City of Wooster
Planning & Zoning Code

<u>Effective</u>
June 21, 2007

<u>As Amended Through</u>
March 16, 2015

CODIFIED ORDINANCES OF WOOSTER

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CHAPTER 1101
Purpose, Interpretation, General Provisions

1101.01 Title.
1101.02 Authority and Scope.
1101.03 Purpose.
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1101.05 Relationship to Plans.
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1101.01 TITLE.

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

1101.02 AUTHORITY AND SCOPE.

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

1101.03 PURPOSE.

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

(a) Promote the orderly and beneficial development of the City of Wooster in accordance with the City's land use policies.

(b) Establish districts of such classification and number to implement the City's Comprehensive Plan that encourages the most appropriate uses of the land and guides the future development of the City and to carry out the purposes of this Planning and Zoning Code.

(c) Encourage compatibility between different land uses and protect the scale and character of existing development from the encroachment of incompatible uses.

(d) Regulate and restrict the location, bulk, height, design, and land coverage of buildings to protect the character and value of the City's residential, business, industrial, institutional and recreational areas.

(e) Regulate the area and dimension of lots, yards, setbacks, and other open spaces to provide adequate open spaces for light and air.

(f) Regulate and limit the density of population to prevent overcrowding of the land and excessive concentration of the population.

(g) Ensure efficient traffic circulation, manage congestion on the streets and improve public safety by locating buildings and uses adjacent to streets in such a manner that they will cause the least interference with, and be damaged least by, traffic movements.

(h) Facilitate adequate provisions for public utilities and facilities such as schools, recreation facilities, sewer, water, transportation, and other public necessities.

(i) Provide regulations, standards and procedures for the administration, amendment and enforcement of this Planning and Zoning Code.

(j) To preserve and strengthen the reasonable balance of commercial and industrial activities within the City, so long as they are consistent with the City's residential character and the foregoing objectives, in order to serve the convenience of the inhabitants of the City and provide a strong economic and tax base to assure the City's ability to provide essential services to its inhabitants.

(k) To accomplish the specific intents and purposes set forth in the introduction of the respective chapters.

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

1101.04 APPLICABILITY.

(a) No structure shall be located, erected, constructed, reconstructed, moved, converted, or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Planning and Zoning Code and, when required, after the lawful issuance of the certificates(s) required by this Planning and Zoning Code.

(b) Existing lots, buildings, structures and uses of land that do not comply with the regulations of this Planning and Zoning Code are subject to the regulations set forth in Chapter 1149 Nonconforming Uses, Lots, and Structures.

(c) In the case of subdivisions, no person shall sell any land or authorize the sale of land under his control except in accordance with the all of the applicable provisions of this Planning and Zoning Code.

(d) No person shall subdivide or lay out into lots any land within the City or three-mile area except in conformity to this Planning and Zoning Code.

(e) Within three miles of the corporate limits of the City, the City Planning Commission shall have authority for preliminary and final review and approval of major subdivisions and any minor subdivisions within this three-mile limit that it may choose to exercise its authority.
The County Planning Department shall submit written comments for the City Planning Commission to consider whenever a subdivision within the three-mile limit is to be reviewed and approved. The developer shall insure that all required plans, plats and/or documents are properly submitted to the County Planning Department prior to submission to the City Planning Commission.

(f) No lot or land shall be sold from any plat until such plat has been approved as herein required.

(g) The design and layout of all subdivisions shall conform with the requirements of this Planning and Zoning Code. The subdivider shall submit plans and plats, all in accordance with Chapter 1109, Subdivision Procedures. (Ord. 2006-49. Passed 5-21-07.)

1101.05 RELATIONSHIP TO PLANS.

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

1101.06 SEPARABILITY.

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

1101.07 INTERPRETATION AND APPLICATION.

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

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

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

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

1101.08 ZONING CODE AND MAP REVIEW.

This Zoning Code and accompanying zoning map shall be reviewed in 2017 and every ten years thereafter by the Planning Commission and at such other times as Planning Commission or Council deems necessary. (Ord. 2006-49. Passed 5-21-07.)

1101.09 ANNEXATION.

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

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

1101.10 EFFECTIVE DATE.

This Planning and Zoning Code, and amendments thereto, shall take effect and be in full force and effect from and after the earliest period allowed by law.

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

1101.11 REPEAL OF EXISTING CODE.

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

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CHAPTER 1103
Definitions

1103.01 Interpretation.
1103.02 Definitions.

1103.01 INTERPRETATION.

For the purpose of this Zoning Code, terms or words used herein shall be interpreted according to this Section. In the case of a discrepancy in meaning or implication between the text of this Code and any illustration or caption, the text shall control.

(a) The word "shall" signifies a mandatory requirement, one that is not discretionary; the word "may" signifies a permissive or discretionary requirement; and the word "should" is a preferred requirement.

(b) The word "building" includes the word "structure."

(c) The word "person" includes a firm, association, organization, partnership, trust, company, corporation, or similar entity, as well as an individual.

(d) The words "used" and "occupied" include the words "arranged, designed, constructed, altered, or intended to be used."

(e) The word "lot" includes the words "plot" and "parcel."

(f) BZA shall mean Board of Building and Zoning Appeals.

(g) The words "the Commission" or "Planning Commission" shall mean the City of Wooster Planning Commission

(h) The word "Wooster " shall mean the City of Wooster, Ohio.

(i) The words "Planning and Zoning Code" shall mean the Planning and Zoning Code of the City of Wooster Ohio.

(j) ORC shall mean the Ohio Revised Code. This Zoning Code cites specific code sections from the ORC, and while these code sections may change after the adoption of this Zoning Code, the intent of these referenced sections shall remain.

(k) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

(l) Whenever a number of days are specified, days shall mean calendar days unless specifically noted otherwise. (Ord. 2009-27. Passed 10-19-09.)

1103.02 DEFINITIONS.

(a) Words used in this Ordinance are used in their ordinary English usage.

(b) For the purpose of this Zoning Ordinance, the following terms shall have the meaning herein indicated:

(1) <u>Abut.</u> To physically touch or border upon; or to share a common property line but not overlap. For the purposes of this Zoning Code, abut shall include properties separated by a publicly dedicated alley.

(2) Accessory structure. A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

(3) Adjacent. See abut.

(4) Adult care facility. A facility providing personal care services to adults (typically elderly). Such services may include assistance in daily living activities and self-administration of medicine, and preparation of special diets. There are two categories of adult care facilities licensed by the Ohio Department of Health:

A. An adult family home (providing accommodations for three (3) to five (5) unrelated adults); and,

B. An adult group home (providing accommodations for six (6) to sixteen (16) unrelated adults).

(5) Agriculture. The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry, and necessary accessory uses, including the accessory structures necessary for carrying out farming operations and the residence of the person who owns or operates the farm, and the family thereof; provided, however, the following shall not be permitted in connection with any agricultural use:

A. The maintenance and operation of commercial greenhouses or hydroponic farms, the raising of poultry or furbearing animals, as a principal use;

B. The raising of livestock fed from garbage or offal, and the feeding or grazing of animals or poultry in either penned enclosures or in open pasture within one hundred (100) feet of any lot line, are not permitted in any zoning district.

C. The operation or maintenance of a stock yard or feedlot is not permitted in any zoning district.

D. Wholesale or retail sales as an accessory use, unless the same are specifically permitted by this Planning and Zoning Code.

(6) Alley. A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation, but is not a public or private street as defined by this Code. (Ord. 2013-17(b). Passed 6-3-13.)

(7) Animal hospital/clinic. A facility where domestic animals are given medical or surgical treatment and the boarding of animals occurs only as an incidental use for not more than thirty (30) days. This facility may include outdoor runs or boarding facilities as an accessory use where permitted.

(8) Aquifer. A glacial formation, group of glacial formations, or part of a glacial formation that contains enough saturated permeable material to yield significant quantities of water.

(9) Architectural compatibility. A design or material/color 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, incompatibly occurs when an architectural design, landscape design or accessory building proposal is aesthetically harsh or overwhelming in comparison to its neighbors.

(10) Architectural feature. In the context of Chapter 1171, Sign Regulations, an architectural feature means any construction attending to, but not an integral part of, the sign, which may consist of landscape, building, or structural forms that enhance the site in general; also, graphic stripes and other architectural painting techniques applied to a structure that serves a functional purpose, or when the stripes or other painting techniques are applied to a building provided such treatment does not include lettering, logos or pictures related to the intended message of the sign.

(11) Assembly hall. An establishment providing meeting space for social gatherings, including but not limited to wedding receptions, graduations parties and business or retirement functions. This term includes, but is not limited to, a banquet hall or rental hall.

(12) Automobile service station. (See also Gasoline Station): A building, part of a building, structure or space which is used for the retail sale of lubricants and motor vehicle accessories, the routine maintenance and service of vehicles and the making of repairs to motor vehicles. Repairs described under "vehicle repair garage" shall not be permitted.

(13) Average. The result of dividing the sum of two or more quantities by the number of quantities.

(14) Awning. Any roof-like structure, made of cloth, metal, or other material, and intended for protection from the weather or as a decorative embellishment, and which projects from a wall of a building over a window, door, or the like, and that may include a type which can be retracted, folded, or collapsed against the face of a supporting building. (Ord. 2013-17(b). Passed 6-3-13.)

(15) Bank. An establishment providing retail banking, credit and mortgage services. This term shall not include a currency exchange, a payday loan agency or a title loan agency.

(16) Basement or cellar. That portion of a building located partly underground but having at least one-half (½) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

(17) Bed and breakfast establishment. A residential building, other than a hotel or motel, where overnight lodging, together with breakfast, is offered to the general public in exchange for a daily fee.

(18) Berm. An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

(19) Block face. A single side of a dedicated street running from street to street including parcels and public right-of-way.

(20) Boarding house. A building or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for more than three (3) unrelated persons where no cooking or dining facilities are provided in the individual rooms.

(21) Buffer or buffer yard. A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

(22) Building. Any structure having one or more floors and a roof supported by columns or walls, which is completely enclosed and is designed or intended for the shelter or protection of persons, animals or property.

A. Building, accessory: A subordinate building detached from, but located on the same lot as, the principal or main building, the use of which is incidental and accessory to the principal building or use and which is constructed subsequent to the principal building or main use of the land.

B. Building, principal: A building occupied by the main use of the lot on which said building is located.

(23) Building height. The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure excluding:

A. Chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, water tanks, and similar roof structures needed to operate and maintain the building on which they are located; and,

B. Flag poles, television aerials, water towers and tanks, steeples, and bell towers, carillons, monuments, and cupolas.

(24) Building line. An imaginary linear extension of the building parallel or substantially parallel to the street right-of-way line defining the limits of the front yard, or in the case of a corner lot, the corner side yard.

(25) Building marker. A sign or insignia cut into the exterior building surface, or otherwise permanently mounted on the building or site, indicating the name of the building, address, date of construction, or incidental information about its construction or historical significance.

(26) Building wall. In the context of Chapter 1171, Sign Regulations, any vertical surface of a building or structure (other than a pitched roof) that is integral to, and could reasonably be constructed as a

part of, the architecture of the building when signage is not being contemplated. Examples of building walls include, but are not limited to: awnings, canopies, marquees, vertical portions of gable roofs, parapets, mechanical penthouses, etc.

(27) Caliper. The American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six (6) inches above the ground up to and including four-inch caliper size, and twelve (12) inches above the ground for a caliper size greater than four (4) inches.

(28) Campground. A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units, including recreational dwellings, as temporary living quarters for recreational; education; or vacation purposes

(29) Camping unit. Any tent, cabin, recreation vehicle or similar structure established or maintained and operated in a campground as temporary, with temporary being defined as less than sixty (60) continuous days, living quarters for recreation, education, or vacation purposes.

(30) Canopy. A roofed structure constructed of fabric, metal, or other material, and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. Any structure that extends above any adjacent parapet or roof of the supporting building is not included within the definition of building canopy.
(Ord. 2013-17(b). Passed 6-3-13.)

(31) Carport. A roofed structure, with a foundation, that provides space for the parking of vehicles and enclosed on not more than three (3) sides.

(32) Car wash. A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices and/or which may employ hand labor.

(33) Cellar. See Basement.

(34) Cemetery. Cemetery means land used or intended to be used for the burial of the human or animal dead, and which is dedicated for cemetery purposes. Cemetery includes mausoleums and mortuaries if operated in connection with, and within the boundaries of a cemetery. This term shall not include crematoriums.

(35) Church. A building or structure used for public worship. The word "church" includes the words "place of worship," "house of worship," "chapel," "synagogue" and "temple" and their uses and activities that are customarily related.

(36) City Engineer. The City Engineer of Wooster, Ohio.

(37) Cluster Residential Development. An area of land to be planned and developed as a single residential development, in which a variety of housing units may be accommodated and the minimum

lot size and setback requirements may be modified to achieve particular design objectives, while maintaining the same overall density limitations of the district in which the cluster residential development is located, and allowing for the flexible arrangement and clustering of houses to preserve restricted open space areas.

(38) Commercial motor vehicle. Any motor vehicle designed or used to transport persons, property, merchandise or freight primarily for-profit that meets any of the following qualifications:

A. Any combination of vehicles with a combined gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand (10,000) pounds;

B. Any single vehicle with a gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more, or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of ten thousand (10,000) pounds;

C. Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but that either is designed to transport sixteen or more passengers including the driver, or is placarded for hazardous materials;

D. Any school bus with a gross vehicle weight rating of less than twenty-six thousand one (26,001) pounds that is designed to transport fewer than sixteen passengers including the driver;

E. Is transporting hazardous materials for which placarding is required by regulations adopted under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended;

F. Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the Federal Highway Administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.

(39) Common area. Any land area and/or facilities that is held in common ownership by the residents through a homeowners' association, community association or other legal entity, or which is held by the individual members of a condominium association as tenants-in-common.

(40) Community center. A building or group of buildings operated by a public or nonprofit group or agency and used for recreational, social, educational or cultural activities.

(41) Collocation. The use of a wireless telecommunications facility by more than one wireless telecommunications provider or by one provider for more than one type of telecommunication technology.

(42) Commercial recreation, indoor. A facility primarily used for the indoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. This term includes, but is not limited to, an indoor driving range, volleyball court, bowling alley, ice or roller skating rink, billiard hall, video game center, archery or shooting range, soccer field or basketball court. This term does not include a health club.

(43) Commercial recreation, outdoor. A facility primarily used for the outdoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. Such a facility may include one or more structures. This term includes, but is not limited to, a golf or mini-golf course/facility, tennis, basketball or volleyball court, soccer, baseball or football field, or amusement or water park. This term does not include a sports facility, health club, or private golf/swim/tennis club.

(44) Community recreation facility. A recreation facility operated by a homeowners association or other non-profit organization and open only to bona fide members and guests of such non-profit organization.

(45) Compliance, Certificate of. An official statement asserting that a given building, other structure or parcel of land is in compliance with the provisions of all existing codes, or is a lawfully existing nonconforming building or use and, hence, may be occupied and used lawfully for the purposes designated thereon.

(46) Comprehensive Plan. The current, adopted long-range plan intended to guide the growth and development of the City, based on study and analysis of the City's existing conditions, including population and housing, historic and natural features, general land use patterns and zoning regulations, and other development considerations.

(47) Conference center. A commercial facility used for trade shows, assemblies or meetings, including exhibition space. This term does not include banquet halls, clubs, lodges or other meeting facilities of private or nonprofit groups that are primarily used by group members.

(48) Congregate care facility. A residential facility that provides for the needs of individuals who are elderly or handicapped. The facility shall consist of residential dwelling units or rooms designed specifically for the elderly or handicapped, and may have common social, recreational, dining and/or food preparation facilities. The facility may be for independent living and/or may provide the residents with a range of personal and medical assistance including nursing care.

(49) Contour. An imaginary line connecting all points with the same elevation above or below a fixed base point whose elevation is known.

(50) Conversions. Any modification or change to an existing dwelling which is intended to or actually does increase the number of dwelling or rooming units.

(51) County. Wayne County, Ohio.

(52) Crematorium. A facility that burns human dead to ashes.

(53) Cultural institution. An institution that displays or preserves objects of interest to the arts or sciences. This term includes, but is not limited to, a museum, art gallery, aquarium or planetarium.

(54) Custom print shop. A retail service establishment whose principal activity is the custom or personalize printing for individuals. Items with personalized print include clothing, temporary signs, or other similar item that may be personalized in a limited production quantity. This definition shall not include large scale printing facilities of such items. (Ord. 2013-17(b). Passed 6-3-13.)

(55) Data Center. A facility in which the majority of the space is occupied by computer systems and associated components, such as servers, switches, routers, data storage devices, telecommunication equipment, wiring cages/closets, vaults, and racks, where digital data and information is managed, processed, transferred and/or stored. This definition includes, but is not limited to data centers, data storage and hosting facilities, co-located server hosting facilities (CoLo), network operations centers, web hosting facilities, and other similar facilities. (Ord. 2006-49. Passed 5-21-07.)

(56) Day care center. An establishment in which the operator is provided with compensation in return for providing individuals with care for less than twenty-four (24) hours at a time. This term includes, but is not limited to, a day nursery, nursery school, pre-school, adult day care center, or other supplemental care facility. This term does not include a family day care home. (See the definition of family day care home below.)

A. Adult day care center. An adult day care center shall not include a convalescent home, hospital or any other full-time care facility.

B. Child day care center. Any place that provides day care or publicly funded day care to thirteen (13) or more children at one time; or any place that is not the residence of the licensee or administrator where child day care is provided to seven (7) to twelve (12) children at one time.

(57) Dead storage area. An area in the interior of a building utilized for the storage of furniture, files, or other unused or seldom used items for an indefinite period of time. This definition shall not be used to apply to areas used for warehousing of goods or materials which are regularly accessed by the subject establishment. (Ord. 2013-17(b). Passed 6-3-13.)

(58) Deck. A roofless, above grade platform which directly abuts the wall of a building. (Ord. 2013-17(b). Passed 6-3-13.)

(59) Density. The number of dwelling units permitted per acre of land.

A. Density, gross. Gross density means the number of dwelling units permitted per acre of total land area.

B. Density, net. Net density means the number of dwelling units permitted per acre of land when the acreage involved includes only the land devoted to residential uses and excluding land dedicated to public thoroughfares or other unbuildable land areas.

(60) Developer. Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this Planning and Zoning Code to effect a development of land hereunder for himself or for another.

(61) Development. Any building, construction, renovation, mining, extraction, grading, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwellings units in a structure or a change to a commercial or industrial use from a less intense use.

(62) Diameter-at-breast-height (DBH). The diameter of a tree trunk measured in inches at a height of four and one-half ($4^{1/2}$) feet above ground. If a tree splits into multiple trunks below four and one-half ($4^{1/2}$) feet, the trunk is measured at its most narrow point below the split.

(63) Dog day care/grooming facility. A facility providing such services as canine day care for all or part of a day, obedience classes, training, grooming or behavioral counseling provided such dogs are not kept or boarded overnight, bred, sold or let for hire. (Ord. 2013-17(b). Passed 6-3-13.)

(64) Dormitory. A building used as living quarters for a student body or religious order and which is related to and/or intended to associate with a college, university, boarding school, orphanage, religious facility, or similar institution.

(65) Drive-thru facility. Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-thru" shall also include "drive-up" and "drive-in" but shall not include Car Wash, Gasoline Station, and Automobile Service Station.

(66) Driveway. A private access way used by vehicles and pedestrians for access to a parking space, garage, dwelling, or other structure.

(67) Dwelling. Any building or portion thereof, containing one or more dwelling units designed for or occupied exclusively for residential

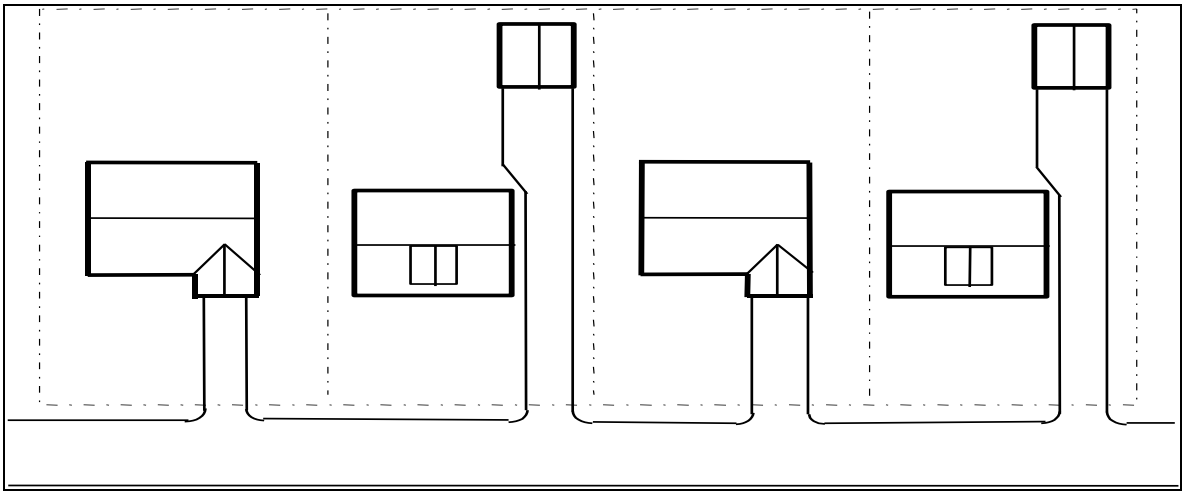
purposes, including single-family, two-family and multi-family dwellings as defined herein.

(68) Dwelling, attached single-family. Dwelling units that are structurally attached to one another, side by side, and erected as one building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof and each such building being separated from any other building by space on all sides, and including such elements as separate ground floor entrances, services and attached garages.

(69) Dwelling, cluster single-family detached. A dwelling unit which is designed and used exclusively by one family and separated from all other dwelling units by open space from ground to sky, which is grouped with other dwelling units on a site in an arrangement. The cluster dwelling does not need to be located on its own subdivided lot, but shall comply with the requirements for planned developments.

(70) Dwelling, detached single-family. A dwelling unit designed and used for one (1) family situated on a lot having a front, side and rear yard and separated from all other dwelling units by open space from ground to sky. See also Figure 1.

Figure 1.
Detached Single-Family Dwellings



(71) Dwelling, multi-family. A dwelling designed for three (3) or more dwelling units, occupied by three (3) or more families living independently of each other where the units are separated by party walls with varying arrangements of entrances, and which does not meet the definition of attached single-family dwelling units. This term includes the conversion of non-residential buildings to residential use.

(72) Dwelling, recreational. A structure or shelter which is designed not for use as a permanent residential dwelling, but as temporary living quarters for recreational, camping, or seasonal use. Recreational dwellings shall require a building permit in accordance with the building regulations of the City or the State.

(73) Dwelling, two-family. A dwelling, having the exterior appearance of a single-family house, designed for or converted to contain two (2) dwelling units, occupied by two (2) families living independently of each other.

(74) Dwelling unit. One or more rooms comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one (1) family.

(75) Easement. A right granted by the owner of land to other parties to use such land for a specific purpose, such as public utility lines or for access to other properties.

(76) Emission. That which is sent out, released, discharged, issued, or put in circulation at one time. (Ord. 2013-17(b). Passed 6-3-13.)

(77) Equipment sales/rental/service. Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar equipment, and the rental of recreational and commercial motor vehicles. This term includes incidental storage, maintenance, and servicing of such equipment.

(78) Façade. That portion of any exterior elevation on the building extending from grade to the top of the parapet, wall, or eaves and the entire width of the building elevation.

(79) Factory-built housing. Factory-built housing consists of three types of dwelling units: mobile homes, manufactured homes, and modular homes.

A. Mobile home. A residential dwelling, designed to be a permanent residence, that was fabricated in an off-site manufacturing facility prior to enactment of the Federal Manufactured Home Safety and Construction Standards.

B. Manufactured home. A residential dwelling built in an off-site manufacturing facility in accordance with the Federal Manufactured Home Safety and Construction Standards.

C. Modular home. A residential dwelling built in an off-site manufacturing facility in accordance with the Ohio Board of Building Standards. Also commonly referred to as a systems-built home, prefabricated home or panelized home.

(80) Family. "Family" means an individual or two or more persons, each related to the other by blood, marriage, or adoption, or foster children as defined in this Planning and Zoning Code and not more than two additional persons not related as set forth above, all living

together as a single housekeeping unit and using common kitchen facilities. (Ord. 2006-49. Passed 5-21-07.)

(81) Family day care home. A residence certified and licensed by the State of Ohio to provide childcare.

A. Type A. A permanent residence of the day care provider in which child day care or publicly funded day care is provided for seven (7) to twelve (12) children at one time; or, a permanent residence of the day care provider in which child day care is provided for four (4) to twelve (12) children at one time if four (4) or more of these children are under two (2) years of age.

B. Type B. A permanent residence of the day care provider in which child day care is provided for one (1) to six (6) children at one time. No more than three (3) of these children shall be under two years of age at one time.

(82) Federal Emergency Management Agency (FEMA). The agency with the overall responsibility for administering the National Flood Insurance Program.

(83) Feedlot. The feeding of livestock, poultry, or small animals usually in lots, pens, ponds, sheds, or buildings where food is supplied primarily by means other than grazing, foraging, or other natural means.

(84) Fence. Any structure composed of wood, steel or other material erected in such a manner and positioned to enclose or partially enclose any premises or part of any premises. Hedges, trellises or other structures supporting or for the purpose of supporting vines, flowers and other vegetation when erected in such position to enclose any premises or part of any premises shall be included within the definition of the word “fence”. Structures erected other than on lot lines or in close proximity to lot lines, which have solely an ornamental purpose and which do not serve the purpose of enclosing or partially enclosing premises or of separating premises from adjoining premises, shall not be included within the definition of the word “fence”. For the purposes of this Planning and Zoning Code, a fence erected upon a graded earth mound shall be measured from the average site grade, prior to the addition of the mound, to the tallest element of the fence. Specific types of fences include:

A. Barbed wire. “Barbed wire fence” means a fence made with metal wire having sharp points, razors, or barbs along its length.

B. Chain link. “Chain link fence” means a fence made of vinyl-clad metal loops interconnected in a series of joined links.

C. Electrified. “Electrified fence” means all fences or structures, included or attached to any device or object

which emits or produces an electrical charge, impulse or shock when the same comes into contact with any other object, person or animal or which causes or may cause burns to any person or animal.

D. Open ornamental. "Open ornamental fence" means a fence constructed for its beauty or decorative effect and when viewed at a right angle, has not less than seventy-five (75) percent of the area of its vertical plane, the area within a rectangular outline enclosing all parts of the fence in its plane, open to light and air. Ornamental fences include:

1. "Rail fence" or "split-rail fence" means a fence constructed of narrow, whole or split, wooden timbers placed horizontally between upright supporting posts; and,
2. Wrought iron fences, decorative steel fences, and aluminum fences.

E. Privacy. "Privacy fence" means a fence made to inhibit public view and provide seclusion and when viewed at right angles, has less than twenty-five (25) percent of the area of its vertical plane open to light and air. Privacy fences include:

1. "Basket weave fence" or "woven fence" which means a fence made of interwoven strips or slats of flexible or semi-flexible material in which the pattern has the appearance of a plaited basket.
2. "Louver fence" or "ventilating fence" which means a fence made of a series of slats placed at an angle or positioned so as to provide air but to deflect light perpendicular to its vertical plane.
3. "Board on board fence" or "picket fence."
4. "Stockade fence" or "palisade fence" means a fence constructed with a row of stakes, pales or pickets placed upright against each other and having at least fifty percent (50%) of the area of its vertical plane closed to light and air.

(85) Financial institution. See bank.

(86) Flag. Any fabric, banner or bunting used as a symbol of government, political subdivision, corporate or commercial entity, or institution, or used to convey any message, or otherwise used in a manner consistent with the definition of a sign.

(87) Fleet vehicles. Trucks, vans, and other vehicles, including motorized equipment, which are used as part of the operation of a principal use, but not including privately owned customer or employee vehicles.

(88) Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters, or
B. The unusual and rapid accumulation or runoff of surface waters from any source.

(89) Flood Insurance Rate Map (FIRM). An official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(90) Flood insurance study. The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

(91) Floor area, gross. The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls of a building or from the center line of a common wall separating two (2) or more units of a building, including accessory storage areas located within selling or working space, but not including space in cellars or basements, space in machinery penthouses or floor space used for accessory off-street parking. However, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.

(92) Floor area, net. The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

(93) Footcandle. A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one candle.

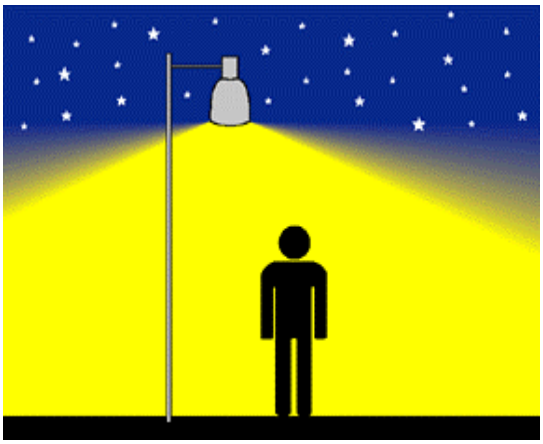
A. Footcandle – Horizontal. The measurement of footcandles utilizing a direct reading, portable light meter mounted in the horizontal position.
B. Footcandle – Vertical. The measurement of footcandles utilizing a direct reading, portable light meter mounted in the vertical position

(94) Foster child. "Foster child" means a person under eighteen (18) years of age who is placed in a dwelling units by an institution or agency, licensed or approved by an appropriate State-regulating agency to place foster children.

(95) Freestanding drive-thru facility. A facility whose only use is transacting business with customers located in a motor vehicle during such business transaction.

(96) Full-shielded or full cut-off type fixture. An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.

Figure 2
Full cut-off lighting



Full cut-off lighting directs light down and to the sides as needed.

University of Texas, Austin

(97) Funeral home. A building or part thereof used for human funeral services. Where a funeral home is permitted, a funeral chapel shall also be permitted. Such building may contain space and facilities for:

A. Embalming and the performance of other services used in preparation of the dead for burial;

B. The performance of autopsies and other surgical procedures;

C. The storage of caskets, funeral urns, and other related funeral supplies;

D. The storage of funeral vehicles; and,

E. May include facilities for cremation.

(94) Garage. A building, or part thereof, used or intended to be used for the parking and storage of vehicles.

(99) Garage or yard sale. A general sale open to the public, conducted from residential home or on any portion of the lot thereof, for the purpose of selling personal property.
(Ord. 2013-17(b). Passed 6-3-13.)

(100) Gasoline station. (See also Automobile Service Station): An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by an attendant or by persons other than the station attendant and may include accessory facilities available for the sale of other retail products.

(101) Glare. Direct light that causes annoyance, discomfort or loss in visual performance and visibility.

(102) Health club. An establishment for the conduct of indoor sports or exercise activities, which may include related locker and shower rooms, offices and classrooms, where use of such establishment is offered on a membership basis. (Ord. 2006-49. Passed 5-21-07.)

(103) Health services. See Office, medical/dental.

(104) Historic district. A geographically definable area possessing a significant concentration, Linkage, or continuity of sites, buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.

(105) Home occupation. Any use or profession conducted entirely within a dwelling and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change its character

(106) Homeowners' association. A community association that is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, private roads, or other such facilities.

(107) Hospital. A facility which provides accommodations and continuous services for the sick and injured which may include pediatrics, obstetrical, medical, surgical, psychiatric or extended care.

(108) Hotel/motel. A building or portion thereof, or a group of buildings, which provides sleeping accommodations for transients on a daily or weekly basis, whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court or otherwise. This definition shall not include emergency or transitional housing.

(109) Household. A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

(110) Improvements. The term means street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

(111) Illuminance. The quantity of light arriving at a surface divided by the area of that surface. Measured in footcandles.

(112) Itinerant Vendor. Any person who engages in, does, or transacts any temporary or transient business in the City of Wooster.

(113) Kennel. Any place where domesticated animals, owned by another person, are temporarily housed or boarded for pay, trade, barter, commission, or remuneration of any sort; provided, however, this definition shall not apply to zoos or to animal hospitals operated by veterinarians duly licensed under the law.
(Ord. 2013-17(b). Passed 6-3-13.)

(114) Landmark. A property, an individual structure or group of structures on a lot, a site, an area, or combination thereof, designated as a landmark by ordinance, of particular importance

because of its unique architectural, historical, cultural, or archeological significance. (Ord. 2013-17(b). Passed 6-3-13.)

(115) Landscaped area. An area that is permanently devoted to and maintained for the growing of trees, shrubs, grass or other plant material.

(116) Lattice tower. A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation to the top.

(117) Library. A facility in which literary, musical, artistic or reference materials, such as, but not limited to, books, manuscripts, computers, recordings or films are kept for use or loaning to patrons of the facility, but are not normally offered for sale.

(118) Light pollution. Any measurable exterior artificial illumination that strays beyond a property line both horizontally at grade and vertically to the building height limitation.

(119) Light trespass. Light in sufficient quantity that crosses over property boundaries, impacts surfaces, and produces a negative response in persons owning or using the violated space.

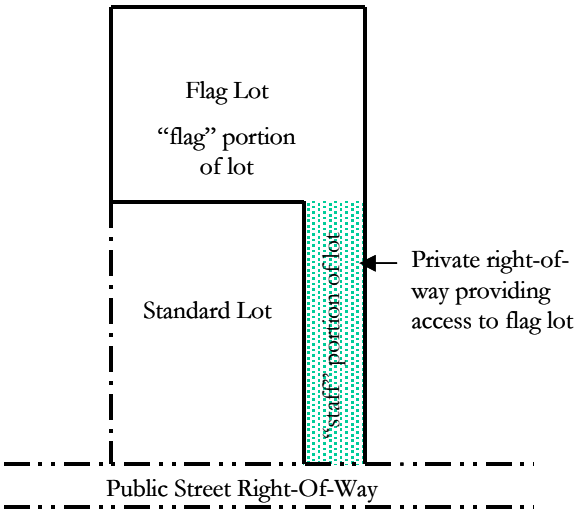
(120) Light uniformity ratios. The uniformity ratio is expressed as either the maximum or average illuminance divided by the minimum illuminance. For example, if the average to minimum ratio is three (3) to one (1) and an average illuminance of six (6) footcandles is desired, the minimum illuminance at any one point must be two (2) footcandles.

(121) Loading space, off-street. An area located completely outside of any public right-of-way and on the same lot with a building or contiguous to a group of buildings, for the temporary parking of vehicles entering the premises for loading or unloading merchandise or materials.

(122) Lot coverage. That portion of a lot, which when viewed directly above, which would be covered by a building or structure, parking and loading areas and other surfaces that are impermeable or substantially impervious to water.

(123) Lot, flag. A lot so shaped and designed that the main building site area is set back from the public street on which it fronts and access to the public street right-of-way is by a narrow private right-of-way also referred to as the “staff”. See Figure 3 below.

Figure 3
Illustration of Flag Lot



(124) Lot frontage. That portion of the lot extending along the street right-of-way.

(125) Lot line. The boundary line defining the limits of the lot. Lot line is synonymous with "property line."

A. Lot line, front. The line separating an interior lot from the street right-of-way on which the lot fronts. On a corner lot, the street right-of-way with the least amount of street frontage shall be the front lot line.

B. Lot line, rear. The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

C. Lot line, side. Any lot line other than a front or rear lot line.

(126) Lot of record. A lot which is part of a subdivision, the part of which has been recorded in the office of the Recorder of Deeds of Wayne County, or a parcel of land the deed to which was recorded, prior to adoption of this Planning and Zoning Code.

(127) Lot size. The total horizontal area contained within the lot lines exclusive of any portion of the right-of-way of any public street.

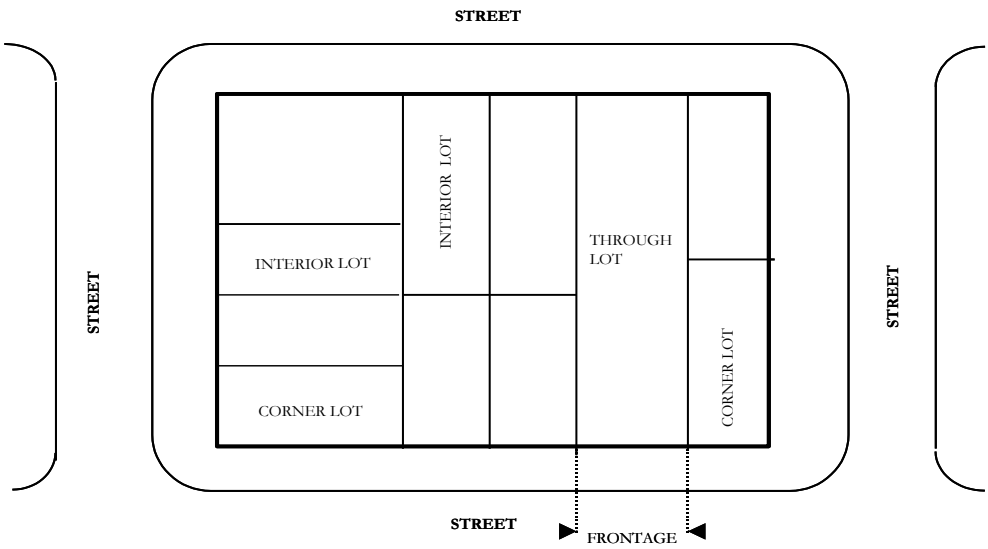
(128) Lot types. Terminology used in this Planning and Zoning Code with reference to corner lots, interior lots and through lots is as follows. See also Figure 3 for an illustration of lot types.

A. Lot, corner. A lot which adjoins the point of intersection or meeting of two (2) or more streets and in which the interior angle formed by the street lines is one hundred thirty-five (135) degrees or less.

B. Lot, interior. A lot abutting or with frontage on only one street.

C. Lot, through. A lot having frontage on two (2) parallel or approximately parallel streets.

Figure 4 - Illustration of Lot Types



(129) Lot width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at the front setback line.

(130) Lot, zoning. A parcel of land not separated by street or alley that is designated by its owner or developer at the time of applying for a zoning certificate, as a tract all of which is to be used, developed, or built upon as a unit under single ownership. As long as it satisfies the above requirements, such lot may consist of:

A. A single lot of record, or;

B. A portion of lot of record, or;

C. A combination of complete lots and portions of lots of record, or portions of lots of record.

(131) Luminaire. A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

(132) Major tree. A living tree with a diameter at breast height (DBH) measurement of at least six (6) inches.

(133) Manufactured home. See factory-built housing.

(134) Manufactured home community. A residential development in which all land is under single ownership and home sites within the community are leased to individual homeowners, who retain customary leasehold rights. Also known as a land-lease community.

(135) Manufacturing. The mechanical or chemical transformation of materials or substances into new products; the fabrication,

processing, reduction, or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof. (Ord. 2013-17(b). Passed 6-3-13.)

(136) Medical/dental/health services clinic. An establishment where human patients are examined and treated by a group of dentists, physicians or similar medical professionals. Clinics provide outpatient service only. This term does not include a medical office or hospital.

(137) Membership clubs. An incorporated or unincorporated association of persons organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

(138) Microbrewery, microdistillery or microwinery. An establishment with a primarily use as a table service restaurant where beer, liquor, wine, or other alcoholic beverage is manufactured on the premises in a limited quantity subordinate to the primary table service restaurant use. The gross floor area utilized in a microbrewery, microdistillery or microwinery for the production of beer, liquor, wine, or other alcoholic beverage shall be no greater than the gross floor area utilized for the associated table service restaurant. A microbrewery, microdistillery or microwinery may include some off-site distribution of its alcoholic beverages consistent with state law. A tasting room or taproom may exist in a microbrewery, microdistillery or microwinery where patrons may sample the manufacturer's products. (Ord. 2013-17(b). Passed 6-3-13.)

(139) Mobile home. See factory-built housing.

(140) Modular home. See factory-built housing.

(141) Monopole. A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

(142) Motor vehicle body shop. An establishment providing the repair or rebuilding of motor vehicle bodies by the replacement, smoothing, sanding or painting of the exterior surfaces of such vehicles within an enclosed building.

(143) Motor vehicle, operable. An operable motor vehicle is a motor vehicle whose engine can be started and the vehicle can be driven under its own power at least one hundred (100) yards immediately upon request, or within twenty-four (24) hours of the initial request, and which does not have disabling damage.

(144) Motor vehicle rental. An establishment where contracts are prepared or reservations accepted for the rental or leasing of motor vehicles. This term includes outdoor storage of vehicles, but does not include on-premise maintenance of vehicles or a tool/equipment rental facility.

(145) Motor vehicle sales. An establishment providing wholesale and retail sale of motor vehicles, including incidental storage and maintenance.

(146) Non-conformity. A lot, use of land, building, site conditions, use of buildings, or use of buildings and land in combination lawfully existing at the time of enactment of this Planning and Zoning Code or its amendments, which do not conform to the current regulations of the district or zone in which it is situated or other regulations in this Planning and Zoning Code.

A. Non-conforming building. A building existing lawfully when this Planning and Zoning Code, or any amendment thereto, became effective, but which does not conform to the current regulations governing buildings and structures of the district in which it is located.

B. Non-conforming lot. A lot lawfully existing on the effective date of this Planning and Zoning Code or any amendment thereto, which on such effective date, does not conform to the current lot area, width or frontage requirements of the district in which it is located.

C. Non-conforming site condition. A site improvement that was legally established, but no longer conforms with the regulations in the Planning and Zoning Code.

D. Non-conforming use. Any building or land lawfully occupied by a use on the effective date of this Planning and Zoning Code or any amendment thereto, which does not conform to the current use regulations of the district in which it is situated.

(147) Nursing home. An establishment providing full-time nursing and medical care to three (3) or more people, not related by blood or marriage, who, by reason of chronic illness, are unable to care for themselves. Hospitals and sanitariums shall not be included in this definition.

(148) Occupant. A person who, on a regular basis, spends nights at a residence. A person is considered an occupant regardless of whether they spend the majority of their nights at a residence, if the times they do stay overnight are regular and recurrent. In addition, a person shall be considered an occupant if their clothes or other daily living supplies are maintained at the residence.

(149) Office, administrative/business/professional. An establishment within which specific services are conducted with other businesses, individuals, organizations or corporate customers, generally on a contractual basis, and not involving the retail sales of merchandise on the premises for walk-in traffic from the street.

(150) Office, medical/dental. Facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which do not provide overnight care or serve as a base for an ambulance

service. Medical/dental facilities are operated by doctors, dentists, or similar practitioners licensed by the State of Ohio. Emergency treatment is not the dominant type of care provided at this facility. Health services includes establishments providing support to medical professionals and patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services.

(151) Official thoroughfare plan. The official thoroughfare plan for the City of Wooster establishing the official right-of-way width of major streets, on file in the office of the Division of Planning and Zoning, together with all amendments thereto subsequently adopted.

(152) Open Space. See Restricted open space.

(153) Outdoor display/sales. Merchandise placed in an outdoor area that is open to the general public, when the merchandise on display is removed from its shipping packaging and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area.

(154) Outdoor storage. The storage of goods, materials, merchandise or vehicles in an area outside of a building or structure in the same place for more than twenty-four (24) hours, except for merchandise placed in an area for outdoor display.

(155) Park. A tract of land, designated and used by the public, for active and/or passive recreation.

(156) Parking lot. An outdoor paved area made up of marked parking spaces and associated access drives where motor vehicles may be stored for the purpose of temporary off-street parking. Also known as a parking area.

(157) Parking lot, private. A parking area for the exclusive use of the owners, tenants, lessees, or occupants of the lot on which the parking area is located for their customers, employees, or whomever else they permit to use the parking area. (Ord. 2013-17(b). Passed 6-3-13.)

(158) Parking lot, public. A parking area, excluding a street or other public way, used for the parking of automobiles and available to the public, which may or may not include compensation for such parking. (Ord. 2013-17(b). Passed 6-3-13.)

(159) Parking space, off-street. An open or enclosed area, defined by painted lines, raised curbs or a combination thereof, outside the public street right- of-way that is used for the parking or temporary storage of registered and licensed motor vehicles

(160) Parking structure. A building or structure consisting of more than one (1) level and used to store motor vehicles.

(161) Performance guarantee. A financial deposit to ensure that all improvements, facilities, or work required will be completed in conformance with the approved plan.

(162) Performance standard. A criterion established to control enclosure, dust, smoke, fire and explosive hazards, lighting, glare and heat, noise, odor, toxic and noxious matter, vibrations and other conditions created by or inherent in uses of land or buildings.

(163) Place of worship. See Church.

(164) Plan, development. A plan prepared to scale accurately showing, with complete dimensions, the boundaries of the site, the location of buildings; landscaping; parking areas; access drives; signs; outdoor storage areas; and any other features that comprise a proposed development

A. General Development Plan: Drawings and maps including all the elements set forth in Section 1115.10.

B. Final Development Plan: Drawings and maps including all the elements set forth in Section 1115.11.

(165) Plan, plot. A plan of a lot, drawn to scale, showing the actual measurements, the size and location of any existing structures or structures to be erected, the location of the lot in relation to abutting streets, and other such information.

(166) Plan, preliminary subdivision. A drawing for the purpose of study of a major subdivision and which, if approved, permits proceeding with the preparation of the final plat.

(167) Plant nursery/greenhouse. An establishment engaged in growing crops of any kind within or under a greenhouse, cold frame, cloth house or lath house, or growing nursery stock, annual or perennial flowers, vegetables or other garden or landscaping plants. This term does not include a garden supply or landscaping center.

(168) Plat. A map of a lot, tract or subdivision on which the lines of each element are shown by accurate distances and bearings. In the case of minor subdivisions, the plat which, if approved, will be submitted to the Recorder of Wayne County.

(169) Plat, Final. The final map, drawing or chart on which the subdivider's plan is submitted to the Planning Commission for approval, and which, if approved, will be submitted to the Recorder of Wayne County.

(170) Playground. An active recreational area with a variety of facilities including equipment for younger children as well as court games.

(171) Porch. A roofed structure, which may be screened, which is attached to a building, is open on at least two or more sides and has direct access to or from a building.

(172) Printing and publishing. An establishment engaged in the printing and/or publishing of newspapers, books, periodicals, magazines as well as record pressing and publishing; establishments serving the printing trade including bookbinding, typesetting, engraving,

photoengraving, and electrotyping; establishments manufacturing business forms and binding devices. This definition shall not include "quick printing" services or desktop publishing.
(Ord. 2013-17(b). Passed 6-3-13.)

(173) Project boundary. The boundary defining the tract(s) of land that is included in a proposed development to meet the minimum required project area for a planned development or multi-family development. The term "project boundary" shall also mean "development boundary".
(Ord. 2006-49. Passed 5-21-07.)

(174) Public hearing. An official meeting called by the City Council, the Planning Commission, or the Board of Building and Zoning Appeals, duly noticed, which is intended to inform and obtain public comment or testimony, prior to the governing body rendering a decision.
(Ord. 2009-27. Passed 10-19-09.)

(175) Public safety, health or utility facility. A municipal government facility utilized for public safety, health, utility, or emergency services, including, but not limited to, a facility that provides police or fire protection, a facility that provides for public utility retention, treatment, distribution, or service or other municipal facility necessary to maintain the public health, safety and welfare including related administrative facilities.
(Ord. 2013-44(a). Passed 12-16-13)

(176) Public transportation terminal. A building where the transfer of people between modes of transportation takes place.
(Ord. 2013-17(b). Passed 6-3-13.)

(177) Recessed ceiling fixture. An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

(178) Recreation vehicle/equipment. A vehicular-type portable structure without a permanent foundation that can be towed, hauled, or driven and primarily designed, by the manufacturer, as temporary living accommodation for recreational, camping, and travel use. For the purposes of this Code, recreational vehicle/equipment shall include a recreational vehicle, boat, boat trailer, pick-up truck camper, snow mobile, folding tent trailer, or other camping and recreational equipment as determined by the Zoning Administrator, and any trailer that may be used to convey such a vehicle or equipment.

(179) Religious assembly. See church.

(180) Residential facility. A facility licensed by the Ohio Department of Mental Health that provides room, board, personal care, supervision, habilitation services and mental health services, in a family setting, to one or more persons with mental illness or severe

mental disabilities. There are three size categories of residential facilities:

A. Family home. A residential facility that provides the services listed above for six (6) to eight (8) mentally retarded or developmentally disabled persons.

B. Foster family home. A residential facility that provides the services listed above for five (5) or fewer mentally retarded or developmentally disabled persons.

C. Group home. A residential facility that provides the services listed above for nine (9) to sixteen (16) mentally retarded or developmentally disabled persons.

(181) Restaurant, carry-out. A retail service establishment whose principal business is the sale of foods or beverages to customers from a counter and/or drive thru for consumption exclusively off the premises. (Ord. 2013-17(b). Passed 6-3-13.)

(182) Restaurant, counter service. A retail service establishment where foods or beverages are ordered at a counter or drive thru and where the customer generally pays before consuming the food or beverage on or off the premises.
(Ord. 2013-17(b). Passed 6-3-13.)

(183) Restaurant, indoor dining. An establishment where food and drink are prepared, served, and consumed within the principal building.

(184) Restaurant, outdoor dining. An establishment where food and drink are prepared inside the establishment and consumed outside the principal building in an area adjacent to the principal building.

(185) Restaurant, table service. A retail service establishment wherein the entire, or a substantial portion of, the business activity consists of the sale of food and beverages served to patrons seated at tables for consumption on the premises.
(Ord. 2013-17(b). Passed 6-3-13.)

(186) Restricted open space. The portion of the open space in a Cluster Residential Development or a Planned Development that is of sufficient size and shape to meet the minimum zoning requirements, and on which further development is restricted.

(187) Retail establishment. An establishment engaged in the selling of goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such products. Such an establishment is open to the general public during regular business hours and has display areas that are designed and laid out to attract the general public. In determining a use to be a retail use, the proportion of display area vs. storage area and the proportion of the building facade devoted to display windows may be considered. This term does not include any adult entertainment uses.

(188) Right-of-way. A strip of land or the air space above it taken, dedicated, or otherwise recorded as an irrevocable right-of-passage

for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, water and sewer lines, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges and the air space above the surface.

(189) Right-of-way line. The line between a lot, tract, or parcel of land and a contiguous public street, and demarcating the public right-of-way. "Right-of-way line" also means "street line."

(190) School (public/private) college/university. An educational institution authorized by the State of Ohio to award associates or higher degrees.

(191) School (public/private) elementary/secondary. Publicly or privately owned facilities providing full-time day instruction and training at the elementary, junior high and high school levels in accordance with the requirements of Chapter 3313 of the Ohio Revised Code, or facilities providing kindergarten or nursery school training and care whose annual sessions do not exceed the school sessions for full-time day schools and which are operated by a board of education or an established religious organization.

(192) School, specialty/personal instruction. A facility primarily teaching usable skills that prepare students for jobs within a specific trade or a facility providing instruction on social and religious customs and activities, performing arts and/or sports. Such facilities may include beauty schools, dance instruction centers, cooking schools and martial arts studios. This term does not include health club.

(193) Scientific research, development, training and testing facility. A building or group of buildings used for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

(194) Seasonal market. A temporary facility used to conduct retail trade for a period not exceeding ninety (90) days in a calendar year.

(195) Self-storage facility, indoor. Self-service storage facility or mini-warehouse means a facility consisting of a building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customers' residential goods or wares.

(196) Service establishment, business. An establishment providing services to business establishments on a fee or contract basis, including, but not limited to, advertising and mailing services, employment services, business equipment and furniture sales or rental, photocopy services, protective services, or similar services.

(197) Service establishment, personal. An establishment providing services that are of a recurring and personal nature to individuals. This term includes, but is not limited to, a barber shop, beauty salon, shoe repair shop, seamstress, tailor, fortune teller, tanning salon, massage establishment, body piercing establishment or tattoo establishment. This term does not include a portrait studio, dry cleaning establishment, laundromat, photocopy center, health club or repair shop for household items.

(198) Setback. Setback means the required minimum horizontal distance between a lot line or the proposed thoroughfare line shown on the Official Thoroughfare Plan, whichever is more restrictive and a building, surface parking lot or structure as established by this Planning and Zoning Code.

(199) Setback line. A line established by this Planning and Zoning Code generally parallel with and measured from the lot line or the proposed thoroughfare line shown on the Official Thoroughfare Plan whichever is more restrictive, defining the minimum distance a building, structure, parking area or outdoor storage area shall be located from the said lot or thoroughfare line, except as may be provided in this Planning and Zoning Code.

(200) Shade tree. A tree with foliage that usually sheds annually and is planted primarily for its high crown of foliage or overhead canopy.

(201) Shrub. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

(202) Sign. Any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure in order to direct or attract attention to, or announce or promote, an object, product, place, activity, person, ideology, institution, organization, business or the like, by means of letters, words, models, banners, flags, pennants, insignia, devices, designs, colors, symbols, fixtures, images, illuminations or representations used as, or which is in the nature of, an announcement, direction, advertisement or other message.

(203) Sign, abandoned. Any sign that no longer identifies or advertises a bona fide business, institution, organization, lessor, service, owner, product, or activity and/or for which no legal owner can be found.

(204) Sign, address. Any building sign or freestanding sign of no more than two (2) square feet indicating only the street number of the building or use.

(205) Sign, animated. Any sign that uses flashing lights or movement of the entire sign or portion thereof to depict action or create a special effect or scene.

(206) Sign, awning or canopy. Any building sign that is painted on, or otherwise attached to, an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance or window.

(207) Sign, banner. Any sign made of lightweight fabric or similar material with no enclosing framework that is mounted to a building or other structure at one or more edges.

(208) Sign, billboard or off-premise sign. Any permanent sign structure advertising an establishment, merchandise, event, service, or entertainment that is not sold, produced, manufactured or furnished at the property on which the sign is located.

(209) Sign, building. Any sign attached to any part of a building including wall, awning, canopy and projecting signs.

(210) Sign, changeable copy. Any portion of a sign with letters, characters or graphics that are not permanently affixed to the structure, framing or background, allowing the letters, characters or graphics to be periodically modified, manually, mechanically or electronically, such as a bulletin board or electronic message center. Changeable copy signs shall not be used to display commercial messages relating to products or services that are not offered on the premises.

(211) Sign, construction. Any temporary sign relating to a project or facility, or relating to its construction, during the time of its construction. Such signs typically include the name of an architect, engineer and/or contractor for a building.

(212) Sign, entrance or exit. Any sign situated so as to promote safe traffic circulation by indicating appropriate places of ingress and egress.

(213) Sign face. The space or surface of a sign intended to contain the message.

(214) Sign, flashing. Any sign that contains an intermittent or sequential flashing light source used primarily to attract attention.

(215) Sign, freestanding. Any sign supported from the ground and not attached to any building. A freestanding sign may be supported by a single pole, two poles, a pylon or a solid base.

(216) Sign, illuminated. Any sign incorporating an internal or external artificial light source for the purpose of illuminating the message of the sign.

(217) Sign, inflatable. Any inflatable shape or figure designed or used to attract attention to a business location or event. Inflatable promotional devices shall be considered to be temporary signs under the terms of this Section and subject to the regulations thereof.

(218) Sign, instructional. Any sign that has a purpose secondary to the use on the lot and that is intended to instruct employees, customers or users as to matters of public safety or necessity such as specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, and including signage erected by a public authority, utility, public service organization, or private industry that is intended to control traffic

circulation, direct or inform the public, or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy.

(219) Sign, marquee. Any sign, other than a projecting sign or an awning/canopy sign, attached to a structure and projecting from a building wall above an entrance and extending over a street, sidewalk, or part thereof.

(220) Sign, permanent. Any sign that is not temporary sign.

(221) Sign, portable. Any sign that is designed to be transported on wheels, skids, a bench, runners, brackets or has a frame to which wheels, skids, runners, brackets or similar mechanical devices are or can be attached. A portable sign also includes mobile signs such as parked vehicles or trailers, when such vehicles are visible from the public right-of-way unless such vehicle is regularly used in the normal daily operations of the attendant business, organization or institution.

(222) Sign, projecting. Any sign that is attached to a building wall and that extends away from (i.e., is not parallel to) the building wall or any sign suspended beneath a canopy, ceiling, roof, or marquee, intended to be viewed by pedestrians from the sidewalk beneath the canopy, ceiling, roof, or marquee.

(223) Sign, roof. Any sign, or portion thereof, erected, constructed or projecting upon or over the roof or parapet wall of any building whether the principal support for the sign is on the roof, wall or any other structural element of the building.

