

CHAPTER 1147
Conditional Use Regulations

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1147.01 PURPOSE.

Conditional uses are a classification of uses that are determined to generally be compatible in the district in which they are listed as a conditional use. However, this category of uses is so classified because of the need to adequately monitor the proposed use in order to ensure that the use and its operational aspects are indeed appropriate in the specific location in which the use is proposed. Such monitoring is necessary because the external impacts of a particular use are either sufficiently varied or indeterminable in advance, making it possible that, without the Planning Commission's review, a particular use could be inappropriate in certain locations within the district.

These regulations are intended to ensure that conditional uses are reviewed in a reasonable and equitable manner, while safeguarding the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this Code should provide for more detailed evaluation of each use listed as a conditional use in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, requirements for public facilities and traffic generation. In considering a proposed conditional use, the Planning Commission may assign reasonable requirements to ensure that the proposed development is appropriate in the location in which it is proposed. Accordingly, conditional use applications shall conform to the procedures and requirements of Chapter 1107, Procedures for Zoning Certificates, Development Review and Conditional Use Approval. (Ord. 2006-49. Passed 5-21-07.)

1147.02 GENERAL CRITERIA FOR ALL CONDITIONAL USES.

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in such district, and only if such use conforms to the following general criteria, which are in addition to specific conditions, standards and regulations set forth in Sections 1147.03 through 1147.09. The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following criteria and shall find adequate evidence that:

- (a) The conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the prevailing existing or intended character of the general vicinity.
 - (b) The establishment, maintenance or operation of the conditional use will not endanger the public health, safety or general welfare.
 - (c) The conditional use will not be more hazardous or more disturbing to the existing and future use and enjoyment of properties in the immediate vicinity than uses that are permitted by right, nor substantially diminish or impair property values within the neighborhood.
 - (d) The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - (e) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible.
- (Ord. 2006-49. Passed 5-21-07.)

1147.03 SPECIFIC CONDITIONS FOR CONDITIONAL USES.

In addition to the general criteria established in Section 1147.02, the following specific conditions shall apply.

- (a) Supplementary Conditions and Safeguards. Nothing in these regulations shall prohibit the Planning Commission from prescribing reasonable supplementary conditions and safeguards in addition to the requirements in this Chapter in order to ensure compliance with the criteria set forth in Section 1147.02.
- (b) Conformance with District Regulations. A conditional use shall conform to the regulations of the district in which it is located and to other substantive requirements of this Planning and Zoning Code, as well as satisfy the conditions, standards and requirements of this Chapter. Whenever there is a difference between the provisions of the conditional use regulations and the district regulations, the provisions of this Chapter shall prevail, unless clearly indicated differently in the regulations.
- (c) Overall Development Standards.
 - (1) No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic on any street or highway. All outside lighting shall comply with the lighting requirements set forth in Chapter 1167.
 - (2) Floodlights, loudspeakers or similar structures shall not be erected or used in any manner that will cause hazards or annoyance to the public generally or to the occupants of adjacent property.
 - (3) Landscaping and buffering shall be provided in compliance with Chapter 1165.
 - (4) The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Planning Commission may require all applicable surface areas to be paved, and impose additional noise reduction

measures, including mounding, landscaping and sound barriers, to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the district in which the conditional use is proposed.

- (5) The conditional use will be designed and constructed so that all access drives, access points to public streets, driveways, parking and service areas shall be in compliance with the regulations set forth in Chapters 1169, Off-Street Parking and Loading Regulations, and 1181, Vehicular and Pedestrian Circulation.
- (6) In a residential district, on lots of one (1) acre or more, all points of entrance or exit should be no closer than 75 feet from an intersection.
(Ord. 2006-49. Passed 5-21-07.)

1147.04 CONDITIONAL USES IN COMMUNITY FACILITY DISTRICTS.

In a Community Facility District, the Planning Commission shall refer to the supplemental requirements in Section 1147.09 that pertain to the specific use proposed in the Community Facility District, and may impose such supplemental requirements when determined appropriate by the Planning Commission in order to ensure the use complies with the General Criteria set forth in Section 1147.02. (Ord. 2006-49. Passed 5-21-07.)

1147.05 CONDITIONAL USES IN SINGLE-FAMILY DISTRICTS.

Table 1147.05 sets forth regulations governing minimum lot area, minimum lot width and minimum setback requirements for principal and accessory buildings and parking areas for conditional uses in residential districts. Supplemental requirements pertaining to such uses are set forth in Section 1147.09, and the specific sub-sections are referenced in Table 1147.05 below.
(Ord. 2006-49. Passed 5-21-07.)

**Table 1147.05
Regulations For Conditional Uses in Single-Family Districts**

Conditional use	Conditional Use in District	Minimum Lot Regulations ⁽¹⁾		Minimum Building Setbacks ⁽¹⁾		Minimum Parking Setbacks ⁽¹⁾		Also See Section:
		Area ⁽²⁾	Width	Front	Side/Rear	Front	Side/Rear	
1. Bed and breakfast establishment	R-T	(3)	(3)	(3)	(3)	(3)	(4)(5)	1147.09(d)
2. Cemetery	R-1	5 acres	400 ft	(3)	30ft	NP	10 ft	1147.09(f)
3. Community recreation facility	R-1, R-2, R-T	5 acres	400 ft	(3)	30ft	NP	10 ft	1147.09(i)
4. Day care facility, child and/or adult	R-1, R-2, R-T	2 acres	200 ft	(3)	30ft	NP	10 ft	1147.09(k)

