

CHAPTER 1141
Commercial District Regulations

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1141.01 INTENT.

Commercial Districts (C-1, C-2, C-3, C-4, C-5) and their regulations are established in order to achieve, among others, the following purposes:

- (a) To promote the most desirable land use and traffic patterns in accordance with the objectives of the City of Wooster Comprehensive Plan;
- (b) To provide in appropriate and convenient locations of sufficient size for the exchange of goods and services;
- (c) To protect residential neighborhoods adjacent to business uses by regulating the types of establishments, particularly at the common boundaries, that would create congestion, noise or other objectionable influences;
- (d) C-1 Office, Institutional District. To create an environment conducive to well-located and designed office building sites and to accommodate office users. This District shall be act as a buffer zone to residential districts, thus providing protection from more intense business uses or major thoroughfares.
- (e) C-2 Neighborhood Business District. To create a District that permits a variety of retail and service establishments in a store-only district with development standards that ensure that development is compatible with adjacent land uses, that create a more pedestrian-oriented environment, and that recognizes and accommodates the constraints presented by small, shallow lots found in the District.
- (f) C-3 Community Commercial District. To create a District that permits a wide variety of retail and office land uses in a more pedestrian friendly environment.
- (g) C-4 Central Business District. To provide a central business district that preserves, maintains and promotes Downtown Wooster as a core area for

retail sales and to promote and enhance the existing historic, compact pedestrian orientation of the Downtown by permitting buildings to be close to the street and to one another.

- (h) C-5 General Commercial District. To accommodate a broad range of commercial services and activities in locations adequately served by major streets and other facilities and to provide a wide range of goods and services to a large consumer population coming from an extensive area. (Ord. 2006-49. Passed 5-21-07.)

1141.02 USE REGULATIONS.

- (a) Uses Permitted by Right. A use listed in Table 1141.02 permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other city ordinances and this Planning and Zoning Code have been met;
- (b) Conditional Uses. A use listed in Table 1141.02 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Planning Commission first makes the determination that the requirements of Chapter 1147 have been met according to the procedures set forth in Chapter 1107;
- (c) Accessory Uses. A use listed in Table 1141.02 shall be permitted as an accessory use in a district when denoted by the letter "A". Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections of this Planning and Zoning Code.
- (d) Table 1141.02 Permitted Uses.

Table 1141.02 Permitted Uses					
	C-1 Office, Institutional	C-2 Neighborhood Business	C-3 Community Commercial	C-4 Central Business	C-5 General Commercial
(1) Residential/Lodging					
A. Single-family dwelling	P ⁴	P ⁴	--	--	--
B. Single-family attached dwellings	--	--	--	C	--
C. Two-family dwelling	P ⁴	P ⁴	--	--	C
D. Dwelling unit(s) above the first floor of a building	--	P	P	P	P
E. Bed and breakfast establishment	C	C	C	C	--
F. Hotel, motel	--	--	P	P	P
G. Multi-family dwelling	--	--	C	--	C

Table 1141.02 Permitted Uses					
	C-1 Office, Institutional	C-2 Neighborhood Business	C-3 Community Commercial	C-4 Central Business	C-5 General Commercial
(2) Office and Professional Services					
A. Administrative, business and/or professional office	P	P	P	P	P
B. Bank and other financial institutions	--	P	P	P	P
C. Medical/dental office	P	P	P	P	P
D. Medical/dental/health services clinic	P	P	P	P	P
E. Hospital	--	--	C	--	--
(3) Retail and Services					
A. Retail establishment	P ¹	P ²	P	P	P
B. Freestanding automated teller machine or drive-thru	--	--	C	--	C
C. Restaurant, indoor	--	P	P	P	P
D. Drive-thru facility in association with a permitted use	--	C	C	C	C
E. Funeral home	P	P	P	P	P
F. Outdoor display/sales, See § 1141.08	--	--	P	P	P
G. Service establishment, business	C ³	P ²	P	P	P
H. Service establishment, personal	C ³	P ²	P	P	P
I. Veterinary office, animal hospital	--	--	--	--	P
J. Dog day care/grooming facility	--	P	P	P	P
K. Kennel (with no outdoor run)	--	--	--	--	P
L. Custom Print Shop	--	--	--	--	P ⁵
M. Microbrewery, Microdistillery or Microwinery.	--	--	--	P	P
(4) Automotive/ Transportation					
A. Gasoline station / pumps	--	C	C	C	P
B. Car wash	--	--	--	--	P
C. Automobile service station	--	--	C	C	P
D. Vehicle repair garage	--	--	--	--	C
E. Public use parking lot	C	C	--	C	--
F. Motor vehicle sales and rental	--	--	--	--	C