(224) Sign, temporary. Any sign that is designed to be used only temporarily and is not intended to be permanently attached to a building, structure, or permanently installed in the ground. Temporary signs may be displayed as window signs.

(225) Sign, wall. A building sign that is painted on, or attached to, a building wall, with the exposed sign face in a plane parallel to the plane of the wall, that does not extend more than twelve (12) inches there from, and that does not project above the roofline or beyond the corner of the building.

(226) Sign, window. Any sign that is applied to the interior or exterior of a window or door, or a sign located near a window or door within a building, for the purpose of being visible and read from the outside of the building. This term does not include signs that are not legible from a distance of more than three (3) feet beyond the building on which such sign is located.

(227) Single housekeeping unit. Single housekeeping unit means common use and access to all living and eating areas, bathrooms, and food preparation and serving areas.

(228) Slope. An inclined ground surface. The inclination is expressed as a ratio of the horizontal distance to the vertical distance.

(229) Street, private. An area set aside to provide access for vehicular traffic within a development that is not dedicated or intended to be dedicated to the City and that is not maintained by the City.

(230) Street, public. An avenue, highway, road, thoroughfare, boulevard, parkway or other way proposed for vehicular traffic including any existing State, County, or City street or way shown upon a plat heretofore duly approved, filed and recorded in the office of the County Recorder that has been dedicated or deeded to the public for public use and which affords principal access to abutting property. Included in this definition is the land between the street right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulder, gutters, sidewalks, division strips or other areas within the street lines. Roadways defined as alleys in this Zoning Code are not included as public streets by this definition. (Ord. 2013-17(b). Passed 6-3-13.)

(231) Structure. Anything constructed or erected that requires a fixed location on the ground or attachment to something having a fixed location on the ground including, but not limited to, buildings, walls, sheds, gazebos, signs, patios, platforms, paving or fences.

(232) Structural alteration. Any change or rearrangement in the supporting members of a building, such as beams, girders, bearing walls, columns or partitions or any increase in the area or cubical contents of the building.

(233) Subdivider. Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this Planning and Zoning Code to effect a subdivision of land hereunder for himself or for another.

(234) Subdivision. Subdivision includes the following:

A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is five acres or less for the purpose, whether immediate or future, of transfer of ownership provided that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted.

B. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements

for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

(235) Subdivision, minor. A division of a parcel of land along an existing public street or road, not involving the opening, widening or extension of any street or road, and involving not more than five (5) lots after the original tract has been completely subdivided. Also known as lot split.

(236) Subdivision, major. Any subdivision that does not meet the requirements of a minor subdivision.

(237) Technically suitable. The location of a wireless telecommunication antenna that reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within developed areas of the City.

(238) Telecommunication facility. See Wireless Telecommunication Facility.

(239) Telecommunications. The technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.

(240) Theater. A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

(241) Transport and truck terminal. A building or area in which freight brought by truck is assembled and/or stored for routing in intrastate and interstate shipment by truck or in which semi-trailers, including tractor and/or trailer units, and other trucks are parked or stored.

(242) Use. The purpose for which land, a building or structure is arranged, designed, intended, maintained or occupied; or any occupation, activity or operation carried on in a building or structure or on land.

A. Use, accessory. A use located on the same lot with the principal use of building or land, but incidental and subordinate to and constructed subsequent to the principal use of the building or land.

B. Use, conditional. A use permitted in a district, other than a principal use permitted by right, which is allowed only under certain conditions as set forth in Chapter 1147, Conditional Use Regulations, and which requires conditional use approval by the Planning Commission, in accordance with the standards and procedures set forth in Chapter 1107, Procedures for Zoning Certificates, Development Review, and Conditional Use Approval.

C. Use, permitted. A use that is authorized by this Planning and Zoning Code as either a use permitted by right, a conditional use or an accessory use.

D. Use permitted by right. A permitted use that is approved administratively when it complies with the standards and requirements set forth in the Planning and Zoning Code, the approval of which does not require a public hearing.

E. Use, principal. The primary or main use or activity of a building or lot.

F. Use, temporary. A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure.

(243) Uplighting. Any light source that distributes illumination above a 90-degree horizontal plane.

(244) Utility substation/distribution facility, indoor. A facility contained entirely within a building, which performs either of the following functions:

A. Aids in the transmission or distribution of gas, electricity, steam or water, or landline telephone communications.

B. Is used as a distribution center, including but not limited to a transformer station, landline telephone exchange, or building for radio, television, but not including a yard or building for storage, maintenance or repair service.

(Ord. 2013-44(a). Passed 12-16-13)

(245) Utility substation/distribution facility, outdoor. A facility, other than a transmission tower and not contained entirely within a building, which performs either of the following functions:

A. Aids in the transmission or distribution of gas, electricity, steam or landline telephone communications.

B. Is used as a distribution center, including but not limited to a transformer station, landline telephone exchange, or building for radio, television.

(Ord. 2009-27. Passed 10-19-09.)

(246) Variance. A grant by the Board of Building and Zoning Appeals to a property owner authorizing the property owner to vary from the literal terms of the relevant regulations.

(Ord. 2009-27. Passed 10-19-09.)

(247) Variance, area. A procedure whereby the strict application of the provisions of this Zoning Code relating to height, area, yard requirements, and the like may be modified by the Board of Building and Zoning Appeals in a particular instance, without changing the zoning ordinance or the underlying zoning district of the parcel. (Ord. 2013-17(b). Passed 6-3-13.)

(248) Variance, use. A procedure whereby the Board of Building and Zoning Appeals may allow the establishment of a land use that is

not permitted within a particular zoning district without changing the zoning code or the underlying zoning district of the parcel where the land use is to be located.
(Ord. 2013-17(b). Passed 6-3-13.)

(249) Vehicle repair garage. An establishment providing repair services for motor vehicles, including the sale, installation and servicing of related equipment and parts, where all such work is performed within an enclosed building. This term includes, but is not limited to, the repair or servicing of transmissions, engines or upholstery including the rebuilding or reconditioning of motor vehicles, or parts thereof, including clutch, transmission, differential, axle, spring, and frame repairs; major overhauling or engines requiring the removal of the engine cylinder, head or crankcase pan; repairs to radiators requiring the removal thereof; or similar activities. This term includes, but is not limited to, an auto repair shop, wheel and brake shop, tire sales and installation, or upholstery shop. This term shall not include vehicle dismantling or salvage, tire re-treading or recapping, or motor vehicle body shop.

(250) Vehicular use area. An area for storage of any and all types of vehicles whether such vehicles are self propelled or not, and an area including all land designed to be traversed by vehicles including, but not limited to, drive-in activities such as filling stations, grocery and dairy stores, banks, restaurants and the like.

(250) Vending machine, outdoor. Any self contained or connected appliance, machine, and/or storage container located outside a structure which dispenses a product or service, either for sale, rent, or free, and which is activated entirely by the receiver of the product or service, including ice machines, food/drink machines, dvd kiosks, or other similar devices. Phones, fixed automatic teller machines, and newspaper/magazine dispensers are not included in this definition. (Ord. 2013-17(b). Passed 6-3-13.)

(252) Warehousing. A building used for the indoor storage of goods and materials.

(253) Wholesale sales and distribution, indoor. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such companies. All such activities take place inside principal or accessory buildings.

(254) Wholesale sales and distribution, outdoor. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such

companies. Such activities may take place outside of the principal or accessory buildings.

(255) Wireless telecommunications antenna. The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communication Commission (FCC) are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

(256) Wireless telecommunications facility. A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

(257) Wireless telecommunications tower. A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

(258) Yard. An open space on the same lot with a principal building or structure extending between the lot line and the extreme front, rear or side wall of the main building or structure.

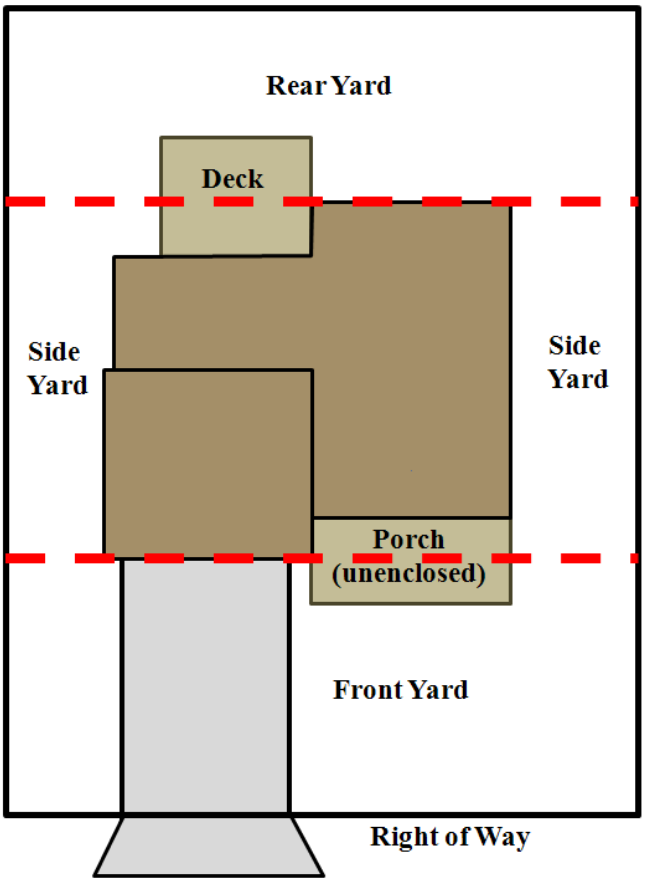
A. Yard, corner side. On a corner lot, the yard between the principal building and the side lot line adjacent to the street and extending from the front yard to the rear lot line.

B. Yard, front. The area across the full width of the lot between the front of the principal building and the front line of the lot.

C. Yard, rear. The area across the full width of the lot between the rear of the principal building and the rear line of the lot.

D. Yard, side. The area between the main building and the side line of the lot extending from the front wall to the rear wall of the main building.

Figure 5
Illustration of Front, Rear and Side Yards



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

(259) Zoning Administrator. The individual designated to administer the Planning and Zoning Code of the City of Wooster, Ohio. A person designated by the Zoning Administrator may also perform duties of the Zoning Administrator.

(260) Zoning Certificate. A document issued by the Zoning Administrator authorizing the construction or alteration of a building or structure and/or use of a lot or structure in accordance with this Planning and Zoning Code.

(261) Zoning Map. An accurate map depicting the City of Wooster, Ohio, and indicating the boundaries of the zoning districts established by this Planning and Zoning Code.
(Ord. 2006-49. Passed 5-21-07.)

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CHAPTER 1105
Administrative Powers and Duties

1105.01 Purpose.
1105.02 Zoning Administrator.
1105.03 Design and Review Board.
1105.04 Planning Commission.
1105.05 Board of Building and Zoning Appeals.
1105.06 City Council.

1105.01 PURPOSE.

This Chapter sets forth the powers and duties of the Zoning Administrator, Design and Review Board, Planning Commission, Board of Zoning Appeals, and City Council with respect to the administration of the provisions of this Planning and Zoning Code. (Ord. 2006-49. Passed 5-21-07.)

1105.02 ZONING ADMINISTRATOR.

(a) Establishment. The Zoning Administrator shall act as the administrative officer for the purpose of effecting the proper administration of the Planning and Zoning Code.

(b) Powers and Duties. The Zoning Administrator or his/her designee shall have the following powers and duties:

(1) Unless specifically qualified otherwise, the Zoning Administrator shall enforce the provisions of this Code. The Zoning Administrator shall have all necessary authority on behalf of the City to administer and enforce the provisions of this Code. Such authority shall include the ability to order, in writing, the remedy of any condition found in violation of this Code and the ability to bring legal action to insure compliance with the provisions including injunction, abatement, or other appropriate action or proceeding.

(2) To interpret the meaning and application of this Planning and Zoning Code and its provisions.

(3) To issue zoning certificates as provided by this Planning and Zoning Code and keep a record of the same with a notation of any special conditions involved.

(4) To issue certificates of zoning compliance as provided by this Planning and Zoning Code and keep a record of the same.

(5) To accept, review for completeness, and respond to questions regarding applications upon which the Zoning Administrator is authorized by the provisions of this Planning and Zoning Code to review, including amendments to the Planning and Zoning Code, development plan review, conditional uses, variances, appeals, and subdivision plats.

(6) To coordinate the City's administrative review of applications required by this Planning and Zoning Code, including rezoning

applications, development plan review, conditional use applications, and subdivision plats.

(7) To maintain any records required by this Planning and Zoning Code including inspection documents, and records of all variances, amendments, conditional uses, and similar use determinations.

(8) To make such records available for the use of Council, the Planning Commission, the Board of Building and Zoning Appeals, the Design and Review Board, and the public.

(9) To conduct or cause the inspection of buildings and uses of land to determine compliance with this Planning and Zoning Code.

(10) To determine the existence of any violations of this Planning and Zoning Code and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.

(11) To maintain in current status the "Official Zoning District Map" of the City of Wooster.

(12) Provide such technical and consultation assistance as may be required by the Board of Building and Zoning Appeals, the Planning Commission, and other boards and commissions, in the exercise of their duties relating to this Code.

(13) Determination of Similar Uses per the standards in Section 1107.31, Similar Uses.

(14) To review and act on sign applications, as required by Chapter 1171, Sign Regulations, according to the procedures, standards and criteria stated in this Planning and Zoning Code.

(Ord. 2006-49. Passed 5-21-07; Ord. 2009-27. Passed 10-19-09.)

1105.03 DESIGN AND REVIEW BOARD.

The duties of the Design and Review Board shall be those assigned to the Design and Review Board in Chapter 155 of the City of Wooster's Codified Ordinances. (Ord. 2006-49. Passed 5-21-07.)

1105.04 PLANNING COMMISSION.

(a) Establishment. The Planning Commission was established by Ordinance #1167 adopted by Council on September 6, 1921. The official title of this Commission shall be the "Wooster City Planning Commission" and shall be known as the "Commission". The Planning Commission shall have such powers as are conferred by the general laws of Ohio, the Charter of the City, or by ordinance of Council. (Ord. 2006-49. Passed 5-21-07; Ord. 2012-24. Passed 8-20-12.)

(b) Membership. The Commission shall consist of nine members who shall be residents of the City. There shall be at least one member from each ward. Members shall serve without compensation and shall be appointed by the Mayor for terms of six years. In accordance with §4.06 of the Charter, no member shall serve for more than twelve consecutive years.

Any vacancy in membership shall be filled by appointment by the Mayor and shall be for the unexpired term only. (Ord. 2011-02. Passed 2-7-11.)

(c) Quorum. A majority of the members shall be a quorum for the transaction of business, and no recommendation or approval shall be made without the consent of a majority of the Commission.

(d) Meetings. The Planning Commission shall meet monthly. Prior to the end of each year, the members shall by motion determine the dates of its regular meetings for the succeeding year. The chairperson may cancel a meeting if there is no pending business to be conducted. Special meetings may be called by the chairman or by two members upon written request to the Planning Department or by a vote of the Commission at its regular meeting. All meetings shall be open to the public. The Commission shall establish its own rules and keep a journal of its proceedings, which shall be a public record. The officers of the Commission shall consist of a chairman and vice-chairman. The Commission, at its last regular meeting in December, shall elect the officers for a one-year term.

(e) Rules. If a Commission member has a conflict of interest in an issue or owns a property within 300 feet of the outer limits of the area being disturbed as a result of the application under consideration by the Planning Commission, that member shall step down while the issue is being heard, considered and voted upon.

(f) Powers and Duties.

(1) The Planning Commission shall, after thorough investigation, prepare, maintain, amend and submit to Council comprehensive plans for the future physical development and improvement of the City, based primarily upon utility, convenience and beauty, physical needs, density and the social welfare and physical well being of the people.

(2) The Commission, when requested by Council, or the administration, shall consider, investigate and report upon any special matter or question coming within the scope of its work.

(3) Prepare and recommend to Council amendments to the Subdivision Regulations.

(4) Review and make recommendations on all matters of community growth and development.

(5) Hear and decide on all matters referred to and upon which it is required to pass by this Planning and Zoning Code

(6) To review and act on all development plans required by this Planning and Zoning Code.

(7) To review and act on sign applications, as required by Chapter 1171, Sign Regulations, according to the procedures, standards and criteria stated in this Planning and Zoning Code.

(8) To review and decide upon conditional use certificates according to the procedures, standards and criteria stated in this Planning and Zoning Code.

(9) To review all proposed amendments to this Planning and Zoning Code, including amendment to the Zoning Map, and make recommendations to City Council as provided in this Planning and Zoning Code.

(10) To investigate and propose on its own initiative such amendments to the Planning and Zoning Code including the Zoning Map, as it may deem consistent with the purposes of this Planning and Zoning Code and which further the public health, safety, and general welfare of the City of Wooster.

(11) To review and act on proposed subdivision plats according to the procedures, standards and criteria stated in this Planning and Zoning Code.

(g) Intra-governmental Cooperation. The departments, divisions and agencies of the City shall cooperate with and assist the Planning Commission in implementing the purposes for which it is formed.
(Ord. 2006-49. Passed 5-21-07.)

1105.05 BOARD OF BUILDING AND ZONING APPEALS.

(a) Establishment. The Board of Building and Zoning Appeals is hereby established. The official title of the Board shall be the "Board of Building and Zoning Appeals of the City of Wooster" and such body shall be known as the "Board." The Board shall have all powers as are conferred by the general laws of Ohio, the Charter of the City of Wooster, and by ordinance of Council. (Ord. 2006-49. Passed 5-21-07.)

(b) Membership. The Board shall consist of seven members to be appointed by the Mayor all of whom shall be residents of the City. There shall be at least one member from each ward represented on the Board. Members of the Board shall hold no other public offices in the City. Members shall serve without compensation. Members shall be appointed for three year terms and terms of appointment shall be staggered. In accordance with §4.06 of the Charter, no member shall serve for more than twelve consecutive years. (Ord. 2011-02. Passed 2-7-11.)

(c) Quorum. The presence of the four members shall constitute a quorum. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any duly authorized administrative officer. A member of the Board shall not be qualified to vote if that member did not attend the public hearing of the case unless he has read or listened to the transcript of the public hearing.

(d) Meetings. The Board of Building and Zoning Appeals shall adopt rules or bylaws for the holding of regular and special meetings, for the transaction and disposition of its business, and the exercise of its powers. The Board shall meet monthly at a time and place to be designated by vote of the Board. Regular monthly meetings may be cancelled if no appeals are filed. Special meetings may be called by the Chairman provided legal notices for such meetings are given. The officers of the Board shall consist of a Chairman and Vice-Chairman. The Board, at its last regular meeting in

December, shall elect the officers for a one-year term. The Board shall establish its own rules and keep a record of its proceedings, which shall be a public record. The Board shall keep written records and minutes of all its proceedings, showing evidence presented, findings of fact by the Board, and the vote of each member upon each question, or if absent or failing to vote. All meetings shall be open to the public.

(e) Rules. If a Board member has a conflict of interest in the issue appealed or owns property within 300 feet of the outer limits of the area being disturbed as a result of the application under consideration by the Board, that member shall step down while the issue is being heard, considered and voted upon.

(f) Powers and Duties. The Board in addition to such other powers and duties as are set forth in this Code or as may be provided for by ordinance of Council and the City Charter, shall have the following functions, powers and duties, exercisable in accordance with the procedures contained in this Chapter.

(1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by an administrative official in the administration or enforcement of this Planning and Zoning Code, unless otherwise provided in this Planning and Zoning Code.

(2) To authorize such variances from the terms of this Planning and Zoning Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this Planning and Zoning Code will result in practical difficulty or unnecessary hardship, and so that the spirit of this Planning and Zoning Code shall be observed and substantial justice done.

(3) To resolve any disputes with respect to the precise location of a zoning district boundary, using, where applicable, the standards and criteria of Chapter 1121, Establishment of Districts and Map.

(4) To permit the substitution of one nonconforming use with another nonconforming use in conformance with the provisions of this Planning and Zoning Code.

(5) To hear appeals for any and all matters within the jurisdiction of the Division of Building Standards concerning the Minimum Housing Standards and Property Maintenance Code and one, two and three family dwellings, except as may be otherwise specifically designated by one or more of the codes and ordinances within such jurisdiction.

(6) To hear and decide all other matters referred to and upon which it is required to pass by this Code.

(Ord. 2015-02 Passed 2-2-15.)

1105.06 CITY COUNCIL.

For the purposes of this Planning and Zoning Code, the City Council shall have the following powers and duties:

(a) Hold public hearings and vote upon proposed amendments to this Planning and Zoning Code.

(b) Investigate and propose on its own initiative such amendments to the Planning and Zoning Code as it may deem consistent with the purposes of this Planning and Zoning Code and which further the public, health, safety, and general welfare of the City of Wooster.

(c) Act upon suggested amendments to this code text or the Official Zoning District Map.

(d) Confirm or reject the recommendation of the Planning Commission for all development plans in Planned Developments according to the procedures, standards and criteria stated in this Planning and Zoning Code.

(e) To approve for public dedication streets formerly considered to be private streets or the vacation of dedicated rights-of-way.

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

CHAPTER 1107
Procedures for Zoning Certificates, Development Review and Conditional Use Approval

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1107.01 PURPOSE.

This Chapter includes procedures to ensure that the regulations set forth in this Planning and Zoning Code be soundly and consistently applied, and that this Code be vigorously administered. The purposes of this Chapter are:

(a) To establish the procedures for reviewing and acting upon applications for zoning certificates, including certificates of compliance, in order to accomplish the purposes for which this Planning and Zoning Code is adopted.

(b) To provide adequate review of proposed developments in those zoning districts where the uses are of such a nature, because of their size, scale or effect on surrounding property, that review of specific development plans is deemed necessary to protect the public health, safety and general welfare of the community.

(c) To establish procedures for reviewing applications for a conditional use. These procedures are necessary because some uses, as set forth in the district regulations, are classified as conditional uses thereby requiring a separate review process utilizing the guidelines outlined in this Chapter. (Ord. 2006-49. Passed 5-21-07.)

1107.02 ZONING CERTIFICATE REQUIRED.

No building or structure shall be erected, constructed, enlarged, structurally altered, or moved in whole or in part, and no use shall be established or changed in the City of Wooster prior to the issuance of a zoning certificate. A zoning certificate shall be issued only when the plans for the proposed use, building or structure fully comply with the regulations set forth in this Planning and Zoning Code.

(a) A zoning certificate shall be issued when:

(1) Single-Family Dwellings and Uses Accessory Thereto. An application for a single-family dwelling or use accessory thereto has been reviewed and approved by the Zoning Administrator according to the procedures of this Chapter.

(2) All Other Permitted Uses. An application for any other permitted use not described in subsection (1) above has been reviewed and approved by the Planning Commission or the Zoning Administrator according to the development plan review procedures set forth below.

(3) Conditional Uses. An application for a conditional use has been reviewed and approved by the Planning Commission according to the procedures set forth below.

(4) Variance Requests. An application for which a variance from a requirement of this Planning and Zoning Code is requested has been reviewed and approved by the Board of Building and Zoning Appeals, according to the procedures set forth in Chapter 1111.

(5) Similar Uses. An application for any building or use not specifically listed in this Planning and Zoning Code as a permitted or conditional use has been reviewed and approved by the Zoning Administrator according to the procedures set forth below.

(b) Applications for zoning certificates are available in the Office of the Zoning Administrator. A completed application form accompanied by all other applicable submission requirements shall be submitted to the Zoning Administrator.

(c) Expiration of Zoning Certificate. All zoning certificates shall expire if work there under does not progress under a schedule at least as rapid as the following:

(1) Six months from issuance, work shall have begun (e.g., ground shall have been broken)

(2) Two years from issuance, work shall be complete as shown on the approved development plan. (Ord. 2009-27. Passed 10-19-09.)

1107.03 CERTIFICATE OF ZONING COMPLIANCE.

(a) Certificate of Zoning Compliance Required. Land shall not be occupied or used and a building which has been erected or altered shall not be occupied or used until a certificate of zoning compliance has been applied for and issued as follows:

(1) Occupancy of a Building. A certificate of zoning compliance shall be required before a building that has been constructed, or an existing building that has been altered, moved, changed in use, or changed as to off-street parking or loading requirements may be occupied. A certificate of zoning compliance shall only be issued after the completion of the erection or alteration, or change in use of the building and the building is found, upon inspection, to conform with the provisions of this Planning and Zoning Code.

(2) Occupancy of Land. A certificate of zoning compliance shall be required before occupancy of the land or where use of the land has been changed to a use different from the prior use. A certificate of zoning compliance shall be issued when it is determined, upon inspection, that the use conforms with the provisions of this Planning and Zoning Code.

(3) Change in Nonconforming Use. A certificate of zoning compliance shall be required whenever a nonconforming use is changed, and shall not be issued until the Board of Building and Zoning Appeals has approved the change.

(b) Temporary Zoning Compliance Permit. Pending the issuance of a permanent Zoning Compliance certificate, a temporary certificate may be issued, to be valid for a period not to exceed 6 months from its date, pending the completion of any required improvements, provided a performance bond has been provided to the City from a banking institution of sufficient amount to cover the estimated cost of materials and labor.

(c) Certification. The certificate of zoning compliance shall document that the building or proposed use of land or building conforms to the provisions of this Planning and Zoning Code. (Ord. 2009-27. Passed 10-19-09.)

1107.04 ZONING CERTIFICATE FOR A SINGLE-FAMILY DWELLING OR USE ACCESSORY THERETO.

(a) Submission of Applications. An application for a zoning certificate for the construction or alteration of a single-family dwelling or use accessory thereto shall include the items set forth below.

(1) The completed application form.

(2) One copy of a general vicinity map.

(3) Three copies of a plot plan showing the following. Such plans shall be legibly drawn to scale and shall be based on an accurate survey or plot plan.

A. Zoning District.

B. Property boundary lines and the exact dimensions and area of the lot to be built upon or utilized.

C. Right-of-way of adjacent streets.

D. Location, dimensions, height, and bulk of all structures to be erected or altered.

E. The existing and intended use(s) of all land, buildings and structures.

F. Dimensions of yards, driveways and parking areas.

G. The location and use of buildings on adjoining lots.

H. Location and dimension of any easements and use of the easement.

I. Lot numbers of the concerned and abutting properties.

J. Each plan shall bear statements declaring that no part of the land involved in the application has been previously used to provide required setbacks or lot area for another structure.

K. Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.

L. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Planning and Zoning Code.

(b) Review for Completeness. Within twenty (20) days after receiving an application, the Zoning Administrator shall review the submitted application to determine compliance with the applicable submission requirements. If the application is deemed insufficient, the Zoning Administrator shall notify the applicant of necessary changes or additional information needed. When the application is deemed complete, the Zoning Administrator shall officially accept the application for consideration of the action(s) requested on the date such determination is made.

(c) Action by Zoning Administrator. The Zoning Administrator shall evaluate the application and approve or deny it within 30 days from the date it was determined to be complete. In evaluating the application, the Zoning Administrator may consult with any department, agency, public body, official, company, or individual necessary to determine whether the

application complies with the regulations of this Planning and Zoning Code.

(1) Approval. The Zoning Administrator shall issue a zoning certificate upon finding that the building, structure or use, as proposed, complies with the provisions of this Planning and Zoning Code. At that time, the applicant shall pay an application fee.

(2) Denial. If it is determined by the Zoning Administrator that the proposed building, structure or use would violate one or more provisions of this Planning and Zoning Code, then the zoning certificate shall not be issued. The Zoning Administrator shall inform the applicant of the reason for the denial, including the regulation(s) which would be violated by the proposed use or structure. (Ord. 2006-49. Passed 5-21-07.)

1107.05 DEVELOPMENT PLAN REVIEW REQUIRED.

Review of a general development plan and/or final development plan shall be conducted in compliance with the following:

(a) General Development Plan. A general development plan that indicates the general concept of development for an entire site including the general location of use areas, open space and circulation pattern, shall be required for all proposed planned developments and any project that includes multiple buildings or phased development. If in the opinion of the Zoning Administrator, a general development is not warranted, the Zoning Administrator may waive the requirement to submit a General Development Plan. Applicants for other types of projects may but are not required to submit a general development plan.

(b) Final or Minor Development Plan. A final/minor development plan that indicates, among other things, the exact location of buildings, landscaping, parking areas, access drives, signs, and outdoor storage areas shall be required for the following:

(1) Planned developments or any proposed development for which, according to subsection (a) above, a general development plan is required;

(2) New construction of all permitted uses in community facility, multi-family, commercial, and industrial districts;

(3) New construction of all conditional uses;

(4) Any existing or previously approved development meeting the criteria of subsections (1) through (3) above that proposes to alter, reconstruct, or otherwise modify a use or site including expanding the floor area of the permitted use; increasing the number of dwelling units in a multi-family development; or changing the use which requires an increase in the amount of parking or a change in the site's circulation.

(c) Re-occupancy of an existing structure when there is no change in the bulk of the structure; or in a previously approved final development plan; and

no change in the parking required is exempt from the development plan review procedures. (Ord. 2006-49. Passed 5-21-07.)

1107.06 PRE-APPLICATION MEETING ENCOURAGED.

The applicant is encouraged to meet with the Zoning Administrator, or his/her designee prior to submitting an application for general development plan review or final development plan review. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of this Planning and Zoning Code and the criteria and standards contained within. However, no action shall be taken at such a meeting and no opinions, suggestions, or recommendations discussed shall be relied on by the applicant to indicate subsequent approval or disapproval of the development plan. (Ord. 2006-49. Passed 5-21-07.)

1107.07 DEVELOPMENT PLAN REVIEW.

(a) Minor Development Plan Review. The Zoning Administrator shall have final decision-making authority for the following uses and developments. However, if the Zoning Administrator so desires, he/she may require any of the following uses and developments to be heard and approved by the Planning Commission.

(1) When a site contains conforming land, buildings, structures, or conditions:

A. All non-residential developments or expansions containing up to 10,000 square feet in gross floor area, provided the development is not adjacent to single-family residential districts;

B. All off-street surface parking lots;

C. Alterations to site conditions, including but not limited to alterations to landscaping areas and the location or relocation of trash collection areas, up to 24,000 square feet;

D. Multi-unit residential developments up to five (5) units; and,

E. Whenever expressly required by any other part of this Planning and Zoning Code.

(2) When a site contains non-conforming land, buildings, structures, or conditions:

A. All non-residential developments or expansions containing up to 5,000 square feet in gross floor area, provided the development is not adjacent to single-family residential uses;

B. All off-street surface parking lots;

C. Alterations to site conditions, including but not limited to alterations to landscaping areas and the location or relocation of trash collection areas, up to 7,000 square feet;

D. Whenever expressly required by any other part of this Zoning Code.

(b) General and Final Development Plan. The Planning Commission shall have final decision-making authority for all uses and developments that are not under the purview of the Zoning Administrator. A final development plan for any previously approved General Development Plan shall also be reviewed and approved by the Planning Commission. (Ord. 2006-49. Passed 5-21-07.)

1107.08 PLAN SUBMISSION REQUIREMENTS.

For the submission requirements for general, final, and minor development plan review, see Chapter 1115, Submission Requirements. (Ord. 2006-49. Passed 5-21-07.)

1107.09 DEVELOPMENT PLAN REVIEW PROCEDURES.

Development plans, including general; final; and minor, shall be reviewed and distributed according to the following procedures.

(a) Review for Completeness. Within twenty (20) days after receiving an application, the Zoning Administrator shall review the submitted application for completeness and compliance with the applicable submission requirements. If the application is deemed insufficient, the Zoning Administrator shall notify the applicant of the necessary changes or additional information needed. When the application is deemed complete and the application fee has been paid, the Zoning Administrator shall officially accept the application for consideration of the action(s) requested on the date such determination is made and place it on the Planning Commission's agenda or review the application for Minor Development Plan Review, if applicable.

(b) Distribution of Plans. When the Zoning Administrator determines that the application is complete, the Zoning Administrator shall forward the application to the appropriate City departments and professional consultants for review and comment. Any reports, comments, or expert opinions shall be returned to the Zoning Administrator within 10 days from the date the application is deemed complete.

(c) Transmission to the Planning Commission. For Final and General Development Reviews, the Zoning Administrator shall distribute the application for development plan review and any reports prepared by the individuals in subsection (b) above to the Planning Commission, at least three (3) days prior to the time of the Commission's review at their next regularly scheduled meeting.

(d) Action by the Planning Commission or the Zoning Administrator.

(1) The Planning Commission or the Zoning Administrator, whichever is applicable, shall review the development plan according to the applicable criteria in Section 1107.11 and Section 1107.12.

(2) Following its review, the Planning Commission or the Zoning Administrator shall either:

A. Approve the development plan as submitted; or

B. Approve the plan subject to specific conditions not included in the plan as submitted, such as, but not limited

to, improvements in the setback layout, open space arrangement, on-site control of access to streets, or such features as fences, walls and plantings to further protect and improve the proposed and surrounding developments; or

C. Deny the development plan. If the Administrator or the Planning Commission finds that a proposed plan does not meet the purposes of these regulations, it shall deny the plan and shall submit its findings in writing to the applicant upon the applicant's request.

(3) Failure of the Planning Commission or the Zoning Administrator to Act. Failure of the Planning Commission to act within 120 days and failure of the Zoning Administrator to act within thirty (30) days from the date the application was deemed complete, or an extended period as may be agreed upon, the applicant may deem the application denied.

(4) Re-application. The Zoning Administrator shall accept no re-application for a development plan unless the re-application is based on a revised application that addresses the justification for the denial of the initial application. A re-application shall comply with all the requirements of this Chapter, including payment of the required fee. If an application is denied as a result of Section 1107.09 (d)(3), Failure of the Planning Commission or the Zoning Administrator to Act, the Zoning Administrator shall accept a re-application for development plan review that has not been revised from the previous submittal.

(e) Issue of Zoning Certificate. If the Final or Minor development plan is approved or approved with conditions, the Zoning Administrator shall issue a Zoning Certificate pursuant to Section 1107.02. However, the Zoning Certificate shall not be issued until:

(1) At the Zoning Administrator's discretion, there shall be executed by the owner or applicant an agreement to construct required physical improvements located within the public rights-of-way or easements or connected to any public facility; and the applicant shall execute and deliver to the City a security approved by the City Engineer in the amount of the estimated cost of the required physical improvements as determined by the City Engineer. The agreement and the security shall provide for completion of all work within a time specified to be determined by the City Engineer or before occupancy is allowed in any structure, whichever shall occur first.

(2) The approval of the site design plan or the installation of improvements as required by this Zoning Code shall not obligate the City to accept improvements for maintenance, repair or operation. Acceptance shall be subject to local or state regulations where applicable, concerning the acceptance of each type of improvement.

(f) Inspections. City agencies responsible for the supervision and enforcement of this Zoning Code shall periodically inspect the site during the period of construction to ascertain compliance with this Planning and Zoning Code. (Ord. 2006-49. Passed 5-21-07.)

1107.10 PUBLIC NOTICE FOR DEVELOPMENT PLANS.

(a) Property Notice. For General; Final; and Minor Development Plan Reviews which have been referred to the Planning Commission, at least seven (7) days prior to the Commission's public meeting on the pending application, the applicant shall erect on the subject property a sign indicating the change proposed, and the date, time, and place of the public meeting. Failure to do so shall result in the cancellation or continuation of the scheduled public meeting.

(1) The Zoning Administrator shall determine the number of signs required, however, there shall be at least one sign posted along each public right of way abutting the property. At least one sign shall be posted every 300 feet along any single right-of-way. All signs must be clearly visible from the adjacent right-of-way and shall be no larger than 3 feet by 4 feet in size. For properties that lack any public right-of-way, all required signs shall be posted along at least two property lines, as determined by the Zoning Administrator.

(2) The applicant shall have the responsibility to determine and provide adequate structural elements necessary to erect the sign on the property.

(3) All public meeting signs posted shall be removed from the property by the applicant within 2 days after the Commission's public hearing.

(4) The temporary absence of any posted sign, due to vandalism or climatic conditions, shall not violate the intent of this section.

(b) Posted Notice. Public notice of general; final and minor development plans to be reviewed and acted upon by the Planning Commission shall be posted on the bulletin board in the main lobby of the Municipal Building. The public notice will be the Planning Commission's agenda on which the development plans to be considered will appear.
(Ord. 2006-49. Passed 5-21-07.)

1107.11 CRITERIA FOR REVIEW OF GENERAL DEVELOPMENT PLANS BY PLANNING COMMISSION.

The Planning Commission shall review a development plan to determine if such application complies with the review criteria set forth below. The Planning Commission shall take into consideration the comments and recommendation of staff and consultants. In order to approve a general development plan, the Planning Commission shall determine that:

(a) The plan is consistent with the Comprehensive Plan.

(b) The appropriate use and value of property within and adjacent to the area will be safeguarded.
(c) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.
(d) The development will have adequate open spaces.
(e) The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Planning and Zoning Code.
(Ord. 2006-49. Passed 5-21-07; Ord. 2012-24. Passed 8-20-12.)

1107.12 CRITERIA FOR REVIEWING MINOR AND FINAL DEVELOPMENT PLANS.

In reviewing minor or final development plans, the Planning Commission or the Zoning Administrator shall review the development plan to determine if such application complies with the review criteria set forth below. The Planning Commission and the Zoning Administrator shall take into consideration the comments and recommendation of staff and consultants when reviewing the application. In order to approve a development plan, the Planning Commission or the Zoning Administrator shall consider such factors as:

(a) The plan is consistent with any plan for the orderly development of the City and, when applicable, conforms in all respects to the approved or provisionally approved general development plan and the regulations of this Planning and Zoning Code.
(b) The appropriate use and value of property within and adjacent to the area will be safeguarded.
(c) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.
(d) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.
(e) The development will have adequate public service, parking and open spaces.
(f) The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Planning and Zoning Code.
(g) The development will provide adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas.
(h) Upon review and recommendation of the City Engineer, points of ingress/egress to the development shall be controlled and designed in such manner as to minimize conflicts with adjacent properties and developments.
(i) Adequate provision is made for emergency vehicle access and circulation;
(j) The proposed signs:
    (1) Are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings;

(2) Adequately identify the use; and
(3) Are located to maintain safe and orderly pedestrian and vehicular circulation.

(k) The landscape plan will adequately:
(1) Enhance the principal building and site;
(2) Maintain existing trees to the extent possible;
(3) Buffer adjacent incompatible uses;
(4) Break up large expanses of pavement with natural material; and
(5) Provide appropriate plant materials considering the ultimate mature size and shape of plants relative to the buildings and site, and the climate of the area, including typical weather conditions.

(l) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, water courses and drainage areas, and shall comply with the applicable regulations in this Planning and Zoning Code, the City of Wooster Erosion & Stormwater Runoff Control Manual for Development and Improvement 1979, as amended, the City's Engineering Construction Standards, February 2004 as amended, and any other design criteria established by the City or any other governmental entity which may have jurisdiction over such matters.

(m) Site lighting is designed to minimize direct light, glare, and excessive glow, which unreasonably interferes with the use and enjoyment of adjacent property. If it is determined that, once the project is completed, the lighting does have unreasonable adverse impact on adjacent property, the Zoning Administrator may order reasonable alterations to the site lighting (such as reduced illumination, shielding, landscaping, etc.) to mitigate such unreasonable impacts;

(n) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing criteria are complied with at the completion of each stage.

(o) Ensure protection of the City's ground water resources in the Killbuck Valley when developments or uses locate near the City's Well Fields or could have a potential negative impact on the City's ground water resources due to the type of operation.

(p) The Plan must comply with all laws and ordinances of the City of Wooster, this Planning and Zoning Code, and other adopted City policies. (Ord. 2006-49. Passed 5-21-07.)

1107.13 REQUEST FOR ADDITIONAL INFORMATION.

In their review of an application, the Planning Commission or the Zoning Administrator may request that the applicant supply additional information that the Commission deems necessary to adequately review and evaluate the proposed development. (Ord. 2006-49. Passed 5-21-07.)

1107.14 SIMULTANEOUS PLAT APPROVAL.

If the proposed development includes the subdivision of land, the development shall be subject to the requirements of the plat approval process in accordance with subdivision regulations in this Planning and Zoning Code including Chapter 1109, Subdivision Procedures, Chapter 1113, Scheduling and Assurances for Completion and Maintenance of Improvements, and those applicable Chapters in Title Five, Supplemental Development Regulations. Final development plan approval and subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission. (Ord. 2006-49. Passed 5-21-07.)

1107.15 EQUIVALENCY PROVISION.

In reviewing the application, the Planning Commission may find that a final development plan either adheres or is equivalent to the requirements of this Planning and Zoning Code.

(a) The Planning Commission may consider elements of a final development plan to be equivalent to a requirement if:

(1) The proposed final development plan substantially complies with all specific requirements and with the purposes, intent and basic objectives of the zoning district;

(2) Through imaginative and skillful design in the arrangement of buildings, open space, streets, access drives and other features, as disclosed by the application, the proposal results in a development of equivalent or higher quality than that which could be achieved through strict application of such standards and requirements; and

(3) The development, as proposed, shall have no adverse impact upon the surrounding properties or upon the health, safety or general welfare of the community.

(b) It shall be the responsibility of the applicant to demonstrate to the Planning Commission that the provisions of this Section have been satisfied. When evaluating the application with respect to this Section, the Planning Commission shall make any finding of equivalency in writing which explains how and why the proposal has satisfied the above criteria. When making such finding, the Commission may approve the proposed application as if the application were in strict compliance with the standards and requirements in this Planning and Zoning Code.

(c) Approval under this Section is not a variance. Instead, this sub-section allows applicants to satisfy zoning requirements in ways not anticipated by the City. (Ord. 2006-49. Passed 5-21-07.)

1107.16 SIGNIFICANCE OF AN APPROVED PLAN; PLAN REVISIONS.

(a) An approved Minor or Final development plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved Minor or Final development plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. Such a transfer shall occur only upon approval of the Zoning Administrator. A

request for such a transfer or change of ownership shall be presented to the Zoning Administrator and granted only if the new ownership entity satisfies the administrative, financial, legal and all other performance guarantees approved with the original development plan.

(b) All construction and development under any building permit shall be in accordance with the approved Minor and Final development plan. Any departure from such plan shall be cause for revocation of the Zoning Certificate and/or Building Permit, and the property owner or other responsible parties are subject to penalties as prescribed by this Planning and Zoning Code.

(c) Any changes in an approved Minor or Final development plan shall be resubmitted for approval in accordance with this Section.
(Ord. 2006-49. Passed 5-21-07.)

1107.17 EXPIRATION OF DEVELOPMENT PLAN APPROVAL.

An approved development plan shall remain valid for a period of twelve (12) months following the date of its approval, unless the Planning Commission authorizes a longer period at the time of approval.

(a) General Development Plan. If, at the end of that time, a final development plan has not been submitted to the Zoning Administrator, then approval of the general development plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with this Chapter.

(b) Minor and Final Development Plan. If, at the end of that time, construction of the development has not begun, then approval of such minor and final development plan shall expire and shall be of no effect unless resubmitted and re-approved in accordance with the procedures set forth in this Chapter. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan have been completed.
(Ord. 2006-49. Passed 5-21-07.)

1107.18 REVISIONS TO ASSOCIATION DOCUMENTS APPROVED BY THE CITY ATTORNEY.

Whenever a homeowner's association, community association, condominium association or similar legal entity amends those portions of their bylaws or code of regulations that pertain to maintenance obligations or access to common areas within a planned unit residential development, such amendment shall be submitted to the City Attorney for review and approval. Failure to obtain approval of such amendment shall be deemed a violation of this Planning and Zoning Code. (Ord. 2006-49. Passed 5-21-07.)

1107.19 APPEALS OF ZONING ADMINISTRATOR DECISION.

Appeals of the Zoning Administrator's decision on a Minor Development Plan Review application may be taken to the Planning Commission by filing a notice of appeal in the Zoning Administrator's office. Appeals shall be filed within ten (10) days of the Zoning Administrator's decision. Public notice of the appeals shall be provided in accordance with Section 1111.04. Decisions by the Planning Commission granting or

denying approval of Minor Development Plan applications shall be final subject only to judicial review in attendance with law. (Ord. 2006-49. Passed 5-21-07.)

1107.20 APPEALS OF PLANNING COMMISSION DECISIONS.

Decisions by the Planning Commission granting or denying approval of General or Final development plans shall be final. Appeals shall be subject to judicial review in accordance with the law.
(Ord. 2006-49. Passed 5-21-07; Ord. 2012-24. Passed 8-20-12.)

1107.21 APPROVAL OF DEVELOPMENT PLAN REQUIRING VARIANCES.

If the development proposal requires approval of both a development plan and a variance, the applicant shall proceed through the development plan process first.
(Ord. 2006-49. Passed 5-21-07.)

1107.22 PRE-APPLICATION MEETING ENCOURAGED FOR CONDITIONAL USES.

The applicant is encouraged to meet with the Zoning Administrator or his/her designee prior to submitting an application for a conditional use. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of these zoning regulations and the criteria and standards contained within. However, no action shall be taken at such a meeting and no discussions, opinion, suggestions, or recommendations shall be relied upon by the applicant to indicate subsequent approval or disapproval of the application. (Ord. 2006-49. Passed 5-21-07.)

1107.23 SUBMISSION OF APPLICATION FOR CONDITIONAL USE.

The owner or agent thereof, of property for which such conditional use is proposed shall file with the Zoning Administrator an application for a conditional use accompanied by payment of the required fee. The application for a conditional use shall disclose all uses proposed for the development, their location, extent, and characteristics and shall include the items required in Section 1115.12, Conditional Use Submission Requirements. (Ord. 2006-49. Passed 5-21-07.)

1107.24 CONDITIONAL USE APPLICATION PROCEDURES.

(a) Review for Completeness. Within twenty (20) days after receiving an application for a conditional use, the Zoning Administrator shall review the submitted application for completeness and compliance with the applicable submission requirements. If the application is deemed insufficient, the Zoning Administrator shall notify the applicant of the necessary changes or additional information needed. When the application is deemed complete and the application fee has been paid, the Zoning Administrator shall officially accept the application for consideration of the action(s) requested on the date such determination is made and place it on the Planning Commission's agenda.

(b) Distribution of Plans. When the Zoning Administrator determines that the application is complete, the Zoning Administrator shall forward the

application to appropriate City departments and professional consultants for review and comment. Any reports, comments, or expert opinions shall be returned to the Zoning Administrator within ten (10) days from the date the application is deemed complete.

(c) Transmission to the Planning Commission. The Zoning Administrator shall distribute the application for a conditional use and any reports prepared by the individuals in subsection (b) above to the Planning Commission, at least three (3) days prior to the time of the Commission's review at their next regularly scheduled meeting.
(Ord. 2006-49. Passed 5-21-07.)

1107.25 REVIEW OF CONDITIONAL USE APPLICATION.

The Planning Commission shall review the proposed conditional use, as presented on the submitted plans and specifications, to determine whether or not the proposed use is appropriate and in keeping with the purpose and intent of this Planning and Zoning Code.

(a) The Planning Commission shall review the development plan for the proposed conditional use according to the development plan review criteria set forth in Section 1107.12, Criteria for Reviewing Minor and Final Development Plans, as applicable;

(b) The Planning Commission shall review the application to determine if the establishment and operation of the proposed use complies with the general criteria established for all conditional uses and the specific requirements established for that particular use, as set forth in Chapter 1147, Conditional Use Regulations, of this Planning and Zoning Code; and

(c) The Planning Commission may require the applicant to submit such additional information as deemed necessary including the carrying out of special studies and the provisions of expert advice.
(Ord. 2006-49. Passed 5-21-07.)

1107.26 PUBLIC HEARING AND NOTICE BY PLANNING COMMISSION FOR CONDITIONAL USES.

The Planning Commission shall hold a public hearing on the proposed conditional use. Notice of such public hearing shall be given by first class mail to the applicant and to the property owners within 200 feet of the property on which the use is proposed. Failure of delivery of such notice shall not invalidate action taken on such application. Further notice shall be given in one or more newspapers of general circulation in the city. All notices shall be made at least 10 days before the date of said public hearing. All notices shall set forth the time and place of the public hearing and the nature of the proposed conditional use. The Commission may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required. (Ord. 2006-49. Passed 5-21-07.)

1107.27 BURDEN OF PRESENTING EVIDENCE.

The burden of presenting evidence to the Planning Commission that is sufficient to lead the Commission to conclude that the application should be denied shall be upon the party or parties urging this position, unless the information presented by the applicant in the submitted application and at the public hearing is sufficient to justify a reasonable conclusion that a reason exists to so deny the application.
(Ord. 2006-49. Passed 5-21-07.)

1107.28 ACTION BY PLANNING COMMISSION ON CONDITIONAL USES.

(a) The Planning Commission shall take one of the following actions:

(1) If the proposed conditional use is determined by the Planning Commission to be appropriate and in conformance with the review criteria outlined in Sections 1107.12, 1147.02, and 1147.03, the Planning Commission shall approve the conditional use. As part of the approval, the Planning Commission may prescribe reasonable requirements on the proposed use to ensure that the development conforms to the intent and purposes of Sections 1147.01, 1147.02, and 1147.03. The Planning Commission may approve the application for a conditional use without approving the submitted development plan.

(2) The Planning Commission shall deny the application if the Planning Commission concludes that, if completed as proposed, the development will not be in compliance with the requirements of this Planning and Zoning Code. Such action shall be stated in writing and include specific findings, based upon the evidence submitted, justifying such a conclusion.

(b) Failure of the Planning Commission to Act. If the Planning Commission fails to act within 60 days from the date the application was deemed complete, or an extended period as may be agreed upon, then the applicant may deem the development denied. (Ord. 2006-49. Passed 5-21-07.)

1107.29 TERMS AND DURATION OF CONDITIONAL USE APPROVAL.

(a) Conditional use approval shall authorize a particular conditional use on a specific parcel. Approval of a conditional use, pursuant to this Chapter, shall be valid only for the use and the operation of such use as specified when granted by the Planning Commission. The breach of any condition, safeguard, or requirement shall constitute a violation of this Planning and Zoning Code. Approval shall automatically be void if, for any reason, the conditional use shall cease for more than one year.

(b) The conditional use approval shall expire one year from the date of enactment, unless:

(1) The final development plan is approved for uses that require a final development plan;

(2) Substantial progress in the establishment of the use is accomplished; or

(3) As otherwise specifically approved by the Planning Commission.

(c) Conditional Use Changes. Except as noted throughout the Code, all exterior alterations and additions to existing non-residential conditional uses shall be reviewed and approved by the Planning Commission. Alterations and additions to existing residential conditional uses may be approved by the Zoning Administrator. Also, at the Zoning Administrator's discretion, any interior alteration to an existing non-residential conditional use that requires additional parking spaces to be provided may be reviewed and approved by the Planning Commission. (Ord. 2006-49. Passed 5-21-07.)

1107.30 RE-APPLICATION FOR A CONDITIONAL USE APPROVAL.

The Zoning Administrator shall accept no re-application for a conditional use unless the re-application is based on a revised application that addresses the justification for the denial of the initial application. A re-application shall comply with all the requirements of this Chapter, including payment of the required fee. If an application is denied as a result of Section 1107.28 (b), failure of the Planning Commission to Act, the Zoning Administrator shall accept a re-application for a conditional use that has not been revised from the previous submittal. (Ord. 2006-49. Passed 5-21-07.)

1107.31 SIMILAR USES.

Within each zoning district established by the Planning and Zoning Code and amendments thereto, uses of land or structures, which are compatible with each other, are permitted in the district. To the extent that new types of uses are created and are not addressed by this Planning and Zoning Code, this section provides the procedure by which the Zoning Administrator may make a determination that a new use is similar to a use permitted in a district.

(a) Determination. A proposed use may be permitted as a similar use when the Zoning Administrator determines that such proposed use is in compliance with the following provisions:

(1) The proposed use is not prohibited in any other district;

(2) The proposed use is not listed as a permitted building or use in any other district;

(3) The proposed use conforms to and is consistent with the purpose statement of the proposed district more appropriately than in any other district;

(4) The proposed use is of the same general character as the permitted uses in the district to which it is proposed or is similar to a specific use permitted in that district.

(b) Assignment to Districts. If the Zoning Administrator approves the proposed similar use, then the similar use shall be added to those districts that allow the principal or conditional use that is most similar, as identified in his/her determination. (Ord. 2006-49. Passed 5-21-07.)

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CHAPTER 1109
Subdivision Procedures

1109.01	**Purpose.**	**1109.07**	**Approval of engineering plans/construction drawings; consideration of improvements; plat certification and recording.**
1109.02	**Actions governed by subdivision procedures.**	**1109.08**	**Dedication of improvements for public use.**
1109.03	**General Provisions.**	**1109.09**	**Approval of minor subdivision.**
1109.04	**Approval of concept plan.**	**1109.10**	**Plat revision after approval.**
1109.05	**Approval of preliminary subdivision plan.**		
1109.06	**Approval of final plats.**		

1109.01 PURPOSE.

The purpose of this Section is to provide adequate review of subdivision plats, public improvements and minor subdivisions. (Ord. 2006-49. Passed 5-21-07.)

1109.02 ACTIONS GOVERNED BY SUBDIVISION PROCEDURES.

Before any land is subdivided or public improvement constructed, the owner of the property proposed to be subdivided, or an authorized agent, shall apply for approval based on the type of subdivision or public improvements proposed.

(a) Major Subdivisions as herein defined shall be reviewed through submission of a concept plan, preliminary subdivision plan, and final subdivision plat.

(b) Public Improvements without Lot Creation. Whenever a single parcel is proposed for development and the installation of public improvements is required, such development shall require a final subdivision plat.

(c) Minor Subdivision, as herein defined, shall be reviewed through submission of a final subdivision plat. (Ord. 2006-49. Passed 5-21-07.)

1109.03 GENERAL PROVISIONS.

Review of proposed subdivisions shall be conducted in compliance with the following general provisions:

(a) Review for Completeness. Each subdivision application shall be reviewed for completeness and compliance with the applicable submission requirements, unless specific items are determined by the Zoning Administrator to be inapplicable or unnecessary. If the application is deemed insufficient, the applicant shall be notified of the deficiencies. Only complete applications shall be placed on the Planning Commission agenda. When the application is determined complete and all applicable fees have been paid, the application shall be accepted for consideration. This shall include the Concept Plan as set forth in Section 1109.04, the preliminary subdivision plan as set forth in Section 1109.05, Approval of

Preliminary Subdivision Plans, or the final subdivision plat as set forth in Section 1109.06, Approval of Final Plats.

(b) Planned Development Districts. In order to provide efficient review of Planned Developments, it is the intent of this Chapter that subdivision review be carried out simultaneously with the review of development plans for Planned Developments, as noted below:

(1) Preliminary development plan approval and preliminary subdivision plat approval may proceed simultaneously.

(2) Final development plan approval and final plat approval shall proceed simultaneously, unless a final plat is not required for completion of the project. (Ord. 2006-49. Passed 5-21-07.)

1109.04 APPROVAL OF CONCEPT PLAN.

Previous to the filing for approval of a preliminary subdivision plan, the applicant shall submit a concept plan, unless the Zoning Administrator waives this requirement. The Plan shall include all of the submission requirements found in Chapter 1115. The concept plan is intended to outline the basic scope, character and nature of a proposed project, enable the applicant to discuss the location of proposed streets, parkways, parks, playgrounds, school sites and planned developments, and to familiarize the applicant with the Comprehensive Plan, the Planning and Zoning Code, and the drainage, sewerage and water systems for the City. The review is to provide input in the formative stages of design. Concept plans shall be reviewed and distributed according to the following procedures.

(a) Administrative Review. After determining that an application is complete according to Section 1109.03 (a) Review for Completeness, the application shall be forwarded to the appropriate City departments and, if determined necessary, professional consultants for review and comment.

(1) The concept plan and its supporting documentation shall be reviewed for compliance with the Comprehensive Plan and other adopted plans or studies and the requirements of all applicable City Codes.

(2) During the course of its review, the staff may meet with the applicant to review its evaluation, and the applicant may revise the concept plan in response to staff's comments.

(3) Any reports, comments, or expert opinions from other City departments and professional consultants shall be submitted to the staff.

(4) Within 90 days of the application being deemed complete or an extended time agreed to by the applicant, the application shall be placed on the agenda of a regularly scheduled meeting of the Planning Commission. The application, the concept plan and supporting documentation, any administrative staff comments and any other reports prepared above shall be transmitted to the Planning Commission prior to the meeting.

(b) Planning Commission Review of a Concept Plan.