Conditional use	Conditional Use in District	Minimum Lot Regulations ⁽¹⁾		Minimum Building Setbacks ⁽¹⁾		Minimum Parking Setbacks ⁽¹⁾		Also See Section:	
		Area ⁽²⁾	Width	Front	Side/Rear	Front	Side/Rear		
5. Flag lots	R-1	See § 1147.09 (n)	(3)	See § 1147.09 (n)					
6. Golf Course	R-1, R-2	25 acres	400 ft	50 ft	40 ft	NP	20 ft	1147.09 (w)	
7. Library, cultural institution	R-T, R-2	2 acres	200 ft	(3)	30ft	NP	10 ft	1147.09(g)	
8. Place of worship/church	R-1, R-2, R-T	2 acres	200 ft	(3)	30ft	NP	10 ft	1147.09(g)	
9. Public safety, health or utility facility	R-1, R-2, R-T	2 acres ⁽⁴⁾	200 ft ⁽⁴⁾	(3)	30ft	NP	10 ft	1147.09(u)	
10. School facility (public/private) elementary/secondary	R-1, R-2, R-T	2 acres	200 ft	(3)	30ft	NP	10 ft	1147.09(cc)	
11. Single-family attached dwellings	R-T	10,000 sq. ft.	70 ft.	See Table 1147.09				1147.09(II)	
12. Two-family dwelling	R-2	8,700 sq. ft.	70 ft.	(3)	(3)	NP	5 ft.	1147.09(ii)	
13. Two-family dwelling conversion from SF dwelling	R-2	(3)	(3)	(3)	(3)	(3)	(5) (6)	1147.09(hh)	
14. Utility substation/distribution facility, indoor	R-1, R-2, R-T	None	None	(3)	30ft	NP	10 ft	1147.09(jj)	
15. Wireless telecommunication facility	See Chapter 1173								

Notes to Table 1147.05:

- (1) Uses shall comply with the standards in this table or the corresponding district standard whichever is greater.
(2) Parcel size devoted to the use shall not exceed 10 acres.
(3) Shall comply with the regulations for the district in which the conditional use is located.
(4) The minimum lot regulations of this section shall not apply to a public utility distribution or storage facility.
(5) Parking spaces for more than 2 vehicles shall be located in the rear yard.
(6) Shall comply with the side yard setback requirements for principal buildings.
NP = Not Permitted

List of Districts:

- R-1 Suburban Single-Family District
R-2 Single-Family District
R-T Traditional Residential District

**1147.06 CONDITIONAL USES IN MULTI-FAMILY AND
MANUFACTURED HOME PARK DISTRICTS.**

Table 1147.06 sets forth regulations governing minimum lot area, minimum lot width and minimum setback requirements for principal and accessory buildings and parking areas for conditional uses in the Multi-family and Manufactured Home Park districts. Supplemental requirements pertaining to such uses are set forth in Section 1147.09, and the specific sub-sections are referenced in Table 1147.06, below.

**Table 1147.06
Regulations For Conditional Uses in Multi-Family and Manufacture Home Park Districts**

Conditional use	Conditional Use in District	Minimum Lot Regulations ⁽¹⁾		Minimum Building Setbacks ⁽¹⁾		Minimum Parking Setbacks ⁽¹⁾		Also See Section:
		Area	Width	Front	Side/Rear	Front	Side/Rear	
1. Adult care facility for 6-16 persons	R-3, R-4	20,000 sq ft	100 ft.	(2)	20 ft	(2)	10 ft	1147.09(a)
2. Boarding house	R-3, R-4	20,000 sq ft	100 ft.	(2)	20 ft	(2)	10 ft	1147.09(d)
3. Congregate care facility/nursing home	R-3, R-4	5 acres	400 ft	(2)	40 ft	(2)	10 ft	1147.09(j)
4. Day care facility, child and/or adult	R-3, R-4, R-5	2 acres	200 ft	(2)	20 ft	(2)	10 ft	1147.09(k)
5. Library, cultural institution	R-3, R-4	2 acres	200 ft	(2)	20 ft	(2)	10 ft	1147.09(g)
6. Place of worship/church	R-3, R-4	2 acres	200 ft	(2)	20 ft	(2)	10 ft	1147.09(g)
7. Public safety, health or utility facility	R-3, R-4, R-5	2 acres ⁽³⁾	200 ft ⁽³⁾	(2)	20 ft	(2)	10 ft	1147.09(u)
8. Residential facility for 9-16 persons	R-3, R-4	20,000 sq ft	100 ft.	(2)	20 ft	(2)	10 ft	1147.09(z)
9. School, (public or private) elementary/secondary	R-3, R-4	2 acres	200 ft	(2)	20 ft	(2)	10 ft	1147.09(cc)
10. Utility substation/distribution facility, indoor	R-3, R-4	None	None	(2)	40 ft	(2)	15 ft	1147.09(jj)
11. Wireless telecommunication facility	See Chapter 1173							

Notes to Table 1147.06:

- (1) Uses shall comply with the standards in this table or the corresponding district standard whichever is greater.
(2) Shall comply with the regulations for the district in which the conditional use is located.
(3) The minimum lot regulations of this section shall not apply to a public utility distribution or storage facility.

Conditional use	Conditional Use in District	Minimum Lot Regulations ⁽¹⁾		Minimum Building Setbacks ⁽¹⁾		Minimum Parking Setbacks ⁽¹⁾		Also See Section:
		Area	Width	Front	Side/Rear	Front	Side/Rear	
List of Districts:								
R-3 Attached Single-Family/Townhouse District								
R-4 Multi-Family District								
R-5 Manufactured Home Park District								

(Ord. 2006-49. Passed 5-21-07; Ord. 2013-44(a). Passed 12-16-13.)

1147.07 CONDITIONAL USES IN COMMERCIAL DISTRICTS.

Table 1147.07 sets forth regulations governing minimum lot area and minimum lot width requirements for conditional uses in a commercial district. Supplemental requirements pertaining to such uses are set forth in Section 1147.09, and the specific subsections are referenced in Table 1147.07, below.

Table 1147.07
Regulations for Conditional Uses In Commercial Districts

Conditional Use	Conditional Use in District	Minimum Lot Regulations ⁽¹⁾		Also See Section:
		Area	Width	
1. Assembly halls/ membership clubs/conference center	C-1, C-4, CPRO	(1)	(2)	1147.09(b)
2. Automated teller machine, freestanding	C-3, C-5	(2)	(2)	1147.09(l)
3. Automobile service station	C-3, C-4	1 acre	125 ft	1147.09(c)
4. Bed and breakfast establishment	C-1, C-2, C-3, C-4	(2)	(2)	1147.09(d)
5. Commercial recreation, indoor	C-5	(2)	(2)	1147.09(h)
6. Commercial recreation, outdoor	C-5, CPRO	2 acres	200 ft	1147.09(v)
7. Day care facility, child and/or adult	C-1	(2)	(2)	1147.09(k)
8. Drive-thru facility in association with a permitted use	C-2, C-3, C-4, C-5	1 acre	125 ft	1147.09(l)
9. Financial institution	CPRO	(2)	(2)	1147.09(m)
10. Gasoline station / pumps	C-2, C-3, C-4	1 acre	150 ft	1147.09(c)
11. Hospital	C-3	5 acres	400 ft	1147.09(o)
12. Library, cultural institution	C-1, C-4, CPRO	(2)	(2)	1147.09(g)
13. Motor vehicle sales and rental	C-5	2 acres	200 ft	1147.09(c)
14. Multi-family dwelling development	C-3, C-5	2 acres	200 ft	1147.09(r)
15. Places of worship, church	C-1, CPRO	(2)	(2)	1147.09(g)
16. Public park	CPRO	(2)	(2)	1147.09(v)
17. Public use parking lot	C-1, C-2, C-4	(2)	(2)	1147.09(t)