Table 1141.02 Permitted Uses					
	C-1 Office, Institutional	C-2 Neighborhood Business	C-3 Community Commercial	C-4 Central Business	C-5 General Commercial
G. Public transportation terminal	--	--	--	C	P
H. Self-storage facility, indoor	--	--	--	--	C
(5) Entertainment – Recreation					
A. Commercial recreation, indoor	--	--	--	--	C
B. Commercial recreation, outdoor	--	--	--	--	C
C. Health Club	--	P ²	P	P	P
D. School, specialty/personal instruction	C	--	P	C	P
E. Theater	--	--	--	C	P
F. Assembly hall/ membership club/conference center	C	P ²	P	C	P
G. Public park, public playground	P	P	P	P	P
(6) Community Facilities/ Other					
A. Congregate care facility	P	P	P	--	P
B. Nursing home	P	P	P	--	P
C. Place of worship/church	C	P	P	P	P
D. Day care facility, child and/or adult	C ³	P	P	--	P
E. School, commercial, business or trade	P	--	P	P	P
F. School (public/private) elementary/secondary	C	P	P	P	P
G. School (public/private) College/university;	C	--	C	C	C
H. Public safety, health or utility facility	P	P	P	P	P
I. Public service/ maintenance facility	--	--	--	--	P
J. Utility substation/ distribution facility, indoor	C	C	C	C	C
K. Wireless telecommunication facility	See Chapter 1173				
L. Library, cultural institution	C	P	P	C	P

Table 1141.02 Permitted Uses					
	C-1 Office, Institutional	C-2 Neighborhood Business	C-3 Community Commercial	C-4 Central Business	C-5 General Commercial
(7) Accessory Uses					
A. Accessory recreational facilities	--	--	A	--	--
B. Crematorium when accessory to a funeral home	A	A	A	A	A
C. Off-street parking facility	A	A	A	A	A
D. Outdoor storage of vehicles & equipment See §1141.08	--	--	--	--	A
E. Outdoor storage of goods & general merchandise See §1141.08	--	--	A	--	A
F. Restaurant, outdoor dining, See §1141.07	--	A	P	A	A
P = Permitted by right C = Conditional A= Accessory -- = Use not permitted in district					
¹ This use shall be permitted by-right only when part of a multi-establishment building and is not the principal use of a building (i.e. occupying the majority of gross floor area). Otherwise, it is a prohibited use. ² All operations, including storage, shall take place in a principal and/or an accessory building. ³ This use shall be permitted by-right when part of a multi-establishment building, and it is not the principal use a building. If the use is proposed to be the principal use in any building (i.e. occupying the majority of gross floor area), then the use is a conditional use. ⁴ Only those dwelling units that existed on June 21, 2007 shall be permitted. New dwelling units are prohibited. ⁵ Custom printing shall not be done for any wholesale purpose, use, or for other businesses; no noise or fumes shall be noticeable to adjacent property owners or shall be noticeable to the general public from the street; no heavy truck traffic shall be generated from this use; no evidence of the production area shall be seen from the exterior of the building or shall be visible from the display windows to the general public.					

(Ord. 2006-49. Passed 5-21-07; Ord. 2012-24. Passed 8-20-12; Ord. 2013-17(B). Passed 6- 3-13; Ord. 2013-44(a). Passed 12-16-13.)

1141.03 LOT REQUIREMENTS.

The minimum lot requirements for uses in Commercial Districts shall be as specified in Table 1141.03.

Table 1141.03 Lot Requirements					
	C-1 Office, Institutional	C-2 Neighborhood Business	C-3 Community Commercial	C-4 Central Business	C-5 General Commercial
(a) Minimum Project Area	none	none	7 acres	none	none
(b) Minimum Lot Area	7,500 sf	7,500 sf	20,000 sf	none	20,000 sf
(c) Minimum Lot Width at building line	60 ft	60 ft	100 feet	none	100 feet
(d) Maximum Building Coverage	40%	none	40%	none	30%

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

1141.04 BUILDING SETBACK REQUIREMENTS.

Every permitted use of land and structures shall be located on a lot in a manner that maintains the minimum building setbacks set forth in this section for the district in which the lot is located, measured from the appropriate lot line. Each resulting setback shall remain unobstructed by structures except as otherwise specifically permitted in this Code.

- (a) Front Setback. Each lot shall maintain the minimum front setback measured from the street right-of-way. Corner lots shall comply with the front setback for each lot line adjacent to a street right-of-way. In the case of private streets, the front setback shall be measured from the edge of pavement if there is no sidewalk or back of the sidewalk, if present.
- (b) Table 1141.04: Minimum Building Setbacks.

Table 1141.04 Minimum Building Setbacks					
	C-1 Office, Institutional	C-2 Neighborhood Business	C-3 Community Commercial	C-4 Central Business	C-5 General Commercial
(1) Minimum Setback from Street ROW	10 feet ¹	20 feet ¹	20 feet	None ¹	30 feet
(2) Maximum Setback from Street ROW	20 feet	30 feet	NA	10 feet	NA
(3) Setback from Side and Rear Lot line abutting nonresidential district	8 feet ²	8 feet ²	10 feet ²	none	10 feet ²

Table 1141.04 Minimum Building Setbacks					
	C-1 Office, Institutional	C-2 Neighborhood Business	C-3 Community Commercial	C-4 Central Business	C-5 General Commercial
(4) Setback from Side Lot line abutting residential district	10 feet	10 feet	50 feet	25 feet	50 feet
(5) Setback from Rear Lot line abutting residential district	25 feet	25 feet	50 feet	25 feet	50 feet
Notes to Table 1141.04: ¹ Shall comply with Section 1141.04(c) below. ² Except when buildings share a common wall, then there shall be no setback required. ³ See Section 1125.02 for permitted obstructions within required setbacks or other related open space. ⁴ A property in a commercial district containing a permitted residential or conditional residential use which abuts either a property in a multi-family residential district or a property in a commercial district containing a similar permitted or conditional residential use shall utilize the side and rear lot lines stated in Table 1135.04(1)C.					