(1) After receipt of reports from such City Departments and consultants, the Commission shall determine whether the concept plan shall be approved, approved with modifications or disapproved. If the Commission finds that the land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor or inadequate drainage, topography, inadequate water supply, traffic circulation systems and other such conditions that may endanger health, life or property; and, if from investigations conducted by the public agencies concerned, it is determined that in the best interest of the public, the land should not be developed for the proposed purpose, the Commission shall not approve the concept plan unless adequate methods are advanced by the applicant for solving the problems that will be created by the development of the land.

(2) Approval of the concept plan shall be conditioned upon compliance with applicable engineering standards, the Subdivision Regulations contained in Chapters 1109, 1113, and the applicable chapters in Title Five of this Planning and Zoning Code and all other applicable statutes, resolutions and regulations of the City. Approval of the concept plan by the Commission shall not constitute automatic approval of the preliminary subdivision plan.

(3) Approval period. The preliminary subdivision plan shall be filed with the Planning Commission not later than twelve (12) months after the date of approval of the concept plan; otherwise it shall be considered void unless an extension is requested by the developer and granted by the Commission in writing.
(Ord. 2006-49. Passed 5-21-07.)

1109.05 APPROVAL OF PRELIMINARY SUBDIVISION PLANS.

Preliminary subdivision plans, submitted in compliance with the submission requirements set forth in Section 1115.05, Contents of Preliminary Plan Documents, shall be reviewed and distributed according to the following procedures. An applicant for a Planned Development may submit the preliminary subdivision plan for simultaneous review with a general development plan. At the discretion of the Zoning Administrator, a subdivider may forego submitting preliminary subdivision plans and instead seek approval of a final plat and engineering plans, if applicable, as required by Sections 1109.06 and 1109.07. (Ord. 2012-24. Passed 8-20-12.)

(a) Administrative Review. After determining that an application is complete according to Section 1109.03 (a), Review for Completeness, the application shall be forwarded to the appropriate City departments and, if determined necessary, professional consultants for review and comment.

(1) The preliminary subdivision plan and its supporting documentation shall be reviewed for compliance with the Comprehensive Plan and other adopted plans or studies and the requirements of all applicable City Codes.

(2) During the course of its review, the staff may meet with the applicant to review its evaluation, and the applicant may revise the preliminary subdivision plans in response to staff's comments.

(3) Any reports, comments, or expert opinions from other City departments and professional consultants shall be submitted to the staff.

(4) Within 90 days of the application being deemed complete or an extended time agreed to by the applicant, the application shall be placed on the agenda of a regularly scheduled meeting of the Planning Commission. The application, the preliminary subdivision plan and supporting documentation, any administrative staff comments and any other reports prepared above shall be transmitted to the Planning Commission prior to the meeting.

(b) Planning Commission Review Of A Preliminary Subdivision Plan. The Planning Commission shall review the preliminary subdivision plan to determine if the application complies with the approval criteria set forth below.

(1) No preliminary subdivision plan shall be approved unless the applicant proves by clear and convincing evidence that:

A. Public facilities, including but not limited to streets, water, sanitary and storm sewers will be adequate to support and service the area of the proposed subdivision, and that definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed.

B. All areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or that require special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions, or the areas have been designated as "No Build" Zone, or "No Disturb" Zone. See Section 1163.03, Wetland Regulations.

C. The proposed subdivision will not result in an isolated subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels.

D. The subdivider has allowed sufficient area to meet the requirements for open space, if applicable.

E. The subdivider has taken every effort to ensure that the public health, safety, and welfare are perpetuated by the proposed subdivision.

F. The subdivider has incorporated in the proposed subdivision the recommendations described in the approved traffic impact study, when such study is required, that are determined necessary by the Planning Commission or the City Engineer.

G. The design and layout of the subdivision complies with the Planning and Zoning Code and other applicable City ordinances or, for Planned Developments, with the proposed preliminary development plan and all supporting documentation and with the Subdivision Standards and Design Criteria set forth in Chapter 1113 and in the applicable chapters in Title Five.

(2) The Planning Commission may require a reduction in the number of lots proposed in a subdivision when it is determined necessary in order for the Preliminary Subdivision Plan to comply with the requirements of all applicable City Codes.

(3) The Planning Commission shall take into consideration any submitted staff reports, comments, and expert opinions when reviewing the application.

(4) The Planning Commission, on its own initiative or upon petition by a resident or neighboring property owner, may, prior to acting on a preliminary plan of a subdivision, hold a hearing thereon at such time and upon such notice as the Commission may designate.

(c) Request For Additional Information/Revisions.

(1) In its review of an application, the Planning Commission may request additional information it deems necessary to adequately review and evaluate the proposed subdivision, and/or may request the applicant to revise elements of the application. When this occurs, the Planning Commission may table the application.

(2) In the event a tabled application has not been reconsidered within 60 days from the date the application was tabled, the applicant may file a written petition with the Zoning Administrator to place the application back on the agenda at the next Planning Commission meeting following 30 days from the date of the petition.

(d) Action on the Preliminary Subdivision Plan By Planning Commission.

(1) The Planning Commission shall by a majority vote of the membership:

A. Approve the preliminary subdivision plan and its supporting documentation as submitted; or

B. Approve the preliminary subdivision plan and its supporting documentation with specific modifications set forth by the Planning Commission, to further protect and improve the proposed and surrounding developments; or

C. Disapprove the preliminary subdivision plan.

(e) Approval of the Preliminary Subdivision Plan. In the event the Planning Commission approves the preliminary subdivision plan with modifications, the applicant shall incorporate such conditions into the appropriate documents and file the revised preliminary subdivision plan with the Zoning Administrator. No final plat application will be processed until the revised preliminary subdivision plan is submitted and approved by the Zoning Administrator.

(f) Significance of Approved Preliminary Subdivision Plan.

(1) The approval of the preliminary subdivision plan does not constitute an acceptance of the subdivision, but merely authorizes the developer to proceed with work of the final plat and plans. One copy of the approved preliminary subdivision plan shall be retained. A letter of approval should be sent to the subdivider.

(2) Receipt of such signed copy is authorization for the subdivider to proceed with the preparation of detailed plans and specifications for the minimum improvements required in the subdivision regulations, and with the preparation of the final subdivision plat.

(g) Expiration of Preliminary Subdivision Plan Approval. Approval of the Preliminary Subdivision Plan shall remain valid for one (1) year from the date of Planning Commission approval during which time the applicant shall prepare and submit a final plat for review in compliance with Section 1109.06, Approval of Final Plats below. The Planning Commission may grant an extension to the above stated timeframes for good cause shown. (Ord. 2006-49. Passed 5-21-07.)

1109.06 APPROVAL OF FINAL PLATS.

A final plat, including the submission requirements set forth in Section 1115.06, Contents of Final Plat Documents, shall be reviewed and distributed according to the following procedures. An application for final plat review shall be required for each phase of the subdivision. For Planned Developments, the applicant shall also submit a final development plan for simultaneous review.

(a) Administrative Review. After determining that an application is complete according to Section 1109.03 (a), Review for Completeness, the application shall be forwarded to the appropriate City departments and, if determined necessary, professional consultants for review and comment.

(1) The final plat shall be reviewed for compliance with the approved preliminary subdivision plan and the requirements of all applicable City Codes.

(2) Any reports, comments, or expert opinions that the applicant or others believe are relevant shall be submitted to the Zoning Administrator.

(3) The Zoning Administrator staff shall transmit the final plat, any staff comments, any other reports and accompanying documents to the Planning Commission.

(b) Submission of Engineering Plans/Construction Drawings. Detailed plans and specifications for all improvements as required in Section 1115.07, Contents of Engineering Plans/ Construction Drawings shall be submitted to the City Engineer.

(1) Review of the Engineering Plans and Construction Drawings shall occur simultaneously with or prior to the review of the final subdivision plat.

(2) The City Engineer shall review the engineering plans and construction drawings as well as the final plat. If the City Engineer

determines the engineering plans and construction drawings comply with the City's construction and material specifications and that the final plat includes all of the necessary right-of-way and easement dedications, the City Engineer shall grant preliminary approval of the construction drawings.

(3) Other approvals from the Ohio Environmental Protection Agency or other regulatory agencies shall be obtained after the City Engineer's preliminary approval, when applicable.

(4) Once the construction drawings have received preliminary approval by the City Engineer, the surety shall be determined, as provided in Section 1113.05, Performance Guarantee.

(c) Planning Commission Review Of A Final Plat. The Planning Commission shall review a final plat to determine if:

(1) The final plat substantially complies with all specific requirements, the purposes, intent and basic objectives of the preliminary subdivision plan, and any commitments made or conditions agreed to with approval of the preliminary subdivision plan, and any applicable regulations in this Planning and Zoning Code.

(2) All other plans for the proposed development, including the landscaping and screening plans have been submitted and comply with the applicable regulations.

(3) A copy of the property owners association's covenants and restrictions are submitted and approved by the Law Department and the Zoning Administrator.

(4) The construction drawings have been submitted to and have been granted preliminary approval by the City Engineer.

(d) Action on the Final Plat By Planning Commission.

(1) The Planning Commission by majority vote shall:

A. Approve the final plat as submitted; or

B. Approve the final plat with modifications; or

C. Disapprove the final plat when the application does not demonstrate that the required standards have been met.

(2) In the event there is a tie vote on an application for final plat, it shall be deemed a denial by the Planning Commission.

(e) Compliance with Current City-Wide Standards. In the event development standards or construction standards are updated, all subsequently approved final plats shall comply with the updated standards when the Planning Commission determines that such updated standard(s) will not cause undue hardship.

(f) Revisions to Covenants, Easements and Restrictions. In the event a property owners' association or similar legal entity amends those portions of their bylaws or code of regulations that pertain to maintenance obligations or access to common areas within a subdivision, such amendment shall be submitted to the City for review and approval. Failure to obtain approval of such amendment shall be deemed a violation of this Planning and Zoning Code. (Ord. 2006-49. Passed 5-21-07.)

1109.07 APPROVAL OF ENGINEERING PLANS/ CONSTRUCTION DRAWINGS, CONSIDERATION OF IMPROVEMENTS; PLAT CERTIFICATION AND RECORDING.

(a) Final Approval of Drawings. Following approval of the final plat, the subdivider shall resubmit the engineering plans and construction drawings revised as necessary to coincide with the approved final plat. The City Engineer shall review the engineering plans/constructions drawings and if found to be in total compliance with the approved final plat and applicable engineering policies and construction standards shall grant final approval to the engineering plans/construction drawings. Upon approval of the final plat by the Planning Commission and approval of the construction drawings by the City Engineer, the subdivider may secure the necessary permits to proceed with construction of the required street, sanitary, water, drainage or other public improvements.

(b) Completion of Improvements or Provision of Performance Guarantee. When the subdivider has completed the construction of the public improvements and all utilities including the streets; signs; public/private utilities; drainage facilities; and traffic control signs, the subdivider shall notify the City Engineer and the City Engineer or his/her designee shall inspect the improvements as set forth below:

(1) The specifications of the City shall in all respects govern all construction work. The work shall be done under City supervision and inspection. The subdivider shall pay the cost of City inspection, and an amount of money estimated by the City Engineer for such purpose shall be deposited in advance with the City or otherwise provided for in the construction agreement and performance guarantee requirements as required in Chapter 1113, Scheduling and Assurance for Completion and Maintenance of Improvements.

A. If the City Engineer determines that the improvements are complete and have been constructed in compliance with these regulations, that all conditions of the subdivision approval have been fulfilled and that all required payments, including any payment in lieu of parkland dedication or open space fee, have been made, the City Engineer shall issue a letter to the applicant stating that the improvements are completed and acceptable for City maintenance.

(c) Certification and Recording of Final Plat.

(1) Once the City Engineer determines the improvements are complete, determined unnecessary prior to recording, or the applicant has provided the Performance Guarantee provided for in Section 1113.05, Performance Guarantee, the Zoning Administrator and City Engineer shall certify or sign the final plat. After the final plat is certified, the final plat and all associated covenants and restrictions shall be recorded in the office of the Wayne County Recorder within one (1) year of the date of signing.

(2) No plat of any subdivision shall be entitled to record in the office of the Wayne County Recorder or have any validity until the Planning Commission shall have approved it, and it shall have been certified by the City Engineer and the Zoning Administrator. In the event any such unapproved plat is recorded, it shall be considered invalid and the Commission shall institute proceedings to have the plat stricken from the records of Wayne County

(d) Building Permits. No building permit shall be issued until the final plat and all associated covenants and restrictions are recorded, a copy of all items recorded with the Wayne County Recorder are submitted to and approved by the City and the City Engineer has stated in writing that the improvements are completed as required.
(Ord. 2006-49. Passed 5-21-07.)

1109.08 DEDICATION OF IMPROVEMENTS FOR PUBLIC USE.

If the final plat indicates land for public use, such land shall be considered dedicated to the City of Wooster after the final plat has been signed by the City Engineer and the Zoning Administrator and recorded in the office of the Wayne County Recorder. (Ord. 2006-49. Passed 5-21-07.)

1109.09 APPROVAL OF MINOR SUBDIVISION.

Review of a proposed minor subdivision shall be conducted in compliance with the following:

(a) Applicability. Administrative approval of a minor subdivision, including the relocation of lot lines and the combination of parcels, may be granted by the Zoning Administrator and the City Engineer if the proposed division of a parcel of land meets all of the following conditions:

(1) The proposed subdivision is located along an existing public street and involves no opening of any new street or the widening or extension of an existing street or the installation of any other public improvements.

(2) The proposed division of a parcel for which these regulations control involves the creation of no more than five (5) lots after the original parcel has been completely subdivided.

(3) The proposed subdivision is not contrary to any applicable regulation in this Planning and Zoning Code.

(4) The property has been surveyed and a plat signed and sealed by a professional surveyor and legal description of the property is submitted with the application. (Ord. 2006-49. Passed 5-21-07.)

(b) Pre-application Meeting. The applicant shall meet with the Zoning Administrator or his/her designee for review of the proposed subdivision for a determination of whether the administrative approval process authorized by this Section can be and should be utilized. The Zoning Administrator may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the tax map showing the land being subdivided and all lots subdivided

from the original tract since the date the parcel was created or annexed to the City. (Ord. 2006-49. Passed 5-21-07.)

(c) Submission and Review of Minor Subdivision Application.

(1) After determination by the Zoning Administrator and the City Engineer that the proposed subdivision is a minor subdivision, applicants for minor subdivision approval shall submit to the staff minor subdivision documents which conform to the requirements set forth in Section 1115.08, Contents of Minor Subdivision Documents. (Ord. 2012-24. Passed 8-20-12.)

(2) Once the application is determined complete, the application shall be reviewed for compliance with the all applicable City Codes.

(d) Action by the Zoning Administrator and the City Engineer. The Zoning Administrator and the City Engineer shall:

(1) Approve the plat of the minor subdivision as submitted; or

(2) Approve the plat of the minor subdivision with modification(s); or

(3) Disapprove the plat when the application does not demonstrate that the required standards have been met.

(e) Approval. In the event the Zoning Administrator and the City Engineer approves the minor subdivision, the Zoning Administrator and the City Engineer shall date the plat, stamp thereon the following words: "Approval by the City of Wooster, _____ Wayne County, Ohio", and sign the plat. If such plat is not recorded within 90 days from the date of approval, such approval shall automatically become void. (Ord. 2006-49. Passed 5-21-07.)

1109.10 PLAT REVISION AFTER APPROVAL.

No changes, erasures, modifications or revisions shall be made on any plat of a subdivision after approval has been given and certified on the plat, unless such plat is first resubmitted according to the procedures contained in this Chapter.
(Ord. 2006-49. Passed 5-21-07.)

CHAPTER 1111
Appeals and Variances

1111.01	**Appeals to the Board of Building and Zoning Appeals.**	**1111.06**	**Review of appeal.**
1111.02	**Initiation of appeal.**	**1111.07**	**Decision of the Board.**
1111.03	**Public hearing by the Board.**	**1111.08**	**Reapplication of appeals and variances.**
1111.04	**Notice of public hearing. decision.**	**1111.09**	**Variances.**
1111.05	**Stay of proceedings.**	**1111.10**	**Appeals of Board's**

1111.01 APPEALS TO THE BOARD OF BUILDING AND ZONING APPEALS.

Appeals to the Board concerning interpretation or administration of this Code may be submitted by any person, firm or corporation deeming him/herself or itself to be adversely affected or by any officer or bureau or the legislative authority of the City affected by any decision of the Zoning Administrator, or by any administrative officer deciding matters relating to this Planning and Zoning Code.
(Ord. 2009-27. Passed 10-19-09.)

1111.02 INITIATION OF APPEAL.

Applications for appeal shall be filed with the Zoning Administrator and thereby with the Board within 20 days after the date of any adverse order, requirement, decision, or determination. The application for appeal shall include reference to the decision, the provision of this Planning and Zoning Code from which the appeal is sought, and reasons for the appeal. The Zoning Administrator shall transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(a) For the purposes of this Chapter, an applicant's request for a variance from the terms of this Planning and Zoning Code shall be considered as an appeal to the Board of Building and Zoning Appeals, subject to the regulations set forth in the Chapter.

(b) A request for an appeal or a variance or other matters for which the Board has the power to authorize shall be submitted to the Board by the owner of the property involved or a person having an interest in such property and acting under written authority of the owner.
(Ord. 2009-27. Passed 10-19-09.)

1111.03 PUBLIC HEARING BY THE BOARD.

When an application for appeal has been filed in proper form with the Board of Building and Zoning Appeals and the application fee has been paid, the Zoning Administrator shall immediately place the request upon the calendar for public hearing before the Board of Building and Zoning Appeals.

(a) The Board shall hold a public hearing within forty-five (45) days after the receipt of a completed application for an appeal.

(b) The Board may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required. Any person in interest may appear at the public hearing in person or by attorney.
(Ord. 2009-27. Passed 10-19-09.)

1111.04 NOTICE OF PUBLIC HEARING.

Before holding the public hearing, notice of such hearing shall be provided according to the following:

(a) Notice of the public hearing shall be given in one or more newspapers of general circulation in the City at least 10 calendar days before the date of such public hearing.

(b) Written notice of the public hearing shall be mailed at least ten (10) calendar days before the day of the hearing to the applicant and all parties having proprietary interest in land within 200 feet of the property to which such appeal relates. Failure of delivery of such notice shall not invalidate action taken on such application.

(c) All notices shall set forth the time, place and nature of the public hearing.
(Ord. 2009-27. Passed 10-19-09.)

1111.05 STAY OF PROCEEDINGS.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Building and Zoning Appeals after the notice of the appeal has been filed, that by reason of facts stated in the application, a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken on due cause shown.
(Ord. 2009-27. Passed 10-19-09.)

1111.06 REVIEW OF APPEAL.

The Board of Building and Zoning Appeals shall review the appeal. To aid in their review, the Board may transmit the application to appropriate administrative departments and professional consultants for review and comment. Any reports, comments or experts opinions shall be compiled by the Zoning Administrator and transmitted to the Board prior to the time of the Board's review.
(Ord. 2009-27. Passed 10-19-09.)

1111.07 DECISION OF THE BOARD.

Within its powers, the Board of Building and Zoning Appeals may reverse or affirm, wholly or in part, the decision being appealed, and to that end shall have all the powers of the officers from whom the appeal is taken, and it may direct the issuance of a permit or certificate.

(a) The Board shall render a decision on the appeal within 30 days from the date of the hearing unless an extended period of time is mutually agreed upon by the applicant and the Board.

(b) The Board shall notify the appellant in writing of the decision of the Board.

(c) The Zoning Administrator, or his/her designee, shall keep minutes of all proceedings upon appeal, showing the vote of each member thereon, and shall keep record of the Board's official actions.

(d) Once the appellant has received the Board's decision, he/she shall, within 12 months following the date of approval submit an application for a zoning certificate, conditional use certificate, or other action that complies with the Board of Building and Zoning Appeal's decision.

(1) A copy of the Board of Building and Zoning Appeal's decision shall be attached to the application.

(2) If action is not taken by the appropriate party within the above-specified time frame, the authorization of the appeal shall become null and void, and reapplication to the Board shall be necessary. (Ord. 2009-27. Passed 10-19-09.)

1111.08 REAPPLICATION OF APPEALS AND VARIANCES.

If the Board of Building and Zoning Appeals denies the appeal and/or the variance, the Board need not rehear the application unless substantial new evidence is submitted. (Ord. 2009-27. Passed 10-19-09.)

1111.09 VARIANCES.

The Board of Building and Zoning Appeals shall have the power, in specific cases, to vary the application of certain provisions of this Code in order that the public health, safety, morals and general welfare may be safeguarded and substantial justice done. The Board may authorize upon appeal in specific cases such variance from the terms of this Planning and Zoning Code as will not be contrary to the public interest according to the following procedures:

(a) Application Requirements. An application for a variance shall be filed with the Zoning Administrator for review by the Board of Building and Zoning Appeals upon the forms provided, and shall be accompanied by the submission requirements in Section 1115.13, Submission Requirements for Variance Requests.

(b) Review for Completeness. Within twenty (20) days after receiving an application for variance, the Zoning Administrator shall review the submitted application for completeness and compliance with the applicable submission requirements. If the application is deemed insufficient, the Zoning Administrator shall notify the applicant of the necessary changes or additional information needed. When the application is deemed complete and the application fee has been paid, the Zoning Administrator shall officially accept the application for consideration of the action(s) requested on the date such determination is made and place it on the Board of Building and Zoning Appeals' agenda.

(c) Review by the Board. According to the procedures established for appeals in Sections 1111.03 and 1111.04, the Board shall hold a public hearing and give notice of the same. The Board shall review each application for a variance to determine if it complies with the purpose and intent of this Planning and Zoning Code and evidence demonstrates that the literal enforcement of this Planning and Zoning Code will result in practical difficulty or unnecessary hardship.

(1) Area Variance. The following factors shall be considered and weighed by the Board to determine practical difficulty:

A. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity; narrowness, shallowness or steepness of the lot; or proximity to non-conforming and inharmonious uses, structures or conditions.

B. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

C. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;

D. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;

E. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;

F. Whether the property owner purchased the property with knowledge of the zoning restrictions;

G. Whether special conditions or circumstances exist as a result of actions of the owner;

H. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

I. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance;

J. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district; and

K. Whether a literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code.

(2) Use Variance. In order to grant a use variance, the Board of Building and Zoning Appeals shall determine that strict compliance with the terms of this Planning and Zoning Code will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:

A. The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;

B. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;

C. The hardship condition is not created by actions of the applicant;

D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;

E. The granting of the variance will not adversely affect the public health, safety or general welfare;

F. The variance will be consistent with the general spirit and intent of the Planning and Zoning Code; and

G. The variance sought is the minimum that will afford relief to the applicant.

(d) Requests for Additional Information. The Board of Building and Zoning Appeals may request that the applicant supply additional information that the Board deems necessary to review and evaluate the request for a variance.

(e) Additional Conditions and Safeguards. The Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulation(s) or provision(s) to which the variance applies will be met.

(f) Action by the Board. The Board shall act according to the procedures established for appeals in Section 1111.07.

(1) The Board shall either:

A. Approve,

B. Approve with supplementary conditions, or

C. Disapprove the request for appeal, variance, or exception.

(2) The Board shall further make specific findings of fact based directly on the particular evidence presented that the reasons set forth in the application and as presented by the applicant during the public hearing, justify the granting of the variance that will make possible a reasonable use of the land, building, or structure.

(g) Term and Extension of Variance. Variances shall expire one year from the date of their enactment, unless prior thereto, the applicant commences actual construction in accordance with the granted variance or an extension of time has been granted by the Board of Building and Zoning Appeals. There shall be no modification of variances except by further

consideration of the Board. Once the time limit pursuant to this Section has expired, a request for a variance shall be considered to be a new application for a variance and shall meet all requirements for application and review pursuant to this Section.
(Ord. 2009-27. Passed 10-19-09; Ord. 2012-24. Passed 8-20-12.)

1111.10 APPEAL OF BOARD'S DECISION.

Any person aggrieved by any action or decision of the Board under this Code including the City or any officer or official thereof, or upon the direction of Council or the Mayor may appeal any such action or decision to the Court of Common Pleas under Ohio R. C. Ch. 2506. (Ord. 2006-49. Passed 5-21-07.)

CHAPTER 1113
Scheduling and Assurances for Completion and Maintenance of Improvements

1113.01	**Applicability.**	**1113.07**	**Insurance.**
1113.02	**Scheduling of improvements.**	**1113.08**	**Failure to complete improvements.**
1113.03	**Review by Engineer.**		
1113.04	**Improvements required.**	**1113.09**	**Construction.**
1113.05	**Performance guarantee.**	**1113.10**	**Transfer of land before recording.**
1113.06	**Street, utility and improvements maintenance.**		

1113.01 APPLICABILITY

The developer of a subdivision, a multi-family development, or a non-residential development shall dedicate all land required for rights-of-way, and shall furnish and install all required improvements serving the subdivision or development. All improvements shall be extended to the boundary of the subdivision or development in order to provide a complete and coordinated system of streets and utilities in accordance with the Comprehensive Plan, water and sewer plans and any other applicable plans or policies of the City of Wooster. (Ord. 2006-49. Passed 5-21-07.)

1113.02 SCHEDULING OF IMPROVEMENTS.

The improvements that are required in the applicable chapters in Title Five of this Planning and Zoning Code shall be provided and installed by the developer in accordance with the provisions of these regulations, this Planning and Zoning Code, and other codes and ordinances of the City. Agreements to install such improvements shall be approved concurrent with the Planning Commission's approval of the final plat or the approval of a development plan. (Ord. 2006-49. Passed 5-21-07.)

1113.03 REVIEW BY ENGINEER.

The design of the water system, storm and sanitary sewerage systems, and roadways, and the grading of the subdivision or development and each lot shall be in accordance with the standards and requirements of Title Five. Drawings and specifications for the improvements shall be reviewed and approved by the City Engineer and the installation shall be subject to the Engineer's continuous inspection.

At the completion of construction, and before acceptance of the public improvements, the developer shall furnish the City a set of record or "as-built" reproducible drawings as well as a digital copy that is compatible with the City Engineer's CAD software showing the locations of all public improvements including the sizes and elevations of all underground utilities. (Ord. 2006-49. Passed 5-21-07.)

1113.04 IMPROVEMENTS REQUIRED.

The improvements required are determined according to the accessibility of a sewer system and a public water supply, the relationship to existing or planned streets, and the type and size of lots required by the Planning and Zoning Code for the district in which the subdivision or development is located. For improvements within a subdivision, multi-family development, or non-residential development:

(a) Land for rights-of-way for all local streets within the subdivision or development and for all secondary or major streets within or along the boundary of the subdivision or development shall be dedicated by the developer and all easements shall be provided. See Chapter 1181, Vehicular and Pedestrian Circulation.

(b) Utilities shall be furnished and installed as hereinafter required and they shall be of such sizes and capacities as are required for the proposed development or subdivision. See Chapter 1183, Utility Regulations. (Ord. 2006-49. Passed 5-21-07.)

1113.05 PERFORMANCE GUARANTEE.

(a) Guarantees. The developer shall execute financial guarantees and shall file such financial guarantees with the City prior to approval of a development plan or certification of a final plat, if the applicant does not propose to construct the required public improvements or private street prior to receiving certification of the final plat or approval of the development plan. Such guarantees may be in the form of an irrevocable letter of credit or a certified check.

(b) Terms. The terms of such guarantees shall be determined by the Law Director with confirmation by the City Engineer.

(c) Amount of Guarantee. The financial guarantees shall be in an amount equal to the estimated total costs of materials and labor required to install or construct the improvements. The City Engineer shall determine such costs. When any portion of the improvements has, upon inspection, been found satisfactorily completed, a reduction in the bonds or partial withdrawal of funds equal to the estimated costs of such completed improvements may be authorized.

(d) Agreements.

(1) Where the subdivider chooses to post a performance guarantee in lieu of completion of those physical improvements shown on the approved engineering plan and/or final plat in order to allow recordation prior to completion and acceptance of all required public improvements, he or she shall enter into a subdivision agreement, approved as to content and form by the City's Law Department, with the City prior to approval of the final plat by the Planning Commission. The City shall provide to the subdivider a sample subdivision agreement during review of the final plat.

(2) When an applicant for a development plan is required by Title Five to construct the improvements shown on an approved development plan, the applicant shall enter into an agreement, approved as to

content and form by the City's Law Department, with the City prior to approval of the development plan.
(Ord. 2006-49. Passed 5-21-07.)

1113.06 STREET, UTILITY AND IMPROVEMENTS MAINTENANCE.

The developer shall guarantee the construction and materials of the street and utility improvements for a two-year period after acceptance by the City. In order to secure the guarantee, the developer shall deposit an amount equal to 50% of the total cost of the construction of the street and utility improvements as determined by the City Engineer. The deposit shall be in the form of a bond, with the developer as principal and with a surety company authorized to do business in the State of Ohio; a certified check; or an irrevocable letter of credit. The deposit shall be in a form acceptable to the Law Director. (Ord. 2006-49. Passed 5-21-07.)

1113.07 INSURANCE.

The developer shall agree to indemnity and hold harmless the City against and from any and all loss, cost, damage, liability, and expense on account of damage to property of, or injury to or death of, the parties or a third person caused by or in any way whatsoever attributable to the construction of the improvements and the use of streets delineated on a subdivision plat/plan or a development plan during construction. The developer shall further agree, but without limiting its liability to indemnify the City, to carry liability insurance contracts in an amount determined by the City for injury to or death of persons, and for damage to or destruction of property, which insurance contracts shall include the City as a named insured. The developer shall further agree to maintain on file with the City during the period of such construction, certificates or memoranda of insurance evidencing that such insurance contracts are in force.
(Ord. 2006-49. Passed 5-21-07.)

1113.08 FAILURE TO COMPLETE IMPROVEMENTS.

In the event the developer fails to diligently pursue the work or complete the installation of all land improvements according to the terms and conditions of the agreement, the City, after giving notice which it deems reasonable under the particular circumstances, may complete the same and appropriate such portion of money or bonds posted for the faithful performance of such work. (Ord. 2006-49. Passed 5-21-07.)

1113.09 CONSTRUCTION.

(a) The utilities and other improvements required and deemed necessary in the public interest to provide essential services and access to a lot shall have been installed, in conformity with the provisions of this Planning and Zoning Code, before the issuance of a building permit for construction upon a lot.

(b) No owner or agent of the owner of any land shall be entitled to a permit for the installation of wells and septic tanks upon any lots in a subdivision for which a plat has not been approved, certified, and recorded in the manner prescribed in Chapter 1109, Subdivision Procedures.
(Ord. 2006-49. Passed 5-21-07.)

1113.10 TRANSFER OF LAND BEFORE RECORDING.

No owner or agent of the owner of any land located within a subdivision shall transfer, sell, agree to sell or negotiate to sell any land by reference to, exhibition of or by the use of a plan or plat of a subdivision before such plat has been approved, certified, and recorded in the manner prescribed in this Planning and Zoning Code. Any sale or transfer contrary to the provisions of this section is void.

The description of such lot, parcel or tract by metes and bounds in the deed of transfer shall not serve to exempt the seller from the penalty provided in Chapter 1117, Enforcement and Penalties. The City may enjoin such sale or agreement by a civil action in any court of competent jurisdiction. (Ord. 2006-49. Passed 5-21-07.)

CHAPTER 1115
Submission Requirements

1115.01	**Intent.**	**1115.09**	**Submission requirements for single-family dwelling zone certificate.**
1115.02	**Number of copies of documents to be submitted.**	**1115.10**	**General development plan submission requirements.**
1115.03	**Waiver of submittal requirements.**	**1115.11**	**Final and minor development plan submission requirements.**
1115.04	**Contents of concept plan documents.**	**1115.12**	**Conditional use submission requirements.**
1115.05	**Contents of preliminary plan documents.**	**1115.13**	**Submission requirements for variance requests.**
1115.06	**Contents of final plat documents.**	**1115.14**	**Submission requirements for a zoning amendment.**
1115.07	**Contents of engineering plans/construction drawings.**	**1115.15**	**Submission requirements for a Traffic Impact Study.**
1115.08	**Contents of minor subdivision documents.**		

1115.01 INTENT.

The intent of this Chapter is to provide guidance on the type of documents and information to be submitted to the City of Wooster in order to receive approval for subdivision and development proposals as well as a conditional use, variance, zoning amendment, and appeals requests. (Ord. 2006-49. Passed 5-21-07.)

1115.02 NUMBER OF COPIES OF DOCUMENTS TO BE SUBMITTED.

With respect to all plans, plats and other documents required in these Submission Requirements set forth in Sections 1115.04 through 1115.15, the applicant shall submit the number of copies as determined by the Zoning Administrator.
(Ord. 2006-49. Passed 5-21-07.)

1115.03 WAIVER OF SUBMITTAL REQUIREMENTS.

The Zoning Administrator may waive any of the submittal requirements in this Chapter if, in his or her opinion, and based on recognized planning or engineering principles and in an effort to achieve the goals of this Chapter, they are unnecessary to determine compliance with appropriate codes and ordinances. Such waiver shall not be construed to authorize the reduction or waiver of any standard, regulation, or required improvement. (Ord. 2006-49. Passed 5-21-07.)

1115.04 CONTENTS OF CONCEPT PLAN DOCUMENTS.

It is the intent of these regulations that the concept plan shall generally indicate overall design of the proposed subdivision. Information submitted should be comprehensive enough to enable the Planning Commission to understand the existing site and concept for the proposed subdivision. The information submitted shall include the following:

(a) Completed Application Form along with the application fee.

(b) Vicinity Map indicating the location of the site in the city and the general location of adjacent principal thoroughfares and existing community facilities, shopping centers, manufacturing establishments, and residential developments, if applicable.

(c) Map of Existing Conditions and features drawn to scale, with accurate boundaries of the entire project and a north point, including the property proposed for development and 100 feet of the property immediately adjacent or any adjacent right of way indicating:

(1) Existing public improvements, permanent facilities, easements, and property boundaries;

(2) General indication of existing structures on the site and abutting properties;

(3) Physical features and natural conditions of the site including the location of substantial tree masses and wetlands;

(4) General topography; as shown on aerial topography or other similar source;

(5) Existing zoning district boundaries and jurisdictional boundaries;

(6) Areas subject to flooding; and,

(7) Existing public and private utility systems.

(d) The Concept Plan Map, drawn to scale with accurate boundaries of the entire project, a title, and a north arrow, including the property proposed for development and 100 feet of the property immediately adjacent or any adjacent right of way and should include:

(1) The name, address, and phone number of the property owner, developer, and the Ohio licensed/registered professional preparing the concept plan;

(2) Depiction of use areas, including open space areas, indicating the approximate acreage by land use;

(3) The location of any lands to be dedicated to any public agency;

(4) The general vehicular circulation pattern on the site;

(5) The tentative lot arrangement; and,

(6) The relationship of the proposed project to the surrounding area. (Ord. 2006-49. Passed 5-21-07.)

1115.05 CONTENTS OF PRELIMINARY PLAN DOCUMENTS.

The preliminary plan shall be prepared in accordance with the requirements set forth below and shall be submitted to the Zoning Administrator. Where the preliminary plan covers only part of the subdivider's entire holding, a concept plan of the entire

holding shall be submitted in order to consider the proposed subdivision's connections with the road system of the part not submitted.

(a) Completed Application Form along with the application fee.

(b) Form. The preliminary plan shall be drawn at a scale of not less 1"=100'and shall be on one or more sheets, with dimensions which are multiples of six (6) inches in either direction.

(c) Identification. Each map and accompanying data shall contain the proposed name of the subdivision. The name shall not approximate, phonetically or otherwise, the name of any other subdivision in the City or in Wayne County. Each map shall include a north point, scale, and date. All documentation shall contain the names and addresses of owner, developer, and the engineer or other licensed/registered professional who prepared the documentation, and the preparation date and any dates of revision thereto.

(d) Contents. The information required for the preliminary plan and accompanying information shall include:

(1) Vicinity Map. A vicinity map at a scale of not less than 1"=1000' showing the relationship of the subdivision to its surroundings within one-half (1/2) mile.

(2) Existing Conditions. A map(s) indicating the following existing conditions.

A. Boundaries (indicated by a heavy, solid line), dimensions and acreage of the tract to be subdivided.

B. Identification of adjacent subdivisions and adjacent parcels within 200 feet of the proposed subdivision with boundary lines shown by dashed lines and including the names of adjacent subdivisions and owners of the adjacent parcels.

C. Zoning classification of the proposed subdivision and adjoining properties and a description of proposed zoning changes if any.

D. The existing use(s) on the subject property and adjacent land.

E. Location, widths, types, and names of all existing parks and other public open spaces, permanent buildings, structures, parking areas, section, and corporation lines, on and within 200 feet of the tract.

F. The locations, widths, and names of existing streets, railroad rights- of-ways, easements, sidewalks, legally established centerlines, and any other public right-of-way.

G. Existing sanitary and storm sewers, water mains, culverts, gas lines, fire hydrants, electric and telephone poles, street lights, cable televisions lines or other underground items within the tract or immediately adjacent thereto, with pipe sizes, grades, elevations, and locations indicated. If water mains and sewers are not on or adjacent to the tract, the

direction, distance and size of those nearest shall be indicated.

H. Contours at two-foot intervals of the tract and adjacent properties within 200 feet of the tract.

I. Streams, drainage ditches, ponds, swamps, marshes, wetlands and other boundaries of flood plains, the tree line of wooded areas, rock outcroppings and other significant features.

(3) Proposed Conditions. A map(s) illustrating the following details pertaining to the proposed subdivision.

A. Boundaries (indicated by a heavy, solid line), dimensions and acreage of the proposed subdivision.

B. Layout, numbers, and approximate dimension of lots.

C. Building setback lines along all streets, with dimensions noted.

D. A statement of the proposed use(s) of lots, giving the type and number of dwelling units and the type of business or industry.

E. Preliminary layout and cross section of streets, including names and right-of-way widths of existing and proposed streets, and widths of any alleys, sidewalks, crosswalks, the location, width and purpose of any easements.

F. Location and size of proposed utility mains, showing their connections with the existing systems.

G. Parcels of land intended to be dedicated and/or temporarily reserved for public use, the acreage of each parcel, and the conditions of such dedication or reservation.

H. A preliminary stormwater plan and calculations to demonstrate compliance with the City's current regulations.

I. Preliminary Grading Plan.

J. General phasing of the development, indicating construction and development of any common open space and recreation facilities. The preliminary plan shall include the proposed general layout for the entire area. The part that is to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development that the subdivider intends to follow. Each subsequent preliminary plan shall follow the same procedure until the entire area controlled by the subdivider is subdivided.

K. For multi-family; cluster; and nonresidential uses, the location, dimensions and approximate grade of the proposed parking and loading areas, alleys, sidewalks, and points of vehicular ingress to and egress from the development and the tentative lot arrangement.

(4) General Information. The following additional information shall be provided.

A. Legal description, tract designation and other description according to the real estate records of the tax-map office.

B. Highways or other major improvements planned by public authorities for future construction on or near the tract.

C. A general description of any proposed covenants and restrictions.

D. Any state or federal wetland development permits that have been obtained authorizing development of wetlands on the site.

E. A traffic study, if applicable per Section 1181.07 (c), which includes all of the elements required by Section 1115.15, Submission Requirements for a Traffic Impact Study. (Ord. 2006-49. Passed 5-21-07.)

1115.06 CONTENTS OF FINAL PLAT DOCUMENTS.

The final plat documents shall be prepared in accordance with the requirements set forth below and shall be submitted to the Zoning Administrator:

(a) Completed Application Form along with the application fee. For Planned Developments, the applicant shall also submit a final development plan for simultaneous review per Section 1145.02 (e).

(b) Table of Contents. Table of contents or other index indicating where each submission requirement is located within the application package (page number of narrative or drawing).

(c) Final Plat, drawn at a scale of 50 feet or less to the inch from an accurate survey and on one or more sheets. A licensed surveyor shall prepare the final plat. The final plat shall include:

(1) Title and description of property subdivided, showing its location and extent, point of compass, scale of plan, and name of subdivider and certificate of an Ohio registered/licensed land surveyor that the plan represents a survey made by him/her and that the results of the survey are correctly shown thereon and that the monuments shown actually exist.

(2) The boundaries of the property with accurate distances and bearings and the lines and extent of all proposed streets with their width and names and any other areas intended to be dedicated to public use.

(3) The lines of adjoining streets and alleys, with their widths and names.

(4) All lot lines and easements with their dimensions.

(5) Indication of the boundaries of the original parcel(s) and all lots subdivided from the original tract within the last 10 years.

(6) All linear and angular dimensions necessary for locating boundaries of the subdivided area, including lots, streets, alleys, easements, building line setbacks, open space, and any other

similar public or private areas. The linear dimensions shall be expressed in feet and decimals of a foot.

(7) Radii, arcs, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners.

(8) Lot lines, lot numbering, and lot acreage for all parcels to be created.

(9) The accurate outline and acreage of any property that is offered for dedication for public use.

(10) A tabulation showing the amount of right-of-way to be dedicated.

(11) The statements whereby the subdivider certifies the accuracy of the subdivision, that he/she causes the land to be platted and that he/she dedicates to public use the streets, parks and other land indicated on the plat as intended for public use, with appropriate space for signature of the subdivider and notary.

(12) Space for approval by the Wayne County Department of Health, if applicable.

(13) Space reserved for any "Notifications For Future Property Owners", as determined by the City during the final plat approval process.

(d) Topographic Maps showing existing and proposed grading contours, water courses, wetlands and flood plains;

(e) Final landscaping and screening plans, if applicable;

(f) Engineering Plans/Construction Plans for all public improvements, site grading, and required development practices specified in Section 1115.07 below. These plans should be submitted to the City Engineer.

(g) Ownership. The ownership interests of the subject property, including liens and easements, and the nature of the developer's interest if not the owner.

(h) Certification Block for the City Engineer and the Zoning Administrator. Certification block for the City Engineer and the Zoning Administrator as required by Section 1109.07 (c), if applicable.

(i) Covenants, Easements and Restrictions.

(1) The substance of covenants, grants of easements, or other restrictions which will be imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities; and proper acknowledgment of owners and/or holders of mortgages accepting such restrictions.

(2) For projects that include any area for common use of or to be maintained by multiple property owners, the association's bylaws or code of regulations, which shall comply with the provisions in Section 1125.12, Requirements of Owners Associations. The provisions and authority for any Architectural Review that may control any aspect of the project beyond the City's regulations must also be included, if architectural standards were approved as part of a development. (Ord. 2013-44(a). Passed 12-16-13)

1115.07 CONTENTS OF ENGINEERING PLANS/CONSTRUCTION DRAWINGS.

Construction plans shall be prepared and sealed by a registered professional engineer licensed by the State of Ohio and be in accordance with the construction and material specifications of the City of Wooster. Engineering plans, construction drawings, and specifications shall be based on actual field survey topography and shall include the following:

(a) General information:
- (1) Name of subdivision
- (2) True, record, or grid north (identified as such)
- (3) Scale of drawing
- (4) Number of sheets
- (5) Name and address of person and firm preparing plat
- (6) Approval block providing for signature and date by City Engineer
- (7) Vicinity map indicating adjoining roads and road names, and at a scale not smaller than 1" = 2000'
- (8) Date drawing prepared, and revision dates

(b) General notes:
- (1) Name and address of owner and developer
- (2) Address and tax parcel number of property to be subdivided
- (3) Zoning district
- (4) Number of lots
- (5) Total area of subdivision
- (6) A statement saying: "No building permit shall be issued until the public street construction, including paving, is completed and approved by the City of Wooster."
- (7) Means of providing water and sewer service to each lot (well or public water, etc.)

(c) Street information:
- (1) Plan and profile of all streets
- (2) Vertical and horizontal curve data for all streets
- (3) Stopping sight distance and headlight sight distance
- (4) Typical section of all streets including pavement structure proposed and typical grading and trail or sewer and water development
- (5) Signalization, turn lanes, and other related features, if applicable

(d) Stormwater management information:
- (1) Engineering calculations establishing pre- and post-development runoff for the subdivision
- (2) Detention facility calculations establishing the adequacy of proposed measures and downstream channels
- (3) Erosion and sediment control plan and narrative
- (4) Plan and profile and grading of a typical section of proposed detention facilities

(e) Drainage information:

(1) Plan and profile of all proposed street drain pipes and channels identifying all inlets, specifying material type and size, with design of invert and top elevation
(2) Existing and proposed easements
(3) Watercourses, springs, and other natural drainage features

(f) Water supply information:
(1) Plan and profile, including material, size, cover and utility crossings, of existing and proposed water mains
(2) Existing and proposed hydrants, valves and other associated features
(3) Existing and proposed service laterals and meter locations
(4) Existing and proposed easements
(5) Fire flow and water pressure calculations

(g) Sanitary sewer information:
(1) Plan and profile, including material, size, cover, grade, structures, invert, top elevation and utility crossings
(2) Existing and proposed service laterals and clean out locations
(3) Existing and proposed easements
(4) Downstream sewer capacity analysis
(5) Lowest floor elevation sewerable by gravity on each lot

(h) Other information:
(1) Information, details or design as necessary to demonstrate or achieve compliance with the standards of this Planning and Zoning Code.
(2) Existing and proposed topographic lines at 2' intervals

(i) Standard notes:
(1) All construction will be in accordance with City of Wooster's standards and specifications
(2) All utilities will be visually inspected by the City's inspector prior to backfilling trenches
(3) Pavement work within the right-of-way requires the following inspections:
A. Subgrade prior to placement of base stone
B. Base stone prior to placement of pavement
C. Pavement
(4) The developer/owner is responsible for tapping existing water lines for main extensions or laterals at the owners' expense; and the City will provide a standard meter at the owner's expense, under the supervision of a City Inspector.
(5) A pre-construction meeting will be held prior to beginning construction
(6) The contractor shall plug with an angle wing nut test plug the connection of proposed to existing sanitary sewer prior to extending the sanitary sewer. The plug shall be maintained in place until such time as the sewer is completed, inspected and accepted by the City. Failure of the contractor to appropriately install and

maintain this plug shall cause him to be liable for any resulting blockages or repairs to the existing sewer.
(Ord. 2006-49. Passed 5-21-07.)

1115.08 CONTENTS OF MINOR SUBDIVISION DOCUMENTS.

A minor subdivision shall be prepared in accordance with the requirements set forth below and shall be submitted to the Zoning Administrator. The information submitted shall include the following, submitted on a sheet no smaller than legal size (8 ½" by 14") and drawn to a scale no larger than 1" = 200' so as to be clear and legible:

(a) The application fee.

(b) A survey and a plat signed and sealed by a professional surveyor licensed/registered to make surveys in Ohio. A written legal description of the property and for each lot being created or lot line being relocated.

(c) A map indicating the drainage of the property and any watercourses on the property.

(d) Required statements, in not less than 12 font size:

(1) Certificate or Ownership.

I hereby certify that I am the owner of the property described hereon, which property is within the subdivision regulation jurisdiction of the City of Wooster, and that I freely adopt this plat of subdivision.

_____ _____
Date: Owner:

(2) Certificate of Approval.

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in all respects in compliance with this Planning and Zoning Code and that therefore this exhibit has been approved by the Zoning Administrator and the City Engineer subject to its being recorded in the office of the Wayne County Recorder within 90 days of the date below.

_____ _____
Date: Zoning Administrator

_____ _____
Date: City Engineer

(e) Any additional conditions as imposed by the Zoning Administrator and/or the City Engineer.
(Ord. 2006-49. Passed 5-21-07' Ord. 2012-24. Passed 8-20-12.)

1115.09 SUBMISSION REQUIREMENTS FOR SINGLE-FAMILY DWELLING ZONING CERTIFICATE.

An application for a zoning certificate for the construction or alteration of a single-family dwelling or use accessory thereto shall include the items set forth below and shall be submitted to the Zoning Administrator:

(1) The completed application form.

(2) One copy of a general vicinity map.

(3) A plot plan showing the following. Such plans shall be legibly drawn to scale and shall be based on an accurate survey.

A. Zoning District.

B. Property boundary lines and the exact dimensions and area of the lot to be built upon or utilized.

C. Right-of-way of adjacent streets.

D. Location, dimensions, height, and bulk of all structures to be erected or altered.

E. The existing and intended use(s) of all land, buildings, and structures.

F. Dimensions of yards, driveways, and parking areas.

G. Location and use of buildings and adjoining lots within 10 feet of all property lines.

H. Location and dimension of any easements and use of the easement.

I. Lot numbers of the concerned and abutting properties.

J. Each plan shall bear statements declaring that no part of the land involved in the application has been previously used to provide required setbacks or lot area for another structure.

K. Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.

L. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Planning and Zoning Code. (Ord. 2006-49. Passed 5-21-07.)

1115.10 GENERAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS.

An application for general development plan review shall include a plan for the entire area of the proposed project and shall be submitted to the Zoning Administrator. The general development plan shall be drawn to an appropriate scale and shall include:

(a) The completed application form, along with the application fee.

(b) The location of all existing structures and access points.

(c) The general location of existing buildings, parking areas and access drives on parcels within 200 feet of the site;

(d) The general location of all proposed construction including buildings and structures, parking areas, and access points.

(e) The location of existing and proposed topography, major vegetation features, and wooded areas;

(f) The general layout of the proposed internal road system, indicating the proposed vehicular right-of-way of all proposed public streets and pedestrian circulation.
(g) The general location of common open space.
(h) A summary table showing total acres of the proposed development, the number of acres devoted to each type of land use including streets and common open space, and the number of proposed dwelling units by type; and,
(i) Other documentation needed for the evaluation of the general development plan as may be needed to evaluate the general concept of the proposed development. (Ord. 2006-49. Passed 5-21-07.)

1115.11 FINAL AND MINOR DEVELOPMENT PLAN SUBMISSION REQUIREMENTS.

An application for final development plan review shall be required for each phase of development. The application shall include the maps, plans, designs, and supplementary documents itemized below and shall be submitted to the Zoning Administrator. The final/minor development plan shall be drawn to an appropriate scale and shall include:

(a) The completed application form, along with the application fee for final development plans.
(b) An accurate, legal description prepared or certified by a registered/licensed surveyor of the State of Ohio;
(c) A property location map showing existing property lines, easements, utilities, and street rights-of-way;
(d) A final/minor development plan, prepared by a qualified professional and drawn to an appropriate scale, indicating the following:
    (1) Use, location, and height of existing and proposed buildings and structures;
    (2) Location of all public rights-of-way, private streets, parking areas, and access drives;
    (3) Location of common open space, if applicable;
    (4) Location and configuration of vehicular circulation including off-street parking and loading areas; the arrangement of internal and in-out traffic movement including access roads and drives; lane and other pavement markings to direct and control parking and circulation; the location of signs related to parking and traffic control; and the configuration of pedestrian circulation throughout the site;
    (5) Location of proposed and existing structures including fences, walls, signs, and lighting;
    (6) Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles;
    (7) Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management;

(8) Dimensions of all buildings, setbacks, parking areas, drives and walkways;

(e) Topographic maps showing existing and proposed grading contours and major vegetation features including existing trees over six inches in diameter, wooded areas, wetlands, and other environmental features;

(f) Preliminary architectural plans for the proposed development or use showing exterior elevations and building floor plans, site construction materials, prepared and certified by an Ohio professional engineer, architect, or surveyor;

(g) A sign concept plan, if required pursuant to Section 1171.08 (i); (Ord. 2014-24. Passed 10-20-14.)

(h) A traffic impact study if required pursuant to Section 1181.07 (c);

(i) Proposed landscaping and screening plans indicating the description of the location and nature of existing and proposed vegetation, landscaping, screening elements and any existing trees to be removed;

(j) Summary table showing total acres of the proposed development, the number of acres devoted to each type of land use including streets and common open space, and the number of proposed dwelling units by type;

(k) An exterior lighting plan pursuant to Section 1167.03; and

(l) Other information necessary for the evaluation of the final/minor development plan as deemed necessary by the Zoning Administrator. (Ord. 2013-44(a). Passed 12-16-13)

1115.12 CONDITIONAL USE SUBMISSION REQUIREMENTS.

An application for a conditional use shall be submitted to the Zoning Administrator and shall include the items set forth below:

(a) Completed application form along with the application fee.

(b) A development plan and associated documents as required by Section 1115.10, if applicable, and Section 1115.11. (Ord. 2013-17(b). Passed 6-3-13.)

1115.13 SUBMISSION REQUIREMENTS FOR VARIANCE REQUESTS.

An application for a variance shall be filed with the Zoning Administrator for review by the Board of Building and Zoning Appeals upon the forms provided, and shall be accompanied by the following requirements necessary to convey the reason(s) for the requested variance: (Ord. 2009-27. Passed 10-19-09.)

(a) Name, address, and phone number of applicant(s);

(b) Proof of ownership, legal interest, or written authority;

(c) Legal description of property or portion thereof;

(d) Identification of the zoning district in which the property is located.

(e) Description or nature of variance requested;

(f) Narrative statements establishing and substantiating the justification for the variance pursuant to the applicable criteria in Section 1111.09 (c);

(g) A plan, neatly and legibly drawn to adequately depict the information showing the following, where applicable:

(1) The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
(2) The name of the subject plan, if any, and the lot numbers of the subject and abutting properties.
(3) The actual dimensions of the lot, the setbacks and other open space dimensions thereof and the location and size of any existing structure thereon.
(4) The location and size of the proposed structure, and/or the proposed enlargement and existing structure.
(5) The location and size of the parking area and the circulation layout.
(6) The proposed landscaping, signs, and any other uses on the property.
(7) An elevation drawing for any proposed new structures or major additions.
(8) Any other information, including but not limited to floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance, which, in the judgment of the Zoning Administrator, may be necessary to provide for the enforcement of this Code.

(h) Payment of the application fee;
(i) Any other documents deemed necessary by the Zoning Administrator. (Ord. 2013-17(b). Passed 6-3-13.)

1115.14 SUBMISSION REQUIREMENTS FOR A ZONING AMENDMENT.

Applications for proposed amendments shall contain at least the following information:

(a) The name, address and phone number of the applicant and the property owner if other than the applicant;
(b) A statement of the reason(s) for the proposed amendment;
(c) A statement on the ways in which the proposed amendment relates to the Comprehensive Plan;
(d) The payment of the application fee;
(e) Amendments to the Zoning Map adopted as part of this Planning and Zoning Code shall contain the following additional information:
(1) Legal description of the parcel(s) to be rezoned, drawn by an Ohio registered/licensed surveyor;
(2) Present use and zoning district;
(3) Proposed use and zoning district;
(4) A vicinity map at a scale approved by the Zoning Administrator showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Administrator may require;
(5) Existing topography at two-foot contour intervals of the property to be rezoned and extending at least 250 feet outside the proposed

site, and including property lines, easements, street rights-of-ways, existing structures, trees and landscaping features existing thereon. (Ord. 2013-17(b). Passed 6-3-13.)

1115.15 SUBMISSION REQUIREMENTS FOR A TRAFFIC IMPACT STUDY.

Traffic Impact Studies shall include the "Traffic Impact Study Requirements" found in the Ohio Department of Transportation's State Highway Access Management Manual, current edition. The person preparing the Traffic Impact Study shall have a degree or specific professional training in the preparation of Traffic Impact Studies, have at least three (3) years of recent experience in preparing such Studies, and be a registered engineer (PE) or a planner with an AICP certification. (Ord. 2006-49. Passed 5-21-07.)

CHAPTER 1117
Enforcement and Penalties

1117.01	**Enforcement by Zoning Administrator.**	**1117.05**	**Complaints regarding violations.**
1117.02	**Construction and use shall be as approved.**	**1117.06**	**Inspection of property.**
1117.03	**Violations.**	**1117.07**	**Stop Work Order.**
1117.04	**Violation considered a nuisance.**	**1117.08**	**Notice of violation.**
		1117.09	**Permit revocation.**
		1117.10	**Penalties.**

1117.01 ENFORCEMENT BY ZONING ADMINISTRATOR.

The provisions of this Planning and Zoning Code shall be administered and enforced by the Zoning Administrator or his/her designee.
(Ord. 2006-49. Passed 5-21-07.)

1117.02 CONSTRUCTION AND USE SHALL BE AS APPROVED.

Zoning certificates issued by the Zoning Administrator on the basis of approved plans and applications authorize only the use and arrangement set forth in such approved plans and applications, or amendments thereto. Use, arrangement or construction contrary to that authorized shall be deemed a punishable violation of this Planning and Zoning Code. (Ord. 2006-49. Passed 5-21-07.)