Conditional Use	Conditional Use in District	Minimum Lot Regulations ⁽¹⁾		Also See Section:
		Area	Width	
18. Public Transportation Terminal	C-4	(2)	(2)	1147.09(kk)
19. School, (public or private) college/ university	C-3, C-4, C-5	10 acres	300 ft	1147.09(aa)
20. School, specialty, personal instruction	C-3, C-4	(2)	(2)	1147.09(dd)
21. School, (public or private) elementary/secondary	C-1	2 acres	200 ft	1147.09(cc)
22. Scientific research, development, training & testing facility	CPRO	(2)	(2)	1147.09(ee)
23. Self-storage facility, indoor	C-5	2 acres	200 ft	1147.09(ff)
24. Service establishment, business	C-1	(2)	(2)	1147.09(gg)
25. Service establishment, personal	C-1	(2)	(2)	1147.09(gg)
26. Single-family attached dwellings	C-4	10,000 sq. ft.	70 ft.	1147.09 (ll)
27. Theater, Movie Indoor	C-4	(2)	(2)	1147.09(h)
28. Utility substation/distribution facility, indoor	C-1, C-2, C-3, C-4, C-5, CPRO	none	none	1147.09(jj)
29. Vehicle repair garage	C-5	2 acres	200 ft	1147.09(c)
30. Wireless telecommunication facility	See Chapter 1173			
Notes to Table 1147.07:				
(1) Uses shall comply with the standards in this table or the corresponding district standard whichever is greater.				
(2) Shall comply with the regulations for the district in which the conditional use is located.				
List of Districts:				
C-1 Office, Institutional District				
C-2 Neighborhood Business District				
C-3 Community Shopping District				
C-4 Central Business District				
C-5 General Commercial District				
CPRO Campus, Professional, Research, and Office District				

(Ord. 2006-49. Passed 5-21-07; Ord. 2013-44(a). Passed 12-16-13.)

1147.08 REGULATIONS FOR CONDITIONAL USES IN MANUFACTURING DISTRICTS.

Table 1147.08 sets forth regulations governing minimum lot area and minimum lot width requirements for conditional uses in an industrial district. Supplemental requirements pertaining to such uses are set forth in Section 1147.09, and the specific subsections are referenced in Table 1147.08, below.

**Table 1147.08
Regulations For Conditional Uses In Manufacturing Districts**

Conditional Use	Conditional Use in District	Minimum Lot Regulations ⁽¹⁾		Also See Section:
		Area	Width	Area
1. Car wash	M-1	1 acre	125 ft	1147.09(e)
2. Drive-thru, -drive-in facilities in association with a permitted use	M-1	1 acre	125 ft	1147.09(l)
3. Financial institution	M-1, M-3	1 acre	125 ft	1147.09(m)
4. Gasoline station	M-1, M-2	1 acre	125 ft	1147.09(c)
5. Kennel with outdoor run	M-1, M-2	2 acres	200 ft	1147.09(p)
6. Mineral excavation, quarry operations	M-2	20 acres	250 ft	1147.09(q)
7. Outdoor recreation, including campgrounds	M-2	10 acres	300 ft	1147.09(v)
8. Outdoor storage of fleet vehicles/equipment used in operation of principal use	M-2	(2)	(2)	1147.09(s)
9. Recycling collection/processing facility	M-2	2 acres	200 ft	1147.09(x)
10. Restaurant or other type of eating and drinking establishment	M-1, M-3	(2)	(2)	1147.09(y)
11. Service establishment, personal	M-1	(2)	(2)	1147.09(gg)
12. Self-storage facility, indoor	M-2, M-4	2 acres	200 ft	1147.09(ff)
13. Wireless telecommunication facility	See Chapter 1173			
<u>Notes to Table 1147.08:</u>				
(1) Uses shall comply with the standards in this table or the corresponding district standard whichever is greater.				
(2) Shall comply with the regulations for the district in which the conditional use is located.				
<u>List of Districts:</u>				
M-1 Office/Limited Manufacturing				
M-2 General Manufacturing				
M-3 Urban Manufacturing				
M-4 Heavy Manufacturing				

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

1147.09 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES.

The following are specific conditions, standards and regulations for certain conditional uses and are in addition to the criteria and standards set forth in Sections 1147.02 through 1147.08.

(a) Adult Care Facility for Six (6) to Sixteen (16) Persons:

- (1) All activities, programs and other events shall be directly related to the conditional use applied for and as it is granted, and any changes from the approved conditional use shall be reviewed and approved by the Planning Commission according to the procedures in Chapter 1107. All activities, programs and other events shall be

adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.

- (2) The architectural design and site layout of the adult care facility and the height of any walls, screens, or fences connected with any said facility shall be compatible with adjoining land uses and the residential character of the neighborhood.
 - (3) The applicant shall demonstrate that adequate qualified supervision will exist in the home on a 24-hour per day basis.
 - (4) The applicant shall comply with the applicable parking regulations of the Planning and Zoning Code and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors. The use of alternative pavements such as brick pavers is encouraged. Parking for visitors and employees shall be located behind the front building line. An exception to this requirement may be granted due to the shallow depth of the parcel, the location of mature trees, or other similar factors.
 - (5) The adult care facility shall meet local fire safety and building code requirements for the proposed use and level of occupancy.
 - (6) Evidence shall be presented that the proposed facility meets the certification, licensing or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the facility's conditional use approval.
 - (7) In considering whether to grant the conditional use, the Planning Commission shall take into consideration the proximity and location of other such facilities within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall an adult care facility be closer than 1,000 feet from where an adult care or residential facility is located.
- (b) Assembly Hall, Membership Club, Conference Center:
- (1) All activities, programs and other events shall be directly related to the conditional use so granted.
 - (2) The proposed use shall not generate excessive noise beyond the premises.
 - (3) In order to minimize any effects of the above, the Planning Commission may require additional noise reduction measures to assure that the level of noise is no more than the prevailing noise levels of permitted uses in the District.
- (c) Automotive Related.
- (1) Motor vehicle sales and rental:
 - A. Service garage, leasing department and other activities customarily incidental to a full service franchised automobile dealer shall be permitted as accessory to the