(c) Supplemental Front Setback Requirements In C-1, C-2, and C-4 Districts.

New construction shall comply with the minimum and maximum front setback requirements specified in Table 1141.04 except as specified below.

- (1) When the lot is within 50 feet of an existing building on both sides, the depth of the front yard shall be the average depth of the adjacent front setbacks.
- (2) The maximum setback may be doubled when a public use plaza is located between the building and the street right-of-way. (Ord. 2006-49. Passed 5-21-07; Ord. 2012-24. Passed 8-20-12; Ord. 2013-17(B). Passed 6-3-13; Ord. 2013-44(a). Passed 12-16-13.)

1141.05 HEIGHT REGULATIONS.

Buildings and structures shall comply with the following height regulations based on the district in which the lot is located.

- (a) In the C-1, C-2, C-3 and C-5 Districts buildings and structures shall not exceed a height of 45 feet.
- (b) In the C-4 District buildings and structures shall not exceed a height of 60 feet. (Ord. 2006-49. Passed 5-21-07.)

1141.06 OFF-STREET PARKING REGULATIONS.

Off-street parking areas shall conform to the regulations of Chapter 1169 and to the parking requirements set forth below:

- (a) Table 1141.06 Minimum Parking Setbacks. Off-street parking shall be located in compliance with the minimum setbacks, measured from the

street right-of-way or property line, as specified below unless otherwise noted.

Table 1141.06 Minimum Parking Setbacks					
	C-1 Office, Institutional	C-2 Neighborhood Business	C-3 Community Commercial	C-4 Central Business	C-5 General Commercial
(1) Minimum Setback from Street ROW	Behind front building line	Behind front building line	10 feet	Behind front building line	20 feet
(2) Setback from Side and Rear Lot line abutting nonresidential district	8 feet	8 feet	8 feet	8 feet	10 feet
(3) Setback from Side and Rear Lot line abutting residential district	10 feet	10 feet	20 feet	10 feet	20 feet

- (b) The area within the parking setback shall be landscaped in accordance with Chapter 1165, Landscaping and Land Use Buffers.
- (c) Off-street parking spaces shall be provided in compliance with Chapter 1169. (Ord. 2006-49. Passed 5-21-07.)

1141.07 OUTDOOR DINING REGULATIONS.

- (a) General Requirements. Outdoor dining shall be permitted provided that:
 - (1) Prior to issuance of an outdoor dining permit, the applicant shall furnish, to the Zoning Administrator, a dimensioned plan showing the proposed location of all outdoor dining furniture. The applicant shall also submit drawings or photos of the type of furniture and enclosure to be utilized, and any other equipment to be used. Outdoor dining shall not be allowed within ten (10) feet of a fire hydrant, Fire Department standpipe connection, fire escape, bus stop, loading zone, mail boxes, or traffic signal stanchions.
 - (2) Areas devoted to outdoor display and outdoor dining shall comply with all building setbacks regulations for the district in which they are located as set forth in this Chapter, unless the Zoning Administrator expressly permits outdoor dining in a public right-of-way and the applicant complies with the requirements in Section 1141.07 (b) below.
 - (3) All outdoor dining areas shall be contiguous to the principal building.
 - (4) The facility is used in conjunction with, and is under the same management and exclusive control of, a restaurant located on the same or contiguous property and shall not exceed the existing building or property width.
 - (5) Tables, chairs and furnishings shall be arranged so as not to interfere with pedestrian movement on sidewalks, ingress into or