1117.03 VIOLATIONS.

It shall be unlawful to:

(a) Use or occupy any land or place; build, erect, alter, remodel, restore, or rebuild thereon any building or structure; permit any building or structure to remain on such land; or use, occupy, or operate such building or structure, in any way or for any use or purpose which is not permitted by the provisions of this Planning and Zoning Code; or

(b) Use or occupy any parcel of land; use or occupy a new building; or enlarge, substitute, or otherwise change the use, occupancy, or configuration of any land or building, without having received a zoning certificate, conditional use certificate, certificate of zoning compliance or subdivision plat approval indicating compliance with the provisions of this Planning and Zoning Code; or

(c) Aid, assist, or participate with any person in placing, building, erecting, altering, remodeling, restoring, or rebuilding any building or structure that is not permitted by the provisions of this Planning and Zoning Code; or

(d) Violate or fail to perform any condition, stipulation or safeguard set forth in any certificate issued pursuant to this Planning and Zoning Code, or

continue to use or occupy the premises or building as previously authorized by such certificate beyond the duration limit therein stated; or

(e) Continue construction, renovation, or improvements contrary to a Stop Work Order or Notice of Violation; or

(f) Refuse to permit the Zoning Administrator to enter any premises in the City to investigate a reported violation of the provisions of this Planning and Zoning Code, or refuse or fail to furnish to such Zoning Administrator a statement as to the number of persons occupying such premises; or

(g) Knowingly make any materially false statement of fact in an application to the Zoning Administrator for a zoning certificate, conditional use certificate, certificate of zoning compliance, or subdivision plat approval or in the plans or specifications submitted to the Zoning Administrator in relation to such application; or

(h) Subdivide land in a manner contrary to the standards and regulations contained in this Planning and Zoning Code; or,

(i) Sell land that has not been subdivided in accordance with the regulations in this Planning and Zoning Code. (Ord. 2006-49. Passed 5-21-07.)

1117.04 VIOLATION CONSIDERED A NUISANCE.

Any building erected, altered, moved, razed or converted, or any use of land or premises carried on in violation of any provision of this Planning and Zoning Code may be declared to be a nuisance. Any building or land use activity considered to be a possible violation of any provision of this Planning and Zoning Code that is observed by any City official shall be reported to the Zoning Administrator. (Ord. 2006-49. Passed 5-21-07.)

1117.05 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this Planning and Zoning Code occurs, or is alleged to have occurred, any person may file a complaint. Such written complaints shall fully state the causes and basis of the complaint and shall be filed with the Zoning Administrator. (Ord. 2006-49. Passed 5-21-07.)

1117.06 INSPECTION OF PROPERTY.

The Zoning Administrator may inspect any building erected, altered, moved, razed or converted, or any use of land or premises carried on in alleged violation of any of the provisions of this Planning and Zoning Code. (Ord. 2006-49. Passed 5-21-07.)

1117.07 STOP WORK ORDER.

Subsequent to a determination that construction work is being done contrary to this Planning and Zoning Code, the Zoning Administrator, or his or her designee, shall issue a stop work order and post it on the premises involved. No additional work shall be done on the premises involved until the stop work order has been removed by the Zoning Administrator. Removal of a stop work order, except by the order of the Zoning Administrator or designated agent, shall constitute a punishable violation of this Planning and Zoning Code. (Ord. 2006-49. Passed 5-21-07.)

1117.08 NOTICE OF VIOLATION.

Upon finding a violation, the Zoning Administrator shall order, in writing, the owner, agent, occupant or operator of such building or premises to correct, within a stated reasonable time, all conditions that are found to be in violation of this Planning and Zoning Code. After such a notice is served, no work, except to correct the violation or comply with the notice shall proceed on any building or premises included in the violation. (Ord. 2006-49. Passed 5-21-07.)

1117.09 PERMIT REVOCATION.

The Zoning Administrator may issue a revocation notice to revoke a permit, certificate, or administrative approval that was issued contrary to this Planning and Zoning Code or based upon false information or misrepresentation in the application. (Ord. 2006-49. Passed 5-21-07.)

1117.10 PENALTIES.

(a) Failure to correct the conditions in violation with the provisions of this Planning and Zoning Code, as ordered by the Zoning Administrator, shall constitute a misdemeanor. Upon conviction of such violations, the responsible person or party shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or imprisoned for not more than six months or both. Each day such violation continues shall be deemed a separate offense. Any other person, who commits, participates in or assists in the continuation of said violation may each be found guilty of a separate offense and suffer the penalties provided.

(b) The following additional penalties shall apply to violations against the Subdivision Regulations set forth in this Planning and Zoning Code including but not limited to those regulations in Chapter 1109, Subdivision Procedures, Chapter 1113, Scheduling and Assurances for Completion and Maintenance of Improvements, and the applicable chapters in Title Five:

(1) Whoever violates any rule or regulation set forth in this Planning and Zoning Code for the purposes of setting standards and requiring and securing the construction of improvements within a subdivision, or fails to comply with any order pursuant thereto, shall forfeit and pay not less than one hundred dollars ($100.00) nor more than one thousand ($1,000.00). Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas by the City's Law Department.

(2) Whoever, being the owner or agent of the owner of any land within the City of Wooster's jurisdiction, transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the Office of the County Recorder, shall forfeit and pay the sum of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) for each lot, parcel or tract of land so sold. The description of such lot, parcel or tract of land by metes and bounds in the deed and transfer shall not serve to exempt the seller from

the forfeiture provided in this Section. Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas by the City's Law Department.

(3) Any person who disposes of or offers for sale or lease any lot or any part of a lot in a subdivision before provisions of the applicable Subdivision Regulations in this Planning and Zoning Code are complied with, shall forfeit and pay the sum of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) for each lot or part of the lot so sold or offered for sale or lease. Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas by the City's Law Department. (Ord. 2006-49. Passed 5-21-07.)

CHAPTER 1119
Amendments

1119.01	**Authority for amendments.**	**1119.06**	**Amendments to text.**
1119.02	**Initiation of zoning amendments.**	**1119.07**	**Amendments to change zoning districts or zoning classifications of properties.**
1119.03	**Amendments initiated by property owners.**	**1119.08**	**Recommendation by the Planning Commission.**
1119.04	**Amendment initiated by the Planning Commission or the City Council.**	**1119.09**	**Public hearing and notice by City Council.**
1119.05	**Public hearing and notice by Planning Commission.**	**1119.10**	**Action by City Council.**

1119.01 AUTHORITY FOR AMENDMENTS.

The regulations imposed and the districts created under this Planning and Zoning Code may be amended from time to time by ordinance duly enacted by the City Council. No such amendment shall be adopted except in accordance with the procedures specified in Sections 1119.02 to 1119.10, inclusive, of this Planning and Zoning Code.
(Ord. 2006-49. Passed 5-21-07.)

1119.02 INITIATION OF ZONING AMENDMENTS.

Amendments to this Planning and Zoning Code shall only be initiated in one of the following ways:

(a) By the filing of an application by all owners or lessees of property or developers with an option or a signed purchase contract on such property within the area proposed to be changed or affected by said amendment. If the applicant is not the property owner, the property owner shall sign the application.

(b) By the adoption of a motion by the Planning Commission.

(c) By the adoption of a resolution by the City Council.
(Ord. 2006-49. Passed 5-21-07.)

1119.03 AMENDMENTS INITIATED BY PROPERTY OWNERS.

An amendment initiated by at least one owner or lessee of property or a developer with an option or a signed purchase contact on such property within the area proposed to be changed or affected by said amendment shall be submitted and reviewed according to the following:

(a) Discussion with Planning Commission. Prior to submitting an application for an amendment to the Planning and Zoning Code, the applicant may appear before the Planning Commission to informally discuss the proposed amendment. However, no action shall be taken at such a meeting

and no discussions, opinions, suggestions, or recommendations of the Planning Commission shall be relied upon by the applicant to indicate subsequent approval or disapproval of the proposed amendment.

(b) Submission Requirements. An application for a zoning amendment may be obtained in the Division of Planning and Zoning. The application for amendments to both the Zoning Code text and the Zoning Map shall be in such form and contain such information as shall be prescribed from time to time by the Zoning Administrator. The application shall also include the application fee, as set forth in the schedule of fees. For additional submission requirements, see Chapter 1115.

(c) Review for Completeness. The Zoning Administrator or designee shall review the submitted application for completeness and compliance with the applicable submission requirements within twenty (20) days of receipt of such application. If the application is deemed insufficient, the Zoning Administrator or designee shall notify the applicant of the deficiencies and place the application on hold until complete. When the application is determined complete and the application fee has been paid, the Zoning Administrator or designee shall officially accept the application for consideration.

(d) Transmittal to the Planning Commission. After the filing of a completed application by an owner, lessee of property or developer with an option or a signed purchase contract on such property, the Zoning Administrator shall transmit the application to the Planning Commission to begin the adoption process set forth in Sections 1119.04 through 1119.10. (Ord. 2006-49. Passed 5-21-07.)

1119.04 AMENDMENTS INITIATED BY THE PLANNING COMMISSION OR THE CITY COUNCIL.

After the passage of a motion by the Planning Commission or the passage of a resolution by the City Council, the motion or resolution shall be reviewed and considered by the Planning Commission and the City Council according to the process set forth in Sections 1119.05 through 1119.10. (Ord. 2006-49. Passed 5-21-07.)

1119.05 PUBLIC HEARING AND NOTICE BY PLANNING COMMISSION.

Upon the receipt of an application or resolution or upon the passage of a motion, the Planning Commission shall set a date for a public hearing for reviewing the proposed amendment.

(a) Notice of the public hearing shall be given by the Planning Commission according to the following:

(1) Notice of the proposed amendment shall be published at least ten (10) calendar days prior to the date of the required public hearing, in one (1) or more newspapers of general circulation in the City.

(2) If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicates, written notice of the hearing shall be mailed by the Planning Division by first

class mail at least ten (10) calendar days prior to the date of the required public hearing to owners of properties proposed to be rezoned or redistricted and property owners within two hundred (200) feet of the proposed property to be rezoned or redistricted. Notice shall be sent to the address of such owners appearing on the County Auditor's current tax list or the County Treasurer's mailing list. The failure to deliver the notification as provided in this section shall not invalidate any such amendment.

(3) Notices shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that the opportunity to be heard will be afforded to any person interested.

(b) The Commission may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.

(c) During the ten (10) calendar days prior to the public hearing, the text of the proposed amendment, maps or plans, if applicable, shall be on file for public examination in the office of the Planning Division or in such other office as is designated by the Planning Commission.
(Ord. 2014-24. Passed 10-20-14.)

1119.06 AMENDMENTS TO TEXT.

When a proposed amendment would result in a change in the text of this Zoning Code but would not result in a change of zoning classification of any property on the zoning map, the Planning Commission and the City Council shall consider the following items when formulating its decisions:

(a) Whether such change is consistent with the intent and purposes of this Planning and Zoning Code;

(b) Which areas are most likely to be directly affected by such change and in what way they will be affected; and,

(c) Whether the proposed amendment is made necessary because of changed or changing conditions in the areas of zoning districts affected or in the city generally, and, if so, the nature of such changed or changing conditions. (Ord. 2006-49. Passed 5-21-07.)

1119.07 AMENDMENTS TO CHANGE ZONING DISTRICTS OR ZONING CLASSIFICATIONS OF PROPERTIES.

When a proposed amendment would result in a change of zoning classification of any property, the Planning Commission and the City Council should consider whether:

(a) The change in classification would be consistent with the Comprehensive Plan of the City or other adopted plans and policies.

(b) The change in classification would be consistent with the intent and purposes of this Planning and Zoning Code.

(c) The proposed amendment is made necessary because of changed or changing conditions in the area affected, and if so, the nature of such changed or changing conditions.

(d) The uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity. The Planning Commission may suggest conditions and restrictions on the uses that would be permitted on the property if it were reclassified in order to attain compatibility with the uses permitted on other property in the immediate vicinity.

(e) The uses that would be permitted on the property if it were reclassified would have an adverse environmental or health impact on the immediate surrounding area in terms of acceptable air, noise, light, or water quality standards.

(f) Adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.

(g) The amount of vacant land with the same zoning classification as proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, if any, make a substantial part of such vacant land unavailable for development.

(h) The proposed amendment would correct an error in the application of this Planning and Zoning Code as applied to the subject property. (Ord. 2006-49. Passed 5-21-07.)

1119.08 RECOMMENDATION BY THE PLANNING COMMISSION.

(a) After the conclusion of the public hearing required in Section 1119.05, the Planning Commission shall recommend one of the following to City Council, in writing, along with the minutes of the hearing:

(1) That the amendment be granted as requested;

(2) That the amendment be granted as modified by the Planning Commission; or,

(3) That the amendment be denied. (Ord. 2006-49. Passed 5-21-07.)

(b) If the Planning Commission does not make a recommendation on the proposed amendment within sixty (60) days after the public hearing, it shall be deemed that the recommendation of the Planning Commission is that the amendment be denied. (Ord. 2012-35. Passed 12-3-12.)

(c) All recommendations shall also be forwarded to the applicant, as applicable. (Ord. 2006-49. Passed 5-21-07.)

1119.09 PUBLIC HEARING AND NOTICE BY CITY COUNCIL.

Upon receipt of the recommendation from the Planning Commission, Council shall set a time for a public hearing on the proposed amendment.

(a) Notice of the public hearing shall be given by Council according to the following:

(1) Notice of the proposed amendment shall be published at least ten (10) calendar days prior to the date of the required public hearing, in one (1) or more newspapers of general circulation in the City.

(2) If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicates, written notice

of the hearing shall be mailed by the Clerk of Council by first class mail at least ten (10) calendar days before the day of the required public hearing to owners of properties proposed to be rezoned or redistrict and property owners within two hundred (200) feet of the proposed property to be rezoned or redistricted. Notice shall be sent to the address of such owners appearing on the County Auditor's current tax list or the County Treasurer's mailing list. The failure to deliver the notification~~,~~ as provided in this section shall not invalidate any such amendment.

(3) Notices shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that the opportunity to be heard will be afforded to any person interested.

(b) Council may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.

(c) During the ten (10) calendar days prior to the public hearing, the text of the proposed amendment, maps or plans, if applicable, and the recommendation of the Planning Commission shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by Council. (Ord. 2014-24(a). Passed 10-20-14.)

1119.10 ACTION BY CITY COUNCIL.

After the conclusion of the public hearing required in Section 1119.09, Council shall take action on the proposed amendment.

(a) Council's action shall either:

(1) Adopt the recommendation of the Planning Commission;

(2) Deny the recommendation of the Planning Commission; or

(3) Adopt some modification thereof.

(b) Required Vote for Adoption.

(1) When the Planning Commission recommends approval of a proposed amendment, then no such amendment shall be adopted unless approved by a majority vote of the membership of Council.

(2) When the Planning Commission recommends disapproval of a proposed amendment then no such amendment shall be adopted unless approved by a majority vote of the membership of Council.

(c) Any such proposal may be amended prior to the voting thereon by Council without further notice or postponement if such amendment to the proposal is germane to the subject matter thereof and is in accordance with the recommendation of the Planning Commission.
(Ord. 2006-49. Passed 5-21-07.)

(d) If a proposed amendment is not adopted by City Council within 120 days after receiving the recommendation of the Planning Commission, such proposed amendment shall be deemed to have been defeated and denied and shall not thereafter be passed without additional proceedings as provided in Sections 1119.02 through 1119.10.
(Ord. 2012-24. Passed 8-20-12; Ord. 2012-35. Passed 12-3-12.)

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TITLE THREE – Zoning District/Use Regulations

Chap. 1121 Establishment of Districts and Map.
Chap. 1125 General Use Regulations.
Chap. 1129 Agricultural District.
Chap. 1131 Community Facilities District.
Chap. 1133 Single-Family Residential Districts.
Chap. 1134 Cluster Residential Development Regulations.
Chap. 1135. Multi-Family Residential Districts.
Chap. 1137. Manufactured Home Park District.
Chap. 1141. Commercial Districts.
Chap. 1142. Campus, Professional, Research, and Office District
Chap. 1143. Manufacturing Districts.
Chap. 1145. Planned Development Overlay District.
Chap. 1147. Conditional Use Regulations.
Chap. 1149. Nonconforming Uses, Lots, and Structures.

CHAPTER 1121
Establishment of Districts and Map

1121.01 Establishment of districts.
1121.02 Official Zoning Map.
1121.03 Interpretation of district boundaries.

1121.01 ESTABLISHMENT OF DISTRICTS.

In order to carry out the purpose of this Code, the City is hereby divided into the following districts, all of which are designated on the Official Zoning Map by symbols and boundaries. The districts shall be known as:

District	Symbol
Residential Districts	
Suburban Single-Family Residential	R-1
Single-Family Residential	R-2
Traditional Residential	R-T
Attached Single-Family/Townhouse	R-3
Multi-Family Residential	R-4
Manufactured Home Park	R-5

District	Symbol
Commercial Districts	
Office, Institutional	C-1
Neighborhood Business	C-2
Community Commercial	C-3
Central Business	C-4
General Commercial	C-5
Campus - Professional - Research – Office	CPRO
Manufacturing Districts	
Office/Limited Manufacturing	M-1
General Manufacturing	M-2
Urban Manufacturing	M-3
Open Space/Heavy Manufacturing	M-4
Other Districts	
Community Facilities	CF
Planned Development Overlay District	PDOD
Agricultural	AG

(Ord. 2009-07. Passed 3-16-09.)

1121.02 OFFICIAL ZONING MAP.

(a) The boundaries of the districts are shown upon the map designated as the Official Zoning Map. The Official Zoning Map and all of the notations, references and other information shown thereon, are a part of this Code and have the same force and effect as if the Official Zoning Map and all the notations, references and other information shown thereon were all fully set forth or described herein, the original of which is properly attested to and is on file with the Zoning Administrator.

(b) No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Code.

(c) In the event that the Map becomes damaged, destroyed or lost, Council may by ordinance adopt a new official Zoning Map, which shall supersede the prior Map. The new Map may correct drafting or other errors or omissions in the prior Map. (Ord. 2006-49. Passed 5-21-07.)

1121.03 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following rules shall apply:

(a) Where the designation of a boundary line on the zoning map coincides with the location of a street or alley, the centerline of such street or alley shall be construed to be the boundary of such district.

(b) Where the district boundaries do not coincide with the location of streets or alleys, but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.

(c) Where the district boundaries do not coincide with the location of streets, alleys, or lot lines, the district boundaries shall be determined by the use of the scale shown on the Official Zoning Map described in Section 1121.02.

(d) All streets, alleys, public ways, waterways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, public ways, waterways and railroad rights-of-way.

(e) Where the centerline of a street, alley, public way, waterway, or railroad right-of- way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to the centerline.

(f) Whenever any street, alley or other public way is vacated by official action as provided by law, the zoning district adjoining the each side of such public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended.

(g) All uncertainties and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Building and Zoning Appeals according to the rules and regulations that it may adopt.

(Ord. 2006-49. Passed 5-21-07; Ord. 2009-27. Passed 10-19-09.)

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CHAPTER 1125
General Use Regulations

1125.01	**Prohibited uses.**
1125.02	**Permitted obstructions within required setbacks or other related open space.**
1125.03	**Supplementary height regulations.**
1125.04	**Temporary buildings and enclosures and outdoor sales activities.**
1125.05	**Family day care home.**
1125.06	**Home occupations.**
1125.07	**Swimming pools.**
1125.08	**Parking and usage of recreational vehicles, trailers and motor vehicles.**
1125.09	**Lot regulations.**
1125.10	**Reserved.**
1125.11	**Proximity of buildings to existing gas and/or oil wells. (Repealed)**
1125.12	**Requirements for owners associations.**
1125.13	**General district regulations.**
1125.14	**Performance standards.**
1125.15	**Visibility at intersections.**
1125.16	**Garage or yard sales.**

1125.01 PROHIBITED USES.

Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Code and/or the Zoning Map as provided in Chapter 1119 or upon a finding by the Zoning Administrator that a use is substantially similar to a specified permitted or conditional use, as provided for in Section 1107.31, Similar Uses.
(Ord. 2006-49. Passed 5-21-07.)

1125.02 PERMITTED OBSTRUCTIONS WITHIN REQUIRED SETBACKS OR OTHER RELATED OPEN SPACE.

The following are permitted obstructions within required setbacks or other required open space, subject to the height and lot coverage regulations of Title Three and to any other provisions of this Code applicable thereto, provided they are so located that natural light and ventilation are not materially obstructed from the principal building or any adjoining property.

(a) Architectural Features. Architectural features that are attached to the principal building, such as sills, belt-courses, cornices, chimneys, extending not more than one (1) foot into a required setback;

(b) Fixed and Retractable Awnings.

(1) Fixed and retractable awnings and canopies extending not more than two (2) feet into a required setback;

(2) Fixed and retractable awnings and canopies may extend over that portion of the sidewalk which is part of the public right of way in

the C-4, Central Business District only, provided no part of the awning or canopy projects into an alley or alley right-of-way or street or interferes with existing light poles (including attached banner supports) and existing trees and is a minimum of two (2) feet from the inside edge of the street curb or edge of street pavement where no curb exists. If a street is widened and the sidewalk in the public right-of-way is reduced in depth from the curb to the front property line of a lot, all fixed and retractable awnings and canopies, which are closer than two (2) feet from the inside edge of the new street curb or pavement edge shall be removed or be reduced in size to be in compliance with the minimum two (2) feet curb/pavement edge setback regulation.

(c) Window air conditioners extending into the required setback;

(d) Chimneys projecting no more than one (1) foot into a required setback;

(e) Eaves, gutters or downspouts projecting no more than sixteen (16) inches into required setback;
(Ord. 2006-49. Passed 5-21-07.)

(f) Walls and fences as per the requirements of the applicable zoning district;
(Ord. 2013-44(a). Passed 12-16-13)

(g) Unenclosed steps, including fire escapes, may be allowed in the required front, rear or side setbacks, provided, however that steps and/or fire escapes shall be no closer than two (2) feet from the side lot line; and

(h) Unroofed entrance features, such as a platform, landing, steps, terrace or other features such as an unroofed deck not extending above the first floor level of a building, may extend six (6) feet into the required front setback and three (3) feet into the required side setback. A roofed entry, porch, deck, steps, landing, patio, fire escape, terrace or similar roofed structure shall not be permitted to project into any required setback area.
(Ord. 2006-49. Passed 5-21-07.)

1125.03 SUPPLEMENTARY HEIGHT REGULATIONS.

Principal or accessory buildings shall be erected, altered, moved or maintained only in accordance with the maximum height of building regulations as established in Title Three, except that the following structures may be permitted above the aforesaid limitation:

(a) Chimneys, church spires, cupolas, domes, towers, solar collector panels, flag poles, water tanks, radio or television antennae, monuments and other permitted mechanical appurtenances located upon or constructed as an integral part of the main building may exceed the above height regulations.

(b) Governmentally-owned freestanding water tanks, towers, radio or television antennae and flag poles may also exceed the above height regulations. (Ord. 2006-49. Passed 5-21-07.)

1125.04 TEMPORARY BUILDINGS AND ENCLOSURES AND OUTDOOR SALES ACTIVITIES.

(a) Structures for Construction Operations. Temporary structures for construction operations may be permitted in any district if such structures are deemed necessary, provided:

(1) A temporary special permit is issued by the Zoning Administrator, for a period not to exceed eighteen months;

(2) The use of such structures shall be limited to offices; buildings for the storage of lumber, equipment and other building material;

(3) All temporary structures shall be located at least 100 feet from the nearest occupied residential dwelling, where feasible;

(4) A temporary structure for the construction office may be placed on the site no sooner than two weeks before the start of grading or construction;

(5) All temporary structures for construction operations shall be removed within thirty days after the completion of work on the premises for which a permit has been issued or if construction is not pursued diligently.

(b) Subdivision and Apartment Sales and Rental Offices. Subdivision and apartment sales and rental offices may be permitted, providing a temporary special permit is issued by the Zoning Administrator. The temporary permit may be for a period not to exceed two years. In addition:

(1) Such an office shall be incidental to and located within the subdivision which it serves;

(2) Such an office shall continue only until the sale or lease of all dwelling units in the development has been completed, but in no event shall the time exceed two years from the issuance of a special temporary permit.

(c) Temporary Dwellings. A temporary special permit may be issued for a period not to exceed nine months for a temporary dwelling or manufactured home provided:

(1) Such a use shall be allowed only on a lot where a single family detached dwelling is permitted by the provisions of this Code;

(2) Such a use shall be allowed only in a case where a single family dwelling has been destroyed or damaged by fire or other disaster to the extent which makes such dwelling uninhabitable and only when such dwelling is to be rebuilt or replaced;

(3) Occupancy of such a temporary dwelling shall be allowed only if appropriate sanitary facilities are provided as approved by the Health Department and such occupancy shall terminate immediately upon completion of the dwelling on the same lot; but in no event shall the time exceed the limit set forth previously;

(4) Additional conditions and requirements may be deemed necessary by the Zoning Administrator upon review of a particular application for a temporary dwelling, in which event he shall refer the request to the Board of Appeals for its action, and such

temporary permit shall be subject to all such conditions and requirements.

(d) Temporary Outdoor Sales Activities. Temporary outdoor merchandising activities directed at the general public may be allowed as an accessory use in certain commercial zoning districts and on the premises of permitted and conditional uses subject to the requirements of this section. It is the intent of this section to provide for temporary outdoor sales which are distinguished from permanent outside business activities that are permitted or conditional uses in a zoning district.

(1) Definition. Temporary outdoor sales activities include sidewalk sales, inventory reduction or liquidation sales, seasonal merchandise sales, itinerant vendors, and transient produce merchant sales. Seasonal merchandise sales include the sale of plants (also vegetables), flowers, shrubs, trees, mulch, fertilizer, weed killer products, soil, peat moss, lime, small decorative stones, landscape timbers, railroad ties, pumpkins, salt (for ice removal) and similar products, and Christmas trees.

A. Temporary outdoor sales activities shall not include carnivals, festivals, promotional events or any City-sponsored function that may or may not include outdoor sales of food and/or merchandise related to such events.

B. A transient produce merchant sale involves the selling of products of the farm or garden occupied and cultivated by that person on property other than that which the produce is grown.

(2) Standards. The following shall apply to all proposed temporary outdoor sales activities allowed by this section in addition to other applicable building and safety code requirements as determined by the Building Standards Manager, Fire Department and/or City Engineer.

A. Sidewalk sales, inventory reduction sales, liquidation sales, damaged goods sales, and transient produce merchant sales shall not exceed a maximum of 7 consecutive calendar days, per event. Two such outdoor sales activities per calendar year shall be permitted, per property and shall be allowed in a C-2, C-3, C-4 and C-5 District.

B. Seasonal merchandise sales shall not exceed a total of 120 calendar days per year, per property. Only 4 seasonal sales activities per calendar year, per property, shall be permitted. Seasonal merchandise sales shall be permitted in a C-2, C-3, C-4 and C-5 District. Bagged seasonal merchandise, such as mulch, peat moss, soil, fertilizer, decorative stones, lime, sale and other similar goods as well as landscape timbers, railroad ties, bicycles, lawn mowers, tractors, wheel barrows, snow blowers, leaf blowers and other large lawn equipment items which are stored,

displayed and/or sold outdoors shall be located in existing fenced-in areas and/or on walkways immediately adjacent to the principal building.

C. All sales activities, including any temporary structures, tents, and stands, shall not be located within a required setback or public right-of-way, must be in an area that is paved, shall not interfere with parking, sight distance, traffic circulation or emergency vehicle access on-site or upon a public street, alley, sidewalk or other public area within the City, and shall not reduce the required number of parking spaces required to serve principal use(s) on the site.

D. Temporary sales on unpaved, landscaped areas is prohibited.

E. Temporary outdoor sales activities within all temporary structures, tents, stands, under canopies or awnings and in all unroofed areas shall be limited to 10% of the enclosed gross floor area of the principal building on the lot associated with the temporary outdoor sales activity. Existing fenced-in outdoor storage areas and permanent accessory structures shall be excluded from the 10% calculation.

F. Additional Standards for Itinerant Vendors. Itinerant Vendors are permitted in the Commercial Districts and the Manufacturing Districts provided these vendors comply with the regulations set forth below:

1. No itinerant vendor shall block or impede the ingress or egress of the public into any business.
2. No itinerant vendor shall unreasonably disturb the peace and quiet of the City and shall not shout, cry out, blow any horn, ring any bell, utilize any amplification system, or use any device to attract the attention of the public.
3. No itinerant vendor shall park or stand within 200 feet of a school or school playground while the school is in session.
4. No sales shall be made from 10:00 PM to 7:00 AM.
5. Itinerant vendors shall obtain all other required permits, such as permits required from the Wayne County Health Department or any other permits required by the City of Wooster.
6. All itinerant vendors shall provide at least one (1) trash receptacle upon the site of business for customer use. The site of business shall be cleared of all debris, trash, litter, and trash containers at the conclusion of each day's business activities.

7. An itinerant vendor shall not be located on any property within the corporation limits of the City of Wooster for more than seven (7) consecutive days or more than thirty (30) total days in a single calendar year.

(3) C-4, Central Business District. All temporary sales activities in the C-4, Central Business District may be permitted on sidewalks located in the public right of way if approved by the Mayor or the Mayor's designee.

(4) General Requirements.

A. The temporary outdoor sales activity shall be clearly accessory to the permitted or conditional use(s) approved for the site. Only merchandise which is normally sold, or stocked by the occupant(s) on the subject premises shall be sold, provided that seasonal merchandise, licensed transient produce merchant activities and itinerant vendors as defined by this Chapter or Chapter 1103 may be allowed.

B. With the exception of itinerant vendors, tents, stands and other similar temporary structures may be utilized, provided that they will not impair the parking capacity, emergency access or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.

C. The required number of off-street parking spaces for the principal use(s) shall be provided for the duration of the sale. Determination of compliance with this requirement shall be made by the Zoning Administrator.

D. Signage related to the sale shall be in compliance with the temporary sign regulations in Chapter 1171, Sign Regulations. The erection and removal of such signage shall be the responsibility of the applicant and/or owner of the property. (Ord. 2006-49. Passed 5-21-07.)

1125.05 FAMILY DAY CARE HOME.

This Zoning Ordinance recognizes that the availability of safe and affordable, good-quality child day care is important to the well being of parents and children. Furthermore, it is the purpose of this section to regulate the operation of child day care in a manner that preserves the residential character of neighborhoods. According to ORC 5104.054, any type B family day-care home, whether certified or not certified by the county director of human services, shall be considered to be a residential use of property for purposes of municipal, county, and City zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. A type "B" family day-care home is a permanent residence of the provider where childcare is provided for 1 to 6 children and where no more than three children are under two years of age. For the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the day-care home shall be counted. Type "B" family day-

care homes are a permitted accessory use in residential districts, and do not require a zoning certificate or a certificate of zoning compliance.
(Ord. 2006-49. Passed 5-21-07.)

1125.06 HOME OCCUPATIONS.

The purpose of this section is to set forth regulations, which control the establishment and operation of home occupations. The intent of these regulations is to control the nonresidential use of a residential dwelling unit so that the nonresidential use is limited to an accessory use, and shall not in any way adversely affect the uses permitted in the residential district of which they are a part. Compliance with these regulations should result in all home occupations being located and conducted in such a manner that their existence is not detectable in any manner from the outside of the dwelling unit.

(a) Gainful home occupations shall be permitted in residential districts provided:

(1) Only members of the family residing within the dwelling shall be engaged in such occupation at that location and not more than one part-time non- family member (limited to twenty hours in any week) or occasional clerical or bookkeeping assistant who may perform services incidental to such occupation;

(2) The occupation is conducted wholly within the principal building and the space used for production and sale does not occupy more than twenty-five percent of the net floor area of the dwelling unit;

(3) No retail or wholesale goods except that which are produced or processed on the premises shall be exchanged on the property;

(4) No equipment shall be used which will create any dust, noise, odors, glare, vibrations or electrical disturbances beyond the lot;

(5) The home occupation shall be confined to the principal building on the lot or premises, and no structure shall be constructed, reconstructed or altered to permit extension of the home occupation outside of the principal building;

(6) All storage of materials, goods, supplies or equipment related to the operation of a home occupation shall be inside the structure;

(7) The residential character of the dwelling exterior shall not be changed, except that a small, non-illuminated sign of maximum size of two (2) square feet may be permitted;

(8) Traffic shall not be generated by such home occupation in significantly greater volume than would normally be expected in the residential neighborhood; and

(9) Any need for parking generated by the conduct of such home occupation shall be met on or adjacent to the driveway, but shall not be permitted in a required front setback, or in the public right-of-way.

(b) A home occupation shall be permitted only after a zoning certificate has been issued by the Zoning Administrator. Those uses which are questionable shall be reviewed by the Board of Building and Zoning

Appeals to assure that they are in character with this section and will not constitute an objectionable use of the residentially zoned property due to potential noise, increased pedestrian and vehicular traffic, or any other conditions that might interfere with the general welfare of the surrounding residential area.

(c) When any home occupation results in an undesirable condition interfering with the general welfare of the surrounding residential area, such home occupation may be terminated by the Zoning Administrator. Such termination may be appealed to the Board of Building and Zoning Appeals. An undesirable condition may be identified as abnormal traffic, objectionable noise or any other condition not conducive to a residential neighborhood situation.

(Ord. 2006-49. Passed 5-21-07: Ord. 2009-27. Passed 10-19-09.)

1125.07 SWIMMING POOLS.

In addition to the requirements for accessory buildings and uses in Title Three, the following provisions shall apply for swimming pools:

(a) Private Outdoor Swimming Pools. A private swimming pool is any pool, lake or open tank, primarily used for swimming or wading, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one (1) foot. No such swimming pools, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than 100 square feet, shall be allowed in any commercial or residential district except as permitted in this Code and unless it complies with the following additional requirements:

(1) The pool is intended and is to be used solely by the occupants and guests of the principal use of the property on which it is located;

(2) It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten (10) feet to any property line of the property on which located;

(3) The pool, or the entire property on which it is located, shall be so walled or fenced so as to prevent uncontrolled access from the street or from adjacent properties. Such fences or wall shall be at least six (6) feet in height and maintained in good condition, with a gate and lock.

(4) Proper drainage shall be provided to ensure that pool overflow does not affect adjacent properties.

(5) The construction and operation of a pool shall meet all other applicable City regulations.

(6) The Planning Commission shall have the power to make exceptions to and modifications of the above requirement for fences surrounding swimming pools, in cases in which, in the Commission's opinion, such requirements are not essential to safety because the applicant will provide an alternative means of

secure access to the swimming pool from the street or from adjacent properties.

(b) Public, Community or Club Swimming Pool. A public, community or club swimming pool is any pool constructed by the City, an association of property owners, or by a private club for use by the general public or by members of the association or club and their families. Public, community and club swimming pools are permitted in all districts, but shall comply with the following conditions and requirements:

(1) The pool is intended solely for the use of the general public or the members and families and guests of members of the association of club under whose ownership or jurisdiction the pool is operated;

(2) The pool and accessory structures thereto, including the unenclosed areas used by the bathers, shall not be closer than 100 feet to any property line of the property on which it is located;

(3) The pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties. Such fence or wall shall be six (6) feet in height and maintained in good condition, with a gate and lock.

(4) Proper drainage shall be provided to ensure that pool overflow does not affect adjacent properties.

(5) The construction and operation of a pool shall meet all other applicable City regulations. (Ord. 2006-49. Passed 5-21-07.)

1125.08 PARKING AND USAGE OF RECREATIONAL VEHICLES, TRAILERS AND MOTOR VEHICLES.

(a) Recreational Vehicles and Trailers. Recreational vehicles and trailers may be parked subject to the following conditions provided that no living quarters shall be maintained therein, no business shall be conducted therein and that no permanent connection shall be made to any utilities while such trailer is stored or parked.

(1) In residential zoning districts, recreational vehicles and noncommercial trailers may only be parked or stored outside an enclosed building for more than seventy-two (72) hours provided that no such vehicle shall overhang in the public right-of-way, be parked or stored on a public street or alley right-of-way, be located in the required front yard, be located in a required side yard abutting a public right-of-way, or be located less than ten (10) feet from any property line. A driveway or parking space may not be constructed in the required front yard, side yard abutting a public right-of-way or less than ten (10) feet from any property line for the sole purpose of parking or storing of such vehicles.

(2) Recreational vehicles and trailers may be parked on the premises of a residentially zoned property for seventy-two (72) hours or less for loading, unloading or the accommodation of guests in a

recreational vehicle provided that the vehicle is not parked on the public street or alley right-of-way.

(3) Recreational vehicles and trailers shall only be parked in nonresidential zoning districts subject to use regulations and outdoor display and storage regulations of the applicable zoning district.

(4) If the recreational vehicle or trailer is parked or stored outside, it shall be parked on an impervious surface, such as asphalt or concrete.

(5) All recreational vehicles and trailers shall be kept in good repair and carry a current year's license or registration.

(Ord. 2014-24(a). Passed 10-20-14.)

(b) Motor Vehicles.

(1) In a residential zoning district or within any public right-of-way, the repainting, rebuilding, overhauling or dismantling of a vehicle or the storage of tires, motor, body or other parts in an open yard is prohibited.

(2) In residential zoning districts and any public right-of-way, the parking or the outdoor storage of commercial motor vehicles, semi-trailers and/or buses is prohibited.

(3) In all nonresidential zoning districts, the parking or the outdoor storage of commercial motor vehicles shall be subject to use regulations and outdoor display and storage regulations of the applicable zoning district.

(Ord. 2013-44(a). Passed 12-16-13.)

1125.09 LOT REGULATIONS.

(a) Required Setbacks to be Maintained. The required setbacks surrounding an existing building shall not be separated in ownership from that portion of the lot upon which the building is located, and no part shall be considered as providing a required setback for any other existing building on the same or on an adjacent lot. A setback shall not be reduced in any manner to less than the required dimensions for the district in which it is located, and a setback of less than the required dimensions shall not be further reduced in any manner unless otherwise noted in this Code. Every required setback shall be open and unobstructed from the ground, except for accessory structures as set forth in Title Three and the regulations in Section 1125.02, Permitted Obstructions within Required Setbacks, and as per the parking setbacks in Title Three.

(b) When one or more buildings, or parts thereof, are constructed or enlarged so as to cross one or more lot lines in the same ownership, all such lots shall be replatted into one lot provided all other zoning and subdivision regulations are met.

(c) Required Lot Area to be Maintained. A parcel of land may be subdivided into two or more parcels, provided all lots resulting from such division shall conform to all the lot area and width regulations of the district in

which it is located. A lot of record which conformed to the provisions of this Code or any amendments thereto which affected its conformity shall not be reduced in any manner which would make it nonconforming.

(d) One Dwelling on Lot. No single family detached dwelling or two-family dwelling shall be constructed on a lot upon which a principal building already exists except in accordance with Chapter 1134, Cluster Development Regulations and Chapter 1145, Planned Development Overlay District. New multi-family, apartments and townhouses, complexes may be erected with more than one principal building to the lot or parcel. Commercial, industrial or institutional buildings may be erected with more than one principal building on a lot or parcel providing they are all under the same ownership.

(e) Required Street Frontage. Every principal building shall be located on a lot having a minimum frontage of twenty-five (25) feet on a public or private street.

(f) Non-single Family Uses with Frontage on More Than One Street. Lots having frontage on more than one street shall provide the required front setback along each street. On a corner lot, front setbacks shall be required on both street frontages, and one yard other than the front yards shall be deemed to be a rear yard and the other or others, side yards. For new construction, the decision as to which is rear versus side yard is that of the owner. For buildings constructed prior to 1980, the side and rear yards shall be determined by which street frontage the existing principal building faces on the lot. (Ord. 2006-49. Passed 5-21-07.)

1125.10 RESERVED.

1125.11 PROXIMITY OF BUILDINGS TO EXISTING GAS AND/OR OIL WELLS. (REPEALED)

(EDITOR'S NOTE: Former Section 1125.13 was repealed by Ordinance 2012-24, passed August 20, 2012.)

1125.12 REQUIREMENTS FOR OWNERS ASSOCIATIONS.

As part of a cluster residential development, planned development or other development where a homeowners association, community association, condominium association or similar legal entity/agency shall be created to be responsible for the maintenance and control of common areas, including the required open space, open space easements, private streets, facilities, common drives, etc. The City's Law Director shall determine that, based on documents submitted with the development plan, the association's or agency's bylaws or code of regulations specify the following requirements:

(a) Membership in the Association shall be mandatory for all purchasers and/or owners of lots in the development or units in a condominium.

(b) The Association shall be responsible for maintenance, control, and insurance of open space and all common areas, including any applicable easements.

(c) The Association shall have the power to impose assessments on members for the maintenance, control and insurance of open space and common areas, and have the power to place liens against individual properties for failure to pay assessments.

(d) The conditions and timing of transfer of control from the developer to the unit or lot owners shall be specified;

(e) The Association shall not authorize its dissolution or the sale, transfer or other disposal of any common area, including restricted open space, without (i) an affirmative vote of seventy-five (75) percent of its members, (ii) having established a successor entity to take over said property pursuant to the City's Planning and Zoning Code; and (iii) the approval of the City Council.

(f) The Association shall convey to the City and other appropriate governmental bodies, after proper notice, the right to enter to any common area for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public health, safety and welfare. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions. In addition, the City shall have the right to proceed against the Association for reimbursements of said costs, including the right to file liens against individual condominium units, houses, and vacant building lots. (Ord. 2006-49. Passed 5-21-07.)

1125.13 GENERAL DISTRICT REGULATIONS.

Establishing a Permitted or Conditional Use. Although a use may be indicated as a permitted principal, conditional use or accessory use in a particular zoning district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Planning and Zoning Code to the specific use and parcel in question. (Ord. 2006-49. Passed 5-21-07.)

1125.14 PERFORMANCE STANDARDS.

No land or structure in any zoning district shall be used or occupied in any manner to create a dangerous or objectionable condition, substance or element, in such a manner or in such amount to adversely affect the adjoining premises or surrounding area. All uses, except those in Manufacturing Districts which must comply with the performance standards in Section 1143.09, shall comply with the following performance standards:

(a) Americans with Disabilities Act. All uses shall comply with all applicable requirements of the Americans with Disabilities Act, and all other applicable federal, state, and county regulations.

(b) Lighting and Glare. All exterior lighting and conditions that generate glare shall comply with the requirements of Chapter 1167, Lighting Regulations.

(c) Heat. No use shall generate heat that is perceptible without the aid of instruments at any point beyond the lot occupied by the use.

(d) Vibration. Vibrations, which are perceptible without the aid of instruments, shall not be permitted beyond the lot occupied by the use generating such vibration.

(e) Odors. No use shall emit malodorous gas or matter that is discernible on any adjoining lot or property.

(f) Air Pollution.

(1) The emission of smoke, soot, fly ash, fumes and dust shall be controlled by precipitation devices, height of stack, rate of emission or other manner so that the quantity deposited in any District shall not be detrimental to or endanger the public safety, comfort, welfare or adversely affect property values. In addition, no use shall emit fly ash, dust, vapors or other substances that are harmful to health, animals, vegetation or other property or which can cause excessive soiling.

(2) Dust and other types of air pollution borne by the wind from sources such as parking areas, storage areas or yards shall be kept to a minimum by appropriate landscaping, paving, oiling or other acceptable treatment.

(g) Fire Hazards. Flammable or explosive materials shall only be permitted in structures having incombustible exterior walls.

(h) Storage Handling. Storage handling and use of flammable liquids shall comply with regulations as set forth in Bulletin No. 30-L of the National Fire Protective Association. Storage of other materials in yards or structures shall comply with other fire protective codes of the City of Wooster and all parts shall be accessible to firefighting equipment.

(i) Solid Waste. Solid waste, including empty packing crates and other excess materials, shall not be allowed to accumulate on a lot and shall be disposed of on a regular basis or enclosed within a wall or fence.

(j) Liquid Waste. If liquid wastes are disposed of in containers, they shall be appropriate containers, and the wastes shall be removed from the site on a regular basis. Liquid waste or sewerage shall not be discharged into a reservoir, stream, or other open body of water or into a storm or sanitary sewer except as allowed by other codes of the City of Wooster, County, State or similar jurisdictional authority.

(k) Noxious, Toxic or Corrosive Fumes. Noxious, toxic or corrosive fumes or gasses shall not be emitted which shall be injurious to the property, vegetation or health of the people residing in any adjacent residential district.

(l) Radioactive or Electrical Disturbances. Radioactive emissions or electrical discharges shall be confined to the use and lot from which they originate and shall not occur across any lot line.

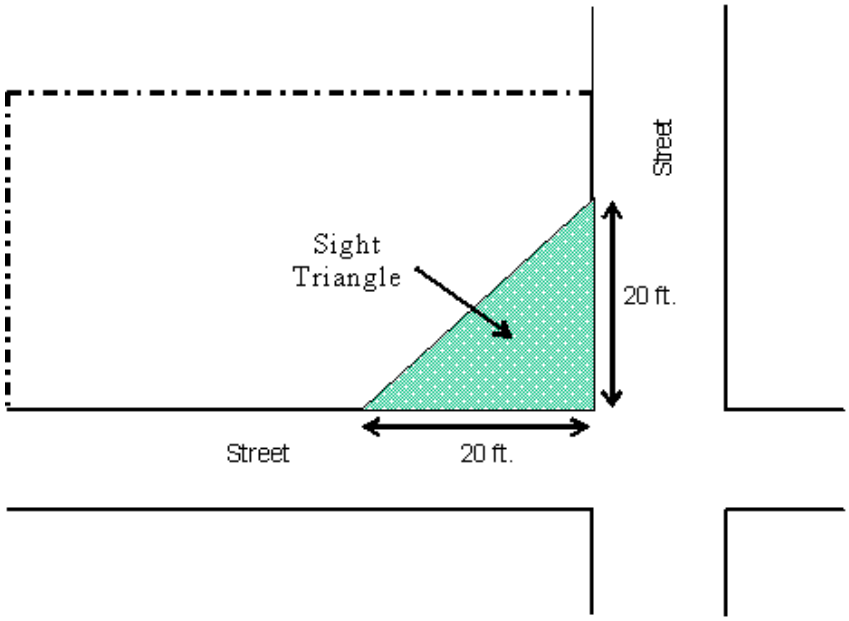
(m) Infectious and Medical Waste Materials. The storage, incineration or disposal of infectious or medical waste materials in such a manner or in such quantities as to produce a public nuisance or a hazard to the public health and welfare of the community shall not be permitted.

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

1125.15 VISIBILITY AT INTERSECTIONS.

Sight Triangles at the Intersection of Two Streets. In any District, except the C-4 Central Business District, on any corner lot, no fence, structure or planting shall be erected or maintained between 2.5 feet and eight (8) feet, above the rights-of-way lines, within a clear sight triangle formed by the right-of-way lines of two intersecting streets, and a line drawn between two points, each measuring twenty (20) feet from the intersection of the right-of-way lines. See Figure 1 below.
(Ord. 2006-49. Passed 5-21-07.)

Figure 1
Visibility at Intersection of Public Streets



1125.16 GARAGE OR YARD SALES.

Garage or yard sales may be permitted on any property with a permitted residential use in accordance with the following:

(a) A garage or yard sale shall be limited to not more than three (3) consecutive days and shall only be conducted during daylight hours. No more than one (1) garage or yard sale may be conducted on any parcel of real estate in any three (3) month period.

(b) These provisions shall not apply to a sale of property publicized solely by advertising, which describes or identifies the specific property offered for sale and does not designate the date, hours, or location of the sale other than by stating name, address or telephone number of the seller. In addition, the sale of personal property pursuant to an order or process of a court of competent jurisdiction shall not be construed as a garage or yard sale.

(c) Signs for garage or yard sales shall be subject to the standards found in Section 1171.06 of this Zoning Code. (Ord. 2013-17(B). Passed 6-3-13.)

CHAPTER 1129
Agricultural District

1129.01 Intent.
1129.02 Use regulations.
1129.03 Lot area and width requirements.
1129.04 Setback requirements.
1129.05 Height regulations.

1129.01 INTENT.

The purpose of this district is to protect active farmland from development, to provide areas for recreation and conservation purposes, to furnish areas for public and semi-public uses, to protect watersheds, to guide growth and development of the community, and to hold land from development of more intensive land uses until such time as adequate public facilities and services can be provided. (Ord. 2009-07. Passed 3-16-09; Ord. 2012-24. Passed 8-20-12.)

1129.02 USE REGULATIONS.

(a) Uses Permitted By Right. A use listed in Table 1129.02 shall be 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 Zoning Code have been met.

(b) Conditional Uses. A use listed in Table 1129.02 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. An accessory use that is clearly incidental and subordinate to a use listed in Table 1129.02 shall be permitted provided that the requirements of this Planning and Zoning Code and all other City Codes have been met. Accessory uses are further regulated as listed below.

(1) Accessory buildings and structures in compliance with Section 1129.07, Accessory Uses and Structures.
(2) Family day care home, "type B" in compliance with Chapter 1125.
(3) Fences, walls, landscape features in compliance with Section 1133.07.
(4) Home occupations in compliance with Chapter 1125.
(5) Off-street parking areas in compliance with Chapter 1169.
(6) Private swimming pools in compliance with Section 1133.07 and Chapter 1125.
(7) Signs in compliance with Chapter 1171.

(d) Table 1129.02 Permitted Uses.

LAND USE CATEGORY	AG AGRICULTURAL DISTRICT
(1)	
A. Agricultural and Farm Dwelling or buildings necessary to a principal agricultural use.	P
B. Open space uses such as picnic areas, playgrounds, parkland, swimming facilities, golf course (driving ranges and putting greens may be considered accessory to golf courses) tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such recreational uses as golf driving ranges, amusement parks, rifle ranges, skeet-shooting ranges, pistol ranges, or other ranges for the use of firearms.	P
C. Nursery, plant	C
D. Veterinary animal hospital or clinic, kennel	C
E. Public safety, health or utility facility	P

(Ord. 2009-07. Passed 3-16-09; Ord. 2012-24. Passed 8-20-12; Ord. 2013-44(a). Passed 12-16-13.)

1129.03 LOT AREA AND WIDTH REQUIREMENTS.

(a) Minimum Lot Area and Width. The area and width of a lot shall not be less than the dimensions set forth in Table 1129.03, for the type of dwelling proposed and the district in which the lot is located.

(b) Minimum Lot Frontage. The minimum lot frontage on any public or private street shall be the same as the minimum lot width, except for lots on cul-de-sacs as set forth in Table 1129.03.

(c) Table 1129.03 Minimum Lot Requirements.

	AG AGRICULTURAL
1. Minimum lot size	435,600 sq. ft
2. Minimum width at building line	500 ft.
3. Minimum lot area per dwelling	217,800 sq. ft

(Ord. 2009-07. Passed 3-16-09; Ord. 2012-24. Passed 8-20-12.)

1129.04 SETBACK REQUIREMENTS.

Dwelling units shall be located on a lot in a manner that maintains the minimum front, side and rear setbacks set forth in this section for the district in which the lot is located, except as otherwise regulated in Chapter 1134, Cluster Development Regulations, and Chapter 1147 Conditional Use Regulations.

(a) Front Setback. Each lot shall maintain a front setback in compliance with Table 1129.04, except as otherwise permitted in subsection (b) below.

(b) Front Setback on Through Lots. On a through lot, a front setback shall be provided on each frontage equal to the minimum required front setback as set forth in Table 1129.04. There shall be no required rear setback on a through lot.

(c) Side Setbacks. Each interior and through lot shall have and maintain two side yards. Table 1129.04 sets forth the minimum width of any side setback and the minimum total width of both side setbacks.

(d) Rear Setback. Each lot shall maintain a rear setback as specified in Table 1129.04.

(e) Table 1129.04 Minimum Setback Requirements:

	AG AGRICULTURAL
(1) Front Setback	25 ft.
(2) Side Setback	40 ft.

Notes to Table 1129.04

(a) See Section 1125.02 for permitted obstructions within required setbacks or other related open space.

(Ord. 2009-07. Passed 3-16-09; Ord. 2012-24. Passed 8-20-12.)

1129.05 HEIGHT REGULATIONS.

All buildings and structures in any residential district shall comply with the following height regulations:

(a) The height of principal buildings and structures shall not exceed 35 feet above average ground level.

(b) The height of accessory buildings and structures shall not exceed 3515 feet above average ground level.

(c) Permitted height exceptions are set forth in Section 1125.03, Supplementary Height Regulations.

(Ord. 2009-07. Passed 3-16-09; Ord. 2012-24. Passed 8-20-12.)

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CHAPTER 1131
Community Facilities District

1131.01	**Intent.**	**1131.07**	**Landscaping and screening requirements.**
1131.02	**Use regulations.**	**1131.08**	**Development and design guidelines.**
1131.03	**Minimum area. requirements.**	**1131.09**	**Performance standards.**
1131.04	**Minimum setbacks.**	**1131.10**	**Approval procedures.**
1131.05	**Height regulations.**		
1131.06	**Accessory structure regulations.**		

1131.01 INTENT.

The Community Facilities District (CF) and its regulations are established in order to accommodate governmental, civic, educational, recreational facilities and other institutional facilities and their associated uses in a manner that:

(a) Provides for the proper location and development of community facilities.

(b) Ensures that such community facilities are compatible with surrounding single-family neighborhoods by requiring development plan review and conditional use approval, as necessary, for proposed development.

(c) Provides for the appropriate location of governmental, civic, educational, recreational, and other institutional uses throughout the city which may be utilized to provide a transition between zoning districts.

(d) Ensures that institutional uses comply with these objectives by establishing review requirements to ensure that all phases of a development are consistent with the regulations of this Planning and Zoning Code.

1131.02 USE REGULATIONS.

(a) Uses Permitted By Right. A use listed in Table 1131.02 shall be 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 1131.02 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. An accessory use that is clearly incidental and subordinate to a use listed in Table 1131.02 shall be permitted provided that the requirements of all other City ordinances and this Planning and Zoning Code have been met.

(d) Table Of Permitted Uses.

Table 1131.02 Permitted Uses		
Land Use Category	**CF Community Facilities District**	
	Within 300 feet of a Residential Zoning District Boundary	**Greater than 300 feet from a Residential Zoning District Boundary [a]**
(1) Community Facilities		
A. Cemetery	C	P
B. Civic facility for public assembly	C	P
C. Day care facility, adult and/or child, accessory to a permitted or conditional use	C	P
D. Hospital and associated medical offices	C	P
E. Libraries, cultural institutions, monuments	C	P
F. Place of worship	C	P
G. Administrative government offices	P	P
H. Public safety, health or utility facility	P	P
(2) Educational Facilities		
A. School, college/university, including associated on-campus student housing and athletic fields	C	P
B. School facility, public or private – elementary/ secondary	C	P
(3) Recreation Facilities		
A. Golf course	C	P
B. Outdoor recreation facilities provided by the City of Wooster	P	P
C. Other outdoor community recreation facilities	C	P
D. Public park and/or playground	P	P
E. Theater[1]	C	P
(4) Residential Facilities		
A. Residential uses affiliated with a college or university including clubs	C	P
B. Congregate care facility/Nursing home	C	P

Table 1131.02 Permitted Uses		
Land Use Category	**CF Community Facilities District**	
	Within 300 feet of a Residential Zoning District Boundary	**Greater than 300 feet from a Residential Zoning District Boundary [a]**
C. Parish residence, convent or other residential use associated with a place of worship	C	P
(5) Accessory Uses		
A. Off-street parking	A	A
(6) Other Uses		
A. Wireless telecommunications facility	See Chapter 1173	

Notes to Table 1131.02:

(1) Theaters receiving more than fifty (50) percent of attendance from the screening of motion pictures shall not be permitted.

P = Principal use permitted by right

C = Conditional use

A = Accessory use

1131.03 MINIMUM LOT AREA AND WIDTH.

The area of land for a lot in the CF district shall be no less than necessary to accommodate principal structures, accessory structures and parking and the required setbacks, buffers and open space. The minimum lot width at the building line shall be one hundred (100) feet.

1131.04 MINIMUM SETBACKS.

All buildings, outdoor activity areas and off-street parking areas shall be located in a manner that maintains the minimum setbacks set forth in this section.

(a) Table 1131.04: Minimum Setback Requirements.

Table 1131.04 Minimum Setback Requirements			
	Buildings	**Outdoor Activity Areas**	**Off-Street Parking[a]**
(1) Setback from public street right-of-ways	35 feet[b]	35 feet[b]	35 feet

Table 1131.04 Minimum Setback Requirements			
	Buildings	**Outdoor Activity Areas**	**Off-Street Parking[a]**
(2) Setback from R-R, R-1, R-2 or R-T district boundary	50 feet [b]	100 feet	20 feet
(3) Setback From All Other Lot Lines.	20 feet [c]	20 feet	10 feet

Notes to Table 1131.04:

[a] Additional parking location standards are found in Section 1131.08(c).

[b] Or a distance equal to the height of the building or structure, whichever is greater.

[c] Or a distance equal to one-half (1/2) the height of the building or structure, whichever is greater.