- sale of autos provided these activities are conducted in a wholly enclosed building.
- B. Only repair of automobiles customarily associated with automobile sales shall be permitted and shall be conducted inside a suitable building.
 - C. No junk, inoperative or unlicensed vehicle will be permitted to remain outside on the property for more than 48 hours.
 - D. All motor vehicles displayed for sale shall be parked on a hard surface and shall comply with the minimum parking setback shown in Table 1141.06.
- (2) Requirements for Gasoline Stations; Automobile Service Stations; and Vehicle Repair Garage:
- A. No inoperative motor vehicles, equipment, or parts shall be permitted to remain outside on the property.
 - B. Except while being serviced at a pump island, no vehicle shall be parked between the fuel pumps and the front property line.
 - C. A car wash establishment may be combined with a gasoline station or an automobile service station provided that the minimum lot size for the combined uses is a minimum of 50,000 square feet.
 - D. When located on a corner lot, the facility shall have not less than 150 feet frontage on each of the two intersecting streets. The location of access drives shall be placed as far as possible from the intersection; and shall be limited to no more than one (1) access drive per street frontage.
 - E. Vehicle parking areas, vehicle storage areas, maneuvering lanes and access ways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site.
- (3) Gasoline Station. The only services permitted to be performed at a gasoline station shall be the dispensing of fuel, oil, air, and windshield wiper fluid and other common vehicular liquids and lubricants.
- (4) Automobile Service Station. Automobile 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.
- (5) Automobile Service Stations and Vehicle Repair Garage. For automobile service stations and motor vehicle repair facilities, parking shall be located behind the front line of the principal building. An exception to this requirement may be granted where

necessary due to the shallow depth of a parcel, its irregular shape, or other similar circumstances.

- (6) Automotive Service Stations and Vehicle Repair Garage. 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.
- (d) Bed and Breakfast Establishment; Boarding House.
 - (1) Except in the Commercial District, such uses shall occupy an existing structure that was previously or is currently occupied for residential purposes.
 - (2) Deliveries of food and other items shall be made at the rear of the building.
 - (3) No more than twelve (12) guest sleeping rooms shall be utilized for a bed and breakfast establishment, except as provided for in sub-section (4) below.
 - (4) Supplement regulations for Bed and Breakfast in an R-T Residential District.
 - A. A maximum of three (3) guestrooms shall be permitted and shall be located within the dwelling.
 - B. Meals shall be provided only to guests or boarders taking lodging in the facility.
 - C. Guestrooms shall not contain cooking facilities. A common lounge area may be provided for guests.
 - D. The building owner shall reside on the premises.
- (e) Car Wash.
 - (1) Such facilities shall be located on an arterial or collector street in an area least disruptive to pedestrian and vehicular traffic.
 - (2) Any proposed loudspeaker system shall be approved as part of the conditional use application.
 - (3) All access drives shall be located as far as practicable from existing intersections in order to minimize congestion and constricted turning movements.
 - (4) Alleys or driveways abutting residentially zoned parcels shall not be used for the circulation of customer traffic.
- (f) Cemetery.
 - (1) Interior drives shall be installed, including the required pavement, as development progresses and as indicated on the final plans approved by the Planning Commission.
 - (2) Sufficient parking spaces shall be provided throughout the cemetery so as not to hinder traffic flow.
 - (3) No gravesite shall be located within 50 feet of a public street right-of-way or residential property line.
 - (4) No mausoleum or crematory shall be located within 100 feet of a public street right-of-way or residential property line.

(g) Church; Place of Worship; Library; Cultural Institution; and Other Places of Assembly Including Assembly Halls; Membership Clubs; and Conference Centers.

- (1) Associated uses such as a convent, faculty residence, cafeteria, field house, or infirmary shall be located on the same lot as the principal use and comply with the building setback requirements set forth in this Chapter.
- (2) In any district, the Planning Commission may require all outdoor children's activity areas to be enclosed by a fence or wall having a height of at least five (5) feet but not exceeding six (6) feet. An entry gate shall be securely fastened.
- (3) The development plan shall indicate the emergency entrances or exits.
- (4) In order to minimize any effects of the above uses, the Planning Commission may require additional noise reduction measures to assure that the level of noise is no more than the prevailing noise levels of permitted uses in the District. In addition, the Planning Commission may limit the hours/days of operation to insure that the use is compatible with surrounding land uses.
- (5) In Residential Districts:
 - A. Such uses should be located on an arterial or collector street or have direct access to an arterial or collector street to minimize impacts on local streets and residential neighborhoods.
 - B. All access drives shall be located as far as practicable from an existing intersection in order to maximize traffic safety and minimize congestion and constricted turning movements.
 - C. All activities, programs and other events shall be directly related to the conditional use so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.
- (6) In Single-family Residential Districts. The maximum lot coverage shall be forty-five percent (45%).

(h) Commercial Recreation, Indoor; Movie Theater, Indoor:

- (1) The proposed use shall not generate excessive noise beyond the premises.
- (2) In order to minimize any effects of the above, the Planning Commission may require additional noise reduction measures to assure that the level of noise is no more than the prevailing noise levels of permitted uses in the District.
- (3) Buildings in which dance floor/entertainment is provided shall be located a minimum of 100 feet from a residential district.