- egress from buildings, or otherwise interfere with the proper and safe movement of people or vehicles in parking areas or on City streets, alleys, rights of way or other municipally owned property.
- (6) Prior to serving any alcoholic beverage outside, the applicant shall make application to and obtain approval from the State of Ohio Liquor Control Board.
 - (7) All applicable Health Department sanitation requirements shall be followed and permits obtained for outdoor food handling. The permittee shall be responsible for posting the outdoor seating area as to any special Health Department requirements.
 - (8) Outdoor electrical installations must comply with the current, adopted edition of the National Electrical Code.
 - (9) Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital or any other individual, group or mechanical device shall not be permitted in any outside dining facility if the noise from such entertainment is of such a volume so as to cause a disturbance to abutting property owners.
- (b) Requirements for outdoor dining in the public right-of-way. Outdoor dining shall be permitted on public sidewalks provided that:
- (1) Prior to issuance of a permit, the applicant shall furnish, to the Zoning Administrator, a dimensioned plan showing the sidewalk and all existing public improvements and encroachments such as light posts, benches, planters, trash receptacles, fences, trees and tree grates in the area, bicycle racks and newspaper boxes. The diagram shall also include the location of the curb relative to the building and the proposed location of all outdoor dining furniture, and other equipment to be placed on the sidewalk. Outdoor dining shall not be allowed within ten feet of a fire hydrant, Fire Department standpipe connection, fire escape, bus stop, loading zone, mail boxes, or traffic signal stanchions.
 - (2) An Outdoor Dining Permit shall be obtained from the Zoning Administrator prior to placing tables, chairs, or any other equipment (including fences, planters, lightposts, etc.) on any public sidewalk. Permits issued hereunder shall be valid from the date of approval and each year thereafter until such time as the outdoor dining facility ceases operations.
 - (3) The type, style and color of outside tables, chairs and furnishings, for outdoor dining areas in the Public Square Landmark District, must be approved by the Design and Review Board.
 - (4) All sidewalks encompassed by the Outdoor Dining Permit shall be maintained, by the permittee, in a sanitary manner at all times. Food scraps and containers shall be disposed of in appropriate refuse containers on a regular basis during the day by the permittee. Sweeping of refuse or food scraps into tree grates is not permitted.

- (5) The proposed use shall not unreasonably interfere with pedestrian or vehicular traffic or with access to parked vehicles, and in no event shall the uses permitted by an Outdoor Dining Permit reduce the open portion of any sidewalk to less than six feet in width. Sidewalks that include a tree and/or any other permanently affixed objects shall be measured from the building side of the object.
- (6) Permittees shall see that the public areas encompassed by their Outdoor Dining Permit are kept clean throughout the day and at the end of each business day, so as not to have any food, scraps or drink leftovers remaining which would pose an attraction to animals or insects. Each permit holder shall wash, as needed, the public area to remove any food or drink residue that may attract animals and/or create a pedestrian slip hazard.
- (7) No tables, chairs or other equipment shall be attached or affixed to the sidewalk, poles or any other public facilities, without first obtaining permission from the Director of Administration. Outdoor dining, subject to this section, may only occur between 7:00 a.m. and 12:00 a.m. from April 1 to October 31 each year.
- (8) The applicant for an Outdoor Dining Permit shall provide at its sole cost and expense and shall maintain in effect during the entire period of the permit, insurance in the following manner:
 - A. Worker's Compensation insurance in at least the required statutory limits;
 - B. Comprehensive general liability insurance, including owner's protective liability insurance and contractual liability insurance covering claims for personal injury and property damage with limits of at least one million dollars (\$1,000,000) per occurrence, and one million dollars (\$1,000,000) for any single injury; and
 - C. Prior to issuance of an Outdoor Dining Permit, the permittee shall provide the City with copies of the certificates of insurance for the required policies for each type of insurance naming the City as an additional insured party.
 - D. The required insurance policies shall each provide that they shall not be changed or canceled during the life of the Outdoor Dining Permit until thirty days after written notice of such change has been delivered to the City.
- (9) The permittee shall hold harmless, indemnify, and defend the City of Wooster from and against any and all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses, consequential or otherwise, including reasonable attorneys' fees, which may in any way arise out of or be connected with the granting of an Outdoor Dining Permit which may in any way result therefrom, or from any act or failure to act by the permittee, its agents or employees.

- (10) Outdoor dining is a privilege. The City shall have the right and power, acting through the Director of Administration to prohibit the operation of an outdoor dining area at any time because of anticipated or actual problems and conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events or parades or marches, or repairs to the street or sidewalk, or from demonstrations or emergencies occurring in the area.
(Ord. 2006-49. Passed 5-21-07.)

1141.08 OUTDOOR DISPLAY AND STORAGE REGULATIONS.

Outdoor display of merchandise for sale and outdoor storage of goods and materials shall comply with the following.

- (a) The outdoor display of merchandise for sale, except motor vehicle sales establishments, shall comply with the following:
- (1) Outdoor display of merchandise for sale shall be accessory and limited to products that are customarily associated with the operation of the principal business located on the premises and conducted by employees of such principal business. There shall be no outdoor display of merchandise for sale by any person operating or conducting a business that is different or distinct from the principal business conducted at that location except for temporary displays pursuant to Section 1125.04, Temporary Buildings and Enclosures and Outdoor Sales Activities.
 - (2) The area of the lot devoted to outdoor display shall not exceed fifteen (15) percent of the ground floor area of the building(s) on the lot. The Planning Commission may grant an exception to this requirement when the ground floor area is 5000 square feet or less.
 - (3) The outdoor display area shall comply with the building setback requirements set forth in Table 1141.04 for the district in which the lot is located.
 - (4) The outdoor display area shall not be located in areas intended for traffic and pedestrian circulation or parking as identified on the development plan;
 - (5) Any proposed outdoor display areas shall be approved as part of a Development Plan Review in accordance with Chapter 1107.
- (b) The outdoor storage of goods and general materials shall be an accessory use associated with a permitted use in those zoning districts where permitted pursuant to Table 1141.02 and shall comply with the following:
- (1) Outdoor storage of materials shall include the storage of goods, materials, or products associated with the principal use. The storage of radioactive, toxic or otherwise hazardous materials shall not be permitted.
 - (2) All outdoor storage of goods and materials shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the