(b) Outdoor activity areas shall include structures such as stadiums, tennis courts, swimming pools, picnic shelters and similar types of facilities.

(c) Off-Street Parking Areas. Off-street parking areas shall conform to the regulations of Chapter 1169.

1131.05 HEIGHT REGULATIONS.

The height of buildings and structures shall not exceed sixty (60) feet unless the Planning Commission determines that the proposed structure complies with the conditional use criteria set forth in Section 1147.02.

1131.06 ACCESSORY STRUCTURE REGULATIONS.

Accessory structures permitted in a CF District shall conform to the regulations of this Section as well as any other applicable Sections in this Planning and Zoning Code.

(a) Accessory Buildings. Accessory buildings shall conform to all lot and setback regulations for principal buildings and shall be reviewed according to the development plan review procedures set forth in Chapter 1107.

(b) Fences and Walls. Fences and walls shall comply with the regulations set forth below:

(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.

C. All fences shall comply with Section 1125.15, Visibility at Intersections.

(2) Materials and Construction.

A. Fences shall be constructed of stone, brick, finished wood, iron, metal, or synthetic look-alike products. Chain link fences shall be permitted when not located in the required setback from a public street right-of-way provided that they are constructed of a dark, neutral-colored, non-reflective vinyl, as approved by the Zoning Administrator or the Planning Commission; whichever is applicable according to the procedures in Chapter 1107.

B. No fence shall be electrified or constructed of 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 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, unless otherwise required by this 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, shall be visually softened and reasonably screened from the street with appropriate landscaping as follows:

1. One (1) 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 (1) 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) All fences shall be maintained in good condition, be structurally sound and attractively finished at all times.

(6) Any proposed fence shall be approved as part of a Development Plan Review in accordance with Chapter 1107.

(c) Signs. Signs shall comply with the regulations specified in Chapter 1171.

1131.07 LANDSCAPING AND SCREENING REQUIREMENTS.

Visual screening and landscape buffers shall be provided for all lots in CF districts in accordance with the provisions set forth in Chapter 1165, Landscaping and Land Use Buffers.

1131.08 DEVELOPMENT AND DESIGN GUIDELINES.

The following development and design guidelines are established to ensure that all proposed development in a CF District complies with the purpose and objectives of this Chapter. The Planning Commission shall review plans for a proposed development giving particular consideration to the following:

(a) General Criteria. Buildings, structures and landscaping should be designed and located on the site and be of a scale and massing to:

(1) Enhance and protect the character of the surrounding area, especially adjoining residential areas.

(2) Minimize any adverse influences.

(b) Specific Criteria.

(1) Adequate screening, buffering, and landscaping shall be provided to limit the view of the proposed use, reduce the noise between incompatible land uses, and ease the transition from one (1) zoning district to another.

(2) Natural features, especially mature trees, shall be preserved and supplemented with landscaping to buffer and screen adjacent residential districts. The Planning Commission shall consider the setbacks, building mass and type when determining the extent of landscaping required.

(3) When the proposed use abuts or is across the street from a residential zoning district boundary, a buffer yard shall be required per Section 1165.07.

(4) Buildings, which have any facade facing a public street, shall have at least one (1) entrance facing the public street. Blank walls, those devoid of openings such as transparent windows and transparent doors, shall not be permitted on the front façade of any building facing a public right-of-way. Any part of the building that is visible from a public right-of-way or a residential zoning district 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, column, defined bays, or an undulation of the building.

(5) Delivery areas and loading zones shall not face a public street and shall comply with the screening requirements found in Section 1165.08(c).

(6) All power plants, storage or maintenance buildings, which are visible from a public street, shall have a buffer yard of twenty (20) feet. This buffer yard shall contain one (1) major tree for every thirty (30) lineal feet of frontage or as appropriate to provide a tree canopy over the landscaped area. In addition, four (4) foot high shrubs are required per thirty (30) lineal feet of frontage. Ground cover plants must fully cover the remainder of the landscaped area.

(7) Ambulance and emergency areas shall not abut a single-family residential district. If an ambulance or emergency area is visible from a public street, it shall have a buffer yard of twenty (20) feet. This buffer yard shall include screening per the requirements found in Section 1165.08(c).

(8) To provide connectivity, sidewalks shall be provided from facilities, which are meant for use by the general public like parks and playgrounds, to the sidewalks in the public rights-of-way.

(9) Development plans shall include drawings, renderings, or perspectives of a professional quality that illustrate the scale; massing; roof shape; window size shape and spacing; and exterior materials of the structure. Development plans shall also include samples of building materials.

(c) Design of Parking Areas.

(1) The layout of parking areas, service areas, entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the character of residential areas adjacent to the development.

(2) Access from public streets to parking areas, service areas, and pedestrian walkways within the development shall be designed to minimize traffic hazards or congestion.

(3) Pedestrian connections from the community facilities development to adjacent parcels should minimize adverse intrusions into residential neighborhoods.

(4) Off-street, surface parking areas shall be located behind the front building line provided the Planning Commission may grant an exception from this requirement on the basis of the depth of the parcel, the proximity of residentially zoned property, the unusual size or shape of the parcel, the location of mature trees, the location of existing principal buildings, or other similar factors.

1131.09 PERFORMANCE STANDARDS.

In addition to the standards in Chapter 1125, General Use Regulations, all land uses shall comply with the following performance standards:

(a) Lighting. The placement, orientation, distribution patterns and fixture types of outdoor lighting shall comply with the regulations set forth in Chapter 1167. If the use is located three hundred (300) feet or less from a residential zoning district boundary, at the close of business, all illuminated signs and lights not necessary for security purposes shall be extinguished.

(b) Enclosure. All uses and operations, except off-street parking and loading facilities, shall be performed wholly within enclosed buildings, unless specifically permitted otherwise.

(c) Outdoor Vending Machines. Within three hundred (300) feet of a residential zoning district boundary, there shall be no outdoor vending machines.

(d) Overhead Utility Lines. All utility lines, electric; telephone; cable TV lines; etc., shall be placed underground.

(e) Overnight Parking. Within three hundred (300) feet of any residential zoning district boundary, there shall be no overnight parking and/or outdoor storage of commercial motor vehicles or buses.

(f) 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.

1131.10 APPROVAL PROCEDURES.

All development within a CF District shall be subject to the development plan review requirements set forth in Chapter 1107, and any additional procedures set forth below:

(a) The area of a proposed development shall be in one (1) ownership, or if in several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed CF boundaries.

(b) All land within a development shall be contiguous in that it shall not be divided into segments by any existing tract of land not owned by the applicant(s) of the community facilities development. Parcels that are located directly across the street from one another shall be considered contiguous. (Ord. 2014-24(a). Passed 10-20-14.)

CHAPTER 1133
Single-Family Residential Districts

1133.01 Intent.
1133.02 Use regulations.
1133.03 Lot area and width requirements.
1133.04 Setback requirements.
1133.05 Height regulations.
1133.06 Design criteria for dwellings located in the R-T District.
1133.07 Accessory structures.

1133.01 INTENT.

Single-Family Residential Districts (R-1, R-2, and R-T) and their regulations are established in order to achieve, among others, the following purposes:

(a) To regulate the bulk and location of dwellings, accessory buildings and other structures to obtain proper privacy and useable open spaces on each lot appropriate for the various districts;

(b) To regulate the density and distribution of population to avoid congestion and the overburdening of existing and proposed community facilities and public services.

(c) To foster a variety of residential living unit types while protecting the character of the City.

(d) To provide for proper location of dwellings in relationship to multi-family, commercial and industrial uses so as to increase the general convenience, safety and amenities within the community and to protect residents from nuisances;

(e) To provide for limited small-scale community facilities when such uses are designed and located to be compatible with the residential neighborhood.

(f) To provide proper spacing between buildings to ensure adequate access for fire and other emergency vehicles and equipment.

(g) To protect the desirable characteristics and promote the stability of existing residential development;

(h) To carry out the following specific purposes:

(1) The R-1 Suburban Single-Family District is established to encourage the creation and preservation of low-density single-family residential neighborhoods and to limit the establishment of non-residential uses to those that are compatible with the intended low-density neighborhood character. The stipulated density is intended to provide for areas of suburban character in the community. Suburban areas are typically located at the outer periphery of the city and are characterized by curvilinear streets, cul-de-sacs and attached garages.

(2) The R-2 Single-Family District is established to promote, preserve and protect medium-low density predominantly single-family neighborhoods in the City. Two-family dwellings are restricted to locations where they are designed and located in a manner that is compatible with the existing or proposed residential neighborhood.

(3) The R-T Traditional Residential District is established to preserve and protect neighborhoods with traditional urban character. Traditional Residential areas are the oldest, close-to-downtown residential areas in the city. Small, dense lots were generally developed before 1940 in a regular grid street pattern, with houses constructed with detached garages. As set forth in the Wooster Comprehensive Plan, traditional residential development will encourage historic preservation and construction/reconstruction that is similar in nature to the established pattern and character of development.

(i) To promote the most desirable and beneficial use of the land in accordance with the objectives of the Comprehensive Plan of Wooster.
(Ord. 2006-49. Passed 5-21-07.)

1133.02 USE REGULATIONS.

(a) Uses Permitted By Right. A use listed in Table 1133.02 shall be 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 Zoning Code have been met;

(b) Conditional Uses. A use listed in Table 1133.02 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. An accessory use that is clearly incidental and subordinate to a use listed in Table 1133.02 shall be permitted provided that the requirements of this Planning and Zoning Code and all other City Codes have been met. Accessory uses are further regulated as listed below.

(1) Family day care home, “type B” in compliance with Chapter 1125, General Use Regulations.

(2) Home occupations in compliance with Chapter 1125.

(3) Off-street parking areas in compliance with Chapter 1169.

(d) Table 1133.02 Permitted Uses.

	R-1 Suburban Single-Family District	R-2 Single-Family District	R-T Traditional Residential District
(1) Residential			
A. Single-family detached dwelling	P	P	P
B. Single-family attached dwelling	--	--	C
C. Two-family dwelling – new construction	--	C	--
D. Two-family dwelling conversion from SF dwelling	--	C	--
E. Cluster Residential Development (CRD) in compliance with Chapter 1134	P	P	--
F. Bed and breakfast establishment	--	--	C
G. Adult care facility for 3-5 persons	P	P	P
H. Residential facility for 5 or fewer persons	P	P	P
I. Residential facility for 6-8 persons	P	P	P
J. Flag lots	C	--	--
(2) Community Facilities			
A. Place of worship/church	C	C	C
B. Cemetery	C	--	--
C. Day care facility, child and/or adult	C	C	C
D. Library, cultural institution	--	C	C
E. Public safety, health or utility facility	C	C	C
F. Utility substation/distribution facility, indoor	C	C	C
G. School (public/private) elementary/secondary	C	C	C
(3) Open Space/Recreation			
A. Golf course, except miniature golf	C	C	--
B. Community recreation facility	C	C	C
C. Public park, public playground	P	P	P

	R-1 Suburban Single-Family District	R-2 Single-Family District	R-T Traditional Residential District
(4) Other Uses			
A. Wireless telecommunication facility	See Chapter 1173		
B. Family Day Care Home, Type B	A	A	A
A. Temporary sales/leasing office or model unit[1]	P	P	P

Notes to Table 1133.02:

[1] Shall be permitted until the initial sale or lease of all dwelling units in the development has been completed or no more than two (2) years after the establishment of the use.

P = Permitted by right *C = Conditional* *A= Accessory*

-- = Use not permitted in district

(Ord. 2006-49. Passed 5-21-07; Ord. 2012-24. Passed 8-20-12; Ord. 2013-44(a). Passed 12-16- 13., Ord. 2014-24(a). Passed 10-20-14)

1133.03 LOT AREA AND WIDTH REQUIREMENTS.

(a) Minimum Lot Area and Width. The area and width of a lot shall not be less than the dimensions set forth in Table 1133.03, for the type of dwelling proposed and the district in which the lot is located.

(b) Minimum Lot Frontage. The minimum lot frontage on any public or private street shall be the same as the minimum lot width, except for lots on cul-de-sacs as set forth in Table 1133.03.

(c) Table 1133.03 Minimum Lot Requirements:

	R-1 Suburban Single-Family District	R-2 Single-Family District	R-T Traditional Residential District
1. Minimum lot size	8,700 sq. ft.	6,500 sq. ft.	4,350 sq. ft.
2. Minimum width at building line	70 ft.	50 ft.	40 ft.
3. Minimum lot frontage on a cul-de sac	50 ft.	40 ft.	40 ft.
4. Maximum coverage of the lot by buildings[(a)]	25% or 2300 sq. ft. whichever is greater		25%
5. Maximum lot coverage[(a)]	35%		40%
(a) See Section 1133.07(d) for building coverage of accessory structures			

(Ord. 2013-44(a). Passed 12-16-13.)

1133.04 SETBACK REQUIREMENTS.

Dwelling units shall be located on a lot in a manner that maintains the minimum front, side and rear setbacks set forth in this section for the district in which the lot is located, except as otherwise regulated in Chapter 1134, Cluster Development Regulations, Chapter 1145, Planned Development Overlay Districts, and Chapter 1147 Conditional Use Regulations.

(a) Front Setback. Each lot shall maintain a front setback in compliance with Table 1133.04, except as otherwise permitted in sub-section (b) below.

(b) Front Setback on Built-up Blocks. Where more than fifty (50) percent of lots of a residential block, where the block length does not exceed two thousand (2000) feet, are occupied by buildings of the type and use permitted in the district, the minimum front setback depth for a new principle building shall be the average depth, plus or minus five (5) feet, of the front setbacks of existing dwellings located within one hundred (100) feet on either side of a given lot, provided however, the depth of the front setback resulting there from shall not be less than one-half (1/2)the distance set forth in Table 1133.04.

(c) Side Setbacks. Each lot shall maintain two (2) side yards as set forth in Table 1133.04 and in Section 1133.04(e), as applicable.

(d) Rear Setback. Each lot shall maintain a rear setback as specified in Table 1133.04 and in Section 1133.04(e), as applicable.

(e) Lots Abutting Public Rights-of-Way. Any side of a lot abutting a public street right-of-way shall maintain a setback equal to the applicable front setback set forth in Table 1133.04, except as otherwise stated in sub-section (b) above. Any side of a lot abutting a public alley right-of-way shall maintain the applicable front, side or rear setback set forth in Table 1133.04.

(f) All structures shall comply with Section 1125.15, Visibility at Intersections.

(g) Table 1133.04 Minimum Setback Requirements:

	R-1 Suburban Single-Family District	R-2 Single-Family District	R-T Traditional Residential District
(1) Front Setback[a]	25 ft.	25 ft.	20 ft.
(2) Side Setback[a]			
A. Minimum of any one side	5 ft.	5 ft.	5 ft.
B. Total side setback	15 ft.	15 ft.	10 ft.
(3) Rear Setback[a]	20 ft.	20 ft.	20 ft.
(a) See Section 1125.02 for permitted obstructions within required setbacks or other related open space			

(Ord. 2013-44(a). Passed 12-16-13.)

1133.05 HEIGHT REGULATIONS.

All buildings and structures in any residential district shall comply with the following height regulations:

(a) The height of principal buildings and structures shall not exceed thirty-five (35) feet above average ground level.

(b) The height of accessory buildings and structures shall not exceed twenty (20) feet above average ground level.

(c) Permitted height exceptions are set forth in Section 1125.03, Supplementary Height Regulations. (Ord. 2013-44(a). Passed 12-16-13.)

1133.06 DESIGN CRITERIA FOR DWELLINGS LOCATED IN THE R-T DISTRICT.

All single-family detached dwellings in the R-T District shall comply with the following regulations. The Design and Review Board may exempt applicants from these standards when the exterior building modifications are minor in nature, meaning the design modifications will have no discernable impact on neighboring properties, the public, the public right-of-way, or those intended to occupy or use the proposed development.

(a) At least one (1) main entrance to the residence shall face the street. On corner lots, the main entrance may face either of the streets or be oriented to the corner. Entrances shall include architectural elements that emphasize the entrance, including but are not limited to front porches, transom and sidelight windows, decorative trim and moldings, and arches.

(b) The front wall of the principal building shall be parallel to the street or its tangent, if the street is curved.

(c) At least fifteen (15) percent of the area of a street-facing façade shall be windows that meet the following. Windows in rooms with a finished floor height of four (4) feet or more below average finished grade are exempt from this standard:

(1) Each window shall be square or vertical in orientation; or,

(2) A horizontal window opening may be created when:

A. Two or more vertical windows are grouped together to provide a horizontal opening; or,

B. There is a band of individual lites across the top of the horizontal window. These small lites shall be vertical and cover at least twenty (20) percent of the total height of the window.

(d) For any new residence, an attached garage that has overhead garage doors that face the street shall be setback at least four (4) feet from the front façade of the main building mass. The following exceptions shall apply:

(1) An overhead garage door may be flush with the front façade of the building if the building has a porch, floor to ceiling bay window, balcony, structurally integral planter, or other significant design feature or combination of features that extend at least four (4) feet forward from the wall plane on which the garage door is placed. A garage door that is recessed within the thickness of the garage wall

as a result of typical construction practices shall be considered flush; or

(2) An overhead garage door may be flush with the front façade of the residence if at least forty (40) percent of the façade on which the door is located is comprised of windows; or,

(3) An overhead garage door may be flush with the front façade of the residence if the garage is not more than thirty-five (35) percent of the length of the street-facing facade

(Ord. 2013-44(a). Passed 12-16-13.)

1133.07 ACCESSORY STRUCTURE REGULATIONS.

Accessory buildings and structures permitted in single-family residential districts shall conform to the standards contained in this Section and Chapter 1125, if applicable. No accessory building shall be established on a lot unless a principal building has first been established on the lot in conformance with all applicable provisions of this Planning and Zoning Code.

(a) Location Requirements for Accessory Structures. Accessory buildings and structures permitted in a residential district shall be located as set forth in Table 1133.07.

(b) Table 1133.07 Permitted Accessory Structures In Front, Side And Rear Yards:

Table 1133.07
Permitted Accessory Structures In Front, Side And Rear Yards

Structure	Yard Permitted	Minimum Setback From Lot Line		
		Front	Side	Rear
1. Detached accessory buildings, including garages	Side, rear	NP	5 ft.	5 ft.
2. Driveways	Front, corner side, side, rear	NA	3 ft.	3 ft.
3. Unroofed parking spaces[(a)]	Front, corner side, side, rear	20 ft.	5 ft.	5 ft.
4. Fences, walls	Front, corner side, side, rear	0 ft.	0 ft.	0 ft.
5. Outdoor storage of recreation vehicle.[(b)]	Side, rear	NP	10 ft.	10 ft.
6. Private Swimming pools	Rear	NP	10 ft.	10 ft.

Notes to Table 1133.07:

(a) See Section 1133.07(e) for additional requirements regarding the location of required and supplemental parking spaces.

(b) See Section 1125.08 for additional outdoor storage of recreation vehicle regulations.

NP Not Permitted

(c) Accessory Buildings. No more than two (2) accessory buildings shall be located on a single lot of record in a single-family residential district.

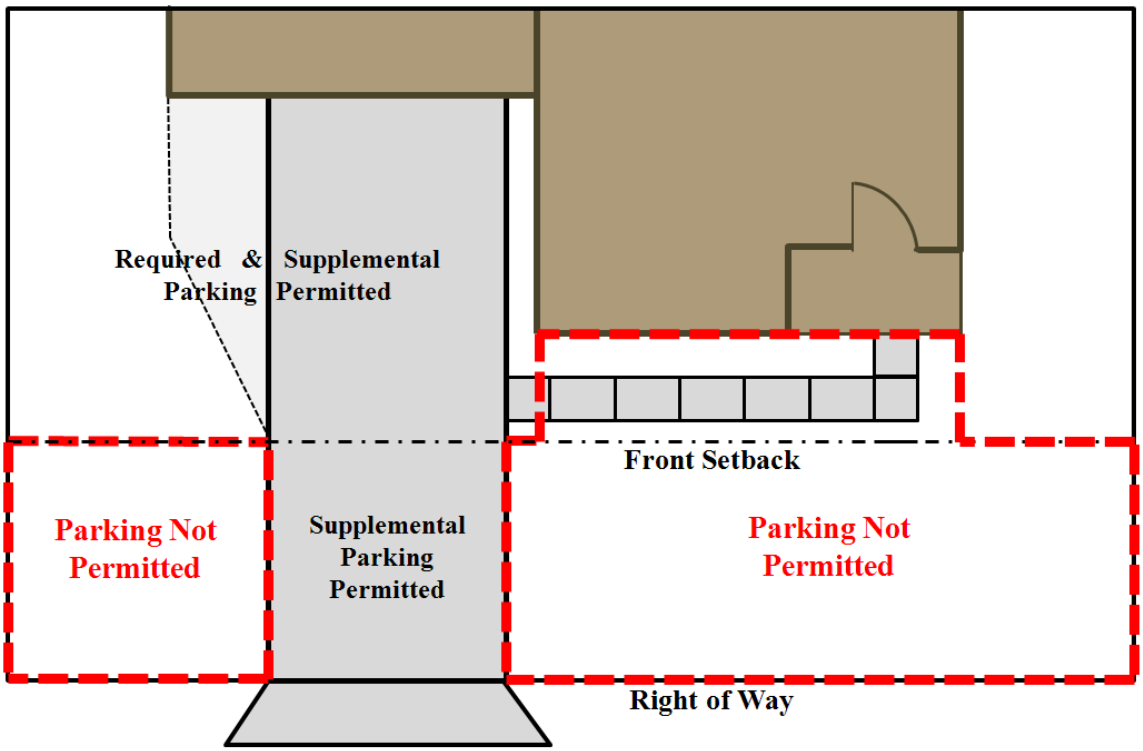
(d) Maximum Area and Rear Yard Coverage of Accessory Buildings and Structures. The total area of all accessory buildings and structures shall not occupy more than thirty (30) percent of the rear yard. Accessory buildings and structures shall also be subject to building and lot coverage standards in Section 1133.03.

(e) Additional Regulations for Parking Areas. The following additional regulations shall apply to all parking areas:

(1) Accessory off-street parking spaces shall be provided in compliance with the parking requirements set forth in Chapter 1169, which shall be located on the same lot as the dwelling served.

(2) Required parking spaces shall not be located in the front setback as established in Section 1133.07(b)(3).-Supplemental parking spaces shall not be located in the front setback, unless located in a driveway. Driveways shall not be widened in the front setback for the purpose of accommodating supplemental parking spaces. No parking spaces, required or supplemental, shall be located between the front face of a habitable first floor of a principal building and the front setback. See Figure 1 below.

Figure 1
Permitted Parking Locations



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

(f) Swimming Pools. Private swimming pools for the exclusive use of residents of the premises may be located in any residential district provided they comply with the locational and coverage requirements of accessory structures set forth in this Chapter and the supplemental regulations set forth in Section 1125.07, Swimming Pools.

(g) Temporary Storage Units. Temporary storage units, meaning those without a foundation, may be placed on a lot, in order to unload or load them, for not more than fourteen (14) days in any six (6) month period, provided they shall not be located in a front or side yard, except on an existing impervious surface such as the driveway, during this fourteen (14) day period.

(h) Fences, Walls and Similar Screening Devices. Fences, walls and similar screening devices in any single-family residential district shall comply with the following requirements:

(1) Fences, walls and similar screening devices shall not exceed six (6) feet in height in single-family residential districts unless noted below:

A. In a required front yard setback, or a required setback abutting a public street right-of-way, fences, walls and similar screening devices shall not exceed four (4) feet in height. This requirement shall not apply to fences, walls and similar screening devices in a required setback abutting a public alley right-of-way.

B. When enclosing a tennis court, fences shall not exceed twelve (12) feet in height.

(2) Barbed wire, spike, razor wire, or electric fences, walls and similar screening devices are prohibited in any single-family residential district.

(3) At least fifty (50) percent of the vertical surface of a fence located in a front yard setback, or a required setback abutting a public street right-of-way, shall be open. This requirement shall not apply to fences in a required setback abutting a public alley right-of-way.

(4) All fences on a single property shall have a unified style, unified color and the smooth finished side of the fence shall be the side of the fence that faces outward from the yard being fenced. Different styles of fencing may be permitted on a single property in an attempt to match existing fence styles on the property or existing adjacent fencing on a neighboring property. 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.

(5) Fences, walls and similar screening devices may be built up to the property line, but 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.

(6) All fences, walls and similar screening devices shall comply with Section 1125.15, Visibility at Intersections.
(Ord. 2006-49. Passed 5-21-07.)

CHAPTER 1134
Cluster Residential Development Regulations

1134.01	**Purpose.**	**1134.07**	**Development and site planning standards.**
1134.02	**Approval of Cluster Residential Developments.**	**1134.08**	**Street, drive and walkway requirements.**
1133.03	**Minimum project area.**	**1134.09**	**Supplemental requirements.**
1134.04	**Dwelling types.**	**1134.10**	**Homeowners Associations.**
1134.05	**Density and open space regulations.**	**1134.11**	**Phased development.**
1134.06	**Open space requirements.**	**1134.12**	**Plan approval.**

1134.01 PURPOSE.

Cluster Residential Developments (CRD) shall be permitted in the R-1 and R-2 Districts to encourage and accommodate creative and imaginative CRDs that provide alternative housing types and the preservation of open space in a unified project. In compliance with the following regulations, it is intended that CRDs will utilize innovations in the technology of land development that are in the best interests of the City. These regulations are designed to achieve, among others, the following objectives:

(a) To promote economical and efficient use of land and reduce infrastructure costs through unified development.

(b) To permit the flexible spacing of lots and buildings in order to encourage the separation of pedestrian and vehicular circulation; the provision of readily accessible open space and recreation areas; and the creation of functional and interesting residential areas.

(c) To minimize the impact of new development by reducing curb cuts onto major thoroughfares and collector streets.

(d) To ensure that Cluster Residential Developments are compatible with surrounding single-family neighborhoods and comply with these objectives by requiring the submission of development plans and establishing a review process to ensure that all developments are consistent with these regulations.

(e) In the R-1 and R-2 District, Cluster Residential Developments shall be designed and developed to provide alternative housing types and the preservation of open space through the flexible arrangement of buildings in a unified development.

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

1134.02 APPROVAL OF CLUSTER RESIDENTIAL DEVELOPMENTS.

In addition to the general review procedures for development plans, the Planning Commission shall review a proposed CRD to ensure that:

(a) The proposed buildings and uses are located so as to reduce any substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare.
(b) Significant buffer zones with adequate landscaping are provided between the proposed development and adjacent residential areas;
(c) The bulk and height of buildings within the proposed development are compatible with the surrounding development;
(d) Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development are designed to have access to public streets in a manner that minimizes traffic hazards, or congestion;
(e) The layout of parking areas, service areas, entrances, exits, signs, lighting, noise sources or other potentially adverse influences are designed and located to protect the residential character of areas adjacent to the development and to minimize alteration of the natural site features to be preserved, such as, but not limited to, ravines, stream beds, lakes, significant stands of trees, individual trees of significant size, and rock outcroppings.
(f) The proposed development will be constructed, arranged and operated so as not to interfere with the development and use of neighboring property, in accordance with the applicable district regulations.
(g) Irreplaceable, significant natural features located in the project area, such as but not limited to ravines, stream beds, lakes, significant stands of trees, individual trees of significant size and rock outcroppings
(h) That common open space intended for a recreation or public use will be easily accessible to pedestrians, which accessibility shall meet the needs of the handicapped and elderly.
(i) The proposed cluster development will be served adequately by spaces, police and fire protection, drainage structures, refuse disposal, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
(Ord. 2006-49. Passed 5-21-07.)

1134.03 MINIMUM PROJECT AREA.

The area proposed to be developed as a CRD shall be in one ownership, or if in several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed CRD boundaries. The gross area of a tract of land in a CRD shall be:

(a) 15 acres in an R-1 District.
(b) 10 acres in an R-2 District.
(Ord. 2006-49. Passed 5-21-07.)

1134.04 DWELLING TYPES.

The types of dwelling units that may be included as part of a CRD are listed below in Table 1134.04, for the district in which the CRD is located.

Table 1134.04 Dwelling Types			
	R-1	**R-2**	**R-T**
(a) Single-family detached dwellings on subdivided lots	P	P	NA
(b) Cluster single-family detached dwellings	P	P	NA
(c) Single-family attached; with not more than 3 units attached	-	C	NA
P = Permitted Use C = Conditional Use NA = Not Applicable			

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

1134.05 DENSITY AND OPEN SPACE REGULATIONS.

The number of dwelling units permitted and the amount of restricted open space provided as part of a CRD shall comply with the following:

(a) Maximum Density. The gross density of a CRD shall not exceed the maximum number of dwelling units per acre set forth below in Table 1134.05 for the district in which the CRD is located. The maximum number of dwelling units permitted for a particular site shall be calculated by:

(1) Deducting the following from the total project area:

A. Any public right-of-way within the project boundary existing at the time the development plan is submitted; and

B. The area of land that is within a floodway, designated wetland or existing water body that exceeds the minimum acreage required for restricted open space as set forth in Table 1134.05. Where floodways, wetlands, and/or water bodies overlap, they shall be counted only once.

(2) Multiplying the result of subsection (1) by the maximum number of dwelling units set forth in Table 1134.05.

(b) Minimum Restricted Open Space. In the R-1 and R-2 Districts, a portion of the total project area shall be devoted to restricted open space in compliance with the minimum requirement set forth below in Table 1134.05 for the district in which the CRD is located.

(c) Table 1134.05. Density and Open Space Regulations:

	R-1	**R-2**	**R-T**
1. Maximum dwelling units per acre	3.4	4.4	NA
2. Minimum restricted open space	20%	20%	NA

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

1134.06 OPEN SPACE REQUIREMENTS.

The open space shall comply with the following:

(a) General Standards.

(1) The restricted open space shall be located and designed to the satisfaction of the Planning Commission and shall:

A. Be sufficiently aggregated to create large areas of planned open space;

B. Conserve significant topographic and landscape natural features to the extent practicable;

C. Be easily accessible to residents of the CRD;

D. Be not less than 50 feet in width at any point;

E. Be interconnected with open space areas on abutting parcels wherever possible, by open space corridors.

(2) Land area devoted to the following shall not be included as meeting the restricted open space requirement:

A. Public rights-of-way;

B. Parking areas, access drives, common drives and driveways, except as otherwise permitted by the Planning Commission when providing access to the restricted open space;

C. Required setbacks for buildings and parking areas from the project boundaries, and public streets, unless the required setback is contiguous to and part of a larger area of restricted open space;

D. Required spacing between buildings and between buildings and parking areas;

E. Private yards within subdivided lots;

F. A minimum of 15 feet between buildings and restricted open space.

(3) Areas designated for restricted open space purposes may be:

A. Preserved in their natural state as wetlands, woodlands, lakes or ponds, historic lands, environmentally sensitive areas, or similar conservation oriented area;

B. Used for outdoor active or passive recreation for the use and/or enjoyment of the residents of the proposed development. Any restricted open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purposes as determined by the Planning Commission. Where deemed appropriate by the Planning Commission, recreation areas shall be provided with sufficient parking and appropriate access; or

C. Utilized for farming when authorized in a conservation easement or in the Association's covenants and restrictions.

(4) Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, shall be

landscaped with vegetation that is compatible with the natural characteristics of the site.

(5) Such restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the development plan.

(b) Prohibition of Further Subdivision of Restricted Open Space. Restricted open space shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Wooster Law Director and duly recorded in the Office of the Recorder of Deeds of Wayne County.

(c) Ownership of Restricted Open Space. Subject to such permanent restriction as set forth above, restricted open space may be owned by an association, the City, a land trust or other conservation organization recognized by the City.

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

1134.07 DEVELOPMENT AND SITE PLANNING STANDARDS.

The following specific development standards shall be adhered to in the design and layout of any CRD.

(a) Minimum Setbacks. All buildings, structures and parking areas shall comply with the minimum setbacks set forth in Table 1134.07 below.

(b) Minimum Spacing Between Buildings. In order to ensure reasonable privacy and separation, individual buildings including terraces, decks and patios shall be separated by the minimum spacing set forth in Table 1134.07. These distances may be reduced when the Planning Commission finds that adequate landscaping and screening is provided to ensure privacy between units.

(c) Table 1134.07. Minimum Setback and Spacing Requirements.

	R-1	**R-2**	**R-T**
1. Setback from existing public street right-of-way[(b)]	25 ft.	25 ft.	NA
2. Setback from project boundary, other than a public street[(b)]	30 ft.	25 ft.	NA
3. Setback from interior street[(b)]			
• Public right-of-way	25 ft.	20 ft.	NA
• Private street pavement	20 ft.	20 ft.	NA
4. Spacing between buildings			
• Side to side	10 ft.	10 ft.	NA
• Side to rear	25 ft.	25 ft.	NA
• Rear to rear	40 ft.[(a)]	35 ft.[(a)]	NA

(a) When the rear wall of one dwelling is adjacent to the rear wall of a second dwelling, the minimum separation shall be the distance set forth in this Table or equal to the length of the adjacency, whichever is greater.

(b) See Section 1125.02 for permitted obstructions within required setbacks and other related open space

(Ord. 2012-24. Passed 8-20-12.)

(d) Minimum Setback for Interior Streets. Interior streets shall be located a minimum of 20 feet from a CRD boundary, except as necessary to traverse this required setback to provide access to an existing public street right-of-way.

(e) Lot Requirements.

(1) Dwelling units are not required to be on individual lots. However, when lots for standard detached single-family dwelling units or sublots for single-family cluster or attached dwelling units are included as part of a CRD, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this Section.

(2) The applicant shall depict on the development plan the maximum parameters, or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building location will be in compliance with the spacing requirements of this Section.

(f) Required Buffer. When attached single-family units are proposed in the R-1 and R-2 Districts, a buffer area with a minimum width of twenty (20) feet shall be located within the required setbacks from the project boundary specified in Table 1134.07 and shall be landscaped in accordance with Chapter 1165, Landscaping and Land Use Buffers.

(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; Ord. 2012-24. Passed 8-20-12.)

1134.08 STREET, DRIVE AND WALKWAY REQUIREMENTS.

(a) General Street Design Criteria.

(1) The area of the proposed project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.

(2) Street alignments should follow natural contours and be designed to conserve natural features.

(b) Street Requirements.

(1) A street shall be required to be a public, dedicated street when such street:

A. Provides access to detached single-family dwellings on subdivided lots.

B. Is a major street that connects two existing public streets and which is intended to provide a future continuing street system beyond the project boundaries, or is expected to

accommodate pass-through traffic going to and from adjacent developments.

C. Otherwise required by Chapter 1181, Vehicular and Pedestrian Circulation, to be a public street.

(2) Streets that are not otherwise required to be public streets pursuant to subsection (1) above may be approved as private streets. The Planning Commission may approve private streets when all of the following requirements are met:

A. A private street shall not be planned or be expected to extend to serve property outside the Cluster Residential Development.

B. Right-of-ways shall not be required for private streets; however, utility easement(s) may be required along the length of the private street.

C. The design and layout of the private street(s) shall provide adequate and safe access to the intended units, as determined by the Wooster Police and Fire Departments.

(3) All elements of a private street that are to be provided in a CRD shall be constructed in accordance with the standards set forth for public streets in Chapter 1181, Vehicular and Pedestrian Circulation and Chapter 1183, Utility Regulations. However, when the Planning Commission determines that certain elements of a public street do not or should not specifically apply to a private street due to the circumstances of a particular project or portion of a project, the Commission may waive or permit a modification to the installation of any such element(s) to the extent deemed just and proper provided such relief may be granted without detriment to the public good and is consistent with the Purpose of this Chapter. This provision also applies to waiving the requirement for curbs and storm sewers when the applicant demonstrates to the satisfaction of the City Engineer and the Planning Commission that, based on the topography of the site, open space, density and other environmental considerations, the proposed open natural drainage system will equally satisfy the drainage requirements.

(c) Common Drives. Common drives shall be permitted in compliance with the following requirements:

(1) A common drive shall serve no more than four units.

(2) A common drive shall extend from a public street and shall not connect to any other existing or planned public street.

(3) The design and layout of the common drive shall provide adequate and safe access to the intended units, as determined by the Wooster Police and Fire Departments.

(4) Right-of-ways are not required for common drives; however, a utility easement may be required along the length of the common drive.

(5) All common drives shall be paved and have a minimum width of 12 feet.

(6) Whenever a common drive is included in a Cluster Residential development, deed restrictions shall be required and shall specifically include the following language:
"The undersigned grantee(s) hereby acknowledge(s) that (he, she, they) understand that the premises described herein is located upon a nondedicated or common drive. And further, the grantee(s) understands that no government body is responsible for care and maintenance of said common drive."

(d) Pedestrian Circulation and Walkways. A pedestrian circulation system shall be included in the CRD. The system shall provide convenient pedestrian access throughout the CRD and from the CRD to other areas of the community. Walkways shall be constructed of concrete or asphalt unless otherwise permitted by the Planning Commission.
(Ord. 2006-49. Passed 5-21-07.)

1134.09 SUPPLEMENTAL REQUIREMENTS.

Additional development requirements formulated to achieve the objectives of this Chapter may be established at the time the CRD development plan is reviewed. Any such development requirements adopted with such plan shall become binding land use requirements for the proposed CRD. (Ord. 2006-49. Passed 5-21-07.)

1134.10 HOMEOWNERS ASSOCIATIONS.

As part of a Cluster Residential development, a homeowners association, community association, condominium association or similar legal entity shall be created in compliance with Section 1125.12, Requirements for Owners Association, so that such association is responsible for the maintenance and control of common areas, including the required open space, open space easements, private streets and common drives.
(Ord. 2013-44(a). Passed 12-16-13.)

1134.11 PHASED DEVELOPMENT.

If development is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, and other public improvements to serve the development in accordance with the applicable criteria set forth above. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property.
(Ord. 2006-49. Passed 5-21-07.)

1134.12 PLAN APPROVAL.

The applicant for a Cluster Residential Development shall submit development plans in accordance with Chapter 1107, Procedures for Zoning Certificates, Development Review, and Conditional Use Approval. (Ord. 2006-49. Passed 5-21-07.)

CHAPTER 1135
Multi-Family Residential Districts

1135.01	**Intent.**	**1135.06**	**Parking requirements.**
1135.02	**Use regulations.**	**1135.07**	**Landscape and screening requirements.**
1135.03	**Area and density regulations.**	**1135.08**	**Site improvement standards.**
1135.04	**Site development regulations.**	**1135.09**	**Development plan review.**
1135.05	**Accessory structures.**		

1135.01 INTENT.

Multi-Family Residential District (R-3, R-4) regulations are established in order to achieve, among others, the following purposes:

(a) To regulate the bulk and location of dwellings to obtain proper privacy and useable open spaces appropriate for the various districts;

(b) To regulate the density and distribution of population to avoid congestion and the overburdening of existing and proposed community facilities and public services.

(c) To preserve the character of differing neighborhoods by providing different districts with different densities and development standards.

(d) To enable the development of attached single-family and multi-family dwellings in appropriate locations and with a minimum project size to ensure the creation of sustainable higher density neighborhoods.
(Ord. 2006-49. Passed 5-21-07.)

(e) To carry out the following specific purposes:

(1) The R-3 Attached Single-Family/Townhouse District is established to provide, preserve and protect medium density residential areas for attached single-family dwellings arranged to provide good building site design and effective open space in areas adequately served by City sewer, water and streets.

(2) The R-4 Multi-Family District is established to provide, preserve and protect locations for high density apartment development in areas with appropriate levels of service.
(Ord. 2013-44(a). Passed 12-16-13.)

1135.02 USE REGULATIONS.

(a) Uses Permitted By Right. A use listed in Table 1135.02 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of this Planning and Zoning Code and other city codes and have been met;

(b) Conditional Uses. A use listed in Table 1135.02 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, Conditional Use Regulations, have been met according to the procedures set forth in Chapter 1107;
(Ord. 2006-49. Passed 5-21-07.)

(c) Accessory Uses. An accessory use that is clearly incidental and subordinate to a use listed in Table 1135.02 shall be permitted provided that the requirements of this Planning and Zoning Code and other city codes have been met. Accessory uses are further regulated as noted below.

(1) Home occupations in compliance with Chapter 1125.

(2) Private garages and off street parking spaces in compliance with this Chapter and Chapter 1169.

(d) Table 1135.02 Permitted Uses.

Table 1135.02
Permitted Uses

	R-3	**R-4**
	Attached Single-Family/Townhouse District	Multi-Family District
1. Residential		
A. Single-family detached dwellings	P[1]	P[1]
B. Single-family attached dwellings	P	P
C. Two-family dwellings	P	P
D. Multi-family dwellings	--	P
E. Boarding house	C	C
F. Adult care facility for 3-5 persons	P	P
G. Adult care facility for 6-16 persons	C	C
H. Residential facility for 5 or fewer persons	P	P
I. Residential facility for 6-8 persons	P	P
J. Residential facility for 9-16 persons	C	C
2. Community Facilities		
A. Congregate Care Facility/Nursing home	C	C
B. Place of worship/church	C	C
C. Day care facility, child and/or adult	C	C
D. Library, cultural institution	C	C
E. Public safety, health or utility facility	C	C
F. Utility substation/distribution facility, indoor	C	C

Table 1135.02 Permitted Uses		
	R-3	**R-4**
	Attached Single-Family/Townhouse District	Multi-Family District
G. School (public/private) elementary/secondary	C	C
3. Open Space Recreation		
A. Community recreation facility	P	P
B. Public park, public playground	P	P
4. Other Uses		
A. Wireless telecommunication facility	See Chapter 1173	
B. Sales/leasing office or model unit	P	P
C. Office use	--	C when contiguous to a commercial district
P = Principal Use Permitted By Right C = Conditional Use -- Use not permitted in district		

Notes to Table 1133.02:
[1] To be permitted by right for properties which were subdivided and recorded in the Office of the Wayne County Recorder prior to June 21, 2007. Such properties shall comply with all regulations for detached, single-family homes in the R-2 District that are contained in Chapter 1133.

(Ord. 2013-44(a). Passed 12-16-13.)

1135.03 AREA AND DENSITY REGULATIONS.

Land area shall be divided and developed, and buildings shall be erected, altered, moved or maintained in a multi-family district only in compliance with the following area regulations.

(a) Minimum Development Area. The gross area of a tract of land shall not be less than 5 acres. The entire tract of land to be developed shall be considered one zoning lot.

(b) Minimum Frontage. Each lot shall abut upon a public street for a distance not less than set forth in Table 1135.03. In a multi-family development, buildings may be arranged in a group and all buildings need not front on a street.

(c) Maximum Density. The residential density of a multi-family development shall not exceed the number of dwelling units per acre set forth in Table 1135.03 for the district in which the development is located.

(1) Calculating Units. The total number of dwelling units permitted shall be calculated by multiplying the total project area, exclusive of public rights-of-way existing at the time the development plan is submitted, by the number of dwelling units permitted per acre.

(d) Maximum Coverage. The maximum coverage of the lot, for all areas covered by buildings shall not exceed the percentage of the total area of the development project set forth in Table 1135.03.

(e) Maximum Number of Attached Single-Family Units. A building comprised of attached single-family units shall have not more than six such units attached.

(f) Table 1135.03 Lot and Density Regulations.

Table 1135.03
Lot and Density Regulations

	R-3 Attached Single-Family/Townhouse District	R-4 Multi-Family District
(1) Minimum frontage	100 ft.	125 ft.
(2) Maximum dwelling units per acre	8	15
(3) Maximum coverage of the lot by buildings	25%	40%
(4) Maximum lot coverage	45%	60%

(Ord. 2013-44(a). Passed 12-16-13.)

1135.04 SITE DEVELOPMENT REGULATIONS.

The following regulations are established to regulate the design and development of buildings in multi-family districts.

(a) Building Setback from Project Boundary. The setback of a dwelling from any project boundary shall be not less than the distance set forth in Table 1135.04. The project boundary shall include all lot lines that divide the tract of land developed for multi-family units from adjacent lots not included in the development and shall be the boundaries of the minimum area set forth in Section 1135.03(a), Minimum Development Area.

(b) Parking Setback from Project Boundary. The setback of off-street parking areas from any project boundary shall be not less than the distance set forth in Table 1135.04.

(c) Building Spacing. The minimum distance separating buildings shall be not less than the distance set forth in Table 1135.04.

(d) Building Height. All buildings shall comply with the maximum height regulations set forth below:

(1) The height of principal buildings shall not exceed the maximum height set forth in Table 1135.04 table.

(2) The height of accessory buildings shall not exceed twenty (20) feet.

(3) Permitted height exceptions are set forth in Section 1125.03.
(Ord. 2006-49. Passed 5-21-07.)

(e) Table 1135.04 Site Development Standards

Table 1135.04 **Site Development Standards**		
	R-3 Attached Single-Family/Townhouse District	**R-4** Multi-Family District
A. Minimum Building Setback from:		
A. Right-of-way	25 ft.	50 ft.
B. Project boundary lines abutting an R-1, R-2 or R-T District	40 ft.	50 ft.
C. Project boundary line abutting all other districts	20 ft.	20 ft.
B. Minimum Parking Setback from:		
A. Right-of-Way	25 ft.	50 ft.
B. Project boundary lines abutting an R-1, R-2 or R-T District	20 ft.	20 ft.
C. Project boundary line abutting all other districts	10 ft.	10 ft.
C. Minimum Building Separation	25 ft.	25 ft.
D. Maximum Principal Building Height	35 ft.	60 ft.

(Ord. 2013-44(a). Passed 12-16-13.)

(f) Definitions. The following definitions shall apply to terms used in this Section:

(1) Main Wall. The outside wall of a building that contains the primary windows of any living, family or dining room.

(2) End Wall. The outside walls other than a main wall of a building, which may be blank or contain windows not considered to be primary windows.

(Ord. 2006-49. Passed 5-21-07; Ord. 2012-24. Passed 8-20-12.)

1135.05 ACCESSORY STRUCTURES.

Accessory buildings and structures permitted in multi-family residential districts shall conform to the standards contained in this Section and Chapter 1125, if applicable. No accessory building shall be established on a lot unless a principal building has first been established on the lot in conformance with all applicable provisions of this Planning and Zoning Code.

(a) Location Requirements for Accessory Structures. Accessory buildings and structures permitted in a multi-family residential district shall be located as set forth in Table 1135.05.

(b) Table 1135.05 Permitted Accessory Structures in Front, Side and Rear Yards:

Table 1135.05
Permitted Accessory Structures in Front, Side and Rear Yards

Structure	Yard Permitted	Minimum Setback From Lot Line		
		Front	Side	Rear
1. Detached accessory buildings[(a)]- Property boundary abutting R-1, R-2, R-3 and R-T Districts	Side, rear	NP	20 ft.	20 ft.
2. Detached accessory buildings[(a)]- Property boundary abutting all other districts	Side, rear	NP	10 ft.	10 ft.
3. Fences, walls	Front, corner side, side, rear	0 ft.	0 ft.	0 ft.
4. Outdoor storage of recreation vehicles[(b)]	Side, rear	NP	10 ft.	10 ft.
5. Private Swimming pools[(c)]	Rear	NP	10 ft.	10 ft.

Notes to Table 1135.05:
(a) Detached accessory buildings include garages, recreational facilities and community recreational areas
(b) See Section 1125.08 for additional outdoor storage of recreation vehicle regulations
(c) See Section 1125.07 for additional swimming pool regulations
NP Not Permitted

(c) Fences, Walls and Similar Screening Devices. Fences, walls and similar screening devices in any multi-family residential district shall comply with the following requirements:

(1) Fences, walls and similar screening devices shall not exceed six (6) feet in height in multi-family residential districts unless noted below:

A. In a required front yard setback, or a required setback abutting a public street right-of-way, fences, walls and similar screening devices shall not exceed four (4) feet in height. This requirement shall not apply to fences, walls and similar screening devices in a required setback abutting a public alley right-of-way.

B. When enclosing a tennis court, fences shall not exceed twelve (12) feet in height.

(2) Barbed wire, spike, razor wire, or electric fences, walls and similar screening devices are prohibited in any multi-family residential district.

(3) At least fifty (50) percent of the vertical surface of a fence located in a front yard setback, or a required setback abutting a public street right-of-way, shall be open. This requirement shall not apply to fences in a required setback abutting a public alley right-of-way. (Ord. 2013-44(a). Passed 12-16-13.)

(4) All fences on a single property shall have a unified style, unified color and the smooth finished side of the fence shall be the side of the fence that faces outward from the yard being fenced. Different styles of fencing may be permitted on a single property in an attempt to match existing fence styles on the property or existing adjacent fencing on a neighboring property. 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. 2006-49. Passed 5-21-07.)

(5) Fences, walls and similar screening devices may be built up to the property line, but 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.

(6) All fences, walls and similar screening devices shall comply with Section 1125.15, Visibility at Intersections.

(d) Temporary Storage Units. Temporary storage units, meaning those without a foundation, may be placed on a lot, in order to unload or load them, for not more than fourteen (14) days in any six (6) month period, provided they shall not be located in a front or side yard, except on an existing impervious surface such as the driveway, during this fourteen (14) day period. (Ord. 2013-44(a). Passed 12-16-13.)

1135.06 PARKING REQUIREMENTS.

Off-street parking spaces shall be provided for multi-family developments in accordance with the provisions set forth in Chapter 1169.
(Ord. 2006-49. Passed 5-21-07.)

1135.07 LANDSCAPE AND SCREENING REQUIREMENTS.

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

1135.08 SITE IMPROVEMENT STANDARDS.

The following site improvement standards shall apply to all developments in an R-3 or R-4 District.

(a) Underground Utilities. All utilities required to serve a development shall be located underground.

(b) Sidewalks. Sidewalks shall connect each building entrance to the parking area serving that building, to other buildings on-site, to recreational facilities that are provided as part of the development and uses, as appropriate, on adjacent lots.

(c) Waste Receptacles. All solid waste products 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 on a paved surface in compliance with the minimum parking setbacks established in Table 1135.04 as well as the screening requirements set forth in Chapter 1165, Landscaping and Land Use Buffers.

(d) Performance Standards. All uses and developments in the R-3 and R-4 Districts shall comply with the Performance Standards in Chapter 1125, General Use Regulations.

(e) Detached Garages. All detached garages shall be located in the side or rear yard.

(f) Building Location. To provide a sense of enclosure and definition to the street, the front wall of the principal structure(s) shall be parallel to the public street or to its tangent, if the street is curved. There shall be at least one (1) entrance facing the public street and the principal windows of the building(s) shall also face this public street.

(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.

(h) Open Space. Any development over five (5) dwelling units shall set aside twenty (20) percent of the gross land area as open space. A specific recreational activity area or areas shall be developed and maintained for the residents of the development as part of this open space as follows:

(1) The size, location, shape, slope, and condition of the land shall be suitable for a specific recreational activity;

(2) The amount of land devoted to recreation shall be a function of the population to be served. Consideration shall be given to the size of the development, number and characteristics of expected residents, proximity to other recreational facilities, topography, and natural features on the site.

(3) Safety buffers shall be provided for users of recreational facilities and equipment using recognized engineering and recreation standards.

(4) Indoor recreational area may be used as a specific recreational activity area. The indoor recreational area shall count as a part of lot coverage, as regulated by the District's regulations.

(5) Open space shall be sufficiently aggregated to create large useable areas of planned open space.

(6) Open space shall not be less than fifty (50) ft. in width at any point, unless the Planning Commission deems that a lesser width is appropriate, such as when connecting open space areas on adjacent parcels or creating scenic walking trails.

(7) Open space shall be composed of the 100-year floodplain, wetlands (including woodlands with wetland soils), steep slopes, and significant wildlife habitats. The Flood Insurance Study prepared by the U. S. Department of Housing and Urban Development, Federal Insurance Administration or the latest acceptable study shall be used to determine the 100-year floodplain.

(8) Land area devoted to the following shall not be included as meeting the open space requirement:

A. Public rights-of-way;

B. Parking areas, access drives, common drives and driveways, except as otherwise permitted by the Planning Commission when providing access to the open space;

C. Required setbacks for buildings and parking areas from the project boundaries;

D. Patios or other similar private space; and,

E. A minimum of fifteen (15) ft. between buildings and open space. (Ord. 2006-49. Passed 5-21-07.)

1135.09 DEVELOPMENT PLAN REVIEW.

Uses in R-3 and R-4 Districts shall be permitted only after development plans have been reviewed and approved according to the procedures set forth in Chapter 1107. (Ord. 2006-49. Passed 5-21-07.)

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CHAPTER 1137
Manufactured Home Park District

1137.01	**Intent.**	**1137.06**	**Community facilities and services.**
1137.02	**Use regulations.**	**1137.07**	**Landscaping and screening requirements.**
1137.03	**Manufactured home community requirement.**	**1137.08**	**Fences and walls.**
1137.04	**Manufactured/mobile home lot requirements.**	**1137.09**	**Performance standards.**
1137.05	**Manufactured/mobile home requirements.**	**1137.10**	**Development plan review.**

1137.01 INTENT.

The Manufactured Home (R-5) District and its regulations are established in order to achieve the following purposes:

(a) To provide for orderly growth and development in the City of Wooster.

(b) To preserve the character of differing neighborhoods by providing for the location of mobile homes and manufactured homes in manufactured home communities.

(c) To regulate the bulk and location of dwellings to maintain privacy, safety and open spaces for each unit appropriate for the district.

(d) To provide certainty to property owners, developers and neighbors about the limits of what is allowed in a manufactured home zoning district. (Ord. 2006-49. Passed 5-21-07.)

1137.02 USE REGULATIONS.

(a) Uses Permitted By Right. A use listed in Table 1137.02 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of this Planning and Zoning Code and other city codes and have been met;

(b) Conditional Uses. A use listed in Table 1137.02 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. An accessory use that is clearly incidental and subordinate to a use listed in Table 1137.02 shall be permitted provided that the requirements of this Planning and Zoning Code and other city codes have been met. Accessory uses are further regulated as noted below.

(1) Home occupations in compliance with Chapter 1125.

(2) Off street parking spaces in compliance with this Chapter and Chapter 1169.

(d) Table 1137.02 Permitted Uses.

Table 1137.02
PERMITTED USES IN MANUFACTURED HOME DISTRICT

	R-5 Manufactured Home
(1) Residential	
A. Manufactured home	P
B. Mobile home	P
C. Manufactured home community	P
(2) Residential/Work	
A. Home occupation[1]	A
(3) Recreation/Open Space	
A. Park/playground	P
(4) Other	
A. Day care facility, child and/or adult	C
B. Public safety, health or utility facility	C
C. Wireless Telecommunication facility	See Chapter 1173
(5) Accessory Uses	
A. Office[2]	A
B. Personal service establishment[3]	A
C. Recreation facility, indoor[4]	A
D. Recreation facility, outdoor[4]	A
E. Retail Business[3]	A
F. Single-family dwelling, detached[5]	A

Notes to Table 1137.02

[1] As further regulated by Chapter 1125

[2] An office for the on-site manager shall be a permitted. All other office uses are prohibited.

[3] A personal service establishment and a retail business that is solely utilized by residents of the manufactured home community shall be permitted.

[4] Recreation facilities that are solely utilized by the residents of the manufactured home community shall be permitted.

[5] A single-family detached dwelling for the on-site manager shall be permitted. All other single-family detached dwellings are prohibited.

P = Use permitted by right; C = Conditional use; A = Accessory use; -- = Use not permitted

(Ord. 2013-44(a). Passed 12-16-13.)

1137.03 MANUFACTURED HOME COMMUNITY REQUIREMENTS.

(a) Minimum Community Area. A manufactured home community shall contain a minimum of ten (10) acres.

(b) Minimum Width of Community. The minimum lot width of the manufactured home community shall not be less than 250 feet. (Ord. 2006-49. Passed 5-21-07.)

(c) Minimum Setbacks. All manufactured homes, mobile homes, or accessory buildings shall be setback fifty (50) feet from any property or right-of-way line bounding the manufactured home community. See Section 1125.02 for permitted obstructions within required setbacks or other related open space. (Ord. 2012-24. Passed 8-20-12.)

(d) Maximum Density. The maximum density shall not exceed eleven (11) manufactured or mobile homes per acre.

(e) Streets. No street, including associated drainage facilities, shall be located closer than ten (10) feet to any property boundary of a manufactured home community. Private access drives built to the following specifications shall be permitted, provided they are constructed to conform to the City's street construction specifications:

(1) One-way private access drive:

A. Twelve (12) foot minimum width with no parking allowed; or,

B. Eighteen (18) foot minimum width with parking allowed on one side.

(2) Two-way private access drive:

A. Twenty-foot (20) minimum width with no parking allowed; or,

B. Twenty-eight (28) foot minimum width with parking allowed on one side of the private access drive.

C. Thirty-four (34) foot minimum width with parking allowed on both sides of the private access drive.

(f) Sidewalks. All manufactured home communities shall have paved sidewalks at least three (3) feet in width on one side of interior streets. A private sidewalk, with a minimum width of two (2) feet, that provides a walkway from the manufactured home to a roadway or the common sidewalk system, shall be required. Additional sidewalks that connect service buildings and recreational areas to the common sidewalk system shall be provided.