- (4) The Planning Commission may limit the hours of operation to ensure that the proposed use is compatible with the surrounding uses.
 - (5) Such uses shall be located on an arterial or collector street or have direct access to an arterial or collector street.
 - (6) Requirement in the C-4 District. Such establishment shall be located so as to minimize the amount of space located in a retail setting that is inactive during normal business hours. Such facilities are encouraged to have associated retail uses located in the first floor space nearest the street or sidewalk to contribute to the retail environment of the zoning district.
- (i) Community Recreation Facility:
- (1) Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance.
 - (2) The Planning Commission may require active recreation areas to be enclosed by a fence, which complies with the requirements for fences in the applicable zoning district, having a minimum height of five (5) feet.
 - (3) All activities, programs and other events shall be directly related to the conditional use so granted, and any proposed changes from the approved conditional use shall be reviewed and approved by the Planning Commission according to the procedures in Chapter 1107.
 - (4) An adequate number of public restrooms shall be provided and maintained.
 - (5) The Planning Commission may limit the hours of operation to ensure that the proposed use is compatible with the surrounding uses.
 - (6) Swimming pools shall comply with the following additional requirements:
 - A. Pools shall be adequately fenced to prohibit unauthorized access to the facility.
 - B. Pools and their enclosures shall have a minimum front setback of fifty (50) feet and a side and rear setback of thirty (30) feet.
 - C. The enclosure required in sub-section A. above shall be kept locked at all times the pool is not in use.
 - D. The Planning Commission may limit the maximum lot coverage of related buildings and lounging/deck areas.
- (j) Congregate Care Facility.
- (1) A congregate care facility may include one or more of the following types of residential facilities:
 - A. Independent living with congregate dining facilities;
 - B. Congregate living;
 - C. Assisted living; or

- D. Nursing care.
- (2) Such uses shall be located on an arterial or collector street or have direct access to an arterial or collector street without going through a residential neighborhood to lessen the impact on the residential area.
 - (3) The development plan shall indicate the emergency entrances or exits.
- (k) Day Care Facility, Child or Adult.
- (1) For the protection of children and adults enrolled in the day care center, a fence or wall having a height of at least five (5) feet shall enclose all outdoor activity areas. An entry gate shall be securely fastened.
 - (2) A drop-off/pick-up location that will not impede traffic on or off the site shall be provided to ensure the safety of the children and adults.
 - (3) In an R-1, R-2 and R-T District, such use shall only be permitted in a church, other place of worship, or a school facility.
 - (4) The location and design of the facility shall provide for the protection of the children and adults from the traffic, noise, and other hazards of the area and/or the arterial street location.
 - (5) A day care center for children shall comply with the following:
 - A. An outdoor play area equal in area to the ground floor area of the day care facility is required. The required outdoor activity area shall not be located closer than forty (40) feet to any residential property.
 - B. Play structures and other similar apparatus shall not be located closer than fifty (50) feet to any residential property.
- (l) Drive-thru Facility in Association with a Permitted Use; Freestanding Automated Teller Machine.
- (1) Such facilities shall be located on an arterial or collector street in an area least disruptive to pedestrian and vehicular traffic.
 - (2) Any proposed loudspeaker system shall be approved as part of the development plan.
 - (3) All access drives shall be located as far as practicable from an existing intersection in order to minimize congestion and constricted turning movements.
- (m) Financial Institution.
- (1) In the M-1 and M-3 zoning districts, such establishment shall be permitted only when part of a multi-establishment building and when it is not the principal use of the building.
 - (2) Exterior lighting shall be compatible with the surrounding neighborhood.
 - (3) Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhood.

- (4) Loading areas shall be sited in such a way so as to minimize the impact on any surrounding residentially zoned property.
 - (5) In the CPRO District, any drive-thru associated with a financial institution shall comply with subsection 1147.09(1).
- (n) Flag Lots.
- (1) A minimum of fifty (50) feet of frontage shall be required at the public street right-of-way.
 - (2) The area of the “staff” portion of the lot connecting the lot to the public street shall not be included in the area of the lot for the purposes of determining compliance with the required minimum lot area for the district in which the lot is located.
 - (3) For the purposes of determining compliance with required setbacks and lot width, the “staff” portion of the lot shall be disregarded. Compliance with setback and lot width requirements shall be determined on the “flag” portion of the lot only.
 - (4) Screening shall be installed along the rear lot line of the standard lot. This screening shall include one evergreen tree, which is a minimum of five (5) feet in height at planting, every thirty (30) feet. In addition, evergreen shrubbery, which is a minimum of three (3) feet in height at planting, shall be installed between the required evergreens. An exception may be granted to this requirement when existing trees and vegetation provide sufficient screening, in the opinion of the Planning Commission, twelve (12) months of the year.
- (o) Hospital.
- (1) Such use shall be located on an arterial or collector street.
 - (2) Outdoor storage of ambulances and other vehicles used in the operation of the principal use may be permitted provided such storage areas are located in the side or rear yard in off-street parking areas.
 - (3) The areas devoted to the outdoor storage of such vehicles shall be enclosed with a fence having a minimum height of six (6) feet.
 - (4) Applicants must clearly demonstrate that the use will be compatible with the surrounding land uses, particularly with regard to traffic circulation, parking, noise, and appearance.
- (p) kennel with Outdoor Run. Outdoor Areas Devoted to Kennels and/or Runs Shall:
- (1) Be located in the rear yard;
 - (2) Have a minimum side setback of thirty (30) feet and a minimum rear setback of fifty (50) feet;
 - (3) Have a minimum setback of 200 feet from any residential zoning district boundary;
 - (4) Be a maximum of twenty-five percent (25%) of the gross floor area of the principal building.
 - (5) Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.

- (6) Within the required setbacks above, screening shall be provided pursuant to Section 1165.07 (g), Screening.
 - (7) Facility shall be operated in accordance with all applicable State of Ohio and Wayne County Health Code regulations.
- (q) Mineral Excavation, Quarry Operations.
- (1) A distance of no less than 2000 feet shall be maintained at all times from the nearest edge of the excavation area or quarry to any residence existing at the start of operations. All other aspects of operations related to mineral excavation, quarry operations, or concrete mixing shall maintain a minimum setback of 1000 feet from residential districts.
 - (2) Truck routes shall be established for movement into and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
 - (3) Truck parking areas, maneuvering lanes, and access ways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on, and adjacent to, the site and shall be built or treated to prevent the creation of dust and drainage problems.
 - (4) Processing equipment shall be located at the site in such a way that will minimize adverse noise impact on surrounding dwellings.
 - (5) Existing natural or manmade barriers at the site shall be provided as protection and screening against noise, dust and visual protection for all operations.
 - (6) Stakes of one (1) color shall be set and maintained along the perimeter of the area designated for mineral removal at one hundred (100) foot intervals or less.
 - (7) All facilities, structures, and activities shall meet all city, county and/or state of Ohio health, building, electrical, and other applicable codes. In cases of overlapping codes and/or jurisdictions, the more restrictive shall apply.
 - (8) Any area being excavated shall be enclosed by a fence having a minimum height of 7 feet for the entire periphery of the excavated area. Fences shall be adequate to prevent trespass and shall be placed no closer than 50 feet to the top or bottom of any slope. No sand or gravel shall be removed or stored, or overburden stored within 100 feet of any lot line not owned or controlled by the operator of said business. (Ord. 2006-49. Passed 5-21-07.)
- (r) Multi-Family.
- (1) Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance.
 - (2) Vehicular entrances to the multi-family development shall be minimized and designed in such a way as to maximize safety,

maximize efficient traffic circulation, and minimize the impact on any adjacent residential neighborhood.