- view of any observer standing at the grade level of an abutting residential district line. However, in no case shall the height of the fence or wall be less than six feet. The solid wall or fence and the associated gates shall be maintained in good condition.
- (3) All materials shall be stored in such a fashion as to be accessible to firefighting equipment at all times.
 - (4) Areas devoted to outdoor storage shall be located in a rear yard so that it is behind the principal building and not visible from any public street, unless the storage is located on a corner lot. The enclosed area shall be setback fifteen (15) feet from any property boundary that abuts a single-family residential district and in no case shall the side and rear setback of the enclosed area be less than ten (10) feet. On corner and through lots, the enclosed area shall be setback twenty (20) feet from any street right-of-way.
 - (5) Any proposed outdoor storage areas shall be approved as part of a Development Plan Review in accordance with Chapter 1107.
- (c) The outdoor storage of vehicles and equipment shall be an accessory use associated with a permitted use in those zoning districts where permitted pursuant to Table 1141.02 and shall comply with the following:
- (1) All stored vehicles or equipment shall be necessary to and customarily associated with the principal use.
 - (2) All vehicles or equipment shall be in an operable state. In no case shall inoperable vehicles be stored.
 - (3) All outdoor storage of vehicles and equipment shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at the grade level of an abutting residential district line. However, in no case shall the height of the fence or wall be less than six feet. The solid wall or fence and the associated gates shall be maintained in good condition. No barbed or razor wire shall be permitted.
 - (4) All materials shall be stored in such a fashion as to be accessible to firefighting equipment at all times.
 - (5) Areas devoted to outdoor storage of vehicles and equipment shall be located in a rear yard so that it is behind the principal building and not visible from any public street, unless the outdoor storage is located on a corner lot. The enclosed area shall be setback fifteen (15) feet from any property boundary that abuts a single-family residential district and in no case shall the side and rear setback of the enclosed area be less than ten (10) feet.
 - (6) Any proposed outdoor storage of vehicles or storage shall be approved as part of a Development Plan Review in accordance with Chapter 1107. (Ord. 2006-49. Passed 5-21-07.)

1141.09 ACCESSORY STRUCTURE REGULATIONS.

Accessory structures permitted in any commercial district shall conform to the regulations in this Section as well as any other applicable provisions in this Planning and Zoning Code: (Ord. 2013-44(a). Passed 12-16-13.)

- (a) Accessory Buildings. The height of the accessory building shall not exceed twenty (20) feet. Accessory buildings that have a gross floor area of 200 square feet or less shall be located in a side or rear yard and shall comply with the parking setbacks set forth in Table 1141.06. All other buildings shall be considered principal buildings and shall conform to all lot and setback regulations and development plan review and approval requirements of the zoning district in which the lot is located. (Ord. 2006-49. Passed 5-21-07.)
- (b) Fences and Walls. Fences and walls may be erected in any commercial district in compliance with the requirements set forth below. (Ord. 2013-44(a). Passed 12-16-13.)
 - (1) Location.
 - A. Fences may be built up to, but not on, the property line, and shall be located entirely on the property of the person constructing it, except property owners, with written permission from abutting property owners, may connect to fences on adjoining properties.
 - B. In order to maintain clear vision lanes for vehicles and pedestrians, no opaque fences shall be permitted within ten (10) feet, in any direction, of the following points:
 - 1. At the intersection of a driveway and sidewalk (or front property line if there is no sidewalk);
 - 2. At the intersection of a driveway and public right-of-way;
 - 3. At the intersection of any two driveways. (Ord. 2006-49. Passed 5-21-07.)
 - C. All fences shall comply with Section 1125.15, Visibility at Intersections. (Ord. 2013-44(a). Passed 12-16-13)
 - (2) Materials and Construction.
 - A. Fences shall be constructed of stone, brick, finished wood, iron, or synthetic look-alike products.
 - B. No fence shall be electrified or topped with barbed or razor wire.
 - C. All fences shall be designed, constructed, and finished so that the supporting members face the property of the owner of the fence.
 - D. All fences on a single parcel shall have a unified style and color along a single plane and for all fence segments visible from off the premises from any single direction.
 - (3) Height. No fence shall exceed eight (8) feet in height in any rear or side yard, or exceed four (4) feet in height when located in front

