions of this Planning and Zoning Code, these provisions shall be considered the minimum requirements necessary for the promotion of the public health, safety and general welfare. They shall be liberally construed to further the purposes and objectives set forth herein and the purposes and intent of each district as set forth in each district chapter.

(a) Except as specifically provided herein, the provisions of this Planning and Zoning Code shall not repeal, abrogate, annul or in any way impair or interfere with any existing deed or plat restrictions, ordinances, laws, rules, or permits previously adopted or issued, and shall not be construed as removing or rendering inoperative any deed or land restriction formerly established by restrictive covenants running with the land, easements or other agreements between parties.

(b) In cases where this Planning and Zoning Code imposes a greater restriction upon the use of buildings or land or upon the height and/or bulk of buildings, or requires larger lot area, yards, setbacks, or other open spaces than are imposed or required by such other laws or ordinances, or by such rules and regulations, the provisions of this Planning and Zoning Code shall govern. Conversely, other regulations shall govern where they are more restrictive in nature than this Planning and Zoning Code. (Ord. 2006-49. Passed 5-21-07.)

1101.08 ZONING CODE AND MAP REVIEW.

This Zoning Code and accompanying zoning map shall be reviewed in 2017 and every ten years thereafter by the Planning Commission and at such other times as Planning Commission or Council deems necessary.

(Ord. 2006-49. Passed 5-21-07.)

1101.09 ANNEXATION.

Unless otherwise stated in the conditions of annexation, territory annexed to or otherwise becoming a part of the City shall be zoned by Council upon recommendation of the Planning Commission as per Chapter 1119, Amendments. The Planning Commission shall recommend a zoning classification to Council prior to the time Council accepts an annexation. The Clerk of Council shall notify the Planning Commission immediately upon receiving a certified transcript of the proceedings for an annexation from the Board of County Commissioners.

If Council does not simultaneously accept an annexation and designate a zoning district, the territory annexed shall become an R-1 Suburban Single-Family District until otherwise classified. (Ord. 2006-49. Passed 5-21-07.)

1101.10 EFFECTIVE DATE.

This Planning and Zoning Code, and amendments thereto, shall take effect and be in full force and effect from and after the earliest period allowed by law. (Ord. 2006-49. Passed 5-21-07.)

1101.11 REPEAL OF EXISTING CODE.

The Planning and Zoning Code of the City of Wooster, Ohio, adopted effective February 7, 1991 and as subsequently amended together with the Zoning Map, is hereby superseded and amended to read as set forth in this Planning and Zoning Code update, dated June 21, 2007. (Ord. 2006-49. Passed 5-21-07.)