- (3) Multi-family uses in the C-3 District shall meet all requirements of the R-3 District and all other sections of this Planning and Zoning Code applicable to multi-family uses.
- (4) Multi-family uses in the C-5 District shall meet all requirements of the R-4 District and all other sections of this Planning and Zoning Code applicable to multi-family uses.
(Ord. 2013-44(a). Passed 12-16-13.)
- (s) Outdoor Storage of Fleet Vehicles/equipment Used in Operation of Principal Use.
 - (1) The area devoted to the outdoor storage of fleet vehicles/equipment shall be enclosed with a fence having a minimum height of six (6) feet.
 - (2) The area of the lot devoted to the storage of fleet vehicles shall not exceed 25 percent (25%) of the ground floor area of the principal building.
- (t) Parking Lot for Public Use.
 - (1) Surface parking lots shall be setback ten (10) feet from any property line that is adjacent to a public street. In this setback, a masonry knee wall, which is a minimum of four (4) feet in height, shall be constructed and landscaping provided in front of the wall, which meets the requirements in sub-section 1165.06 (b), Perimeter Landscaping Requirements.
(Ord. 2006-49. Passed 5-21-07.)
 - (2) Openings for parking access from a public right-of-way shall be a maximum of twenty-five (25) feet wide.
(Ord. 2012-24. Passed 8-20-12.)
- (u) Public Safety, Health or Utility Facility.
 - (1) In residential districts, facilities shall be limited to structures that are essential for the distribution of services to the local area.
 - (2) Outdoor storage of fleet vehicles used in the operation of the facility may be permitted provided such storage areas are located in the side or rear yard in off-street parking areas and are screened in accordance with Section 1165.07(g), Screening.
 - (3) The areas devoted to the outdoor storage of fleet vehicles shall be enclosed with a fence having a minimum height of six (6) feet.
(Ord. 2006-49. Passed 5-21-07.)
- (v) Recreation Facilities Including: Commercial Recreation, Outdoor; Public Park, Playground; Public Swimming Pool; Golf Course, Except Miniature Golf; Campgrounds:
 - (1) The Planning Commission may require active recreation areas to be enclosed by a fence having a minimum height of five (5) feet.
 - (2) The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Planning Commission may require all applicable

surface areas to be paved, and impose additional noise reduction measures, including mounding, landscaping and sound barriers, to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the District.

- (3) Rifle ranges, skeet shooting ranges, pistol ranges, and other activities involving the use of firearms shall not be permitted.
- (4) All activities, programs and other events shall be directly related to the conditional use so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.
- (5) An adequate number of public restrooms shall be provided and maintained.
- (6) Vehicular approaches to the property shall be designed so as not to create an interference with traffic on surrounding public streets or roads.
- (7) In a residential district, only incidental retail uses such as a snack bar, shall be permitted as an accessory use to a public recreational facility or golf course. Such facility shall be provided for the convenience of customers attending the public recreation facility or golf course and no sign advertising the retail use shall be permitted.
- (8) The Planning Commission may limit the hours of operation to ensure that the proposed use is compatible with the surrounding uses.
- (9) Swimming pools shall comply with the following additional requirements:
 - A. Pools shall be adequately fenced to prohibit unauthorized access to the facility.
 - B. Pools and their enclosures shall comply with the building setback requirements set forth for the district in which the pool is located.
 - C. The enclosure required in sub-section A. above shall be kept locked at all times the pool is not in use.
 - D. The Planning Commission may limit the maximum lot coverage of related buildings and lounging/deck areas.
- (w) Golf courses, including tees, fairways, greens and golf driving ranges shall be designed and landscaped in such a manner as to reasonably prevent a misfired ball from landing out of the golf course.
- (x) Recycling Collection/Processing Facility.
 - (1) The facility shall be sited or constructed so as to minimize the potential impacts such as noise and odor on neighboring properties.
 - (2) Buildings shall not have operable windows or doors, other than required fire exits, within fifty (50) feet of any residential zoning district boundary.

- (3) All activities associated with the use shall take place within wholly enclosed buildings, with the exception of accessory off-street parking facilities.
- (y) Restaurant. When such an establishment is the principal use in a building, it shall only be permitted when part of a multi-building development whose principal uses are permitted by-right in the M-1 or M-3 Zoning Districts.
- (z) Residential Facility for 9-16 Persons.
 - (1) All activities, programs and other events shall be directly related to the conditional use applied for and as it is granted, and any changes from the approved conditional use shall be reviewed and approved by the Planning Commission according to the procedures in Chapter 1107. All activities, programs and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.
 - (2) The architectural design and site layout of the residential facility and the height of any walls, screens, or fences connected with any said group home shall be compatible with adjoining land uses and the residential character of the neighborhood.
 - (3) The applicant shall demonstrate that adequate qualified supervision will exist in the home on a 24-hour per day basis.
 - (4) The applicant shall comply with the applicable parking regulations of the Planning and Zoning Code and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors. The use of alternative pavements such as brick pavers is encouraged. Parking for visitors and employees shall be located behind the front building line. An exception to this requirement may be granted due to the shallow depth of the parcel, the location of mature trees, or other similar factors.
 - (5) The residential facility shall meet local fire safety and building code requirements for the proposed use and level of occupancy.
 - (6) Evidence shall be presented that the proposed facility meets the certification, licensing or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the facility's conditional use approval.
 - (7) In considering whether to grant the conditional use, the Planning Commission shall take into consideration the proximity and location of other such facilities within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall a such a facility be closer than 1,000 feet from where an adult care or residential facility is located.
- (aa) School, (Public/Private) College/University.