- of a building or a required setback abutting a public street right-of-way, unless otherwise required by this Planning and Zoning Code.
- (4) Screening and Landscaping.
- A. Screening and landscaping is not required for ornamental fences.
 - B. All fences, other than ornamental fences, when visible from public streets or a residential zoning district, shall be visually softened and reasonably screened with appropriate landscaping as follows:
 1. One shade tree shall be provided for every forty (40) linear feet of fence length or fraction thereof, not including gates or other fence openings. Each tree at the time of installation shall have a minimum caliper of two (2) inches and a clear trunk height of at least six (6) feet;
 2. One shrub, that is twenty-four (24) inches in height at planting, shall be provided for every ten (10) feet fence length or fraction thereof, not including gates or other fence openings; and,
 3. The landscaping may be flexible in its arrangement by appropriately aggregating the required plant materials.
- (5) Fences, walls and similar screening devices shall be maintained in good repair and structurally sound at all times by the owner and/or occupant of the lot on which they are located.
(Ord. 2013-44(a). Passed 12-16-13.)
- (6) Any proposed fence shall be approved as part of a Development Plan Review in accordance with Chapter 1107.
- (c) Parking. All parking lots shall comply with the screening and landscaping regulations in Chapter 1165, and the parking requirements in Chapter 1169.
- (d) Signs. Signs shall conform to the regulations in Chapter 1171.
(Ord. 2006-49. Passed 5-21-07.)

1141.10 LANDSCAPE AND SCREENING REQUIREMENTS.

Visual screening and landscape buffers shall be provided for all lots in nonresidential districts in accordance with the provisions set forth in Chapter 1165.
(Ord. 2006-49. Passed 5-21-07.)

1141.11 DESIGN STANDARDS.

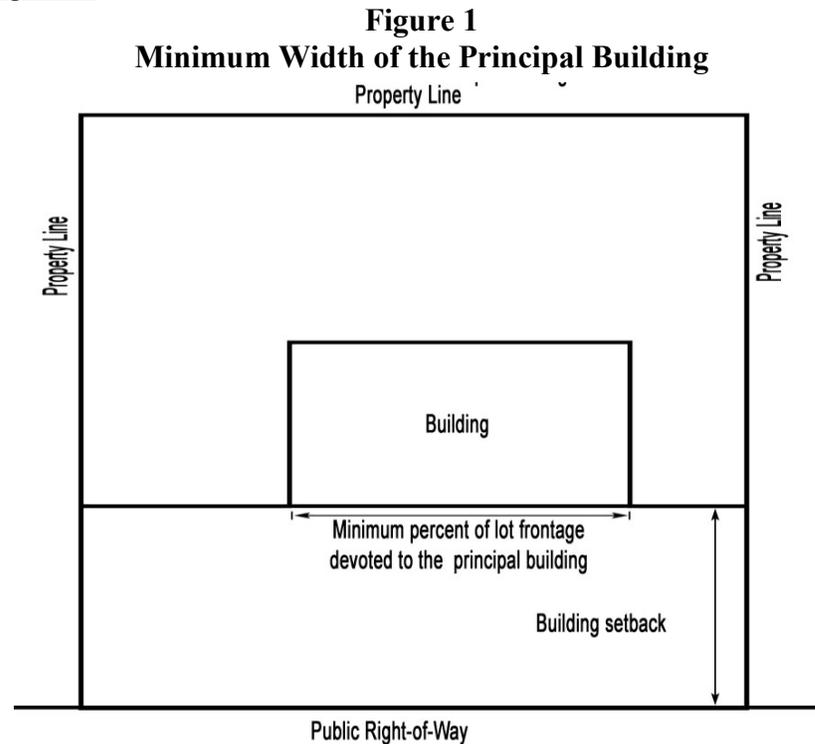
- (a) Purpose. The buildings in the City's Commercial Districts define Wooster's built environment. Enhancing the quality and compatibility of these buildings and thereby protecting the character of these areas is of utmost importance. The standards set forth below are intended to achieve among others the following purposes:

- (1) To strengthen, protect, enhance and improve the existing visual and aesthetic character of the C-2, C-3, C-4, and C-5 Districts.
 - (2) To guide development and/or redevelopment of the C-4 District, thereby preserving the historic and architectural resources;
 - (3) To ensure that the particular existing design features, which contribute to the unique character of the C-2, C-3, C-4, and C-5 Districts, are retained and recreated in a manner that ensures the City will retain and enhance its sense of community and achieve the objectives of the Comprehensive Plan.
 - (4) To ensure that new development and/or redevelopment respects the City's historic qualities and resources through compatible design.
 - (5) To protect and enhance property values.
 - (6) To provide standards for property owners, architects and contractors to aid in the preparation of appropriate plans.
(Ord. 2009-27. Passed 10-19-09.)
- (b) Applicability of Regulations. In addition to the development standards set forth in this Chapter, the design standards set forth in Section 1141.11(e) shall apply to the exterior appearance and design of all new construction and exterior building renovations in the Commercial Districts listed in Section 1141.01. For all properties designated as Landmarks or in Landmark Districts, the Design and Review Board shall have final approval over the exterior appearance of the building and/or property.
(Ord. 2012-24. Passed 8-20-12.)
- (c) Development Plans in the C-4 District, Central Business District. All final development plans for exterior building alterations or renovations, building additions, or new construction in the C-4 District shall first be submitted to the Design and Review Board for their recommendation or approval as indicated below. The Board's recommendation or approval shall be based upon the review of the submitted plans and the criteria in this Section. In making a recommendation or approval, the Design and Review Board may propose any conditions necessary to insure that the proposed development plan meets the requirements in this Planning and Zoning Code.
- (1) For properties located in the C-4 District which are not designated as a Landmark or located in a Landmark District, and whose development plans require Planning Commission approval or approval from the Zoning Administrator per Chapter 1107, the Design and Review Board shall review and only make recommendations concerning the approval or disapproval of these development plans.
 - (2) For properties located in the C-4 District which are designated as a Landmark or are located in a Landmark District, all exterior building changes, environmental changes and rehabilitation as defined by Chapter 155 of the Wooster Codified Ordinances, shall be approved by the Design and Review Board.
(Ord. 2013-17(b). Passed 6-3-13.)