(g) Commercial, Office, and Recreational Uses. Permitted commercial, office, and recreational uses shall be designed and located to protect the character of the District and surrounding residential uses. Such facilities shall be screened and landscaped so as to be compatible with adjoining manufactured home lots. Construction of commercial uses shall not begin until twenty-five percent (25%) of the manufactured home lots have been constructed. There shall be no retail sales of manufactured or mobile homes on the premises.

(h) Guest Parking. For guest parking, a minimum of fifteen (15) percent of the total number of required parking spaces shall be provided within the manufactured home park community.
(Ord. 2006-49. Passed 5-21-07.)

1137.04 MANUFACTURED/MOBILE HOME LOT REQUIREMENTS.

Individual manufactured or mobile home lots within manufactured home communities shall conform to the following development requirements

(a) Minimum Lot Area. Each manufactured home lot shall contain a minimum area of 3,600 square feet.

(b) Minimum Lot Width. The minimum width of each manufactured or mobile home lot shall be thirty (35) feet. The minimum width of corner lots, however, shall be fifty (50) feet.

(c) Clearance. There shall be a minimum clearance of twenty (20) feet between individual manufactured or mobile homes.

(d) Parking. Not less than two (2) off-street parking spaces shall be provided for each dwelling unit on the same lot as the manufactured/mobile home.
(Ord. 2006-49. Passed 5-21-07.)

1137.05 MANUFACTURED/MOBILE HOME REQUIREMENTS.

(a) Minimum Floor Area. Each manufactured or mobile home placed within a manufactured home community shall have a minimum area of 300 square feet.

(b) Compliance with HUD and State of Ohio Regulations. All manufactured and mobile homes shall meet or exceed federal and state manufactured and mobile home codes, including OAC ch-3701-27 inclusive, Ohio Sanitary Code, and any amendments or changes thereof.

(c) Utilities. All mobile homes within the park shall be served by the City water supply system and City sanitary sewer system. These utilities shall conform to all City, County, and State Health Department requirements.

(d) Skirting. Each manufactured or mobile home shall be securely skirted, entirely enclosing the bottom section at the time of occupancy. The skirting shall be of an impervious material and consistent with the characteristics of the manufactured home.
(Ord. 2006-49. Passed 5-21-07.)

1137.06 COMMUNITY FACILITIES AND SERVICES.

(a) Open Space and Recreation Areas. A safe, usable recreation area of at least ten percent (10%) of the gross land area of the manufactured home community, shall be reserved for recreational and open space uses. This figure is in addition to any other open areas required by minimum setback requirements or other sections of this Planning and Zoning Code. The recreation area(s) shall conform to the regulations set forth below:

(1) At least one-half of the required recreation and open space shall be developed as one recreation area. This recreation area shall be of a location, condition, size, and shape to be usable for a specific

recreation activity. Safety buffers shall be provided for users of recreational facilities using recognized engineering and recreation standards.

(2) The open space shall be owned in common by the manufactured community residents or shall be made available through the use of easements to all residents of the community.

(b) Storm Drainage. Within each manufactured home community, storm drainage shall be provided in accordance with the City's applicable codes.

(c) Garbage and Refuse Storage. The storage and collection of garbage and refuse within each manufactured home community shall be conducted as to create no health hazards, rodent harborage, insect breeding areas, fire hazards, or air pollution. All garbage shall be stored in fly-tight, rodent-proof containers. Any building, container, or dumpster used to dispose of garbage or refuse shall be screened in accordance with the provisions set forth in Chapter 1165, Landscaping and Land Use Buffers.

(d) Fire Protection. Within each manufactured home community, adequate water mains, fire hydrants, gaited connections and other fire prevention and fire safety facilities shall be installed. Standard fire hydrants shall be located in accordance with the City's applicable codes. Portable fire extinguisher and smoke detectors shall be required in each manufactured home by the park management.

(e) Service Buildings. Suitable facilities may be required by the City for repair, storage, and laundry services. (Ord. 2006-49. Passed 5-21-07.)

1137.07 LANDSCAPING AND SCREENING REQUIREMENTS.

The outer boundaries of the manufactured home community shall contain a buffer zone planted and maintained by the park operator. The buffer zone shall be composed of a green strip, not less than ten (10) feet in width, planted and maintained with a continuous, evergreen hedge of densely planted evergreen trees and shrubs not less than six (6) feet in height, located along all park boundaries, including the boundaries abutting a public right-of-way. This densely planted buffer zone shall completely obscure the manufactured home parking community within two (2) years of its planting. (Ord. 2006-49. Passed 5-21-07.)

1137.08 FENCES AND WALLS.

Fences and walls shall comply with the fence and wall regulations set forth in sub-section 1141.09 (b) Fences and Walls, in the Commercial Districts.
(Ord. 2014-24(a). Passed 10-20-14.)

1137.09 PERFORMANCE STANDARDS.

All uses shall comply with the following performance standards:

(a) Enclosure. All uses and operations, except off-street parking, shall be performed wholly within enclosed buildings, unless specifically permitted otherwise.

(b) Regulations for Vehicles. The repainting, rebuilding, overhauling or dismantling of a vehicle or the storage of tires, motor, or body parts in an open yard is prohibited.

(c) 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.)

1137.10 DEVELOPMENT PLAN REVIEW.

Uses in the R-5 District shall be permitted only after development plans have been reviewed and approved according to the procedures set forth in Chapter 1107. (Ord. 2006-49. Passed 5-21-07.)

CHAPTER 1141
Commercial District Regulations

1141.01	**Intent.**	**1141.09**	**Accessory structure regulations.**
1141.02	**Use regulations.**	**1141.10**	**Landscaping and screening requirements.**
1141.03	**Lot requirements.**	**1141.11**	**Design standards.**
1141.04	**Building setback requirements.**	**1141.12**	**Performance standards.**
1141.05	**Height regulations.**	**1141.13**	**Supplemental regulations for gasoline stations, automotive service stations and vehicle repair garages.**
1141.06	**Off-street parking regulations.**	**1141.14**	**Development plan review.**
1141.07	**Outdoor dining regulations.**		
1141.08	**Outdoor display and storage regulations.**		

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
(2) Office and Professional Services					
A. Administrative, business and/or professional office	P	P	P	P	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**
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
G. Public transportation terminal	--	--	--	C	P
H. Self-storage facility, indoor	--	--	--	--	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**
(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
(7) Accessory Uses					
A. Accessory recreational facilities	--	--	A	--	--
B. Crematorium when accessory to a funeral home	A	A	A	A	A

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**
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

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**
(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]
(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

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**
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					

(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 building line	Behind building line	10 feet	Behind building line	20 feet

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**
(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) <u>Outdoor dining is a privilege.</u> 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. Accessory buildings shall be located in a rear or side yard and shall be located on the same lot as the principle building. The height of accessory buildings shall not exceed twenty (20) feet.

(1) Accessory buildings that have a gross floor area of two hundred (200) square feet or less shall comply with the parking setbacks set forth in Table 1141.06.

(2) Accessory buildings that have a gross floor area of greater than two hundred (200) square feet shall comply with the building setbacks found in Table 1141.04. The indicated Maximum Setback from the Street ROW found in Table 1141.04 shall not apply to accessory buildings. (Ord. 2014-24(a). Passed 10-20-14.)

(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:

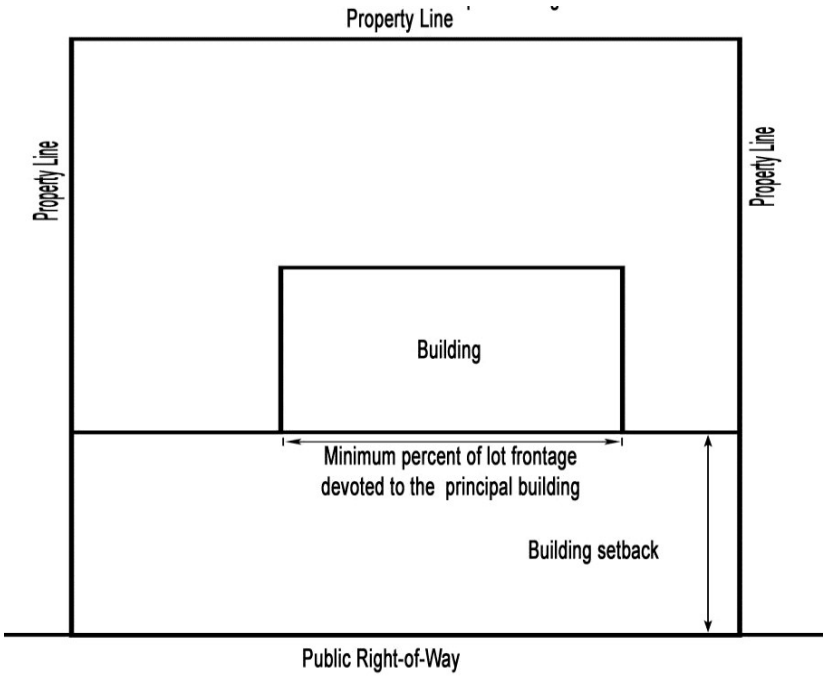
A. The visibility of both properties from a common point; or

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.

Figure 1
Minimum Width of the Principal Building



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.)

CHAPTER 1142
Campus, Professional, Research and Office District

1142.01	**Intent.**	**1142.06**	**Off-street parking regulations.**
1142.02	**Use regulations.**	**1142.07**	**Accessory structure regulations.**
1142.03	**Lot requirements.**	**1142.08**	**Design standards.**
1142.04	**Setback requirements.**	**1142.09**	**Performance standards.**
1142.05	**Height regulations.**	**1142.10**	**Development plan review.**

1142.01 INTENT.

The purpose of the Campus, Professional, Research, Office District (CPRO) is to provide for development of planned specialized manufacturing, research and business office complexes compatible with adjacent living areas; to encourage close proximity of residence and work place to reduce traffic congestion and save energy.
(Ord. 2006-49. Passed 5-21-07.)

1142.02 USE REGULATIONS.

(a) Uses Permitted by Right. A use listed in Table 1142.02 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 1142.02 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 1142.02 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 1142.02 Permitted Uses.

Table 1142.02 Permitted Uses	
	CPRO
(1) Residential/Lodging	
A. Single-family dwelling[1]	P
B. Two-family dwelling[1]	P
C. Multi-family dwelling[2]	P

Table 1142.02 Permitted Uses	
	CPRO
(2) Office and Professional Services	
A. Administrative, business and/or professional office	P
B. Financial institutions/Banks & associated drive-thru facilities[4]	C
C. Medical office	P
(3) Entertainment – Recreation	
A. Commercial recreation, outdoor[3]	C
B. School, specialty/personal instruction	P
C. Assembly hall/ membership club/conference center	C
D. Public park, public playground	C
(4) Community Facilities/ Other	
A. Place of worship/church	C
B. Day care facility, child and/or adult	P
C. Hospital	P
D. School (public/private) elementary/secondary	P
E. Manufacturing and production within enclosed building[5]	P
F. Public safety, health or utility facility	P
G. Utility substation/distribution facility, indoor	C
H. Scientific research, development, training and testing facility	P
I. Library, cultural institution	C
J. Wireless telecommunication facility	See Chapter 1173
(5) Accessory Uses	
A. Off-street parking facility	A
P = Permitted by right C = Conditional A = Accessory -- = Use not permitted in District	

Table 1142.02 Permitted Uses	
	CPRO
Notes to Table 1142.02: [1] These uses shall be developed in compliance with all applicable regulations pertaining to the R-2 District. [2] This uses shall be developed in compliance with all applicable regulations pertaining to the R-3 District. [3] Except amusement parks and firearms ranges are prohibited in this District [4] The total gross floor area of the building is limited to 2,500 square feet per acre. [5] Only those uses that are of a low-intensity nature and which are characterized by minimal truck traffic are conditionally permitted.	

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

1142.03 LOT REQUIREMENTS.

All lots in the CPRO District shall comply with the minimum requirements set forth in

(a) Table 1142.03 Lot Requirements.

TABLE 1142.03 Lot Requirements	
(1) Minimum lot area	3 acres
(2) Minimum lot width at building line	300 feet
(3) Lot coverage by building	25%

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

1142.04 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. (Ord. 2006-49. Passed 5-21-07.)

(a) Table 1142.04 Setback Requirements.

TABLE 1142.04 Lot Requirements	
(1) Front setback[a]	100 feet
(2) Side setback[a]	50 feet
(3) Rear setback[a]	50 feet

Notes to Table 1142.04:

[a] See Section 1125.02 for permitted obstructions within required setbacks or other related open space.

(Ord. 2012-24. Passed 8-20-12.)

1142.05 HEIGHT REGULATIONS.

The maximum building height for building and structures is forty-five (45) feet or three (3) stories. (Ord. 2006-49. Passed 5-21-07.)

1142.06 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 1142.06 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 1142.06 Minimum Parking Setbacks	
(1) Minimum setback from street right-of-way	50 feet
(2) Setback from side and rear lot line abutting non- residential district	10 feet
(3) Setback from side and rear lot line abutting residential district	30 feet

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

1142.07 ACCESSORY STRUCTURE REGULATIONS.

Accessory structures permitted in the CPRO District shall conform to the regulations in this Section as well as any other applicable Sections.
(Ord. 2013-44(a). Passed 12-16-33.)

(a) Accessory Buildings. Accessory buildings shall be located in a rear or side yard and shall be located on the same lot as the principle building. The height of accessory buildings shall not exceed twenty (20) feet.

(1) Accessory buildings that have a gross floor area of two hundred (200) square feet or less shall comply with the parking setbacks set forth in Table 1142.06.

(2) Accessory buildings that have a gross floor area of greater than two hundred (200) square feet shall comply with the building setbacks found in Table 1142.04.
(Ord. 2014-24(a). Passed 10-20-14.)

(b) Fences and Walls. Fences and walls may be erected in the CPRO District in compliance with the requirements set forth below.

(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. Only ornamental fences shall be permitted in front of a building, unless required for screening pursuant to Chapter 1165, Landscaping and Land Use Buffers.

D. All fences shall be designed, constructed, and finished so that the supporting members face the property of the owner of the fence.

E. 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.)

1142.08 DESIGN STANDARDS.

The development plan shall meet the following standards:

(a) Maintaining the Existing Natural Environment. The integrity of the existing landscape environment shall be maintained to the greatest possible degree or enhanced, particularly at the site periphery.

(b) Open Space. No less than forty percent (40%) of the site area shall consist of landscaped open space.

(c) Landscaping and Screening. A landscaped strip at least fifty (50) feet wide shall be provided all along the roadway frontage between the sidewalk or proposed right-of-way line and the building and/or parking lot except where a driveway or other opening may be required. In addition, a landscaped buffer at least fifty (50) feet in width shall be provided on the perimeter of the site where such perimeter adjoins or is across the street from less intense land uses, such as residential.

(d) Signage and Lighting. Signage and lighting for the development shall be designed to relate harmoniously to the development and neighboring uses. Freestanding signs shall be limited to one per parcel and shall meet the standards of the Sign Code. Lighting shall be designed in such manner as to prevent glare on adjacent properties or highways.

(e) Ingress and Egress. Points of automobile and truck access to the development shall be controlled and be designed in such manner as to minimize conflicts with adjacent, less intensive development. Access points shall only be permitted from a collector or major street, or a subdivision street designed for nonresidential neighborhoods. Only one

point of ingress and egress shall be permitted per parcel, unless its size exceeds five (5) acres. (Ord. 2006-49. Passed 5-21-07.)

1142.09 PERFORMANCE STANDARDS.

All uses shall comply with the following performance standards:

(a) Outdoor Activities. No outdoor sale, storage, or display of goods, supplies, or equipment shall be permitted.

(b) 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 1142.06 and shall be screened in accordance with the provisions set forth in Chapter 1165, Landscaping and Land Use Buffers.

(c) Lighting. The placement, orientation, distribution patterns and fixture types of outdoor lighting shall comply with the regulations set forth in Chapter 1167.

(d) Enclosure. All uses and operations, except off-street parking and loading facilities, shall be performed wholly within enclosed buildings, unless specifically permitted otherwise.

(e) Outdoor Vending Machines. In the CPRO District, there shall be no outdoor vending machines.

(f) Overhead Utility Lines. All utility lines, electric, telephone, cable, TV lines, etc., shall be placed underground. (Ord. 2006-49. Passed 5-21-07.)

(g) 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 emissions in Section 1125.14, Performance Standards. (Ord. 2013-44(a). Passed 12-16-13)

(h) 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.)

1142.10 DEVELOPMENT PLAN REVIEW.

All uses in the CPRO 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.)

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CHAPTER 1143
Manufacturing District Regulations

1143.01	**Intent.**	**1143.06**	**Off-street parking and Loading regulations.**
1143.02	**Use regulations.**	**1143.07**	**Outdoor activities.**
1143.03	**Lot requirements.**	**1143.08**	**Accessory use regulations.**
1143.04	**Building setback requirements.**	**1143.09**	**Performance standards.**
1143.05	**Height requirements.**	**1143.10**	**Development plan review.**

1143.01 INTENT.

The Manufacturing Districts include the M-1 Office/Limited Manufacturing, M-2 General Manufacturing, M-3 Urban Manufacturing, and M-4 Open Space/Heavy Manufacturing. The regulations set forth in this Chapter are established in order to achieve, among others, the following purposes:

(a) To promote the most desirable and beneficial use of the land and structures in accordance with the objectives of the City of Wooster Comprehensive Plan;

(b) To provide appropriate and convenient districts of sufficient size to carry on research, manufacturing processes, and distribution activities to serve the community, thereby promoting employment and strengthening the economy of the community;

(c) To improve the manufacturing environment by discouraging unrelated and incompatible uses in such areas, thereby making land more readily available for industry;

(d) To protect adjacent residential districts by restricting types of manufacturing uses nearby to only those which will not create objectionable influences beyond their district boundaries and will be properly buffered and screened;

(e) To protect manufacturing and related development against congestion by requiring setbacks and limiting the bulk and density of development in relation to adjacent buildings and available land and by requiring sufficient off-street parking and loading facilities.

(f) To carry out the following specific purposes:

(1) To provide an M-1 Office/Limited Manufacturing District for office and industrial uses in areas suitable for such development by reason of location, topography, soil conditions and the availability of adequate utilities and transportation systems. The intent is to permit office and other uses such as limited light industrial and warehouse activities that are office-like in physical appearance, service requirements, and operational characteristics; uses that can be carried on wholly within enclosed buildings and subject to those regulations necessary to reduce congestion and for the protection

of adjacent residential and business activities. This district also permits accessory retail and service uses to serve as support services for the adjacent office/industrial uses. The uses allowed are those that because of their normally unobjectionable characteristics can be operated in relatively close proximity to residential districts. The M-1 District is designed to encourage the development of office/light industrial parks/subdivisions by including reduced standards for lots that are part of a development and which have access onto a new internal street.

(2) To provide an M-2 General Manufacturing District for industrial and other uses that by virtue of their external effects, noise, glare, fumes, smoke, dust, odors, truck and/or rail traffic, should be isolated from residential and commercial uses. These uses perform essential functions for the City, including employment, and should be provided for in areas that are best suited for industrial development by reason of location, utilities and transportation systems.

(3) To provide M-3 Urban Manufacturing District for the continuation and reasonable expansion of existing industries located in proximity to Downtown, and to enable the establishment of new industries within the existing industrial area which can locate in the area in compliance with performance and development standards, in ways that are compatible with the existing urban nature of the Downtown area.

(4) To provide M-4 Open Space/Heavy Manufacturing Districts for industrial and other uses that by virtue of their necessity for open spaces and impermanent structures, as well as their external impacts, such as noise, dust, truck and/or rail traffic, and impact upon the environment, should be isolated from residential and commercial uses until reclamation plans are implemented. Such uses typically are intensive industrial establishments that utilize products, materials and/or processes which may involve dust, smoke, fumes, glare, odors or other objectionable characteristics, but which through the use of greater separation between industries do not create any danger to the health, safety and general welfare of the surrounding neighborhoods. Uses in the M-4 Districts typically generate outdoor activities and outdoor storage in association with permitted principal uses.

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

1143.02 USE REGULATIONS.

(a) Uses Permitted by Right. A use listed in Table 1143.02 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 1143.02 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 1143.02 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 other sections of this Planning and Zoning Code.

(d) Table of Permitted Uses.

Table 1143.02
Permitted Uses

	M-1 Office/Limited Manufact'g	**M-2** General Manufact'g	**M-3** Urban Manufact'g	**M-4** Open Space/ Heavy Manufat'g
(1) Offices/Retail/Services				
A. Administrative/professional offices, but not including medical and dental offices	P	--	P	--
B. Car wash	C	--	--	--
C. Drive-thru facility in association with a permitted use	C	--	--	--
D. Financial institution/Banks	C	--	C	--
E. Gasoline station/pumps	C	C	--	--
F. Kennel with outdoor run	C	C	--	P
G. Restaurant, indoor or other type of eating and drinking establishment	C	--	C	--
H. School, commercial, business, or trade	P	--	P	--
I. Service establishment, business	P	--	--	--
J. Service establishment, personal[1]	C	--	--	--
K. Veterinary office, animal hospital	P	P	P	--
(2) Industrial/Warehousing Uses				
A. Data Center	--	P	--	P
B. Light industrial processing, assembly	P	P	P	P
C. Manufacturing and production with outdoor activities (open space)	--	--	--	P
D. Manufacturing and production within enclosed building	P	P	P	P

Table 1143.02 Permitted Uses				
	M-1 Office/Limited Manufact'g	**M-2** General Manufact'g	**M-3** Urban Manufact'g	**M-4** Open Space/ Heavy Manufat'g
E. Manufacturing using raw materials, including saw mill, asphalt plant, etc.	--	--	--	P
F. Metal, steel alloy fabrication	--	P	--	P
G. Outdoor storage of materials & general merchandise	--	P	--	P
H. Scientific research, development, training and testing facility	P	P	P	P
I. Transport and truck terminal	--	P	--	P
J. Self-storage facility, indoor	--	C	--	C
K. Warehousing	P	P	P	P
L. Wholesale sales & distribution, indoor	P	P	P	P
M. Wholesale sales & distribution, outdoor	--	P	--	P
(3) General Commercial Uses				
A. Agriculture/farm supplies and services	--	P	--	P
B. Business equipment sales and service	P	P	P	P
C. Business maintenance services	P	P	P	P
D. Cemetery monuments works	P	P	--	P
E. Cleaning establishments - laundry, carpet, other cleaning service	--	P	P	P
F. Commercial greenhouse	P	P	--	P
G. Construction trade, contractor's facility	P	P	P	P
H. Grain elevator, feed mill	--	--	--	P
I. Printing and publishing	P	P	P	P
J. Retail establishment	P[2]	--	--	--
K. Sale of building materials	P	P	P	P
(4) Vehicle/Equipment Sales, Service, Storage				
A. Outdoor storage of fleet vehicles/equipment used in operation of principal use	--	C	--	P
B. RV, farm implement, construction equipment, or other large equipment sales, service and commercial storage	--	P	--	P
C. Vehicle repair garage	P	P	P	P

Table 1143.02 Permitted Uses				
	M-1 Office/Limited Manufact'g	**M-2** General Manufact'g	**M-3** Urban Manufact'g	**M-4** Open Space/ Heavy Manufat'g
D. Motor vehicle body shop	P	P	P	P
(5) Other Use Types:				
A. Agriculture	--	P	--	P
B. Commercial recreation, indoor	C	C	--	--
C. Crematorium	--	P	--	P
D. Mineral excavation, quarry operations	--	C	--	P
E. Plant nursery/greenhouse	--	P	--	P
F. Public service/maintenance facility	P	P	P	P
G. Utility substation/distribution facility, indoor & outdoor	P	P	P	P
H. Public safety, health or utility facility	P	P	P	P
I. Campgrounds	--	C	--	P
J. Recycling collection/processing facility	--	C	--	P
K. Radio and TV Stations	--	P	--	P
L. Wireless telecommunication facility	See Chapter 1173			
(6) Accessory Uses:				
A. Day care facility, child and/or adult	A	A	A	A
B. Outdoor sales and display	--	A	--	A
C. Off-street parking and loading facilities	A	A	A	A
D. Accessory medical clinics, lunchrooms, cafeterias, and recreational facilities in association with a permitted use	A	A	A	A
E. Outdoor Activities, see Section 1143.07	A	A	A	A
P = Permitted by right C = Conditional A = Accessory -- = Use not permitted in District				

[1] This use shall be permitted by-right when part of a multi-establishment building, and it is not the principal use of 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.

[2] This use shall be permitted by-right only when part of a multi-establishment building and when it is not the principal use of a building (i.e. occupying the majority of gross floor area). Otherwise, it is a prohibited use.

(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; Ord. 2014-24(a) Passed 10-20-14; Ord. 2013-44(a). Passed 12-16-13.)

1143.03 LOT REQUIREMENTS.

All lots in the Manufacturing Districts shall comply with the minimum requirements set forth in Table 1143.03.

(a) Table 1143.03 – Minimum Lot Requirements.

Table 1143.03 **Minimum Lot Requirements.**				
	M-1 Office/Limited Manufact'g	**M-2** General Manufact'g	**M-3** Urban Manufact'g	**M-4** Open Space/ Heavy Manufat'g
(1) Lot Requirements for Lots Fronting on Existing Streets				
A. Minimum lot size	1 acre	2 acres	1 acre	5 acres
B. Minimum lot width at building line	125 feet	200 feet	200 feet	300 feet
(2) Lot Requirements for lots fronting on new streets in industrial subdivision				
A. Minimum project size	5 acres	10 acres	NA	NA
B. Minimum lot size	30,000 sq ft	1 acre	NA	NA
C. Minimum lot width at building line	100 feet	125 feet	NA	NA
(3) Maximum building surface coverage	40%	50%	70%	50%
NA = Not applicable				

1143.04 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) Setback from Street Rights-of-way. Each lot shall maintain the minimum building setback measured from the street right-of-way. Corner lots shall comply with the setback for each lot line adjacent to a street right-of-way.

(b) Table 1143.04: Minimum Building Setbacks.

Table 1143.04 **Minimum Building Setbacks**				
	M-1 Office/Limited Manufact'g	**M-2** General Manufact'g	**M-3** Urban Manufact'g	**M-4** Open Space/ Heavy Manufat'g
(1) Minimum building setback for lots fronting on existing streets				
A. Minimum Setback from Street ROW	40 feet	40 feet	10 feet[1]	100 feet
B. Setback from Side and Rear Lot line abutting nonresidential zoning district	30 feet	30 feet	15 feet	50 feet
C. Setback from Side and Rear Lot line abutting residential zoning district	50 feet	75 feet	25 feet	200 feet
(2) Minimum building setback for lots fronting on New Streets in industrial subdivision				
A. Front setback	30 feet	30 feet	NA	NA
B. Side and Rear setbacks				
1. Adjacent to nonresidential zoning district	20 feet	20 feet	NA	NA
2. Adjacent to residential zoning District	50 feet	75 feet	NA	NA

Notes to Table 1143.04:
[1] The maximum setback shall be 30 feet
NA = Not applicable

1143.05 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 M-1 Office/Limited Manufacturing District, buildings and structures shall not exceed a height of forty (45) feet.

(b) In the M-2 General Manufacturing, M-3 Urban Manufacturing, and M-4 Open Space/Heavy Manufacturing Districts, buildings and structures shall not exceed a height of sixty (60) feet. (Ord. 2006-49. Passed 5-21-07.)

1143.06 OFF-STREET PARKING AND LOADING REGULATIONS.

Off-street parking areas shall conform to the regulations of Chapter 1169 and to the parking requirements specified in Table 1143.06 below.

(a) Table 1143.06 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 1143.06
Minimum Parking Setbacks

	M-1 Office/Limited Manufact'g	M-2 General Manufact'g	M-3 Urban Manufact'g	M-4 Open Space/ Heavy Manufat'g
(1) Minimum Setback from Street ROW	20 feet[1]	25 feet[1]	10 feet	40 feet
(2) Setback from Side and Rear Lot line abutting nonresidential district	10 feet	10 feet	8 feet	20 feet
(3) Setback from Side and Rear Lot line abutting residential district	50 feet	50 feet	25 feet	100 feet

Notes to Table 1143.06:
[1] Properties located across the street from residential districts shall have a minimum setback of 40 feet from the street right-of-way.

(b) The area within the parking setback shall be landscaped in accordance with Chapter 1165, Landscaping and Land Use Buffers.

(c) In M-1, M-2 and M-3 Districts, loading and service areas shall be located in the rear or side yard, shall comply with the parking setbacks set forth in Table 1143.06 and shall be screened in accordance with the provisions set forth in Chapter 1165, Landscaping and Land Use Buffers.
(Ord. 2006-49. Passed 5-21-07; Ord. 2014-24(a) . Passed 10-20-14)

1143.07 OUTDOOR ACTIVITIES.

Outdoor activities, when permitted according to Table 1143.02, shall be permitted only when associated with the principal use provided such outdoor activity complies with the following:

(a) Regulation Of Type Of Storage:

(1) No storage of radioactive, toxic or otherwise hazardous materials shall be permitted.

(2) The bulk storage of sand, gravel, salt and other similar materials shall be permitted only when such material is effectively prevented from spreading.

(b) Location:

(1) Areas devoted to outdoor operations and outdoor storage of goods, materials or products shall be located in a side or rear yard only and shall be located a minimum of twenty (20) feet from any side or rear lot line that abuts a lot in a nonresidential district and 150 feet from any side or rear lot line that abuts a lot in a residential district.

(2) The outdoor storage of fleet vehicles/equipment associated with the operation of the principal use shall be located in a side or rear yard in compliance with the parking setbacks set forth in Table 1143.06 for the district in which the lot is located.

(3) All outdoor activity areas shall be depicted on a development plan and shall not occupy or interfere with traffic circulation, required parking areas or pedestrian access.

(4) All materials shall be stored in such a manner as to be accessible to fire fighting equipment at all times.

(c) Signs. No signs shall be permitted in conjunction with outdoor activity areas except those otherwise in compliance with the sign regulations in Chapter 1171.

(d) Surfacing. Areas devoted to outdoor storage shall be paved with asphalt or concrete and be maintained free of dust.
(Ord. 2006-49. Passed 5-21-07.)

(e) Screening. All outdoor activity areas shall be screened from the public right-of-way, adjacent non-manufacturing zoning districts and adjacent less intensive manufacturing zoning districts per the following:

(1) Screening shall be composed of either a wall or fence according to the requirements set forth in Chapter 1165 and Section 1143.08(c) or dense landscaping with no less than eighty (80) percent opacity at the time of planting.

(2) Screening provided shall be no less than six (6) feet in height at the time of installation. Landscaping utilized to provide such screening may employ a mound of no more than three (3) feet in height.

(3) A single gap of no more than thirty (30) feet in such required screening shall be permissible to allow for ingress and egress to an outdoor activity area.
(Ord. 2013-17A. Passed 7-1-13.)

1143.08 ACCESSORY STRUCTURE REGULATIONS.

Accessory structures permitted in any manufacturing district shall conform to the regulations of this Section and any other applicable regulation in this Planning and Zoning Code. (Ord. 2013-44(a). Passed 12-16-13.)

(a) Accessory Buildings. Accessory buildings shall be located in a rear or side yard and shall be located on the same lot as the principle building. The height of accessory buildings shall not exceed twenty (20) feet.

(1) Accessory buildings that have a gross floor area of two hundred (200) square feet or less shall comply with the parking setbacks set forth in Table 1143.06.

(2) Accessory buildings that have a gross floor area of greater than two hundred (200) square feet shall comply with the building setbacks found in Table 1143.04.

(Ord. 2014-24(a) . Passed 10-20-14)

(b) Outdoor Display: Outdoor display, when permitted as an accessory use according to Table 1143.02 shall comply with the following:

(1) Outdoor display of retail items, when permitted, shall be considered an accessory use and shall not exceed an area equal to 25% of the ground floor area of the principal building.

(2) Outdoor display areas shall comply with the setback regulations set forth in Section 1143.04 and be contiguous to the principal building; however, such areas shall be spaced a sufficient distance from the building, as dictated by the City Fire Chief, to satisfy all fire safety requirements.

(3) Outdoor display areas shall be depicted on the development plan and shall not occupy or interfere with traffic circulation, required parking areas, sidewalks or pedestrian access.

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

(c) Fences and Walls. Fences and walls may be erected in any manufacturing 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. When visible from the public right-of-way or a residential zoning district, fences shall be constructed of stone, brick, finished wood, iron, or synthetic look-alike products or

screening materials shall be provided at twice the required amount indicated in Section 1142.07(c)(4) below.

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 four (4) feet in height when located in the front setback or a required setback abutting a public street right-of-way or exceed eight (8) feet in height in any other yard area, 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. 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.

(d) Waste Receptacles. Solid waste, including empty packing crates and other excess materials, shall be disposed of, stored in buildings, or completely enclosed in containers or dumpsters, and shall not be permitted to accumulate on the lot. Containers and dumpsters shall be located in a side or rear yard on a paved surface in compliance with the minimum parking setbacks established in Table 1143.06 and the screening requirements set forth in Chapter 1165, Landscaping and Land Use Buffers.

(e) Signs. Signs shall conform to the regulations specified in Chapter 1171.
(Ord. 2006-49. Passed 5-21-07.)

1143.09 PERFORMANCE STANDARDS.

All uses in Industrial Districts shall comply with the following performance standards, not the standards in Chapter 1125:

(a) Compliance with State and Federal Regulations. All uses shall comply with all applicable state and federal Environmental Protection Agency, OSHA and all other state and federal regulations that pertain to the operation of industrial uses.

(b) Storage Handling. All storage areas shall comply with the regulations set forth in Bulletin No. 30-L of the National Fire Protective Association and other fire protective codes of the City of Wooster. All parts shall be accessible to firefighting equipment.

(c) Liquid Waste. Liquid wastes shall be disposed of in appropriate containers and removed from the site on a regular basis. Liquid waste or sewerage shall not be discharged into a reservoir, stream or other open body of water or into a storm or sanitary sewer until treated so that the insoluble substances, such as oils grease, acids, alkalines and other chemicals in the waste do not exceed the amount allowed by other codes of the City of Wooster.

(d) Fire Hazards. Any processing that involves explosive materials shall be permitted only in the M-4 District and only as a conditional use. Such use shall only be permitted when in compliance with the requirements set forth in Sections 1147.02 and 1147.03, which shall be in addition to the requirements set forth below. All activities that involve the use of flammable or explosive material shall comply with the following:

(1) Any activity involving the use of flammable or explosive material shall be protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.

(2) Such activities shall only be permitted in structures having incombustible exterior walls.

(3) The applicable provisions of the Ohio Revised Code shall be complied with, and no explosives shall be stored, used or manufactured without first submitting to the Building Inspector a certificate of compliance from the State Fire Marshal or the City Fire Chief.

(4) No gasoline or other inflammable or explosive material shall be stored unless the location, plans and construction of the storage facility conform to the laws and regulations of the State and have the approval of the State Fire Marshal.

(e) Radioactive or Electrical Disturbances.

(1) No activity shall emit dangerous radioactivity at any point or electrical discharges affecting the operation, at any point, of any equipment other than that of the creator of such disturbances.

(2) Such disturbances shall be confined to the use and lot from which they originate and shall not occur across any lot line.

(3) The handling of radioactive materials, the discharge of such materials into the air and water, and the disposal of radioactive wastes shall be in conformity with the applicable regulations of the Nuclear Regulatory Commission and the Ohio Environmental Protection Agency.

(f) Noise. All uses shall comply with the following noise standards.

(1) Measurement.

A. A sound-level meter shall be used to measure sound pressure level.

B. Noise levels shall be measured at the lot line.

(2) No use shall emit noise which exceeds the decibel limits set forth below:

Octave Band Center Frequency, Hz	**Decibels**
31.5	96
63	82
125	77
250	73
500	67
1000	61
2000	57
4000	55
8000	53

(g) Air Pollution.

(1) The emission of smoke, soot, fly ash, fumes and dust shall be controlled by precipitation devices, height of stack, rate of emission or other manner so that the quantity deposited in any District shall not be detrimental to or endanger the public safety, comfort, welfare or adversely affect property values.

(2) Dust and other types of air pollution borne by the wind from sources such as parking areas, storage areas or yards shall be kept to a minimum by appropriate landscaping, paving, oiling and other acceptable treatment.

(h) Odorous Matter.

(1) The emission of odorous matter in such quantities as to produce a public nuisance or hazard outside the building is prohibited in a M-1 or M-3 District.

(2) The emission of odorous matter in such quantities as to produce a public nuisance or hazard shall not be detectable beyond the lot line in the M-2 and M-4 Districts.

(i) Vibration.

(1) In the M-1 and M-3 Districts, vibrations that are perceptible without the aid of instruments shall not permitted beyond the lot occupied by the use generating such vibration.

(2) In the M-2 and M-4 Districts, all activities shall be set back from and controlled in such a manner as to prevent transmission of vibrations that are perceptible without the aid of instruments beyond the district boundary.

(j) Noxious, Toxic or Corrosive Fumes. Noxious, toxic or corrosive fumes or gasses shall not be emitted which shall be injurious to the property, vegetation or health of people residing or doing business in any adjacent Residential or Commercial District.

(k) Heat and Glare.

(1) In an M-1 or M-3 District, no use shall generate heat or glare which is perceptible without the aid of instruments at any point beyond the lot occupied by the use.

(2) In an M-2 or M-4 District, no use shall generate heat or glare which is perceptible without the aid of instruments at any point beyond the district boundary.

(l) Erosion. No erosion, by either wind or water, which will carry objectionable substances onto neighboring properties shall be permitted

(m) Water Pollution. Pollution of water is subject to the requirements and regulations established by the Ohio Environmental Protection Agency.

(n) Enforcement. Where determinations can be made by the Zoning Administrator or other authorized City employee, using equipment normally available or obtainable without extraordinary expense, such determinations or evaluation shall be made whenever possible before a notice of violation is issued. Where technical complexity or extraordinary personnel or equipment is required to make the determination, the Zoning Administrator may, in the case of the offenses under this Section, require the owner to either obtain and pay for an independent survey or share in the cost of an independent survey from a professional engineer experienced in the particular specialty.

(o) 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.)

1143.10 DEVELOPMENT PLAN REVIEW.

All uses in a manufacturing 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.)

CHAPTER 1145
Planned Development Overlay District

1145.01	**Purpose and application.**	**1145.04**	**Compliance with existing development standards.**
1145.02	**Establishment of planned development district.**	**1145.05**	**Procedures.**
		1145.06	**Submission requirements.**
1145.03	**General development criteria.**	**1145.07**	**Plan approval criteria.**

1145.01 PURPOSE AND APPLICATION.

(a) Purpose. The Planned Development Overlay District (PDOD) regulations are based on the premise that the ultimate quality of a built environment or development proposal is determined not only by the type, character and allocation of land uses, but also by the way in which such land uses are executed. In many cases, the subdivision regulations and standard zoning district regulations and procedures do not adequately regulate the design of buildings or enable the range of uses in a single zoning district that are appropriate in the City of Wooster.

(1) The purposes of the Planned Development Overlay District regulations are to:

A. Provide an opportunity for a mix of land uses otherwise not permitted within the standard municipal zoning district classifications.

B. Allow the creation of development standards that respect the unique characteristics, natural quality and beauty of the site and the immediate vicinity and protect the community's natural resources by avoiding development on, and destruction of, sensitive environmental areas.

C. Enable greater review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development.

D. Assure compatibility between proposed land uses within and around the Planned Development Overlay District through appropriate development controls.

E. Pursue the housing and economic development goals of the City.

F. Promote economical and efficient use of land and reduce infrastructure costs through unified development.

G. Provide for supporting community facilities.

H. Establish objective criteria for plan review that ensures conformity to community standards.

(2) The procedures established for Planned Development Overlay Districts are designed to encourage:

A. Unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district or subdivision regulation, yet are consistent with all applicable plans, including but not limited to, the Comprehensive Plan, and are compatible with contiguous land uses and the intent of this Planning and Zoning Code.

B. Imaginative architectural design.

C. Flexibility in building styles and types.

D. Proper relationships between buildings, between developments and between structures and the land.

E. The development of the land in an orderly, coordinated and comprehensive manner consistent with accepted land planning, landscape architecture practices and engineering principles according to approved development plans.

(b) Application. The Planned Development Overlay District regulations assist in accomplishing these purposes by establishing review steps that combine the request for a zoning district change with the development plan review process, and when applicable, the subdivision process. Subsequent plan review following the zoning district change also requires simultaneous review of subdivision plats.

(1) Each Planned Development Overlay District shall be considered a separate and unique zoning district wherein a preliminary development plan, including associated text depicting the specific development standards and development commitments, is adopted simultaneously with the adoption of the Planned Development Overlay District designation. The preliminary development plan shall apply only to the property within that particular Planned Development Overlay District.

(2) The preliminary development plan adopted at the time of rezoning to the Planned Development Overlay District shall be prepared in accordance with the provisions of this Chapter and the requirements contained herein and shall take precedence over any conflicting regulations contained in the Wooster Planning and Zoning Code.

(c) Ownership. The Planned Development Overlay District shall be an integrated, unified development project and the entire project area shall be in single ownership or joint ownership and/or control at the time the application is made for the PDOD designation so that all property owners are applicants. Any transfer of land within the development resulting in ownership within the development by two or more parties after an application has been filed shall not alter the applicability of the regulations contained herein. A preliminary development plan approved in accordance with these or previous regulations for a Planned Development Overlay

District shall be binding upon the owners, their successors and assigns and shall limit and control the issuance and validity of all certificates of zoning compliance, except as provided for in sub-section 1145.05 (c) (4), Expiration of Zoning Approval. (Ord. 2006-49. Passed 5-21-07.)

1145.02 ESTABLISHMENT OF PLANNED DEVELOPMENT DISTRICT.

A Planned Development Overlay District that is adopted after the effective date of these regulations shall be established according to the following:

(a) All rezonings to a Planned Development Overlay District shall be designated on the Zoning Map as a PDOD.

(b) A request for rezoning land to a Planned Development Overlay District designation shall be made according to Chapter 1119, Amendments.

(c) A preliminary development plan shall be reviewed by the Planning Commission and City Council according to Section 1145.05, Procedures, and a preliminary development plan and supporting documentation shall be adopted at the time of rezoning.

(d) Detailed final development plans shall be reviewed and acted upon by the Planning Commission according to Section 1145.05, Procedures.

(e) A preliminary subdivision plat may be reviewed simultaneously with a preliminary development plan. A final subdivision plat shall be reviewed simultaneously with a final development plan, unless a final plat is not required for completion of the project. All subdivision plats shall be reviewed and approved by the Planning Commission according to Chapter 1109, Subdivision Procedures, except as otherwise provided for in this Chapter. (Ord. 2006-49. Passed 5-21-07.)

1145.03 GENERAL DEVELOPMENT CRITERIA.

A Planned Development shall be designed and depicted on the preliminary development plan and final development plan in accordance with the following General Development Criteria:

(a) Plan Design. The proposed Planned Development (PD) shall be designed in accordance with accepted planning principles, including the planning and development principles included in this Chapter, to ensure that the use of land, buildings and other structures; the building location, bulk, layout, arrangement, design, and height; the percentages of lot areas that may be occupied; the setback of buildings; the sizes of yards and other spaces; and the density of population are in compliance with the purposes and objectives of the PDOD regulations as set forth in Section 1145.01 (a), Purpose.

(b) Permitted and Conditional Uses. A PD may include any combination of uses when such use(s) are found to be compatible with one another and in keeping with the intent of these General Development Criteria, provided the proposed location of the uses will not adversely affect adjacent property and/or the public health, safety and general welfare.

(1) The list of specific uses to be included in the proposed PD shall be clearly delineated in the preliminary development plan and its supporting documentation.

(2) Uses shall be identified as either permitted uses or conditional uses.

(3) Listed uses shall be defined by their customary name or identification, except where they are specifically defined or limited in this Zoning Code.

(4) Any listed use may be limited to areas delineated on the preliminary development plan.

(c) Planning and Development Principles. The proposed PD shall be designed in accordance with the following planning and development regulations:

(1) Land Use.

A. A PDOD may be approved in all districts except the Manufactured Home Park District, provided the PDOD meets the regulations in this Chapter and all other applicable regulations in this Planning and Zoning Code.

B. Buildings and uses within the proposed development shall be located to reduce any adverse influences and to protect and enhance the character of areas adjacent to the development;

C. Whenever a proposed development includes areas of a higher intensity than that permitted in adjacent areas, the location and arrangement of use areas shall include appropriate buffers, open spaces, setbacks, or other transitional areas to ensure compatibility with the lower intensity areas.

D. Buildings, structures and parking areas shall be designed and located within the PD in ways that conserve environmentally sensitive or unique natural, historic, or cultural features, and minimize environmental impacts.

E. When calculating density for the PDOD, area devoted to nonresidential land uses shall not be included in the density calculations.

(2) Arrangement of Buildings, Yards and Setbacks.

A. The physical relationship of buildings and other site improvements to one another and the surrounding open space, as created by building size, mass, height, shape, and setback, shall result in a harmonious development within the PD and adjacent to it.

B. The bulk and height of buildings within the proposed development shall be compatible with the surrounding development and sufficiently buffered from the surrounding development to mitigate any potential adverse impact(s).

C. The setback of all buildings from the perimeter of the total tract shall be a minimum of fifty (50) feet. The setback area shall be retained and maintained as landscaped open space free of streets and off-street parking areas.

(3) Landscaping, Screening and Buffering.

A. The pattern of landscaping shall be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to reflect variations of topography, existing landscape or land uses.

B. Privacy for residential buildings shall be maintained through the use of landscaping, screening and buffering.

C. Appropriate buffer zones with adequate landscaping shall be provided between the proposed development and adjacent areas.

D. Alternative design approaches to meet the intent of the landscape regulations may be incorporated.

(4) Open Space. Adequate open spaces shall be integrated throughout the development to meet the objectives of the Comprehensive Plan. PDs that include residential uses shall provide thirty (30) percent of the gross acreage as open space. Such open space shall be located and designed as follows:

A. Open space shall be sufficiently aggregated to create large useable areas of planned open space.

B. Open space shall conserve significant topographic, natural and historical features within the PD to the extent practicable.

C. Open space shall provide a scenic natural environment along existing public streets characterized by large building setbacks that enable the preservation of natural features.

D. All open space shall be easily accessible to residents of the PD.

E. Where possible, open space areas shall be connected with open space areas on abutting parcels, and wherever possible, by open space corridors.

F. Open space shall not be less than fifty (50) feet in width at any point, unless the Planning Commission deems that a lesser width is appropriate, such as when connecting open space areas on adjacent parcels or creating scenic walking trails.

G. All principal and accessory buildings shall be setback fifteen (15) feet from any designated open space.

H. Land area devoted to the following shall not be included as meeting the open space requirement:

1. Public rights-of-way;

2. Parking areas, access drives, common drives and driveways, except as otherwise permitted by the Planning Commission when providing access to the open space;
3. Required setbacks for buildings and parking areas from the project boundaries;
4. Private yards within subdivided lots; and,

I. Open space shall be composed of the 100-year floodplain, wetlands (including woodlands with wetland soils), steep slopes, significant wildlife habitats, ridge lines, hilltops, windbreaks, stands of mature hardwood trees, woodlands, views into and out from the site, historic and archaeological features. The Flood Insurance Study prepared by the U. S. Department of Housing and Urban Development, Federal Insurance Administration or the latest acceptable study shall be used to determine the 100-year floodplain. The Planning Commission may grant an exception to this requirement based on the existing street network, topography, the proximity and nature of surrounding land uses, and similar factors.

J. Open space may be used for outdoor active or passive recreation. Any open space intended for be devoted to recreational activities shall be of a usable size and shape for the intended purposes as determined by the Planning Commission. Where deemed appropriate by the Planning Commission, recreation areas shall be provided with sufficient parking and appropriate access.

K. Open space shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Wooster Law Director and duly recorded in the Office of the Recorder of Deeds of Wayne County. Such recording shall take place before a construction permit, such as a building permit, of any kind is issued by the City of Wooster.

(5) <u>Protection of Natural Features.</u>

A. A riparian buffer of twenty (20) feet shall be provided along the entire length and on both sides of a river or perennial stream channel. Walkways may be permitted to be located within riparian buffers when the Planning Commission determines that such will create minimal change to the riparian buffer.

B. The 100-year floodplain shall be protected. The Flood Insurance Study prepared by the U. S. Department of Housing and Urban Development, Federal Insurance Administration or the latest acceptable study shall be used to determine the 100-year floodplain.

C. Wetlands that are to be retained in their natural state within the PD shall be protected. A buffer area not less than 20 feet in width measured from the edge of the delineated wetland shall be provided along the entire perimeter of the designated wetland. The buffer area shall not be disturbed and shall be retained in its natural state.

(6) Pedestrian Circulation Systems. A pedestrian circulation system shall be included and designed to provide convenient and safe pedestrian access throughout the PD, and to connect to neighboring developments and community facilities. The pedestrian circulation system may include sidewalks and other walkways not located along streets. Sidewalks shall meet the standards found in Chapter 1181, Vehicular and Pedestrian Circulation.

(7) Bike Paths and Other Trail Systems. Trail systems for bikes and other purposes should be included and designed in accordance with the City's plan for trails in the Comprehensive Plan or other adopted policy documents. Such trail systems shall have a minimum width of eight (8) feet and be properly buffered from any adjacent residential areas if the trail is not located along or within the right-of-way of a public street.

(8) Street Design and Vehicular Circulation.

A. The proposed vehicular circulation system in the PD shall provide adequate connections to the existing street network.

B. The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement and access.

C. Street alignments should be designed to conserve natural features and minimize the need for cut and fill practices.

D. The function of adjacent thoroughfares shall be maintained by limiting access points to the minimum needed, relating them to existing access points, the street patterns on surrounding development, the thoroughfare plan and the intensity of proposed uses.

E. Private streets shall not be permitted unless constructed to meet all standards and regulations in Chapter 1181, Vehicular and Pedestrian Circulation, unless modifications are granted by the Planning Commission pursuant to Section 1191.05, Modifications to Requirements in Title Five.

F. The applicant shall provide and construct on-site and off-site street improvements for the PD in accordance with the requirements of Chapter 1181, Vehicular and Pedestrian Circulation and consistent with recommendations included in traffic studies and with any agreements submitted as supporting documentation for the PD, unless modifications are granted by the Planning Commission pursuant to

Section 1191.05, Modifications to Requirements in Title Five.

G. The design and locations of streets and parking areas shall comply with the requirements for storm water management set forth in Chapter 1183, Utilities, unless modifications are granted by the Planning Commission pursuant to Section 1191.05, Modifications to Requirements in Title Five.

(9) Off-Street Parking. The layout of parking areas, service areas, and related entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the character of the area and as well as those areas adjacent to the development.

(10) Signs. All signs and graphics within the PD shall be compatible in size, location, height, material, shape, color and illumination. PD

A. A sign plan for the entire PD shall set forth the design parameters for the entire project to ensure a consistent and comprehensive character throughout the project. The sign plan shall include the design, layout, and dimensions of all ground, window and wall signs as well as distances from rights-of-way and the type and intensity of illumination.

B. Signs should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter.

C. The overall design and placement of buildings should take into account the general placement of signs so that all permanent signs and their associated lighting fixtures complement the appearance and architecture of the buildings.

D. Ground signs should be designed to relate to and share common design elements with the building(s) they identify.

E. The materials and colors of the sign, sign background and sign frame should be compatible with the building's materials and colors.

F. Signs shall conform to the applicable regulations in Chapter 1171, Sign Regulations.

(11) Utilities. The applicant shall provide and construct on-site and off-site water, sewer and other infrastructure improvements for the PD in accordance with the requirements of Chapter 1183, Utility Regulations and consistent with any agreements submitted as supporting documentation for the PD.

(d) Project Phasing. If the PD is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, utilities, and other public improvements to serve the development in accordance with the applicable criteria set forth above. Each phase shall be provided with temporary and/or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining

property. Open space areas shall be reasonably proportioned in each phase of the project, and the proposed construction of any recreation facilities shall be clearly identified on a phasing plan.

(e) Common Facilities. Common facilities including open space, bike trails, or other such facilities shall be owned, subject to the restriction in Section 1145.06 (c)(10), by an association; the City, if the city elects to accept such common facilities; a land trust or other conservation organization recognized by the City. The City's Law Director, prior to the City Council approving the preliminary development plan, shall approve the ownership arrangement for such common facilities.

(f) 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.)

1145.04 COMPLIANCE WITH EXISTING DEVELOPMENT STANDARDS.

(a) Unless otherwise stated and varied in the development standards text, the standards and regulations contained in the Wooster Planning and Zoning Code that pertain to the specific uses, land development, or land subdivision shall be applicable.

(b) Requirements and guidelines that are necessary to ensure that the proposed PD complies with the intent of these Planned Development Overlay District regulations shall be clearly delineated in the development standards text and submitted as part of the preliminary development plan. Elements of the development standards text shall include:

(1) All requirements that are necessary to ensure the PD is consistent with the Comprehensive Plan and compatible with the surrounding development, including, but not limited to:

A. The list of permitted and conditional uses;

B. The maximum density for each use area;

C. Standards for the protection of natural features;

D. The major vehicular, pedestrian and bike circulation system;

E. Setbacks and buffer standards for the perimeter of the PD district and between sub-areas and differing land uses; and,

F. Any unique development standards or other standards that are determined essential for the project.

(2) All other provisions that set forth the methods for complying with the General Development Criteria set forth in Section 1145.03. (Ord. 2006-49. Passed 5-21-07.)

1145.05 PROCEDURES.

This Section provides for the adequate review of applications for Planned Developments.

(a) General Provisions. Review of applications for Planned Development Overlay Districts shall be conducted in compliance with the following general provisions:

(1) Review for Completeness. Each Planned Development application shall be reviewed for completeness and compliance with the applicable submission requirements, unless specific items are determined by the Zoning Administrator to be inapplicable or unnecessary. If the application is deemed insufficient, the staff shall notify the applicant of the deficiencies. Only complete applications shall be placed on the Planning Commission agenda. When the application is determined complete and all applicable fees have been paid, the Zoning Administrator shall officially accept the application for consideration.

(2) Previously Approved Planned Development Overlay Districts. Planned Development Overlay Districts, including development plans and development standards text adopted prior to the effective date of these Planned Development Overlay District regulations, shall continue in effect and be considered legally conforming under this Code. However, the procedures for the implementation of those developments must conform to the regulations indicated in this Code.

(3) Subdivision Plat Approval. If the proposed development includes the subdivision of land, the development shall be subject to the requirements of the plat approval process in accordance with Chapter 1109, Subdivision Procedures, including any subsequent changes to subdivision plats. Preliminary development plan approval and preliminary subdivision plat approval may proceed simultaneously. Final development plan approval and final plat approval shall proceed simultaneously, unless a final plat is not required for completion of the project.

(b) Zoning Amendment Pre-application Meeting with Concept Plan. The applicant shall meet with the Zoning Administrator and the City Engineer or their designees for review of a concept plan prior to submitting an application for a Planned Development Overlay District zoning amendment. The concept plan is intended to outline the basic scope, character and nature of a proposed project. The review is to provide input in the formative stages of design.

(1) The applicant shall submit a concept plan for review by staff. The concept plan shall include the elements indicated in Section 1145.06, Submission Requirements.

(2) The applicant Planned Development Overlay District may request review and feedback from the Planning Commission prior to preparing a preliminary development plan.

(3) No discussions, opinions, or suggestions provided on any aspect of the concept plan shall bind the applicant, or the City, or be relied upon by the applicant to indicate subsequent approval or disapproval by the City.

(c) Zoning Amendment Request. An application for a zoning amendment to the Planned Development Overlay District shall be submitted according to Chapter 1119, Amendments. In addition to the submission requirements for zoning amendments, the applicant shall also submit a preliminary development plan and supporting documentation as required below.

(1) Preliminary Development Plan Review Procedures. The application, including all submission requirements for preliminary development plans set forth in Section 1145.06 (b), shall be reviewed and distributed according to the following procedures. A preliminary subdivision plat may be reviewed simultaneously provided all the required plat information is submitted.