- (1) Such establishment should be located so as to minimize the amount of space located in a retail setting that is inactive during normal business hours. Such establishments are encouraged to have associated retail uses located in the first floor space nearest the street or sidewalk to contribute to the retail environment of the zoning district.
 - (2) Applicants must clearly demonstrate that the use will be compatible with the surrounding land uses and the surrounding built environment, particularly with regarding to traffic circulation, parking and appearance.
 - (3) Points of ingress and egress to the site shall be minimized and placed in such a way as to maximum safety, maximize efficient traffic circulation, and minimize the impact on the surrounding area.
 - (4) All activities, programs, and other events shall be directly related to the approved conditional use and shall be adequately monitored so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.
 - (5) Building and roof design. The building and roof shall be designed to be compatible with surrounding development. Considerations include design elements that break up long, monotonous building or rooflines and any other design elements that are compatible with the desired character of the District.
 - (6) Building materials. The materials used for buildings, roofs, fences and other structures shall be compatible with the surrounding built environment and/or the desired character of the District.
 - (7) Facades facing public streets. The design and layout of the street side of the site shall provide a varied and interesting facade. Considerations include the use of setbacks, building placement, roof design, variations in materials and building walls as well as other structural elements.
 - (8) Landscaping. The landscaping on the site shall provide appropriate transition from commercial to residential districts; separates and buffers the buildings from other uses especially abutting residential districts; and provides visual relief from stark, linear building walls.
- (bb) School, Commercial, Business or Trade.
- (1) All activities, programs, and other events shall be directly related to the approved conditional use and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.
 - (2) Such establishment shall be located so as to minimize the amount of space located in a retail setting that is inactive during normal business hours. If such a facility is located in a retail setting, such

facilities are encouraged to have associated retail uses located in the first floor space nearest the street or sidewalk to contribute to the retail environment of the zoning district.

(cc) School, (Public/Private) Elementary/Secondary.

(1) General Requirements

- A. Such uses should be located on an arterial or collector street or have direct access to an arterial or collector street to minimize impacts on local streets and residential neighborhoods, with the exception of elementary schools. Elementary schools may be located on local streets provided documentation is supplied that indicates a majority of students are within walking distance of the elementary school.
- B. All access drives shall be located as far as practicable from existing intersections in order to maximize traffic safety and minimize congestion and constricted turning movements.
- C. All activities, programs and other events shall be listed on the conditional use application and be directly related to the conditional use so granted. These activities shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general. If any additional activities are proposed that were not included with the approved conditional use, then a new conditional use shall be requested according to the procedures in this Chapter 1107.
- D. The structure shall be street oriented with the principal entrance oriented toward the public street.
- E. A pedestrian walkway shall be provided from the public sidewalk to the principal entrance.

(2) Requirements in the Single-family Districts:

- A. The maximum lot coverage is fifty (50) percent.
- B. Parking shall be located behind the front line of the principal building. An exception to this requirement may be granted where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.
- C. Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance.
- D. Exterior lighting shall be compatible with the surrounding neighborhood.
- E. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient

traffic circulation, and minimize the impact on any surrounding residential neighborhood.

F. The scale, massing, and building design shall be compatible with the surrounding neighborhood.

(dd) School, Specialty, Personal Instruction.

- (1) All activities shall take place in a fully enclosed sound-resistant building, with closed windows and double-door entrances that provide a sound lock.
- (2) All activities, programs, and other events shall be directly related to the approved conditional use and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.
- (3) Requirement in the C-4 District. Such establishment shall be located so as to minimize the amount of space located in a retail setting that is inactive during normal business hours. Such facilities are encouraged to have associated retail uses located in the first floor space nearest the street or sidewalk to contribute to the retail environment of the zoning district.

(ee) Scientific Research, Development, Training, and Testing Facility.

- (1) All activities, excluding accessory parking and loading facilities, shall occur within an enclosed building.
- (2) Where the site is adjacent to a residential district, hours of operation may be restricted.
- (3) No exterior odor, dust, noise, or other objectionable impacts shall be produced as a result of the use.
- (4) Parking shall be located behind the front line of the principal building. The Planning Commission may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

(ff) Self-Storage Facility.

- (1) The leases for all self-storage units shall include clauses prohibiting the following:
 - A. The storage of flammable liquids or radioactive, highly combustible, explosive or hazardous materials.
 - B. The use of property for uses other than dead storage.
- (2) The Wooster Fire Department shall be provided with 24-hour access to the grounds. A lockbox shall be provided for its use.
- (3) The maximum size of individual storage compartments shall be 500 square feet.
- (4) Such uses should be located on an arterial street.
(Ord. 2006-49. Passed 5-21-07.)

(gg) Service Establishment, Business/Personal. When such an establishment is the principal use in a building, it shall only be allowed when part of a

multi-building development whose principal uses are permitted by-right in the C-1 or M-1 Districts. (Ord. 2012-24. Passed 8-20-12.)

- (hh) Two-family Dwelling Conversion from SF Dwelling. An existing single-family dwelling may be converted to contain dwelling units for not more than two (2) families, provided there is:
- (1) A minimum gross floor area in the dwelling before conversion, exclusive of cellar or basement, of 2,000 square feet.
 - (2) A minimum of 1,000 square feet of gross floor area provided for each dwelling unit after conversion.
 - (3) Compliance with all lot size, bulk and other regulations imposed by the applicable zoning district for two-family uses.
 - (4) Units shall only be constructed side-by-side. One dwelling unit on top of another dwelling unit is prohibited.
 - (5) After conversion, the converted dwelling shall retain the appearance of a single-family dwelling with no major structural alterations to the exterior of the building other than to provide required means of egress from dwelling units. All fire escapes or stairways leading to a second floor shall be completely enclosed within the converted building and shall not be visible from a public street, with the exception of corner lots.
 - (6) The public street elevation of each residential unit shall have at least one street oriented entrance and contain the principal windows of the unit.
 - (7) Trash dumpsters, trash containers, recycling containers, and mechanical equipment shall be screened per the requirements of Section 1165.08, Screening of Accessory Uses.
 - (8) The gross floor area measurement shall not include the floor area of any basement or cellar.
- (ii) Two-Family Dwelling – New Construction in the R-2 District and C-5 District.
- (1) Units shall only be constructed side-by-side. One dwelling unit on top of another dwelling unit shall be prohibited.
 - (2) The principal orientation of each residential unit shall be parallel to the public street it faces or its tangent if the street is curved. If the unit is located on a corner, the residential unit shall be parallel to that street which was designated as the front at the time a zoning certificate was requested.
 - (3) The public street elevation of each residential unit shall have at least one street oriented entrance and contain the principal windows of the unit.
 - (4) All parking spaces shall be located behind the front building line. An exception to this requirement may be granted, where necessary due to special characteristics of the site such as lot depth, or due to the location of existing mature trees, such location is impracticable. Shared driveways are permitted, with the

recordation of perpetual easements to provide for the use and maintenance of the shared driveway.