- (d) Exceptions. The Planning Commission is authorized to grant an exception to the Design Standards contained in Section 1141.11(e) if the applicant demonstrates that, due to the unusual shape or topography of the lot or an adjoining lot, or due to the location or design of existing structures, mature trees, or other features, the application of the design standards would be unreasonable. (Ord. 2013-44(a). Passed 12-16-13.)
- (1) In determining whether to grant an exception, the Planning Commission shall consider:
 - A. The Comprehensive Plan;
 - B. The purposes of the Zoning District;
 - C. The intent of the standard from which the exception is requested; and,
 - D. Whether the intent of the standard may be met by an alternate means.
 - (2) The Planning Commission may grant a complete exception from the standard, or it may modify the standard in view of the peculiarities of the site. Any modification of the standard shall be considered an "exception." An exception shall be granted or denied in writing.
 - (3) The applicant must obtain development plan approval incorporating the exception within one year of the grant, or the exception will expire.
 - (4) Any person aggrieved by the grant or denial of an exception may appeal the Planning Commission's decision to the Board of Building and Zoning Appeals by filing a written notice of appeal, stating the reasons therefore, with the Zoning Administrator, within ten (10) days of the grant or denial of the exception. (Ord. 2009-27. Passed 10-19-09.)
- (e) Design Standards.
- (1) Pedestrian activity shall be encouraged and safe pedestrian connections shall be provided between buildings, in a multi-building development, and between principal buildings, their parking lots, and public sidewalks.
 - (2) Buildings and principal building entrances shall be oriented toward the public street so as to define the street edge and contribute to a dynamic pedestrian and street environment.
 - (3) Buildings, structures and landscaping are to be designed and located on the site and be of a scale to complement buildings in close proximity and enhance the character of the surrounding area by having features that are appropriate and compatible with existing buildings and structures. In making this determination the following shall be considered:
 - A. Building height, width and general proportions;
 - B. Architectural features, including patterns of windows and doors, roof pitch, cornice lines, balconies, porches, shutters, dormers, eaves and other decorative detail;

- C. General site characteristics which encourage well-landscaped and conveniently located parking areas, safe and comfortable pedestrian ways, and convenient pedestrian movement among adjacent and nearby buildings and parking areas.
- D. Building materials.
- (4) On each zoning lot, a minimum percent of the frontage abutting the public street shall be devoted to the principal building as follows. See Figure 1 in Section 1141.11(g) for reference.
 - A. Sixty-five (65) percent in the C-2 District.
 - B. Fifty (50) percent in the C-3 District.
 - C. Seventy-five (75) percent in the C-4 District.
 - D. There shall be no minimum frontage devoted to the principle building in the C-5 District.
- (5) Blank walls, those devoid of openings such as transparent windows and transparent doors, shall not be permitted on the front facade of any building.
- (6) The front façade of every building shall have transparent windows and transparent doors equal to a minimum of (30) thirty percent of the total area of the front façade, with each floor being calculated independently.
- (7) Any part of the building, which is not the front façade, that is visible from a private right-of-way, parking area, or public circulation area shall have no more than twenty-five (25) percent of the wall length, not to exceed fifty (50) feet, of contiguous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays, or an undulation of the building so that a pedestrian scale, rhythm, and visual interest is created.
- (8) Materials within three (3) feet of the finished grade or sidewalk shall be of a durable material to withstand pedestrian and vehicular traffic. No stucco (commonly known as “dry vit” or E.F.I.S.) or similar materials shall be permitted within three (3) feet of the finished grade.
- (9) All roof top equipment shall be concealed in building materials that match the structure or shall be painted to be visually compatible with the structure.
(Ord. 2013-44(a). Passed 12-16-13.)
- (f) Explanation Of Terms. For the purpose of and use in this Chapter, certain terms and words shall be interpreted with regard to the following explanations:
 - (1) Appropriateness. A proposal is judged to be appropriate when it respects the existing architectural style of a building and fits comfortably within its setting, neighborhood and overall community. This condition applies to landscaping and accessory structures as well.