A. Zoning Administrator Review. After determining that an application is complete according to sub-section 1145.05 (a)(1), the Zoning Administrator shall forward the application to the appropriate City departments and, if determined necessary, professional consultants for review and comment.

1. The application shall be reviewed for compliance with the Comprehensive Plan, other adopted plans or studies and the requirements of this Code and other applicable City Codes.
2. During the course of its review, the staff may meet with the applicant to review the application, and the applicant may revise the preliminary development plan application in response to staff's comments.
3. Within 90 days of the application being deemed complete or an extended time agreed to by the applicant, the application shall be placed on the agenda for a regularly scheduled meeting of the Planning Commission. The application and supporting documentation, administrative staff comments, any other reports prepared above and any accompanying documents (such as but not limited to letters from residents or maps) shall be transmitted to the Planning Commission prior to the meeting.

B. Review and Action by Planning Commission. The Planning Commission shall review the application to determine if it complies with the approval criteria set forth in Section 1145.07 (a), Preliminary Development Plan. The Planning Commission shall take into consideration any

submitted staff reports, comments, and expert opinions when reviewing the application.

1. Request For Additional Information/Revisions. In its review of an application, the Planning Commission may request additional information it deems necessary to adequately review and evaluate the proposed development, and/or may request the applicant to revise elements of the application. When this occurs, the Planning Commission may table the application.
2. Timeframe for Review of Tabled Case. Within 60 days, the applicant will, upon written request to the Zoning Administrator be entitled to a fixed hearing date. The case will be scheduled for the next regular meeting of the Planning Commission but not less than 30 days following receipt of the written request.
3. Action By Planning Commission. The Planning Commission shall recommend to City Council one of the following:
   a. That the preliminary development plan and its supporting documentation be approved as submitted; or
   b. That the preliminary development plan and its supporting documentation be approved with specific modifications set forth by the Planning Commission to further protect and improve the proposed and surrounding developments; or
   c. That the preliminary development plan be disapproved.
4. Transmission to Council. The Planning Commission shall transmit the zoning amendment application and the preliminary development plan along with all appropriate documentation, including its recommendation to the City Council, within thirty (30) days of taking action, unless otherwise requested by the applicant.

C. Review and Action By City Council. City Council shall review and act on the proposed ordinance(s), including conducting a public hearing, in accordance with City Council procedures and public notice provisions set forth in Chapter 1119, Amendments.

1. In reviewing the ordinance(s), the City Council shall consider the approval criteria set forth in

Section 1145.07 (a), Preliminary Development Plan.

2. Disapproval by City Council shall terminate the process. Another zoning amendment application pertaining to the land included in the disapproved application shall not be accepted within one year from the date of disapproval, unless there has been substantial change to the application to warrant reconsideration.

(2) Approval of the Planned Development Overlay District/ Preliminary Development Plan.

A. Adoption of the ordinance shall constitute a rezoning of the property included in the preliminary development plan to a Planned Development Overlay District, and the preliminary development plan and associated commitments become binding on the applicant.

B. The Official Zoning Map shall be amended to reflect the zoning change.

C. In the event City Council approves the preliminary development plan with modifications, the applicant shall incorporate such modifications into the appropriate documents and file the revised preliminary development plan with the Zoning Administrator. No final development plan application will be processed until the revised preliminary development plan is submitted and approved by the Zoning Administrator.

(3) Significance of Approved Plan. Approval or approval with recommended modifications of the preliminary development plan by the City Council shall:

A. Establish the development framework for the project, including, but limited to, the general location of open space, use areas, densities, unit types, recreational facilities, and street alignments;

B. Permit the applicant to proceed with detailed planning of the final development plan; and

C. Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.

(4) Expiration of Zoning Approval. Given the nature of the Planned Development Overlay District process and the unique standards simultaneously adopted, the Planned Development Overlay District designation shall remain valid for one (1) year from the date of City Council approval. During that time, the applicant shall prepare and submit a final development plan for review in compliance with Section 1145.05 (d) below. In the event progress on the PD is discontinued, the City may begin procedures to rezone

the property to the zoning district in place prior to the Planned Development Overlay District or to another district as may be determined appropriate.

A. For the purpose of this Section, progress shall be considered discontinued when:

1. The final development plan for the PD, or for the first phase of the PD, is not submitted within one (1) year after approval by City Council of the preliminary development plan; or
2. The final development plan for the PD, or for the latest phase of the PD, is approved, but construction authorized by such final development plan is not begun within one (1) year after approval of the final development plan; or
3. A final development plan for the PD is approved, and construction work is discontinued for a period of one (1) year or for a longer period as may be agreed to as part of the PD zoning amendment.

B. At any time, the Planning Commission may grant an extension to the above stated timeframes for good cause shown.

(d) Final Development Plans. An application for final development plan review shall include the submission requirements set forth in Chapter 1115 and shall be submitted for review according to the following. An application for final development plan review shall be required for each phase of development. The applicant shall also submit a final subdivision plat for simultaneous review unless a final plat is not required for completion of the project.

(1) Area Included in Final Development Plan. The area included in an application for final development plan review shall be in substantial compliance with the phasing plan approved as part of the preliminary development plan.

(2) Review Procedures. The application, including any conditional use application, shall be reviewed according to the following procedures:

A. Staff Review. After determining that an application is complete according to Section 1145.05 (a)(1), the Zoning Administrator shall forward the application to the appropriate City departments and, if determined necessary, professional consultants for review and comment.

1. The application shall be reviewed for compliance with the approved preliminary development plan, the requirements of this Code and other applicable City Codes.
2. During the course of its review, the Zoning Administrator or other staff may meet with the

applicant to review the application, and the applicant may revise the final development plan application in response to staff's comments.

3. The application and supporting documents, staff comments, any other reports and accompanying documents (such as but not limited to letters from residents or maps) shall be transmitted to the Planning Commission.

B. Review by Planning Commission. The Planning Commission shall review the application to determine if it complies with the approval criteria set forth in Section 1145.07 (b), Final Development Plan. The Planning Commission shall take into consideration any submitted staff reports when reviewing the application.

1. Request For Additional Information/Revisions. In its review of an application, the Planning Commission may request additional information it deems necessary to adequately review and evaluate the proposed development, and/or may request the applicant to revise elements of the application. When this occurs, the Planning Commission may table the application.

2. Timeframe for Review of Tabled Case. Within 60 days, the applicant will, upon written request to the Zoning Administrator be entitled to a fixed hearing date. The case will be scheduled for the next regular meeting of the Planning Commission but not less than 30 days following receipt of the written request.

3. Conditional Use Review. If the application includes conditional uses, the Planning Commission shall review the application according to the procedures set forth in Sections 1107.22 – 1107.30, Conditional Uses, including the requirement for a public hearing. During its review of a conditional use, the Planning Commission may prescribe appropriate modifications, stipulations, safeguards and limitations on the conditional use as it may deem necessary and in conformance with the intent and purposes of Sections 1107.22 – 1107.30, Conditional Uses.

4. Compliance with the Preliminary Development Plan. In reviewing the application, the Planning Commission shall determine if the final development plan substantially complies with all specific requirements, the purposes, intent and basic

objectives of the preliminary development plan, and any commitments made or conditions agreed to with the adoption of the preliminary development plan. If the final development plan contains changes from the approved preliminary development plan:

a. The Planning Commission may determine that the proposed plan substantially complies with the preliminary development plan and may proceed to review the Final Development Plan in accordance with the procedures in this Chapter; or,

b. The Planning Commission may, in reviewing the final development plan, approve a modification of a provision of the development standards text or the preliminary development plan if it Planning Commission determines that all of the following provisions are satisfied:

    i. The Planning Commission determines that, for this PD, Code compliance is not needed to ensure that the PD is consistent with the Comprehensive Plan and is compatible with existing, approved, or planned adjacent development;

    ii. The Planning Commission determines that the proposed modification does not significantly alter the list of permitted or conditional uses, cause an inappropriate increase in density or cause inconsistencies with the Comprehensive Plan;

    iii. The proposed modification results in a development of equivalent or higher quality;

    iv. The principles of Section 1145.03, General Development Criteria are achieved; and

    v. The development, as proposed on the final development plan, will have no adverse impact upon the surrounding properties or upon the health, safety or general welfare of the community.

c. If any proposed modification to the Preliminary Development Plan fails to meet

the above criteria, a zoning amendment to amend the preliminary development plan shall be required and shall be sought pursuant to Chapter 1119, Amendments.

5. Compliance with Current City-Wide Standards. In the event development standards or construction standards that apply citywide are updated, all subsequently approved final development plans shall comply with the updated standards when the Planning Commission determines that such updated standard(s) will not cause undue hardship.

C. Action By Planning Commission. The Planning Commission shall take one of the following actions:

1. Approve the final development plan as submitted; or
2. Approve the final development plan with modification(s); or
3. Disapprove the final development plan when the application does not demonstrate that the required standards have been met. Disapproval of the final development plan shall terminate the process. The applicant may revise the final development to respond to the Planning Commission's concerns and resubmit the plan. Such action shall be considered a new application for review and shall contain all the information required for final development plans, including payment of the application fee.

(e) Zoning and Building Permits. Following the approval of the final development plan, and recording of the final subdivision plat if applicable, the applicant may proceed with the zoning certificate and building permit process, consistent with approval as granted, including any conditions and modifications made by the Planning Commission.

(1) After approval of the final development plan, the applicant shall obtain a zoning certificate and a building permit prior to construction.

(2) All construction and development under any building permit shall be in accordance with the approved final development plan, except as may be permitted in Section 1145.05 (f), Modifications to Approved Final Development Plans. Any unauthorized departure from such plan shall be cause for revocation of the certificate of zoning compliance. All required covenants, easements and restrictions shall be recorded prior to the approval of any construction permit in a location where such covenants, easements, or restrictions are intended to apply. The city shall require a copy of the recorded document prior to issuing any construction permit.

(f) Modifications to Approved Final Development Plans. Requested modifications to approved final development plans shall be reviewed according to the following:

(1) Administrative Approval. The Zoning Administrator, in administering the approved final development plan, may authorize minor design modifications that are required to correct any undetected errors or that are consistent with the purpose of the approved final development plan.

A. Such modifications shall not allow increases in intensity of development or additions to the list of permitted or conditional uses.

B. Such modifications shall be limited to:

1. Minor adjustments in lot lines provided no additional lots are created;
2. Minor adjustments in location of building footprints and parking lots provided the perimeter setbacks, yards and buffers remain in compliance;
3. Minor adjustments in building height(s);
4. Substitution of landscaping materials;
5. Redesigning and/or relocating stormwater management facilities;
6. Redesigning and/or relocating mounds;
7. Minor modifications to the design of signs, including the sign face, and sign lighting, provided the color palette, maximum sign area and maximum sign height, approved in the final development plan, are not exceeded;
8. Minor changes in building material that are similar to and have the same general appearance as the material approved on the final development plan.

C. The Zoning Administrator shall report any approved modification to the Planning Commission.

(2) Board of Building and Zoning Appeals Approval. Any request for a variation to the development standards text that pertains to an individual single-family dwelling on an individual subdivided lot shall be reviewed as a variance according to the regulations set forth in Chapter 1111, Appeals and Variances.

(3) Planning Commission Approval.

A. Modifications other than those listed in (1) and (2) above shall be submitted to the Planning Commission. If it determines the modifications are compatible with the surrounding development and that they are not requirements that are necessary to ensure consistency with the Preliminary Development Plan, the Planning Commission may approve such change.

B. Any such changes shall be indicated on an amended final development plan. An application for an amended final development plan shall follow the review procedures for final development plan review set forth in Section 1145.05 (d), Final Development Plans. If approved, such amendments to the final development plan shall supercede the originally approved final development plan. (Ord. 2006-49. Passed 5-21-07; Ord. 2009-27. Passed 10-19-09.)

1145.06 SUBMISSION REQUIREMENTS.

(a) Contents Of Concept Plan Application. It is the intent of these regulations that the concept plan shall generally indicate overall design of the proposed Planned Development project. Information submitted should be comprehensive enough to enable the staff to understand the existing site and concept for the proposed development. The applicant shall submit the number of copies as determined by the Zoning Administrator. The information submitted should include the following:

(1) Completed Application Form along with the application fee.

(2) Vicinity Map indicating the location of the site in the city and the general location of principal thoroughfares.

(3) Regional Context Map. A map indicating the proposed site and all parcels within 2000 feet in all directions showing the basics of the proposed site layout, all property lines, general location of structures on all parcels, and existing land use on all parcels.

(4) Map of Existing Conditions and features drawn to scale, with accurate boundaries of the entire project and a north arrow, including the property proposed for development, all adjacent rights-of-way and 100 feet of property immediately adjacent thereto, indicating:

A. Existing public improvements, permanent facilities, easements and property boundaries;

B. Location of existing structures on the site and abutting properties;

C. Physical features and natural conditions of the site including the location of streams, tree masses, open spaces, etc.;

D. General topography;

E. Existing zoning district boundaries and jurisdictional boundaries;

F. Surface drainage and areas subject to flooding;

G. Existing public and private utility systems;

H. Regional transportation system.

(5) The Concept Plan Map, drawn to scale with accurate boundaries of the entire project and a north arrow, including the property proposed for development, all adjacent rights-of-way, and 100 feet

of property immediately adjacent to the property boundary, indicating:

A. Depiction of proposed land uses, including open space areas, indicating the approximate acreage by land use, density and type of buildings or dwelling units;

B. The location of any lands to be dedicated to any public agency;

C. The general circulation pattern;

D. The relationship of the proposed project to the surrounding area.

(b) Contents Of Preliminary Development Plan Application. The application shall include the maps, plans, and supplementary documentation itemized below. The applicant shall submit the number of copies as determined by the Zoning Administrator. The information submitted should include the following:

(1) Completed Application Form along with the Application Fee. The application shall be signed and notarized.

(2) Vicinity Map showing the relationship of the proposed PD to existing development and including existing property lines, easements, utilities, and street rights-of-way of the subject property and property within 500 feet of the site, zoning district boundaries, and existing land uses and structures.

(3) Regional Context Map. A map indicating the proposed site and all parcels within 2000 feet in all directions showing the basics of the proposed site layout, all property lines, general location of structures on all parcels, and existing land use on all parcels.

(4) Legal Description.

(5) Map of Existing Conditions and features drawn to scale, with accurate boundaries of the entire project and a north arrow, including:

A. Boundaries of the area proposed for development, dimensions and total acreage;

B. Existing public rights-of-way, buildings, permanent facilities, access points and easements on, and adjacent to, the site;

C. Identification of any existing buildings or structures to be removed or demolished;

D. Existing zoning district boundaries and jurisdictional boundaries;

E. Existing utility systems and providers;

F. The location of existing topography showing contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant topographical features and identifying any areas with slopes over 5 %;

G. Locations of all wooded areas, tree lines, hedgerows, and a description of significant existing vegetation by type of species, health, and quality;

H. Delineation of existing drainage patterns on the property;

I. Location of wetlands (and potential wetlands) the 100-year floodplain, floodway boundary, 20-foot buffer area beyond the floodway, and flood elevation as delineated by the Federal Emergency Management Agency maps including rivers and streams and their related river or stream bank, ponds, and water courses.

(6) The Preliminary Development Plan Map shall include a plan for the entire area of the proposed project and shall be drawn to an appropriate scale with accurate boundaries of the entire project including a north arrow. The applicant shall submit the number of copies as determined by the Zoning Administrator. The information submitted shall indicate:

A. The proposed location, use and size of areas of residential, retail, office, industrial or institutional uses, community facilities, parks, playgrounds, school sites and other public areas and open spaces with the suggested ownership and maintenance provisions of such areas, and their related parking areas, and access points;

B. The general layout of the proposed internal road system, indicating the proposed vehicular right-of-way of all proposed public streets, general indication of private streets and pedestrian circulation, bike paths and other trail systems, access drive locations, improvements to existing streets, and traffic control requirements;

C. Any proposed off-site improvements and/or utility lines/extensions needed to serve the site;

D. Natural areas and other natural features to be conserved and any required buffer areas;

E. Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.;

F. A summary table showing total acres of the proposed development; the number of acres devoted to each type of use, including streets and common areas; the number of dwelling units by type and density for each residential use area; the building height(s); and square footage as proposed for retail, office, industrial and institutional uses, by use area; and the number of parking spaces provided for each use area;

G. Space for signatures of the applicant and the Zoning Administrator, and the dates of Planning Commission and Council approvals.

(7) Preliminary Plat, if appropriate, designed in compliance with the requirements and regulations set forth in this Planning and Zoning Code.

(8) Architectural Drawings demonstrating the prototypical designs of the proposed buildings, to demonstrate the exterior design, character and general elements in sufficient detail to indicate the proposed visual character of the development. This requirement includes prototypical designs for single-family homes, if the PD mandates a specific style or type of single family home.

(9) Project Phasing Map. A phasing plan and schedule identifying the separate phases of the project, including utilities and any off-site improvements. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets, easements and natural areas.

(10) Proposed Utilities including the proposed provision of water, sanitary sewer and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness, including verification of availability.

(11) Traffic Study indicating the impact of future traffic on the existing and proposed roadway system, as required by Section 1181.07, Access Management, or the City Engineer. For submission requirements for the traffic study, see Chapter 1115.

(12) Explanation of Relationship of Proposed Development to existing and future land use in the surrounding area, the street system, community facilities and open space system, services and other public improvements. If the proposal is not fully consistent with Comprehensive Plan, the applicant shall submit a letter justifying the proposed deviation from the Comprehensive Plan.

(13) Development Standards Text. The development standards text identifying the requirements that are to govern the design and layout of the PD.

A. The development standards text shall include signature and date lines for the applicant certifying the text.

B. Dimensions and/or acreages illustrated on the development plan shall be described in the development standards text.

C. Any dimensions or other provision that depart from any applicable standards set forth in the Wooster Planning and Zoning Code, especially addressing signs, landscaping, buffering, required setbacks, and parking, shall be clearly described.

D. Adequate provision shall be made to establish a private organization (i.e. Homeowners Association) with direct responsibility to provide for the operation and maintenance of all common facilities that are part of the Planned Development, and, in such instance legal assurances shall

be provided to show that the private organization is self-perpetuating.

(c) Contents of Final Development Plan Application. The application shall include the maps, plans, designs and supplementary documents itemized below. Copies of the maps, plans, designs and supplementary documents shall be submitted. Final development plans are intended to be detailed refinements for development and, as such shall be accurate, detailed representations of all the plan elements on the approved preliminary development plan. The applicant shall submit the number of copies determined by the Zoning Administrator. The information submitted shall include the following:

(1) Completed Application Form, which has been signed and notarized, along with the application fee.

(2) Vicinity Map showing the relationship of the area of the final development plan to the entire Planned Development Overlay District and including existing structures, property lines, easements, utilities, and street rights-of-way of the subject property and property within 500 feet of the site;

(3) Regional Context Map. A map indicating the proposed site and all parcels within 2000 feet in all directions showing the basics of the proposed site layout, all property lines, general location of structures on all parcels, and existing land use on all parcels.

(4) Final Subdivision Plat. A Final Plat shall be submitted in accordance with the regulations in the Planning and Zoning Code, if the proposed development includes the subdivision of land;

(5) Legal Description of the property with accurate distances and bearings from an established monument on the project to the three nearest established street lines or official monuments; and stamped or sealed evidence from a surveyor registered in the State of Ohio that the monuments actually exist and that all dimensional and geodetic details are correct;

(6) Final Development Plan Map, prepared and sealed by a qualified professional such as a licensed architect, surveyor, engineer or landscape architect, and drawn to an appropriate scale indicating the following items:

A. A bar scale, north arrow, and total acreage of the area that is the subject of the final development plan, and accurate location of all monuments;

B. Radii, arcs, points of tangency, central angles for all curvilinear street, radii for all rounded corners, and length of all straight center line between curves on all public and private street;

C. The right-of-way lines of adjoining streets and alleys with their width and names, and indicating the edge of pavement and centerline;

D. All lot lines and easements with their dimensions;

E. The dimensions and locations of proposed structures, buildings, streets, parking areas, yards, playgrounds, school sites and other public or private facilities; the proposed pedestrian and bike path systems; the arrangement of internal and in-out traffic movement including access roads and drives; lane and other pavement markings to direct and control parking and circulation; and the location of signs related to parking and traffic control;

F. Location and height of existing and proposed structures including fences, walls, signs, and lighting;

G. Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles;

H. Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management;

I. Delineation and identification of areas to be dedicated or reserved for public use, provided those areas are acceptable to the city, with the purposes indicated thereon, and of any area to be reserved by deed covenant for the common use of all property owners, listing who will maintain the acreage of such areas, or indicating if it is to be dedicated or reserved and the proposed timing of dedication or reservation;

J. Space for signatures of the owner, and applicant if different that the owner, and the Zoning Administrator, and the date of Commission approval;

K. Summary table showing total acres of the proposed development, the number of acres devoted to each type of use including streets and open space, and the number of proposed dwelling units by type, building square footage, number of parking spaces, pavement coverage, impervious surface area and acreage devoted to open space, private streets, and other public facilities; and proposed density by use area and overall.

(7) Proposed Utilities. Verification of availability of all utilities, including water, sanitary sewer, gas, electric, cable, etc., and indication of all utility line extensions;

(8) Additional Plans for Proposed Development.

A. Topographic maps showing existing and proposed grading contours, water courses, wetlands and flood plains and other flood hazard boundaries and information;

B. Landscaping and screening plans;

C. A lighting plan, including, but not limited to, light pole heights and locations, building accent lighting, pedestrian

lighting, average foot-candle calculations minimum foot-candles and maximum foot-candles.

D. A dimensioned sign plan indicating the character, material, dimensions, location, shape, color(s) and type of illumination of signs;

E. Architectural plans for the proposed development, showing all exterior elevations and building floor plans, colors, materials, and other details to indicate the type of architectural style proposed for the development. This requirement includes prototypical designs for single-family homes, if the PD mandates a specific style or type of single family home.

F. Construction plans for all public improvements, site grading, and required development practices specified by City Code.

(9) Ownership. The ownership interests of the subject property, including liens and easements, and the nature of the developer's interest if not the owner. (Ord. 2006-49. Passed 5-21-07.)

(10) Covenants, Easements and Restrictions.

A. The substance of covenants, grants of easements, or other restrictions that will be imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities.

B. For projects that include any area for common use of or to be maintained by multiple property owners, the Association's bylaws or Code of regulations, shall include provisions that comply with the requirements in Section 1125.12, Requirements for Owners Associations. (Ord. 2013-44(a). Passed 12-16-13)

(11) Modifications. A statement identifying any aspect of the Final Development Plan in which the applicant is requesting a modification from the preliminary development plan, pursuant to Section 1145.05 (d) (2) B. 4., Compliance with Preliminary Development Plan.

(12) Updated Existing Conditions. An updated/revised map of Existing Conditions indicating all changes since the map was submitted with the preliminary development plan.

(13) Table of Contents. Table of contents or other index indicating where each of the plan submission requirements is located within the application package (page number of narrative or drawing). (Ord. 2006-49. Passed 5-21-07.)

1145.07 PLAN APPROVAL CRITERIA.

(a) Preliminary Development Plan. In the review of proposed Planned Developments, the Planning Commission and City Council shall determine whether or not the preliminary development plan complies with

the following criteria. In the event the Planning Commission determines that the proposed preliminary development plan does not comply with a preponderance of these criteria, the Planning Commission shall disapprove the application:

(1) The proposed development is consistent with the purpose, intent and applicable standards of the Wooster Planning and Zoning Code;

(2) The proposed development is in conformity with Comprehensive Plan, and other adopted plans or portions thereof as they may apply;

(3) The proposed development advances the general welfare of the City and immediate vicinity and will not impede the normal and orderly development and improvement of the surrounding areas;

(4) The proposed uses are appropriately located in the City so that the use and value of property within and adjacent to the area will be safeguarded;

(5) Proposed residential development will have sufficient open space areas that meet the objectives of the Comprehensive Plan;

(6) The proposed development respects the unique characteristic of the natural features and protects the natural resources of the site;

(7) Adequate utilities, access roads, drainage, retention and/or necessary facilities have been or are being provided;

(8) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets and to maximize public safety and to accommodate adequate pedestrian and bike circulation systems so that the proposed development provides for a safe, convenient and non-conflicting circulation system for motorists, bicyclists and pedestrians;

(9) The relationship of buildings and structures to each other and to such other facilities provides for the coordination and integration of this development within the PDOD and the larger community and maintains the image of Wooster as a quality community;

(10) The density, building gross floor area, building heights, setbacks, distances between buildings and structures, yard space, design and layout of open space systems and parking areas, traffic accessibility and other elements having a bearing on the overall acceptability of the development plans and contribute to the orderly development of land within the city;

(11) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, water courses and drainage areas;

(12) The design, site arrangement, and anticipated benefits of the proposed development justify any deviation from the standard development regulations included in the Wooster Planning and

Zoning Code and that any such deviations are consistent with the intent of the Planned Development Overlay District regulations;

(13) The proposed phasing of development is appropriate for the existing and proposed infrastructure and is sufficiently coordinated among the various phased to ultimately yield the intended overall development;

(14) The proposed development can be adequately serviced by existing or planned public improvements and not impair the existing public service system for the area;

(b) Final Development Plan. In the review of proposed Planned Developments, the Planning Commission shall determine whether or not the proposed development, as depicted on the final development plan, complies with the following:

(1) The plan conforms in all pertinent respects to the approved preliminary development plan provided however, that the Planning Commission may authorize plans as specified in sub-section 1145.05 (d)(2) B. 4.;

(2) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;

(3) The development has adequate public services and open spaces;

(4) The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Code and the Comprehensive Plan;

(5) The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity;

(6) The proposed signs, as indicated on the submitted sign plan, will be coordinated within the PD and with adjacent development; are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings; and are located so as to maintain safe and orderly pedestrian and vehicular circulation;

(7) The landscape plan will adequately enhance the principal building and site; maintain existing trees to the extent possible; buffer adjacent incompatible uses; break up large expanses of pavement with natural material; and provide appropriate plant materials for the buildings, site, and climate;

(8) Adequate provision is made for storm drainage within and through the site which complies with the applicable regulations in this Code and any other design and construction criteria established by the City or any other governmental entity which may have jurisdiction over such matters; and,

(9) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage. (Ord. 2006-49. Passed 5-21-07.)

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CHAPTER 1147
Conditional Use Regulations

1147.01	**Purpose.**	**1147.06**	**Conditional uses in multi-all family and manufactured home park districts**
1147.02	**General criteria for conditional uses.**	**1147.07**	**Conditional uses in commercial districts.**
1147.03	**Specific conditions for conditional uses.**	**1147.08**	**Regulations for conditional uses in manufacturing districts.**
1147.04	**Conditional uses in community facility districts.**	**1147.09**	**Supplemental regulations for certain uses.**
1147.05	**Conditional uses in single-family districts.**		

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)
5. Flag lots	R-1	See § 1147.09 (n)	(3)	See § 1147.09 (n)				

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	
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(kk)
12. Two-family dwelling	R-2	8,700 sq. ft.	70 ft.	[3]	[3]	NP	5 ft.	1147.09(hh)
13. Two-family dwelling conversion from SF dwelling	R-2	[3]	[3]	[3]	[3]	[3]	[5] [6]	1147.09(gg)
14. Utility substation/distribution facility, indoor	R-1, R-2, R-T	None	None	[3]	30ft	NP	10 ft	1147.09(ii)
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

(Ord. 2006-49. Passed 5-21-07; Ord. 2013-44(a). Passed 12-16-13.; Ord. 2014-24(a). Passed 10-20-14.)

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(ii)
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; Ord. 2014-24(a). Passed 10-20-14.)

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(jj)
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. Self-storage facility, indoor	C-5	2 acres	200 ft	1147.09(ee)
23. Service establishment, business	C-1	(2)	(2)	1147.09(ff)
24. Service establishment, personal	C-1	(2)	(2)	1147.09(ff)
25. Single-family attached dwellings	C-4	10,000 sq. ft.	70 ft.	1147.09 (kk)
26. Theater, Movie Indoor	C-4	(2)	(2)	1147.09(h)
27. Utility substation/distribution facility, indoor	C-1, C-2, C-3, C-4, C-5, CPRO	none	none	1147.09(ii)
28. Vehicle repair garage	C-5	2 acres	200 ft	1147.09(c)
29. 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; Ord. 2014-24(a). Passed 10-20-14.)

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. Commercial Recreation, Indoor	M-1, M-2	1 acre	125 ft	1147.09(h)
3. Drive-thru, -drive-in facilities in association with a permitted use	M-1	1 acre	125 ft	1147.09(l)
4. Financial institution	M-1, M-3	1 acre	125 ft	1147.09(m)
5. Gasoline station	M-1, M-2	1 acre	125 ft	1147.09(c)
6. Kennel with outdoor run	M-1, M-2	2 acres	200 ft	1147.09(p)
7. Mineral excavation, quarry operations	M-2	20 acres	250 ft	1147.09(q)
8. Outdoor recreation, including campgrounds	M-2	10 acres	300 ft	1147.09(v)
9. Outdoor storage of fleet vehicles/equipment used in operation of principal use	M-2	(2)	(2)	1147.09(s)
10. Recycling collection/processing facility	M-2	2 acres	200 ft	1147.09(x)
11. Restaurant or other type of eating and drinking establishment	M-1, M-3	(2)	(2)	1147.09(y)
12. Service establishment, personal	M-1	(2)	(2)	1147.09(ff)
13. Self-storage facility, indoor	M-2, M-4	2 acres	200 ft	1147.09(ee)
14. Wireless telecommunication facility	See Chapter 1173			

Notes to Table 1147.08:
(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:
M-1 Office/Limited Manufacturing
M-2 General Manufacturing
M-3 Urban Manufacturing
M-4 Heavy Manufacturing

(Ord. 2006-49. Passed 5-21-07; Ord. 2014-24(a). Passed 10-20-14.)

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) <u>Assembly Hall, Membership Club, Conference Center:</u>

(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) <u>Automotive Related.</u>

(1) <u>Motor vehicle sales and rental:</u>

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

(h) Commercial Recreation, Indoor; Theater:

(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 outdoor entertainment is provided shall be located a minimum of one hundred (100) feet from an adjacent residential district or be oriented to sufficiently direct sound away from an adjacent 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 be within three hundred (300) feet from an arterial or collector street.

(6) Requirements in the C-4 District. Such establishments 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.

(7) Requirements in Manufacturing Districts. Such indoor commercial recreation establishments shall be similar in scale to area structures in the manufacturing zoning district. Principle buildings shall be no less than twenty thousand (20,000) square feet in area. (Ord. 2014-24(a). Passed 10-20-14.)

(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(l).

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

(t) Parking Lot for Public Use. Surface parking lots shall be setback ten (10) feet from a public street right-of-way and shall meet the applicable setbacks of Section 1141.06(a) from all other property lines. Landscaping and screening of surface parking lots shall meet the requirements of Section 1165.06. (Ord. 2014-24(a). Passed 10-20-14)

(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) 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.)

(ff) 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.)

(gg) 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.

(hh) 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.

(ii) 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.

(jj) 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.

(kk) 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.)

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CHAPTER 1149
Nonconforming Uses, Lots, and Structures

1149.01	**Intent.**	**1149.07**	**Nonconforming signs.**
1149.02	**Lawful nonconformance.**	**1149.08**	**Nonconforming site conditions existing at time of development plan review.**
1149.03	**Nonconforming uses of buildings, structures or land.**	**1149.09**	**Existing use deemed conditional use; permit**
1149.04	**Nonconforming buildings and structures.**	**1149.10**	**Determination of non-conforming status.**
1149.05	**Nonconforming lots.**	**1149.11**	**Completion of construction with zoning certificate.**
1149.06	**Nonconforming parking facilities.**		

1149.01 INTENT.

The purpose of this Section is to recognize the existence of uses, buildings, lots and structures that lawfully existed at the time of this Planning and Zoning Code's enactment, or amendment thereto, but which now do not conform with one or more of the regulations contained in this Planning and Zoning Code. Nonconforming uses of structures and/or land are declared by this Code to be incompatible with the provisions applicable in the district in which such uses are located. In addition, it is recognized that there are lots, buildings, parking lots, signs, and other structures that do not conform to the zoning requirements. Regulations for the continuance, maintenance, repair, restoring, moving and discontinuance of nonconforming uses, nonconforming buildings and nonconforming lots are established in order to achieve the following purposes:

(a) To permit the continuance but control of nonconforming uses so as to minimize any adverse effects the uses might have on the adjoining properties and development.

(b) To regulate their maintenance and repair.

(c) To restrict their rebuilding if substantially destroyed.

(d) To require their permanent discontinuance if not operated for certain periods of time; and

(e) To require conformity if a nonconforming use is discontinued, to bring about eventual conformity of all uses in accordance with the objectives of the Comprehensive Plan and Zoning Code of the City.

(f) To establish regulations for the development of nonconforming lots.

(g) To establish regulations for the use, restoration, reconstruction, and expansion of structures that do not conform to the standards set forth in the Planning and Zoning Code. (Ord. 2005-49. Passed 5-21-07.)

1149.02 LAWFUL NONCONFORMANCE.

(a) The lawful use of any dwelling, building or structure and of any land or premises as existing and lawful at the time of enacting this Code, or any

amendments thereto, may be continued although such use does not conform to the provisions of this Code. The completion, restoration, reconstruction, extension or substitution of nonconforming uses shall be subject to the provisions and conditions set forth in this Chapter.

(b) The provisions of this Chapter shall also apply to any building, structure, land or other use hereafter becoming nonconforming as a result of amendments made to this Planning and Zoning Code or Zoning Map.

(c) A nonconforming lot, use, building or structure does not include nonconformity with regulations pursuant to a legally granted variance from a zoning regulation.

(d) Ordinary repairs, or repair or replacement of non-bearing walls, fixtures, wiring, or plumbing may be performed on a nonconforming structure or on any portion of a structure that contains a nonconforming use provided that the cubic content shall not be increased and no structural parts shall be replaced except when required by law to restore such building or structure to a safe condition or to make the building or structure conform to the regulations of the district in which it is located. (Ord. 2006-49. Passed 5-21-07.)

1149.03 NONCONFORMING USES OF BUILDINGS, STRUCTURES, OR LAND.

A nonconforming use may be continued so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following regulations:

(a) Change or Substitution to Another Nonconforming Use. A nonconforming use of a building, structure or land shall not be changed or substituted to another nonconforming use unless:

(1) The Board of Building and Zoning Appeals, on appeal, finds that the use proposed is equally appropriate or more appropriate to the district than the existing nonconforming use, and that the use proposed is in less conflict with the character of uses permitted in the applicable zoning district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in accordance with other provisions of this Planning and Zoning Code and when made a part of the terms under which the change is granted.

A. Whenever a nonconforming use is changed to a less intensive use, such use shall not thereafter be changed to a more intensive nonconforming use.

B. Whenever a nonconforming use is changed to a use permitted in the district in which the lot is located, it shall cease to be considered nonconforming use. Upon such compliance, no nonconforming use shall be made, resumed or reinstated.

C. Violation of any conditions and/or safeguards prescribed shall be deemed a violation of this Planning and Zoning

Code and shall be punishable under Chapter 1117, Enforcement and Penalty.

(2) An application is filed with the Board of Building and Zoning Appeals and such application includes payment of the fee established by the City and the items required in Chapter 1115, Submission Requirements.

(b) Land Occupied by Nonconforming Use.

(1) Expansion of Nonconforming Use of Land. A nonconforming use of land shall not be physically enlarged, increased, nor extended to occupy a greater area of land than was occupied by the use at the time it became nonconforming, unless otherwise specified.

(2) Relocation of Nonconforming Use of Land. A nonconforming use of land shall not be moved in whole or in part to any portion of the lot or parcel other than those portions occupied by the use at the time it became nonconforming.

(3) Removal of a Nonconforming Mobile or Manufactured Home Use of Land. A nonconforming use of land for a mobile or manufactured home shall be voluntarily abandoned upon the removal of such mobile or manufactured home from the site of such use. Any subsequent use of the land shall conform to the use regulations specified by this Code for the district in which such land is located. (Ord. 2013-44(a). Passed 12-16-13.)

(c) Structures Occupied by Nonconforming Use.

(1) Extension of Nonconforming Use within Building. A nonconforming use of an existing structure may be extended throughout any parts of a building that were manifestly arranged or designed for such use at the time of adoption or amendment to this Planning and Zoning Code. However, no such use shall be extended to occupy any land outside such building not previously occupied by such nonconforming use.
(Ord. 2009-27. Passed 10-19-09.)

(2) Expansion of Building(s). No such building shall be enlarged or expanded to increase the nonconforming use. No additional structures shall be constructed in connection with such nonconforming use, except as follows:

A. The construction of a detached accessory structure related to a nonconforming residential use shall be permitted subject to complying with the accessory use lot coverage & setback regulations of the zoning district in which the nonconforming residential use is located. The maximum height of such accessory structure shall not exceed 20 feet.

B. For nonconforming residential uses, non-habitable attached garages, porches and decks, although requiring zoning clearance and a zoning permit, shall not be considered expansions of non-conforming uses. Such additions to non-conforming residential uses shall comply with the lot

coverage & setback requirements of the zoning district in which the nonconforming residential use is located. The maximum height of such addition shall not exceed 35 feet.

(3) Alteration or Reconstruction of a Building Occupied by a Nonconforming Use. No building or structure occupied by a nonconforming use shall be altered, improved, or reconstructed except when the use is changed to a permitted use in the district in which it is located, or upon prior approval of the Board of Building and Zoning Appeals provided the cumulative cost of the alteration, reconstruction, or improvement permitted by the Board does not exceed 50% of the building's replacement value.
(Ord. 2012-24. Passed 8-20-12.)

(4) Damage or Destruction.

A. Except as provided in Section 1149.03(c)(4)B. below, in the event a building or structure that is occupied by a nonconforming use is destroyed by any means to the extent of more than 50% of its replacement value, it shall not be rebuilt, restored or reoccupied for any use unless such use conforms to the use regulations of the district in which the building or structure is located.

B. Notwithstanding Section 1149.03(c)(4)A., above, in the event that a residential building or structure that is occupied by a legal nonconforming use is damaged or destroyed by any means (excluding arson or negligence attributable to the property owner) to the extent of more than 50% of its replacement value, the owner may apply to the Planning Commission for a permit to rebuild or restore and reoccupy the premises in accordance with the use that existed at the time of the construction thereof, provided that the Planning Commission, after issuing notice and conducting a public hearing on the application in accordance with the process set forth in Section 1107.26, finds that all of the following criteria have been met:

1. The number of dwelling units is not increased; and
2. The footprint and floor area of the building or structure shall be restored only to the original footprint and floor area that existed prior to the damage or destruction, unless the Planning Commission determines that insignificant increases are needed to comply with the building and/or fire codes; and
3. The proposed building or structure shall be architecturally compatible with the surrounding neighborhood; and
4. The location, materials used, and screening of parking is appropriate for the neighborhood.

C. If the Planning Commission approves an application as referenced in Section 1149.03(c)(4)B., above:

1. The reconstruction shall be commenced within six (6) months of the date of the approval thereof," and
2. The reconstruction shall be completed within one (1) year after it has been commenced.

(Ord. 2012-21. Passed 7-23-12.)

(d) Discontinuance of Use. Whenever a nonconforming use of a building, part of a building, lot or part of a lot is discontinued for more than one year, such discontinuance shall constitute voluntary abandonment of such use and any subsequent use of the building, part of a building, lot or part of a lot shall conform to the use regulations specified by this Code for the district in which such land is located. (Ord. 2009-27. Passed 10-19-09.)

1149.04 NONCONFORMING BUILDINGS AND STRUCTURES.

A nonconforming building or structure may continue to be used or occupied by a use permitted in the district in which it is located so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

(a) Additions and Moving. A nonconforming building or structure shall not be added to, enlarged or moved unless the addition(s) or part(s) moved is made to conform to the regulations of the district in which it is located.

(b) Restoration of Damaged Building or Structure. If a nonconforming building or structure is damaged or destroyed by any means, those portions so destroyed or damaged may be restored to the original footprint and floor area of the building or structure, provided the reconstruction is begun within 12 months of the damage or destruction and the cumulative replacement costs do not exceed 50% of the replacement cost of the building or structure at the time of such damage. Any restoration that exceeds the original footprint and/or floor area shall comply with sub-section 1149.04(a).

(c) Change in Principal Use of Building. The principal use of a nonconforming building may be changed to any other use permitted in the district in which it is located so long as the new use complies with all regulations of this Planning and Zoning Code specified for such use, except the regulations to which the building did not conform prior to the change in use.

(d) Variances from district regulations on area, lot coverage, lot width, height, yards, location on the lot may be granted by the Board of Appeals where necessary and where such appeal for a variance meets the requirements of Section 1111.09 (c) (1), Area Variance. The Zoning Administrator may allow the extension of an existing nonconforming building line if the extension maintains the same or creates a greater distance from the lot line. (Ord. 2006-49. Passed 5-21-07.)

1149.05 NONCONFORMING LOTS.

A lot of record that, on the effective date of this Planning and Zoning Code, or any amendment thereto, does not comply with the lot area and/or lot width regulations of the district in which the lot is located may be used as follows:

(a) Existing Buildings on Lots of Record.

(1) Existing Building on a Nonresidential Lot. If the lot is occupied by a building, such building shall be maintained and may be repaired, modernized or altered, provided that the building shall not be enlarged in floor area unless the enlarged section(s) complies with all regulations of this Planning and Zoning Code, except the lot area and lot width regulations of the district in which the lot is located.

(2) Existing Dwelling on a Residential Lot. If the lot is occupied by a dwelling, such dwelling shall be maintained and may be repaired, modernized or altered, provided that the building shall not be enlarged in floor area unless the enlarged section(s) complies with all regulations of this Planning and Zoning Code, except for the lot area and lot width regulations of the district in which the lot is located.

A. Structural alterations or extensions of a residential structure which is nonconforming only by reason of lot size or lot width shall be permitted upon approval of the Zoning Administrator.

B. The number of dwelling units shall not be increased unless all regulations, including lot area, are complied with.

(b) Vacant Single Nonconforming Lot of Record.

(1) Single Nonconforming Lot of Record in a Residential District. A nonconforming lot in a Single-family Residential District that is in separate ownership and not of continuous frontage with other lots in the same ownership shall be permitted to be developed as a site for a single-family dwelling and customary accessory buildings.

A. Such dwelling and its accessory uses shall comply with all regulations of this Planning and Zoning Code, except for the lot area and lot width regulations of the district in which the lot is located.

B. Review and approval of development on such lots of record shall be conducted according to the procedures set forth in Section 1107.04, Zoning Certificate for a Single-family Dwelling or Use Accessory Thereto.

C. Variances of requirements from district regulations other than lot area or lot width shall be obtained through action of the Board of Zoning Appeals as provided in this Chapter.

(2) A vacant nonconforming lot in a Multi-family or non-residential district may be used for any use permitted in the district in which it is located when the development of such lot meets all requirements

of the district in which it is located, including the maximum lot coverage and minimum setback requirements, except for the minimum lot area and lot width requirements. No use that requires a greater lot size than the established minimum lot size for a particular district shall be permitted on a nonconforming lot. Review and approval of development on such lots of record shall be conducted according to the development plan review requirements set forth in Chapter 1107.

(c) Lots in Combination. If a vacant nonconforming lot in any district adjoins one or more lots in common ownership on the effective date of this Planning and Zoning Code, or applicable amendment thereto, such lots shall be replatted to create conforming lots as a prerequisite for development.
(Ord. 2006-49. Passed 5-21-07.)

1149.06 NONCONFORMING PARKING FACILITIES.

A building or use existing lawfully at the time of this Planning and Zoning Code, or an amendment thereto, became or becomes effective, but which does not comply with the off-street parking regulations for the use may continue without such parking facilities. In the event an existing building is altered or a use is changed or substituted, in accordance with these regulations, then additional off-street parking spaces shall be provided in compliance with Chapter 1169, Off-Street Parking and Loading Regulations, if this Code requires such additional parking spaces as a result of the proposed changes.
(Ord. 2006-49. Passed 5-21-07.)

1149.07 NONCONFORMING SIGNS.

A sign, lawfully existing at the time this Planning and Zoning Code, or any amendment thereto, became or becomes effective, but which fails to conform to the sign regulations of the district in which it is located is a nonconforming sign. Nonconforming signs shall comply with the regulations set forth in Section 1171.10, Regulations for Nonconforming Signs.
(Ord. 2006-49. Passed 5-21-07; Ord. 2014-24(a). Passed 10-20-14.)

1149.08 NONCONFORMING SITE CONDITIONS EXISTING AT TIME OF DEVELOPMENT PLAN REVIEW.

If a nonconforming site condition(s) exists when a revised development plan is required pursuant to Chapter 1107, then such site condition(s) must be brought into compliance with district regulations, unless the Planning Commission determines that such conformance cannot be reasonably achieved because of existing site conditions. In such case, the Planning Commission shall approve a development plan that reduces the existing nonconforming site condition(s) to the maximum extent practicable.
(Ord. 2006-49. Passed 5-21-07.)

1149.09 EXISTING USE DEEMED CONDITIONAL USE; PERMIT REQUIRED FOR CHANGE.

Any lawfully existing use that, at the time of its establishment, was not classified as a conditional use, but which now, because of the passage of this Planning and Zoning Code, or amendment thereto, is listed as a conditional use in the district in which it is located, shall be deemed without further action to be a conditional use. Any change, modification, enlargement or alteration of such use, site development conditions or signs, or change in operations shall only be permitted upon review and approval by the Planning Commission according to the procedures for conditional uses set forth in Chapter 1107. (Ord. 2006-49. Passed 5-21-07.)

1149.10 DETERMINATION OF NONCONFORMING STATUS.

At the time of application for a zoning certificate or request for variance, or upon the request of the Zoning Administrator regarding a nonconforming lot, building, structure or use, the property owner shall submit sufficient evidence to verify that such lot, building, structure, or use was lawfully created or established in accordance with the zoning regulations in existence at that time. If the evidence submitted indicates the lot, building, structure or use was legally established and has since become nonconforming because of the establishment of or amendment to this Planning and Zoning Code, the Zoning Administrator shall issue a Certificate of Nonconforming Use. This certificate shall specify the reason why the use, building, structure or lot is nonconforming, and for nonconforming uses shall also include a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming.
(Ord. 2006-49. Passed 5-21-07.)

1149.11 COMPLETION OF CONSTRUCTION WITH ZONING CERTIFICATE.

Nothing in this Planning and Zoning Code shall prohibit the completion of the construction and use of buildings for which a zoning certificate has been issued prior to the effective date of this Planning and Zoning Code, or amendments thereto, provided that construction is carried on diligently and without interruption and the entire building is completed within two years after the issuance of the zoning certificate. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction. (Ord. 2006-49. Passed 5-21-07.)

TITLE FIVE – Regulations Applicable to All Districts

Chap. 1163. Environmental Protection Regulations.
Chap. 1165. Landscaping and Land Use Buffers.
Chap. 1167. Lighting Regulations.
Chap. 1169. Off-Street Parking and Loading Regulations.

Chap. 1171. Sign Regulations.
Chap. 1173. Regulations for Wireless Telecommunication Facilities.
Chap. 1181. Vehicular and Pedestrian Circulation.
Chap. 1183. Utility Regulations.
Chap. 1191. Supplemental Regulations for All Subdivisions.
Chap. 1195. Adult Use Regulations.

CHAPTER 1163
Environmental Protection Regulations

1163.01 Purpose.
1163.02 Compliance with regulations.
1163.03 Wetland regulations.
1163.04 Steep slopes.
1163.05 Buildings in the floodplain.
1163.06 Platting in the floodplain.

1163.01 PURPOSE.

It is hereby determined that the natural environment within the City of Wooster contributes to the health, safety, and general welfare of the residents of Wooster, and therefore, should be protected. These regulations are enacted in order to:

(a) Protect and preserve designated wetlands and steep slopes; and,

(b) Protect residents of Wooster from property loss and damage due to flooding. (Ord. 2006-49. Passed 5-21-07.)

1163.02 COMPLIANCE WITH REGULATIONS.

No zoning approvals or zoning permits shall be issued by Wooster to any applicant whose lot falls within the jurisdiction of these regulations without full compliance with the terms of these provisions. (Ord. 2006-49. Passed 5-21-07.)

1163.03 WETLAND REGULATIONS.

Wetlands that are required by the Army Corps of Engineers or the Ohio EPA to be retained shall be protected by the following:

(a) A buffer area having a width not less than twenty (20) feet measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state. During construction, this buffer shall be fenced off to prevent disturbance of this required buffer area.

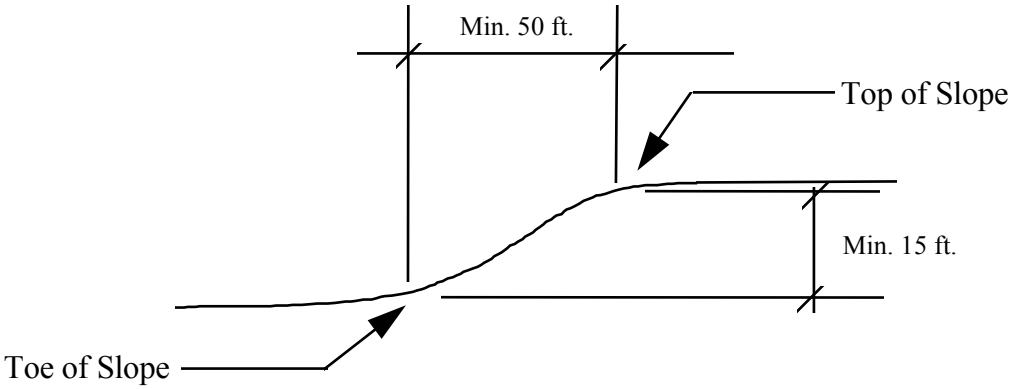
(b) A minimum building and pavement setback of thirty-five (35) feet, measured from the edge of the designated wetland, shall be required. (Ord. 2006-49. Passed 5-21-07.)

1163.04 STEEP SLOPES.

(a) No roadway or driveways shall be constructed on land having a slope greater than 25 percent.

(b) No buildings or parking areas shall be constructed on land having a slope greater than 20 percent.

(c) In determining the slope percentage, the horizontal distance of the slope shall be a minimum of 50 feet and the height shall be a minimum of 15 feet.



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

1163.05 BUILDINGS IN THE FLOODPLAIN.

(a) No residential dwelling or part thereof, except for campgrounds per sub-section 1143.02(d)(5)(I), shall be erected within the 100-year floodplain as designed by the Flood Insurance Study prepared by the U. S. Department of Housing and Urban Development, Federal Insurance Administration or the latest acceptable study on the floodplain.

(1) In the event a recreational dwelling is built within the floodplain, then the dwelling shall be built above the floodstage, or if the recreational dwelling is stilted, then the main structure of the dwelling shall be built above the floodstage.

(b) Any residential dwelling or part thereof within the floodplain at the time of enactment of this Code may be altered or expanded if:

(1) The alteration or expansion conforms with all applicable regulations of this Code; and

(2) There is not an increase in the number of dwelling units in the building.

(c) Any nonresidential building, or part thereof, which is constructed within the floodplain is encouraged to be flood proofed. (Ord. 2006-49. Passed 5-21-07; Ord. 2014-24(a). Passed 10-20-14.)

1163.06 PLATTING IN THE FLOODPLAIN.

Land within the 100-year floodplain, as designed by the Flood Insurance Study prepared by the U. S. Department of Housing and Urban Development, Federal Insurance Administration or the latest acceptable study on the floodplain, and land deemed to be topographically unsuitable because of flooding shall not be platted for residential occupancy or for such other uses that may increase danger to health, life, or property, or cause erosion or flood hazards. Such land within the subdivision shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional flooding or shall not produce conditions contrary to public welfare.
(Ord. 2006-49. Passed 5-21-07.)

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CHAPTER 1165
Landscaping and Land Use Buffers

1165.01 Intent.
1165.02 Scope of application: compliance necessary for site plan or plat approval.
1165.03 Definitions.
1165.04 Street tree planting requirements.
1165.05 Landscaping along street frontage.
1165.06 Screening and landscaping of parking lots.
1165.07 Buffering and screening between districts and use.
1165.08 Screening of accessory uses.
1165.09 Residential landscaping.
1165.10 Public use landscaping.
1165.11 General requirements, installation and maintenance.
1165.12 Recommended tree species.
1165.13 Approval process for required landscaping, fences and walls.
1165.14 Flexibility.

1165.01 INTENT.

The preservation of existing trees and vegetation, as well as the planting of new trees and vegetation, can significantly add to the quality of the physical environment of the City of Wooster. The regulations contained below are designed to provide for the health, safety, and welfare of the residents of the City by:

(a) Promoting the proper utilization of landscaping and screening as a buffer between certain land uses to minimize the possibility of nuisances including potential noise, glare, and the visual clutter associated with parking and service areas;

(b) Providing interruption of large expanses of vehicular use areas and reduction of reflected heat and glare through the implementation of interior and perimeter vehicular use area landscaping.

(c) Improving the appearance of off-street parking areas of five or more spaces and vehicular use areas and properties abutting public rights of way, thereby reducing conditions which lead to urban blight;

(d) Providing areas of permeable surfaces in order to:

(1) Allow the infiltration of surface water into groundwater resources;

(2) Reduce the quantity of storm water discharge, which helps to reduce the hazards of flooding and aids in the control of erosion and storm water runoff;

(3) Improve the quality of storm water discharge.

(e) Establishing minimum standards for the consistent appearance of plant material in the community landscape.

(f) Providing physiologically, psychologically, sociologically, and aesthetically necessary counterpoints to the man-made environment; and,

(g) Protecting, preserving, and promoting the aesthetic character valued by the residents of the City of Wooster. (Ord. 2006-49. Passed 5-21-07.)

1165.02 SCOPE OF APPLICATION: COMPLIANCE NECESSARY FOR SITE PLAN OR PLAT APPROVAL.

(a) The provisions of this Chapter shall apply to:

(1) All new development on vacant land that requires the submission of a development plan and issuance of a zoning certificate or building permit. The required landscaping shall be so indicated on plans submitted as part of the application.

(2) The entire site of existing development when substantial expansion is conducted. An expansion of an existing property is substantial when:

A. The expansion of the square footage of an existing building exceeds twenty-five percent (25%) of the gross floor area of the existing building.

B. The expansion of the square footage of the vehicular use area exceeds 25% of the total existing vehicular use area.

C. The land area of the development site is increased by 20 percent or more.

(3) The portion of a developed site devoted to the expansion of an existing building, structure or expansion/alteration of a vehicular use area when such site is not governed by sub-section 1165.02(a)(2) above. The minimum landscaping and screening required by this Chapter shall be provided to the extent of the alteration or expansion, but not for the entire property of which the alteration or expansion is a part.

(b) Single-family and two-family residences shall be exempt from the requirements of this Chapter except those regulations in Section 1165.09, Residential Landscaping.

(c) The requirements of this Chapter are minimum landscaping requirements, and nothing herein shall preclude a developer and the City from agreeing to more extensive landscaping.

(d) All requirements of Chapter 907 of the Codified Ordinances, Erosion and Stormwater Runoff Controls shall be applicable.

(Ord. 2006-49. Passed 5-21-07; Ord. 2012-24. Passed 8-20-12.)

1165.03 DEFINITIONS.

Terms related to required landscaping and screening shall have the following meanings:

(a) Berm. An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise. The height of a berm shall be measured from the average natural grade at the base of the berm.

(b) Caliper. The American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six (6) inches above the ground up to and including four-inch caliper size, and

twelve (12) inches above the ground for a caliper size greater than four (4) inches.

(c) Diameter-at-breast-height (DBH). The diameter of a tree trunk measured in inches at a height 4.5 feet above ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point below the split.

(d) Large Tree. A living tree with a DBH measurement at maturity of at least six (6) inches.

(e) Shade Tree. A tree with foliage that usually sheds annually and is planted primarily for its high crown of foliage or overhead canopy.

(f) Shrub. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

(g) Small Tree. A living tree with a DBH measurement at maturity of at least four (4) inches. (Ord. 2006-49. Passed 5-21-07.)

(f) Woodlands. An area of no less than one (1) contiguous acre which contains dense vegetation primarily composed of large and small trees as defined herein. (Ord. 2013-44(a). Passed 12-16-13.)

1165.04 STREET TREE PLANTING REQUIREMENTS.

In all zoning districts, developers shall plant and maintain shade trees along public streets in compliance with the following:

(a) Species. Trees shall be limited to species found in the Wooster City Urban Forestry Policy Manual, current edition. If other species are desired, the developer must apply to the Shade Tree Commission for approval.