- (5) Trash dumpsters, trash containers, recycling containers, and mechanical equipment shall be screened per the requirements of Section 1165.08, Screening of Accessory Uses.
 - (6) A subdivision plat shall be submitted where individual attached units are to be constructed on individual lots. The subdivision plat shall meet the standards of this Planning and Zoning Code.
- (jj) Utility Substation/Distribution Facility: Indoor and Outdoor.
- (1) Public utility structures, including substations, shall be permitted as a conditional use only when the distribution of service is essential to the immediate neighborhood or when topological features restrict the location of such facility.
 - (2) Natural or man-made barriers shall be provided to lessen any intrusion into a residential area.
 - (3) Storage of materials shall be within a completely enclosed building.
 - (4) Substations, as measured from the outermost edge of the facility, shall be located a minimum of 50 feet from any residential property line.
 - (5) Wireless telecommunication facilities shall comply with Chapter 1173.
- (kk) Public Transportation Terminal.
- (1) No more than fifteen (15) cars shall be parked/stored on the premises at any one time.
 - (2) All activities associated with the use shall take place within wholly enclosed buildings, except accessory off-street parking facilities.
 - (3) No vehicles shall be permitted to stack or wait within the public right-of-way.
 - (4) The parking, waiting, and stacking areas for all vehicles, including buses, shall comply with the building setback requirements in the applicable zoning district, unless the site is located adjacent to a residential zoning district boundary. When adjacent to a residential zoning district boundary, the minimum side and rear setback shall be thirty (30) feet.
 - (5) Vehicular approaches to the property shall be designed so as not to create an interference with traffic on surrounding public streets.
 - (6) Any vehicular waiting or stacking areas shall be shown on the site design plan.
- (ll) Single-Family Attached Dwellings.
- (1) Requirement in the C-4 District. Single-family attached dwellings shall only be permitted in the following locations in the C-4 District:
 - A. South side of North Street, west of Grant and east of Buckeye; and,
 - B. North side of South Street, east of Bever.

- (2) Requirements in the R-T District. Single-family attached dwellings shall only be permitted in the following locations in the R-T District:
- A. West side of Grant Street, between Larwill Street and Henry Street;
 - B. North side of North Street, between Spink Street and Columbus Avenue;
 - C. West side of Columbus Avenue, between North Street and Herold Alley;
 - D. South side of Henry Street, between the north/south alley west of Grant Street and west of Market Street;
 - E. East side of Walnut Street, between South Street and Ohio Street;
 - F. South side of Ohio Street, between Spruce Street and Walnut Street;
 - G. South side of South Street, between Bever Street and railroad tracks; and,
 - H. East side of Spink Street, between North St and 1st east/west alley north of Cushman Street.
- (3) General Requirements in the C-4 and R-T Districts are as follows:
- A. Prior to seeking approval from the Planning Commission, all applicants shall submit development plan applications to the Design and Review Board. The Design and Review Board shall review and make recommendations to the Planning Commission concerning the approval or disapproval of any final development plan. The Design and Review Board shall base its recommendation upon the review of the submitted application materials and the criteria in this sub-section. In making a recommendation to the Planning Commission, the Design and Review Board may recommend any conditions necessary to insure that the proposal meets the requirements in this Planning and Zoning Code.
 - B. Proposals for facades and treatment of external materials shall be submitted as a part of development plan approval. The design, scale, and building materials shall be single-family residential in character.
 - C. If the development is located within an established residential neighborhood, the newly constructed units shall be compatible with the surrounding residential properties in terms of height, bulk, building materials, window shape and arrangement, and roof pitch. No more than three (3) dwelling units shall be attached.
 - D. Front setbacks for adjacent units should vary a minimum of 3 feet and a maximum of 8 feet.

- E. To break up the mass of the attached units, the front facade of each attached unit shall be treated differently, either with different building materials and/or different architectural designs or treatments.
- F. The principal orientation of the attached single-family units shall be the public street on which the lot has frontage. There shall be at least one entrance, of each unit, facing the public street, and the principal windows of the attached single-family units shall also face this street.
- G. Vehicular entrances to the attached single-family development shall be minimized and designed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any adjacent residential neighborhood. If an alley is present, parking should be accessed from the alley and all parking spaces shall be located behind the front building line, provided an exception to these requirements may be granted due to depth of the lot, the location of mature trees, or other similar factors.
- H. Attached single-family dwelling developments shall comply with the Site Development Standards, as specified below in Table 1147.09. Setbacks shall be measured from the street right-of-way or project boundary line as indicated in Table 1147.09.
- I. Table 1147.09 – Site Development Standards.

Table 1147.09 Site Development Standards	
A. Maximum Building Setback from Public Street Right-of-Way	12 feet
B. Minimum Building Setback from:	
1. Project boundary lines abutting an R-1, R-2 or R-T District	20 feet
2. Project boundary line abutting all other districts	10 feet
C. Minimum Parking Setback from:	
1. Project boundary lines abutting an R-1, R-2 or R-T District	20 feet
2. Project boundary line abutting all other districts	5 feet
3. Public Street ⁽¹⁾	Behind front building line
D. Minimum Building Separation	15 feet
E. Maximum Principal Building Height	35 feet
F. Maximum dwelling units per acre	8
⁽¹⁾ As further regulated by sub-section 1147.09 (3) E. above.	

- J. All accessory structures shall be located behind the rear building line of the attached single-family dwellings.
- K. A subdivision plat shall be submitted with the Conditional Use Permit application, where individual attached units are to be constructed on individual lots.
- L. Trash containers, recycling containers, and mechanical equipment shall be screened per the requirements of Section 1165.08, Screening of Accessory Uses.
- M. Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance.
(Ord. 2006-49. Passed 5-21-07.)