- (2) Compatibility. A design or a material selection is compatible when it does not strongly deviate from its parent building, or the overall character of the neighborhood. To be compatible does not require look alike designs, but rather designs that reflect some aspects of its parent building or buildings in the general vicinity, such as scale of windows, overhangs, building materials, patterns of siding, roof slope. Conversely, incompatibility occurs when an architectural design, landscape design or accessory building proposal is aesthetically harsh or overwhelming relative to its neighbors.
- (3) Noncontributing. A factor in a proposal or part thereof that is taken from an existing building characteristic or site feature such as design, scale, fenestration, architectural feature, or material that is determined by the Planning Commission to be not appropriate for replication in new projects or modifications to existing projects when:
- A. It does not enhance or improve the character of the City and/or the surrounding environs of the project, or
 - B. It is unrepresentative of the overall character of the City and/or the prevalent character of the surrounding environs of the project.
- (4) Proportion. The relationship of parts of a building, landscape, structures, or buildings to each other and to the whole balance.
- (5) Proximity. Proximity shall be considered in terms of the potential for one property, by virtue of its location, to materially affect other properties. In determining a property to be in proximity to another, the following factors shall be considered:
- A. The visibility of both properties from a common point; or
 - B. The location of both properties within a relatively compact network of streets, walkways or spaces.
- (6) Transparent Windows and Transparent Doors. A window or door which has a completely unobstructed view of a building interior to a depth of no less than three (3) feet. Display windows on the first floor of a building containing merchandise which obstructs no more than twenty-five (25) percent of the window area and window signs in conformance with Chapter 1171 shall be permitted within three (3) interior feet of such window or door. (Ord. 2013-17(b). Passed 6-3-13.)

(g) Figure 1.**1141.12 PERFORMANCE STANDARDS.**

All uses shall comply with the following performance standards:

- (a) Trash Receptacles. All solid waste products, including empty packing boxes, that result from any permitted principal, conditional, or accessory use shall either be disposed of, stored in buildings, or completely enclosed in containers. Such building, container, or dumpster shall be located in a side or rear yard and shall comply with the minimum parking setbacks set forth in Table 1141.06 and shall be screened in accordance with the provisions set forth in Chapter 1165.
- (b) Lighting. The placement, orientation, distribution patterns and fixture types of outdoor lighting shall comply with the regulations set forth in Chapter 1167.
- (c) Enclosure. All uses and operations, except off-street parking and loading facilities, shall be performed wholly within enclosed buildings, unless specifically permitted otherwise.
- (d) Outdoor Vending Machines. In all commercial districts, there shall be no outdoor vending machines, such as machines that dispense bottled beverages or packaged food.
- (e) Overhead Utility Lines. All utility lines, electric, telephone, cable, TV lines, etc., shall be placed underground. (Ord. 2006-49. Passed 5-21-07.)
- (f) Emission. No land use or structure shall be used or occupied in any manner to create dangerous or objectionable noise or emissions. All uses shall comply with the regulations regarding noise in Section 1143.09, Performance Standards. (Ord. 2012-24. Passed 8-20-12.)

- (g) Stormwater Detention/Retention Facilities. Detention/retention facilities that are visible from a public street shall be integrated into a landscaped area. Such landscaped areas shall contain any combination of the following elements: shade and ornamental trees, evergreens, shrubbery, hedges, and/or other planting materials as well as ornamental fencing. (Ord. 2006-49. Passed 5-21-07.)

1141.13 SUPPLEMENTAL REGULATIONS FOR GASOLINE STATIONS, AUTOMOTIVE SERVICE STATIONS AND VEHICLE REPAIR GARAGES.

- (a) Storage of Vehicles. No junk or unlicensed motor vehicles shall be parked or stored on the property.
- (b) Gasoline Stations and Automotive Service Stations.
- (1) Fuel pumps and associated access aisles and canopies shall comply with the parking setbacks set forth in Table 1141.06.
 - (2) When located on a corner lot, a station shall have not less than 150 feet frontage on each of the two intersecting streets.
 - A. The location of access drives shall be placed as far as possible from the intersection; and
 - B. Shall be limited to no more than one (1) access drive per street frontage.
 - (3) A car wash establishment may be combined with a gasoline station or automotive service station provided that the minimum lot area for the combined uses is a minimum of 50,000 square feet.
 - (4) Automotive service stations shall not provide services to vehicles that exceed one and one-half tons in capacity. All activities, except those required to be performed at a fuel pump, air dispenser or self-serve automobile vacuum, shall be conducted entirely within a building or garage. No inoperable vehicle shall be permitted to remain on the property, outside of a fully enclosed building, for more than 48 hours.
 - (5) The only services permitted to be performed at a gasoline station shall be the dispensing of fuel, oil, air, and windshield wiper fluid.
 - (6) Except while being serviced at a pump island, no vehicle shall be parked between the pumps and the front property line.
- (c) Automotive Service Stations and Automotive Repair Garages. No oil draining pit or visible appliance for any such purpose, other than filling caps, shall be located within ten (10) feet of any street right-of-way or within twenty-five (25) feet of any residential district, except where such appliance or pit is within a building. (Ord. 2006-49. Passed 5-21-07.)

1141.14 DEVELOPMENT PLAN REVIEW.

All uses in a commercial district shall be permitted only after development plans have been reviewed and approved according to the procedures set forth in Chapter 1107, Procedures for Zoning Certificates, Development Review and Conditional Use Approval. (Ord. 2006-49. Passed 5-21-07.)