(b) Quantity, Size and Location Requirements.

(1) One (1) tree shall be provided for every forty (40) linear feet of frontage, or fraction thereof, along each road.

(2) Trees shall be planted in accordance with the Wooster City Urban Forestry Policy Manual, current edition. In the C-4 Central Business District, street trees shall be planted in sidewalk pits accordance with the Wooster City Urban Forestry Policy Manual, current edition. Street trees shall be planted in the public right of way, however, due to varying conditions near public roads and rights-of-way, street trees may be located elsewhere on the property at the discretion of the Zoning Administrator or the Planning Commission, as applicable.

(3) Each tree at the time of installation shall have a minimum caliper of two and one-half (2.5) inches and a clear trunk height of at least six (6) feet.

(4) Trees shall be planted an adequate distance from intersections so that at full maturity such planting shall comply with Section 1125.15, Visibility at Intersections, to ensure the unobstructed visibility of motorists and pedestrians.

(c) Installation. In the case of residential subdivisions, street trees shall be planted on developed lots after seventy-five (75) percent of the residential

dwelling units have been occupied or received a certificate of zoning compliance. Undeveloped residential subdivision lots at the time of the above required street tree planting shall have street trees planted prior to receiving a certificate of zoning compliance. For all other developments that require Development Plan Review pursuant to Section 1107.05, street trees shall be planted prior to receiving a certificate of zoning compliance.

(d) Maintenance. The developer shall be required to maintain the trees for two (2) years after the trees are planted and to replace any tree that dies within such two year guarantee period.

(1) Upon completion of the street tree planting, the landscape contractor shall contact the Zoning Administrator.

(2) The two (2) year guarantee period shall begin after the approval from the Zoning Administrator and submission of a guarantee in accordance with Section 1165.04(d)(7).

(3) A final inspection shall be made at the end of the guarantee period.

(4) The developer shall notify the Zoning Administrator within five (5) business days of the end of the guarantee period to schedule the final inspection.

(5) All trees not exhibiting a healthy, vigorous growing condition, as determined by the Zoning Administrator, shall be replaced at the expense of the developer or builder.

(6) If the Zoning Administrator determines that replacement of a tree is required, such replacement shall occur within thirty (30) days of the date the City's inspection report is submitted to the developer. The two (2) year guarantee period shall begin anew for each replacement tree.

(7) Developments requiring ten (10) or more street trees shall require the developer to deposit a guarantee amount equal to fifty (50) percent of the total cost of providing and installing the street trees as determined by the Zoning Administrator. The deposit shall be in the form of a bond, with the developer as principal and with a surety company authorized to do business in the State of Ohio, a certified check, or an irrevocable letter of credit. The deposit shall be in a form acceptable to the Law Director.

(Ord. 2015-04. Passed 2-17-15.)

1165.05 LANDSCAPING ALONG THE STREET FRONTAGE.

All areas within the front yard or corner side yard, excluding driveway openings, shall be landscaped as required below. The following minimum plant materials shall be provided and maintained on all lots or developments except lots devoted to single-family detached and two-family dwellings.

(a) Two (2) large deciduous trees and fifteen (15) shrubs shall be provided for every one hundred (100) linear feet of lot frontage or fraction thereof, not including drive entrances. Trees or shrubs required in Section 1165.06, which are located in the front yard or corner side yard, may be included in this calculation.

(b) All areas not devoted to trees and shrubs shall be planted with grass, ground cover or other live landscape treatment.
(c) Trees and shrubs may be aggregated appropriately.
(d) Whenever the building setback is five (5) feet or less, these requirements shall not apply. (Ord. 2013-44(a). Passed 12-16-13.)

1165.06 SCREENING AND LANDSCAPING OF PARKING LOTS.

(a) Landscaping on the Interior of Parking Lots: Interior landscaping of parking lots shall be provided in accordance with the following requirements.
    (1) For any parking area designed to accommodate five (5) or more vehicles, a minimum of five percent (5%) of the parking lot shall be planted as landscaped island areas, developed and reasonably distributed throughout the parking lot to define major circulation aisles and driving lanes and provide visual and climatic relief from broad expanses of pavement.
    (2) Interior landscaped areas shall be dispersed so as to define aisles and break up the expanse of paving and limit unbroken rows of parking to a maximum of 100 feet. Each interior landscaped area shall be no less than 100 square feet. The minimum width for each area shall be ten (10) feet;
    (3) Within the landscaped islands, there shall be provided one shade tree for every 10 parking spaces. Each landscape island shall have at least one (1) shade tree.
    (4) Shrubs or low, spreading plant materials may be planted within the required landscaped islands provided there is no impairment to the visibility of motorists or pedestrians.
    (5) If the specific application of the interior landscape requirements will seriously limit functions of the building site, the Zoning Administrator shall have authority to permit consolidation and relocation of these landscaped areas on the building site.
    (6) Landscaped areas along the perimeter of the parking area, or in any part of a yard, shall not be counted as interior parking lot landscaped areas. Except perimeter plantings may be used to satisfy the requirements in this section when parking facilities are less than forty-two feet in width and accommodate 20 or fewer vehicles.
    (7) For the purpose of this Section, the area of a parking lot shall be the total vehicular surface area within the perimeter of the parking lot, including the landscaped islands, parking spaces and all circulation aisles except those with no parking spaces or landscaped islands located on either side. See Figure 1, Parking Lot Interior Calculation.

Figure 1. Parking Lot Interior Calculation.

(b) Perimeter Landscaping Requirements. landscaping shall be required along any side of a parking lot that abuts adjoining property that is not a right-of-way. A landscaped strip meeting the required minimum parking setback (in depth) of the zoning district in which the property is located, shall be located between the parking area and the abutting property lines. One (1) large deciduous or two (2) small deciduous trees for each forty (40) lineal feet shall be planted in the landscaping strip. The requirements of this section shall not apply where planting is required for screening pursuant to Section 1165.07.

(c) Street Frontage Planting Requirements. When a parking lot is located adjacent to a public right-of-way, screening shall be provided to reduce the visual impact of the parking lot. A landscaped buffer shall be installed between parking lots and public rights-of-way per the following requirements:

(1) A landscaped buffer shall be located directly adjacent to the parking lot and be no less than ten (10) feet in width. The buffer shall be composed of a continuous evergreen hedge or dense planting of evergreen shrubs.

(2) Landscaping shall be at a height of no less than three (3) feet at the time of installation. Landscaping may be placed upon a berm to achieve the required height at planting. The minimum buffer height requirement shall not apply when the grading of the site results in an elevation of the adjacent street which is three (3) or more feet higher than the parking lot.

(3) A fence or a wall may be incorporated into the landscape buffer per the fence requirements of the applicable zoning district. (Ord. 2013-44(a). Passed 12-16-13.)

(d) Landscaping Design Criteria.

(1) The primary landscaping materials used in parking lots shall be trees that provide shade or are capable of providing shade at maturity. Shrubbery, hedges, and other live planting material may be used to complement the tree planting scheme or landscape design but shall not be the sole components of the landscaping. Avoid tall shrubs or low branching trees that will restrict visibility. Effective use of earth berms and existing topography is also encouraged as a component of the landscape plan.

(2) In large parking lots, separate pedestrian walkways should be provided to allow safe movement within the lots. These walkways should generally be oriented perpendicular to and between parking bays. Adjacent to the walks, trees should be planted. These plantings will aid in the identification of walkway locations within the lot and also aid in providing shade for the pedestrian. The following guidelines apply to the development of walkways within large parking lots.

A. One walkway can serve as a collector for up to four bays of parked cars.

B. The walkways should be a minimum of 4 feet wide, allowing an additional 30 inches on each side for overhanging of automobiles.

C. All walkways should be raised to a standard sidewalk height and should be constructed of different paving material than the parking lot.

(e) Accessways. Necessary accessways shall be permitted to traverse the required landscaping area. The width of such accessways shall not be subtracted from the linear dimensions used to determine the minimum number of trees required in this Section.

(f) Vehicular Encroachment. A vehicle shall not encroach upon any landscaped area.

(g) Vehicular Use Areas. Vehicular use areas, other than parking spaces or parking lots, for all land uses require two (2) square feet of landscaped area for each 100 square feet of pavement or fraction thereof.

(Ord. 2006-49. Passed 5-21-07; Ord. 2012-24. Passed 8-20-12.)

1165.07 BUFFERING AND SCREENING BETWEEN DISTRICTS AND USES.

(a) Intent. The intent of this section is to establish provisions for a visual screen or buffer between incompatible uses and to reduce the effects of glare from automobile headlights, noise and other objectionable activities conducted on a given lot.

(b) Screening. Screening, as required by the provisions of this Code, shall be of such nature and density that will screen the activities on the lot from view from the normal level of a first story window on an abutting lot.

(c) When Required. A buffer yard shall be required when:

(1) A lot in any Commercial, Community Facility, or Manufacturing District abuts a Residential district;

(2) A lot in a Multi-family Zoning District or a Manufactured Home Park District abuts a Single-Family Residential District;

(3) A lot in a Residential District is devoted to a non-residential conditional use or a nonresidential nonconforming use;

(4) Required by the Conditional Use Regulations in Chapter 1147;

(5) When areas of a Planned Residential Development, which abut single- family detached dwellings, are developed with non-residential uses or two family dwellings; and,

(6) When any wall of a non-residential building in a Commercial, Community Facilities, or Manufacturing district faces or is across the street from a Residential district, screening shall be installed along the full length of such street frontage. No screening shall be required when the Commercial, Community Facilities, or Manufacturing district lot is either not in use or is used for residential purposes.

(d) Width of Buffer Yard. The width of the buffer yard shall be equal to the applicable parking set back set forth in the applicable zoning district or ten (10) feet, whichever is greater.

(e) Location. The buffer yard shall be located entirely within the higher intensity zoning district or use and abutting the zoning district line or lot line of lower intensity use. However, the buffer yard may be placed in the lower intensity zoning district or partially within both zoning districts if both sides of the zoning district line and the entire buffer yard width are within common ownership and a permanent easement is provided over any portion of the buffer yard not within the higher intensity zoning district. If a buffer yard is located in a residential development that has an owners' association or other similar legal entity, all buffer yards shall be located in open space owned by the association or in an open space easement controlled by the owners' association.

(f) Buffer Yard Abutting an Adjacent Jurisdiction. When property lines abut an adjacent jurisdiction, the Planning Commission shall determine the specific screening and buffering requirements along that property line after consideration of the zoning designation and or land use of the adjacent property. Requirements shall not exceed those that would be required for similarly situated/zoned property within the City of Wooster.

(g) Screening. When the natural vegetation within the required buffer yard does not form a solid, continuous, visual screen or does not have a minimum height of six (6) feet along the entire length of the common boundary at the time of occupancy, screening shall be installed in compliance with the following:

(1) Screening Materials. Screening design and development shall be compatible with the existing and proposed land use and development character of the surrounding land and structures.

Screening within the buffer yard shall consist of one or more or combination thereof of the following:

A. A dense vegetative planting incorporating trees and/or shrubs of a variety which shall be equally effective in winter and summer. Trees and/or shrubs shall be adequately spaced to form a solid, continuous visual screen within three (3) years after the initial installation. At a minimum, at the time of planting, the spacing of trees shall not exceed twelve (12) feet on center, and the planting pattern shall be staggered. Shrubbery shall be more closely spaced.

B. Non-living opaque structures such as a solid masonry wall that is compatible with the principal structure or a solid wood fence together with a landscaped area at least ten (10) feet wide. For solid fences, fences shall be designed, constructed, and finished so that the supporting members face the property owner of the fence and they shall be maintained in good condition, be structurally sound, and attractively finished at all times.

C. An ornamental fence with openings through which light and air may pass together with a landscaped area at least ten (10) feet wide. A chain link fence shall not be permitted.

D. A landscaped mound or berm at least seven (7) feet wide, with no more than a 2.5:1 slope.

(2) Location. The location of the wall, fence, or vegetation shall be placed within the buffer yard to maximize the screening effect, as determined by the Zoning Administrator or the Planning Commission.

(3) Installation of Screening. Screening shall be continuous and in place at the time of occupancy. If vehicular or pedestrian access through the screen is necessary, the screening function shall be preserved.

(4) Height of Screening. The height of screening shall be in accordance with the following:

A. Visual screening by walls, fences, or mounds in combination with vegetation, fences or walls shall be a minimum of six (6) feet high measured from the natural grade, except as set forth in sub-section B. below.

B. Whenever the required screening is located within a front yard or within twenty-five (25) feet of a parking lot, drive, or driveway entrance, the required screening shall not exceed a height of three (3) feet.

C. When used alone, vegetation shall be a minimum of six (6) feet high, as measured from the natural grade, in order to accomplish the desired screening effect. The required

height shall be achieved no later than two (2) years after the initial installation.

(h) Modifications to Buffering and Screening Requirements. Buffer yards required by this Chapter shall be applied equally to all similarly situated properties. The Zoning Administrator is empowered to modify the above buffering and screening requirements if, and only if:

(1) Natural land characteristics such as topography or existing vegetation on the proposed building site would achieve the same intent as this Section.

(2) Innovative landscaping or architectural design is employed on the building site to achieve an equivalent screening and buffering effect.

(3) The required screening and landscaping would be ineffective at maturity due to the proposed topography of the site, and/or the location of the improvements on the site.

(4) The topography of adjacent and surrounding sites is such as to render required screening ineffective at maturity.

(5) A written request is received from the owners of the abutting residential district property that the screening as required herein should be waived or varied based on stated purposes;

(6) It can be clearly demonstrated that it is highly improbable that the abutting property will be developed for residential purposes due to circumstances, which have taken place since the adoption of the Comprehensive Plan and this Code.

(Ord. 2006-49. Passed 5-21-07; Ord. 2012-24. Passed 8-20-12; Ord. 2012-24. Passed 8-20-12.)

1165.08 SCREENING OF ACCESSORY USES.

Screening of accessory uses shall be provided according to the following:

(a) Trash Collection Areas. Trash and/or garbage collection areas shall be enclosed on all sides by a solid wall or fence and a solid gate at least one (1) foot higher than the highest refuse container in the collection area if such area is not within an enclosed building or structure. Such solid wall or solid fence shall be situated so as to screen the view of the collection area from the public right-of-way and abutting properties. Such wall or fence shall be constructed of wood, brick, decorative concrete, block, stone or shrubs and shall be a minimum of six (6) feet in height.

(b) Ground-mounted Mechanical Equipment. Ground mounted mechanical equipment shall be screened from the public right-of-way and abutting properties with evergreen shrubbery so that within two (2) years the equipment is completely obscured from view.

(c) Loading Areas. Permitted loading areas shall be screened from the public right-of-way and abutting properties in nonmanufacturing zoning districts per the following:

(1) Screening shall be composed of either a wall or fence according to the requirements set forth in the subject property's zoning district

or dense landscaping with no less than eighty (80) percent opacity at the time of planting.

(2) Screening provided shall be no less than six (6) feet in height at the time of installation. Landscaping utilized to provide such screening may employ a mound of no more than three (3) feet in height.

(3) A single gap of no more than forty (40) feet in such required screening shall be permissible to allow for ingress and egress to a loading area. (Ord. 2014-24(a). Passed 10-20-14.)

(d) Outdoor Storage Areas. Permitted areas for the outdoor storage of goods, supplies, equipment or vehicles used in the operation of an establishment, where permitted, shall be screened per the requirements of the applicable zoning district. (Ord. 2013-44(a). Passed 12-16-13.)

1165.09 RESIDENTIAL LANDSCAPING.

(a) Intent. This section is intended to maintain or improve the unique character of residential neighborhoods and streets and to contribute to the general welfare through the planting of trees.

(b) Application. This section shall apply to all new developments and to alterations to existing buildings that will increase the number of dwelling units. Existing trees may fulfill these minimum requirements.

(c) Required Trees for Residential Unit Types.

(1) Single Family and Two-Family Lots: One large deciduous or evergreen tree per forty (40) feet of lot frontage or fraction thereof, to be planted in the front yard setback area when the lawn is installed.

(2) Attached Single-Family and Multi-Family Dwelling Units. One large deciduous or evergreen tree per unit to be planted between the building and the public, private street or private drive and planted when the lawn is installed; or in the case of a conversion, trees shall be planted within six months of the issuance of a building permit. No parking spaces, parking area aisles or driveways running parallel to the street shall be permitted in the required front setback that is to be landscaped.
(Ord. 2006-49. Passed 5-21-07.)

1165.10 PUBLIC USE LANDSCAPING.

All publicly funded buildings shall have as part of submitted contract documents a landscape plan prepared and sealed by a landscape architect registered in the State of Ohio. This plan shall be submitted to the City Shade Tree Commission and the Zoning Administrator for approval. Provisions for the implementation of the approved landscape plan shall be included in the final project contract. Any additional construction on public lands, buildings, additions, parking lots, etc., shall be subject to the provisions of this Chapter. Criteria for review will include appropriate buffering from adjacent properties, environmental impact, and agreement with the intent of this chapter as stated above. (Ord. 2006-49. Passed 5-21-07.)

1165.11 GENERAL REQUIREMENTS, INSTALLATION, AND MAINTENANCE.

Areas within the setback and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition.

(a) Installation.

(1) Each tree at the time of installation shall have a minimum caliper of 2 inches and a clear trunk height of at least six (6) feet, unless otherwise specified.

(2) When a small tree is permitted by this Chapter, such tree shall have a minimum caliper of 1.5 inches and a clear trunk height of at least five (5) feet at the time of installation.

(3) If installation of plantings is not completed in a planting season, then landscaping must be installed during the next planting season.

(b) Performance Guarantee. No landscape plan required by this Code shall be approved and no zoning certificate issued until the owner of the lot and/or building in question has posted a performance guarantee with the City conditioned upon satisfactory installation of the approved landscaping in the owner's landscape plan. Such guarantee shall be in the form of a performance, surety bond, certified check or any other such type of guarantee approved by the Law Director. The financial guarantee shall cover the estimated cost of all required landscaping, installation of such landscaping and any other landscaping obligations on the part of the owner.

(c) Planting Arrangement. Trees and shrubs shall be arranged to create varied and attractive views and plant material should provide a variety of color displayed throughout the year.

(d) Screening. All screening and buffer yards shall be free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

(e) Parking. Vehicle parking shall not be permitted in landscaped areas.

(f) Pedestrian Movement. Materials shall not be placed where they will prevent pedestrian movement unless so planted for that or similar purpose.

(g) Damage to Public Works. In no case shall any plant material interfere with or cause damage to underground utility lines, public roadways or other public works. Species of trees whose roots are known to cause damage to pavements or other public works shall not be planted closer than fifteen (15) feet to such public works. A list of such species is maintained in the office of the Zoning Administrator.

(h) Maintenance. The owner of landscaping required by this Code shall maintain such landscaping in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. No plant material required by this Planning and Zoning Code shall be removed for any reason unless replaced with like kind and size at the time of removal. Prior to such removal, a revised landscape plan shall be submitted to the

Zoning Administrator for review and approval per Section 1107.07 (a), Minor Development Plan Review.

(i) Sidewalk Pits. When planting trees in sidewalk pits, the minimum dimensions for the pit shall be 5 feet X 5 feet.
(Ord. 2006-49. Passed 5-21-07.)

1165.12 RECOMMENDED TREE SPECIES.

Acceptable trees and trees not acceptable to fulfill the requirements of this Chapter include, but are not limited to, ones found in the Wooster City Urban Forestry Policy Manual, current edition. If other trees are to be considered, the matter must be brought before the Wooster Shade Tree Commission for approval.
(Ord. 2015-04. Passed 2-17-15.)

1165.13 APPROVAL PROCESS FOR REQUIRED LANDSCAPING, FENCES, AND WALLS.

(a) The location of proposed landscaping, fences or walls required to fulfill the standards and criteria of this Chapter shall be reviewed and approved as part of a development plan pursuant to Chapter 1107.

(b) However, when a fence or wall is proposed at a separate time from any other development for new construction, additions or site renovation, a fence or wall may be approved administratively by the Zoning Administrator when the Zoning Administrator determines that the proposal:

(1) Complies with the requirements of this Chapter;

(2) Is consistent with any previously approved plan;

(3) Is compatible with the current site development if there is no approved plan; and

(4) Will have a minimal adverse impact to the surrounding areas.
(Ord. 2006-49. Passed 5-21-07.)

1165.14 WOODLAND PRESERVATION.

Residential and commercial developments on properties with Woodlands shall be configured to provide as little impact as practically possible to the Woodland area. Woodlands shall be shown on preliminary plans per Section 1115.05 and final development plans per Section 1115.11 . (Ord. 2013-44(a). Passed 12-16-13.)

1165.15 FLEXIBILITY.

The standards and criteria in this Chapter establish the City's objectives and levels of landscaping intensity expected. However, in applying these standards during the site design plan review, the Zoning Administrator and the Planning Commission may exercise discretion and flexibility with respect to the placement and arrangement of the required elements to assure that the objectives of the district and the proposed development or redevelopment are best satisfied.
(Ord. 2006-49. Passed 5-21-07.)

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CHAPTER 1167
Lighting Regulations

1167.01 Intent.
1167.02 Definitions.
1167.03 Exterior lighting plan.
1167.04 General requirements.
1167.05 Exemptions.

1167.01 INTENT.

This chapter is intended to control the installation of exterior lighting fixtures to prevent light pollution in the forms of light trespass and glare and to preserve, protect and enhance the character of the City and the lawful nighttime use and enjoyment of property located within the City. Appropriate site lighting, including lights for signs, buildings and streets, shall be arranged so as to provide safety, utility and security; control light trespass and glare on adjacent properties and public roadways.

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

1167.02 DEFINITIONS.

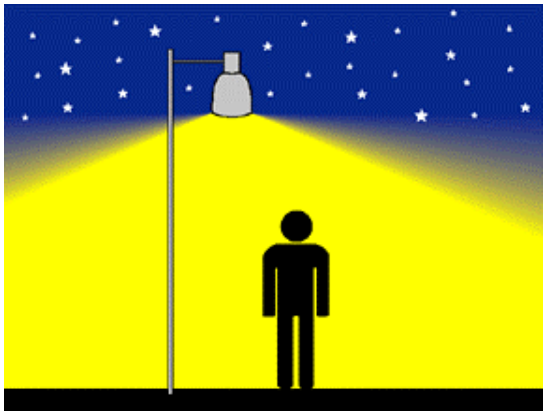
Terms related to the required exterior lighting standards contained in this Chapter shall have the following meanings:

(a) Foot-candle. A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

(1) Foot-candle, Horizontal. The measurement of foot-candles utilizing a direct reading, portable light meter mounted in the horizontal position.

(2) Foot-candle, Vertical. The measurement of foot-candles utilizing a direct reading, portable light meter mounted in the vertical position.

(b) Full-Shielded or Full-Cutoff Type Fixture. An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.



Full cut-off lighting directs light down and to the sides as needed.

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(c) Glare. Direct light that causes annoyance, discomfort or loss in visual performance and visibility.

(d) Illuminance. The quantity of light arriving at a surface divided by the area of that surface, measured in foot-candles.

(e) Light Pollution. Any measurable exterior artificial illumination that strays beyond a property line both horizontally at grade and vertically to the building height limitation.

(f) Light Trespass. Light in sufficient quantity that crosses over property boundaries, impacts surfaces, and produces a negative response in persons owning or using the violated space.

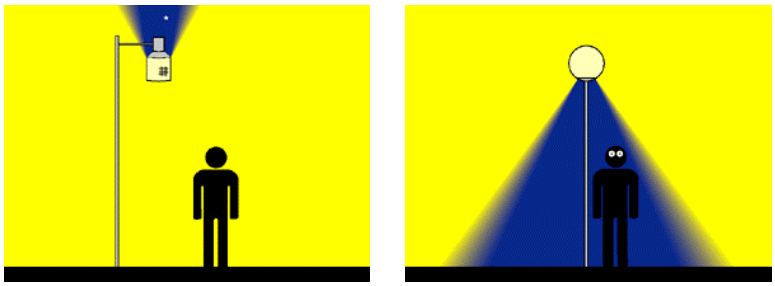
(g) Luminaire. A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

(h) Recessed Ceiling Fixture. An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

(i) Light Uniformity Ratios. The uniformity ratio is expressed as either the maximum or average illuminance divided by the minimum illuminance. For example, if the average to minimum ratio is 3:1 and an average illuminance of six (6) foot-candles is desired, the minimum illuminance at any one point must be two (2) foot-candles.

(j) Uplighting. Any light source that distributes illumination above a ninety (90)- degree horizontal plane.

Uplighting



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- Uplighting wastes energy into the sky.
- Causes glare, light trespass and harsh illumination.

1167.03 EXTERIOR LIGHTING PLAN.

A lighting plan is required for all uses that are required to file a development plan and shall be approved according to the procedures set forth in Chapter 1107. All existing uses on which exterior lighting is installed or changed shall conform to these standards. The lighting plan shall demonstrate compliance with the exterior lighting standards of this chapter, and shall include the following items:

(a) A site plan showing location of all exterior light fixtures, controllers and transformers.

(b) Property boundaries, building location(s), parking lot layout, pedestrian paths, adjacent rights-of-way, north arrow and scale.

(c) Specifications and drawings or photographs for all exterior light fixture types, poles, conduit and appurtenant construction.

(d) Lamp wattage of all proposed luminaires.

(e) Information that indicates a minimum light level of one-half (0.5) foot-candles at grade in all vehicular use areas and connecting pedestrian paths.

(f) Cut sheets for all proposed exterior light fixtures and poles.

(g) Any other information and data reasonably necessary to evaluate the required lighting plan. (Ord. 2006-49. Passed 5-21-07.)

1167.04 GENERAL REQUIREMENTS.

(a) All outdoor lighting fixtures regulated according to this Chapter, including but not limited to those used for parking areas, buildings, building overhangs, canopies, signs, displays and landscaping, shall be full-cutoff type fixtures, unless exempt per Section 1167.05, Exemptions.

(1) Full-cutoff fixtures shall be installed and maintained so that the shielding is effective as described in Section 1167.02(b) above.

(2) Automobile-oriented uses such as gasoline stations, service stations and drive-through facilities shall install recessed ceiling fixtures in any canopy.

(3) Signs that are wholly illuminated from within and freestanding signs that are externally illuminated with an exposed incandescent lamp not exceeding twenty-five (25) watts shall not require shielding.

(b) All on-site lighting of buildings, lawns, parking areas and signs shall be designed so as not to shine onto any adjacent residential property or building, or to cause glare onto any public street or vehicle thereon.

(c) <u>Measurement.</u>

(1) Light levels shall be measured in foot-candles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading.

(2) Measurements shall be taken at the property line, along a horizontal plane at a height of three-and-one-half (3.5) feet above the ground.

(d) For all conditional uses in Single-Family Residential Districts, all non-essential outdoor lighting fixtures, including parking, sign, display and aesthetic lighting, shall be turned off after business hours. Only that

lighting needed for safety or security may remain lit after close of business, in which case the lighting shall be reduced to the minimum level necessary.

(e) Maximum Height of Light Poles. The total height of exterior lighting poles shall not exceed the following height regulations. Height shall be measured from the average grade surrounding each light pole:

Districts:	Maximum Height
R-T, R-1, R-2, R-3, R-4, R-5	20 feet
CF, CPRO, C-1, C-2, C-3, C-4, C-5, M-1, M-3	25 feet
M-2, M-4	28 feet
PDOD	To be determined during plan review.

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

1167.05 EXEMPTIONS.

(a) Decorative outdoor lighting fixtures with bulbs of less than twenty-five (25) watts, installed seasonally, are exempt from the requirements of this Chapter.

(b) Upward-directed architectural, landscaping, and decorative lighting shall be exempt from the requirements of this Chapter, provided direct light emissions are not intended to be visible above the building line roof.

(c) Light fixtures used to illuminate flags, statutes, and any other objects mounted on a pole, pedestal, or platform shall be exempt from the requirements of this Chapter, provided these objects are illuminated using a narrow cone beam or light fixtures designed to minimize light spillage beyond the illuminated object.

(d) Exemption for Outdoor Recreational Uses. Because of their unique requirements for nighttime visibility and their limited hours of operation, ball diamonds, playing fields, tennis courts and other similar outdoor recreational uses are exempt from the exterior lighting standards set forth in this Chapter and shall only be required to meet the following standards set forth in this Section.

(1) Limits on Cutoff Angle. Cutoff from a lighting source that illuminates an outdoor recreational use may exceed an angle of ninety (90) degrees from the pole, provided that the luminaries are shielded to prevent light and glare to spill over to adjacent residential properties.

(2) Maximum Permitted Illumination at the Property Line. Two (2) footcandles.

(3) Limits on Hours of Illumination. Exterior lighting for an outdoor recreational use shall be extinguished no later than 11:00 p.m.

(e) Temporary construction or emergency lighting is exempt from the requirements of this Chapter. Such lighting shall be discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.

(f) All outdoor lighting fixtures existing and legally installed prior to June 21, 2007, shall be exempt from the requirements of this Chapter. When existing lighting fixtures become inoperative, their replacements shall be subject to the provisions of this Chapter.

(g) Nothing in this Chapter shall apply to lighting required by the FAA or any other federal regulatory authority. (Ord. 2006-49. Passed 5-21-07.)

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CHAPTER 1169
Off-Street Parking and Loading Regulations

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1169.01 INTENT.

Off-street parking and loading requirements and regulations are established in order to achieve, among other things, the following purposes:

(a) To relieve congestion on streets so they can be utilized more fully for movement of vehicular traffic;

(b) To lessen vehicular movement in the vicinity of intensive pedestrian traffic to promote safety and convenience;

(c) To protect adjoining residential neighborhoods from excessive non-residential on- street parking;

(d) To promote general convenience, welfare and prosperity of developments which depend upon off-street parking facilities; and

(e) To provide regulations and standards for the development of accessory off-street parking and loading facilities in accordance with objectives of the Comprehensive Plan and codes of the City.

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

1169.02 PARKING FACILITIES REQUIRED.

Accessory off-street parking facilities, including access driveways, shall be provided prior to the occupancy of a building or use. Facilities shall be provided for the entire building or use in accordance with the regulations contained in this Chapter whenever:

(a) Whenever a building is constructed or a new use is established;

(b) Whenever an existing building is altered and there is an increase in the number of dwelling units, seating capacity, the floor area of a building; or

(c) Whenever the use of an existing building is changed to a more intensive use that requires more off-street parking facilities.

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

1169.03 UNITS OF MEASURE.

In computing the number of parking spaces required by this Code, the following rules shall apply:

(a) Floor Area. Where floor area is designated as the standard for determining parking space requirements, gross floor area shall be used for all land uses, unless specifically noted otherwise.

(b) Seats. Where seating capacity is the standard for determining parking spaces, the capacity shall mean the number of seating units installed or indicated, or one seat for each 24 lineal inches of benches or pews, or when fixed seats are not indicated, the capacity shall be determined as being one seat for each 20 square feet of floor area of the assembly room.

(c) Employees. Where employees are the standard for determining parking space requirements, employees shall mean the maximum number of employees on any two successive shifts.

(d) Fractional Numbers. Where the computation results in a fractional unit, one additional off-street parking space shall be provided.

(e) Parking for Mixed Uses. Where a building or group of buildings contains two (2) or more uses, operating normally during the same hours, the number of parking spaces for each use shall be computed separately and the total spaces provided shall not be less than the sum of the spaces required for each use, except as otherwise provided for in this Chapter.

(f) Parking Requirements for Uses Not Specified.

(1) When the off-street parking requirements for a use are not specifically defined herein, the parking facilities for such use shall be determined by the Zoning Administrator based on the standard for the use determined to be most similar to the proposed use.

(2) Appeal of a requirement established by the Zoning Administrator according to this Section and deemed to be too restrictive by the applicant shall be reviewed by the Planning Commission at a regular meeting.

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

1169.04 OFF-STREET PARKING STANDARDS.

The number of off-street parking spaces for each facility or use shall be determined by application of the standards set forth in Table 1169.04. A minimum of five (5) spaces is required for each facility other than a single-family detached, single-family attached or two-family dwelling.

Table 1169.04
Required Off-Street Parking Spaces

Principal Building or Use	Minimum Parking Requirement [(a)]
(a) Residential Uses:	
(1) Single-family detached dwelling	2 spaces per dwelling unit
(2) Two-family dwelling	2 spaces per dwelling unit
(3) Single-family attached dwelling, Multi-family dwelling, Cluster Residential Development	2 spaces per dwelling unit, plus guest parking at the rate of 1 space for every 4 dwelling units
(4) Bed and Breakfast	1 space per guest room; plus 2 spaces for owner's unit
(5) Boarding house	1 space per each sleeping room
(6) Independent dwelling units in an Age Restricted Residential Development	2 spaces per unit
(7) Congregate care facility/ Nursing home	1 space per 2 beds
(8) Factory built housing	2 spaces per dwelling unit
(9) Adult care facility and residential facility	1 space per 2 beds
(10) Dormitory	1 space per sleeping room, plus 1 space per 300 square feet of common room floor area
(b) Community / Educational Facilities	
(1) Auditorium, assembly hall, membership club, conference center	1 space for every 4 seats
(2) Church or other place of worship	1 space for every 4 seats in the portion of the building to be used for assembly plus spaces for any residential use, plus 1 parking space for every 200 square feet of floor area designed to be used neither for assembly nor residential purposes
(3) College, universities	See Section 1169.06
(4) Library, cultural institution or similar use	1 space per 300 square feet of floor area
(5) Kindergarten, nursery school, child or adult day care center	2 spaces per classroom but not less than 6 spaces for the building
(6) Elementary and junior high schools	2 spaces per classroom plus 1 space for every 4 seats in the largest auditorium or assembly room
(7) High School	1 space for every teacher, employee and administrator, plus 1 space per 7 students, plus 1 space for every 4 seats in the largest auditorium or sports arena
(8) School, commercial, business, or trade school	1 space for every instructor, employee and administrator, plus 1 space for every 2 students
(9) Public safety facility	1 space per 200 square feet of floor area

Principal Building or Use	Minimum Parking Requirement [a]
(c) Office, Professional Services	
(1) Business, professional and administrative office (excluding medical and dental)	1 space per 250 square feet of floor area
(2) Banks, financial institutions	1 space per 250 square feet of floor area
(3) Medical, dental office and/or clinic, including urgent care clinic	1 space per 200 square feet of floor area
(4) Hospital	1 space for every 2 beds, plus 1 space for every 3 employees
(5) Scientific research, development, training and testing laboratory	1 space per 400 square feet of floor area
(d) Retail/ Personal Services	
(1) Retail establishment, business or personal service establishment (except as otherwise specified below)	1 space per 200 square feet of floor area
(2) Beauty salons and barber shops	2 spaces per beauty or barber chair
(3) Funeral home	1 space per 50 square feet of floor area of sitting or service rooms, plus one space for each vehicle maintained on the premises
(4) Hotel, motel	1 space per guest room or unit, plus 1 space for every 2 employees
(5) Kennel	1 space per 200 square feet
(6) Restaurant[a]	
- Restaurant, table service (including bars/taverns)	1 space per 100 square feet of floor area, or 1 space for every 2 seats, whichever is greater, plus 1 space for each delivery vehicle
- Restaurant, counter service	1 space per 100 square feet of floor area, plus 1 space for each delivery vehicle
- Restaurant, carry out	1 space per 150 square feet of floor area, plus 1 space for each delivery vehicle
(7) Veterinary office and animal hospital	1 space per 400 square feet of floor area, plus 1 space for every 2 employees
(8) Custom Print Shop	1 space per employee, plus 1 space per 400 square feet of floor area utilized for customer service activities
(9) Microbrewery, Microdistillery or Microwinery	1 space per 100 square feet of restaurant floor area, plus 1 space per employee, plus 1 space for each delivery vehicle
(e) Entertainment - Recreation	
(1) Private clubs, lodges	1 space for every 4 seats

Principal Building or Use	Minimum Parking Requirement [a]
(2) Theater, sports arena	1 space for every 4 seats
(3) Bowling alley	4 spaces per bowling lane, plus 1 space per 100 square feet of floor area used for a restaurant or lounge
(4) Commercial recreation, indoor	5 spaces per 1,000 square feet of floor area
(5) Commercial recreation, outdoor	1 spaces per 250 square feet of recreation area
(6) Dance hall, skating rink	1 space per 100 square feet of floor area (including lounging and spectator area)
(7) Health club	1 space per 200 square feet of exercise area, including locker and equipment rooms
(8) Golf course (9 holes or more)	8 spaces per green
(9) Miniature golf	2 spaces per hole
(10) Swimming pools, public or private (not associated with residences)	1 space for every 5 persons, based on pool capacity
(11) School, specialty/personal instruction	2 spaces per classroom, plus 1 space for every 2 students at design capacity
(12) Tennis Courts	4 spaces per court
(f) Automotive Uses	
(1) Gasoline station/pumps	1 space for every employee
(2) Automotive service station, vehicle repair garage	2 spaces per service bay, plus 1 space for every employee, but never less than 5 spaces
(3) Automobile sales and rental	1 space per 400 square feet of floor area of sales room, plus 1 space for each auto service stall in the service room and 1 space per employee
(4) Car wash	1 space for every employee
(5) Farm supplies and services	1 space per 400 square feet of floor area of sales room, plus 1 space for each service stall in the service room and 1 space per employee
(g) General Commercial and Industrial Uses	
(1) Transport and truck terminals	1 space for every 2 employees
(2) Distribution, warehouse facility, wholesale	2 spaces for each employee on the largest working shift
(3) Self-storage facility, indoor	1 space per 500 square feet of floor area
(4) All other general commercial uses	1 space per 250 square feet of floor area
(5) Public Transportation Terminal	1 space per employee, plus 1 space per public transportation vehicle, plus 1 space for each 300 square feet of passenger waiting area

Principal Building or Use	Minimum Parking Requirement [(a)]
(6) All other industrial uses	1 space for every 1.5 employees on the largest working shift, plus 1 space for every company-owned car, truck, or other vehicle.

Notes to Table 1169.04

(a) For the purposes of Section 1169.04(f)(6), Restaurants, restrooms and dead storage areas shall not be included in a floor area calculation and outdoor dining areas shall be calculated at fifty (50) percent of the applicable requirement.

(Ord. 2013-17(b). Passed 6-3-13.)

1169.05 REDUCED STANDARDS FOR C-4 CENTRAL BUSINESS DISTRICT.

Off-street parking is not required in the C-4 District, however, provision of some spaces is encouraged or in certain cases may be required. The area zoned C-4 east of Bever Street or west of Grant Street shall be excluded from this parking requirement exemption. All new uses in the C-4 District east of Bever, west of Grant Street, or south of Henry shall be required to provide adequate off-street parking according to Section 1169.04. Any new occupant in the C-4 District east of Bever Street, west of Grant Street, or south of Henry that requires the same or less parking than the previous occupant is only responsible for providing the same amount of parking as the previous occupant provided. See Section 1169.13 for loading requirements.
(Ord. 2006-49. Passed 5-21-07.)

1169.06 SPECIFIC STANDARDS FOR COLLEGE/UNIVERSITY USES.

All proposed college/university uses shall comply with the minimum parking requirements set forth for various uses and activities separately listed in Section 1169.04. However, the Planning Commission may approve a development plan with fewer parking spaces according to the findings of a parking assessment when submitted according to the regulations of this Section.

(a) A parking assessment shall be submitted with the development plan for all proposed uses, either on- or off-campus, according to the development review procedures set forth in Chapter 1107, whenever the college or university is proposing a fewer number of parking spaces than is required in Section 1169.04. If the applicant is providing the minimum number of spaces required, no parking assessment is required.

(b) The goal of this parking assessment is to document the applicant's request to provide fewer parking spaces than required in Section 1169.04. In reviewing the parking assessment, the Planning Commission may approve a fewer number of parking spaces, provided the parking that is proposed shall satisfy the parking demands of the use without placing excess burden on other available campus parking or in surrounding areas of the City.

(c) The parking assessment shall include a description of the use and its anticipated relationship to, and impact on, the campus and surrounding community. At a minimum, the assessment shall include the following:

(1) The nature of the proposed uses, activities and events that will be accommodated.
(2) The maximum design capacity of the facility.
(3) The anticipated pattern of use, including peak hours.
(4) The estimated traffic generation and parking demand, including the estimated number of parking spaces required at peak capacity.
(5) The number of parking spaces required according to Table 1169.04 compared to the number of spaces proposed.
(6) The current supply and utilization of parking spaces in the immediate area as well as total number of parking spaces available for all college/university facilities.
(7) How the available spaces meet the needs of the proposed use.
(8) Suggested parking management solutions to address any anticipated discrepancy between the number of parking spaces available and anticipated parking demand.
(Ord. 2006-49. Passed 5-21-07.)

1169.07 ALLOWANCE FOR SHARED PARKING.

Two or more uses may share parking facilities without providing the minimum number of on-site required spaces for each use, when parking spaces are provided in compliance with all the requirements of this Section.

(a) The minimum required number of parking spaces for the combined uses may be reduced by twenty (20) percent for shared parking when hours of operation overlap. Residential uses shall not be allowed to share parking facilities.

(b) When the hours of operation DO NOT overlap, the parking facility to be shared shall contain at least the minimum required spaces of the largest individual use sharing the lot. (Ord. 2006-49. Passed 5-21-07.)

(c) The parking spaces shall be shared through a lease, written agreement, contract, a permanent easement by the owner of the uses being served. Such lease, written agreement, contract, or easement shall be approved by the Zoning Administrator and the Law Director. If the term of the use is limited by a conditional use permit, then the term of the lease, written agreement, or contract may be limited accordingly. At the expiration of the term of the lease, written agreement, or contract, the owner of the use being served shall either renew the lease, written agreement, contract (which shall be approved by the Zoning Administrator and Law Director), replace the shared parking or end the use that required the shared parking. (Ord. 2013-17(b). Passed 6-3-13.)

(d) No changes shall be made to the shared parking facility that would reduce the parking provided for the uses, unless the owner of one of the uses makes other arrangements to provide parking. No such changes shall be made without Zoning Administrator approval prior to any changes taking place.

(e) Parking spaces to be shared shall not be reserved for a specific person, individual, or use on a twenty-four-hour basis.

(f) Handicap parking spaces shall not be shared, unless the uses that are to share the spaces are adjacent to the handicap spaces and no inconvenience to the users of such spaces would be created.

(g) Loading spaces shall not be shared.

(h) Any proposed change in the use of a structure that shares a parking facility will require proof to the Zoning Administrator that adequate parking is available.

(i) Parking facilities to be shared shall be located on the same lot as the use for which the parking space is intended, except when the parking facility complies with all the requirements of Section 1169.08. (Ord. 2006-49. Passed 5-21-07.)

1169.08 ALLOWANCE FOR OFF-SITE PARKING.

All off-street parking spaces shall be located on the same lot as the structure or use, except when parking spaces are provided in compliance with all the requirements of this Section.

(a) The use shall supply at least fifty percent (50%) of its required spaces on-site. The Planning Commission may grant an exception to this requirement under the following criteria:

(1) Proximity of the proposed parking area to the use served;

(2) Ease and safety of access between the proposed parking area and the use served;

(3) The use to be served by the off-site parking; and,

(4) The hours of operation of the use to be served by the off-site parking.

(b) Off-site spaces shall be within 800 feet walking distance, measured along the route of public access to the property, of a building entrance or use. If the pedestrian access is to cross an arterial street, appropriate safety measures shall be present to help the pedestrian cross the street. In any event, safe and convenient pedestrian access, such as a sidewalk or path, shall exist or be provided from the structure or use to the parking lot.

(c) Contiguous lots providing off-street parking for more than one use shall provide sufficient spaces to comply with the combined total parking requirements for all uses except when the allowance for shared parking is granted in compliance with Section 1169.07. (Ord. 2006-49. Passed 5-21-07.)

(d) The off-site parking lot may be located in a different zoning district than the structure or use it serves if that parking facility is a permitted or conditional use in the different zoning district. However, nonresidential off-site parking in residential zoning districts shall not be permitted. (Ord. 2012-24. Passed 8-20-12.)

(e) The lot used for an off-site parking facility shall be owned, leased, under contract or written agreement, or used through a permanent easement by the owner of the use being served. The Zoning Administrator and the Law Director shall approve such lease, written agreement, contract, or easement. If the term of the use is limited by a conditional use permit, then

the term of the lease, written agreement, or contract may be limited accordingly. At the expiration of the term of ~~a~~ the lease, written agreement, or contract, the owner shall replace the off-site parking or end the use that required the parking. (Ord. 2013-17(b). Passed 6-3-13.)

(f) No changes shall be made to the off-site parking lot that would reduce the parking provided for the use, unless other arrangements to provide parking are made by the owner of the use. Those arrangements shall be approved by the Zoning Administrator prior to any changes taking place.

(g) All required handicapped parking spaces for a use shall be located on-site.

(h) All required loading spaces shall be located on-site.

(i) An existing non-conforming parking lot to be used under this Section as off-site parking shall be landscaped, paved and striped according to the standards of this Chapter and the Zoning Code.

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

1169.09 PARKING SPACES FOR PERSONS WITH DISABILITIES.

In accordance with the Americans with Disabilities Act (ADA) of 1990, all new construction and alterations to places of public accommodation and commercial facilities shall provide parking spaces that are designed and constructed to be readily accessible to persons with disabilities. (Ord. 2006-49. Passed 5-21-07.)

1169.10 LOCATION OF REQUIRED PARKING SPACES.

In addition to specific requirements contained in each district regulation, the location of off-street parking facilities shall further be regulated according to the following provisions:

(a) Off-street parking spaces required for dwelling units shall be located on the same lot as the dwelling unit served.

(b) Required guest parking in a multi-family development shall be equally distributed throughout the development.

(c) Off-street parking spaces for non-residential uses shall be located on the same lot as the structure or use unless off-site parking is provided pursuant to Section 1169.08.

(d) All required off-street parking spaces shall have direct access to an aisle or driveway without the need to move any other vehicle, except as otherwise specifically permitted in this Chapter.

(e) <u>Parking Lots Adjacent to Buildings.</u> Off-street parking spaces for other than single or two-family dwellings shall be located at least ten (10) feet from any wall of a building if such wall contains ground floor openings other than a garage door providing access, light or ventilation to the building.

(f) <u>Parking in Designated Areas Only.</u> Any vehicle customarily or seasonally parked on any lot shall be so parked only in parking areas specifically constructed for such purposes, and shall not be parked on tree lawns, sidewalks, lawns or other areas required by this Code to be landscaped.

(g) <u>Areas Computed as Parking Spaces.</u> Areas that may be computed as open or enclosed off-street parking spaces include any private garage, carport or

other area available for parking, other than a street or driveway, except as specifically permitted below:

(1) For a single family detached or two-family dwelling a driveway in the front or side yard shall be permitted to compute as eligible parking space(s) up to a maximum of two parking spaces per dwelling unit.

(2) In a multi-family development any dwelling unit that has its own separate and individual private driveway shall be permitted to compute as eligible those parking spaces located in the private driveway, up to a maximum of two parking spaces per dwelling unit. (Ord. 2006-49. Passed 5-21-07.)

1169.11 OFF-STREET WAITING SPACES FOR DRIVE-THRU FACILITIES.

Drive-thru establishments and other establishments which, by their nature, create lines of customers waiting to be served within automobiles shall provide off-street waiting areas, on the same lot as the use, in addition to the required number of parking spaces specified in Table 1169.04, in accordance with the following:

(a) Minimum Number of Waiting Spaces:	
(1) Establishments serving and/or selling food and/or drinks:	Six 6 waiting spaces per drive-thru window as measured from the order board or station
(2) Automatic car wash facilities where a chain conveyor or other similar method is used to move the vehicle through the structure:	Five 5 waiting spaces
(3) Facilities with service windows or service entrances such as banks, ticket booths, drive-up ATM machines and other similar facilities:	Four waiting spaces for the first drive-thru window or stall and two (2) waiting spaces for each additional window or stall
(4) Self-serve car wash facilities:	2 waiting spaces per stall
(5) Gasoline stations:	2 waiting spaces per accessible side of a gasoline pump island
(6) All other uses:	Three (3) waiting spaces for each window or stall

(b) Vehicles Prohibited within the Public Right-of-Way. In any case, vehicles shall not be permitted to wait within the public right-of-way for service at such drive-in or drive-thru facilities.

(c) Waiting Space Dimensions. Each off-street waiting space shall have an area not less than 144 square feet (measuring 8 feet by 18 feet) exclusive of access drives and parking aisles and shall not interfere with parking or circulation.

(d) Reduction in Required Waiting Spaces. The Planning Commission may reduce the number of required waiting spaces when the applicant provides credible documentation, such as studies from similar sites, that fewer than

the required number of waiting spaces does not impede vehicular traffic flow on the site and ingress/egress to the site.
(Ord. 2006-49. Passed 5-21-07.)

1169.12 PARKING DESIGN STANDARDS.

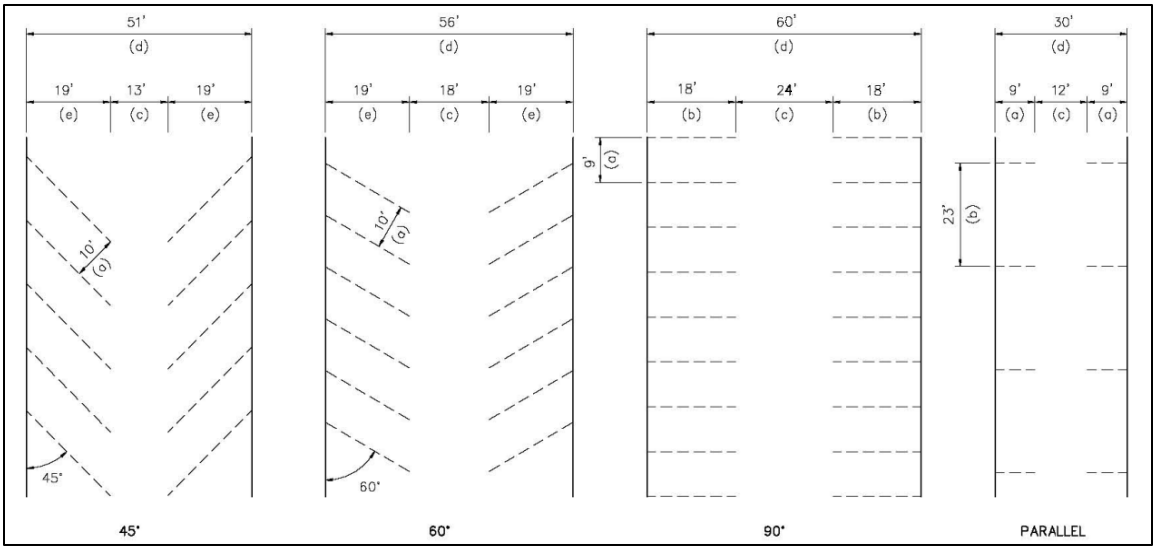
Off-street parking areas shall be designed and constructed in accordance with the following minimum dimensions set forth in Table 1169.12, based on the angle of the spaces. Figure 1169.12a illustrates the requirements for each angle scenario.

Table 1169.12
Parking and Design Standards

	45°	**60°**	**90°**	**PARALLEL**
(a) Width of Parking Space	13 ft	10 ft	9 ft	9 ft
(b) Length of Parking Space	--	--	18 ft	23 ft
(c) Width of Circulation Aisle [(1)]	13 ft	18 ft	24 ft	12 ft
(d) Width of Double-Loaded Parking Module when Spaces Interlock	51 ft	56 ft	62 ft	30 ft
(e) Length of Aisle to Curb	19 ft	19 ft	--	--

Notes to Table 1169.12:
(1) Circulation aisles having a width less than 22 feet shall be one-way aisles.

Figure 1169.12a
Illustration of Parking Design Standards



Notes to Figure 1169.12a:
(a) Width of parking space.
(b) Length of parking space.
(c) Width of circulation aisle.
(d) Double-loaded parking module.
(e) Length of aisle to curb.

1169.13 OFF-STREET LOADING REQUIREMENTS.

Loading and unloading facilities shall be provided prior to occupancy of every nonresidential building hereafter erected, altered, or to be occupied by a new user, and shall be maintained as long as such building is occupied or unless equivalent facilities are provided in conformance with the regulations of this chapter.

(a) Authority of the Zoning Administrator. The Zoning Administrator may waive loading/unloading requirements based on the character of the proposed use or the impracticality of adding loading/unloading docks to existing buildings.

(b) Location. All loading spaces shall be located on the same lot as the use served, in a manner that enables the orderly and safe movement of trucks and no part of any required yard, off-street parking area, nor access drive thereto, shall be used for loading or unloading purposes, except that the Zoning Administrator may allow two or more uses to cooperatively provide off-street loading/unloading spaces, subject to the assurance of permanent availability.

(c) Off-street loading spaces shall not be used for repair or servicing of motor vehicles.

(d) Access Driveways. Each required off-street loading/unloading space shall be designed for direct vehicular access by means of a driveway, or driveways, to a public street, provided, however, that loading/unloading shall not be from the public right of way except in situations of existing commercial facilities in the Central Business District (C-4) where no other opportunity for loading/unloading exists.

(e) Multiple Uses. When a building includes a combination of uses as set forth in this section, the required number of loading spaces will be the sum of the required loading spaces for each use. In no case shall the development be required to provide in excess of 5 loading spaces.

(f) Classification of Loading Spaces. A loading space shall consist of a rectangular area of one or more of the following classes:

(1) Class A. An area at least fourteen feet by fifty-five feet having a vertical clearance of fifteen feet or more, plus adequate area for ingress and egress.

(2) Class B. An area at least twelve feet by thirty feet having a vertical clearance of fifteen feet or more, plus adequate area for ingress and egress.

(g) Minimum Loading Spaces Required. Every non-residential building shall provide a loading space pursuant to the provisions in Table 1169.13, except as provided for in sub-section 1169.13 (c).

Table 1169.13
Minimum Loading Spaces Required

	Activity or Use	Number of Spaces by Class	
(1)	Industrial, manufacturing and warehousing:		
	▪ 15,000 square feet or less	1	Class B space
	▪ Greater than 15,000 square feet	2	Class A spaces
(2)	Office uses:		
	▪ Less than 4,000 square feet	None	
	▪ Greater than 4,000 square feet	1	Class B space
(3)	Retail uses:		
	▪ Less than 2,000 square feet	None	
	▪ 2,000 square feet to 10,000 square feet	1	Class B space
	▪ 10,001 square feet to 40,000 square feet	1	Class A space
	▪ 40,001 square feet or more	2	Class A spaces
(4)	All other nonresidential uses:		
	▪ Less than 2,000 square feet	None	
	▪ 2,000 square feet or more	1	Class B space

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

1169.14 REGULATIONS FOR ACCESS DRIVES AND TRAFFIC FLOW.

The location, width, and number of entrance and exit access drives to accessory parking spaces shall be in accordance with the Section 1181.07, Access Management, for those sites located on an arterial or collector road. For all other sites, the following, as well as sub-section 1181.07 (b), Other Access Management Standards, shall apply:

(a) Ingress and Egress. Entrances to parking spaces shall be only from an adjoining public street or alley or from a permanent private, access easement. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles. Ingress and egress for a parking lot lying in an area zoned for other than residential use shall not be across land in a residential district.

(b) Location. The location and width of entrance and exit access drives to parking facilities shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets. Access drives shall be located at least 50 feet from the right-of-way line of the nearest intersecting street.

(c) Number of Drives.

(1) Each parcel shall have not more than two access drives from each abutting street unless otherwise permitted below.

(2) One additional access drive may be permitted for lots that have 200 or more feet of frontage on one street.

(3) The Planning Commission may permit an additional access drive for lots that have more than 500 feet of frontage when the Commission determines it is in the interest of good traffic operation.

(4) Insofar as practical, the use of common drives by two (2) or more uses shall be encouraged to reduce the number of such highway access points. (Ord. 2006-49. Passed 5-21-07.)

1169.15 USE, IMPROVEMENT AND MAINTENANCE STANDARDS.

All driveways, parking areas, waiting areas, and loading/unloading areas shall be constructed in accordance with standards established by the City Engineer and the following:

(a) The minimum amount of off-street parking spaces, waiting spaces and loading/unloading spaces required for the various kinds of activities set forth in this chapter shall be maintained at all times and no part of such required facilities shall be used for any other purpose, unless specifically permitted otherwise.

(1) It shall be unlawful for any person to use any off-street parking space, waiting space or loading/unloading space for storage of wrecked, junked and/or inoperable vehicles.

(2) No repair or service to vehicles shall be carried on in any off-street parking space, waiting space or loading/unloading space.

(b) Paving. All parking and loading areas and access drives shall have a bituminous, concrete or similar surface approved by the City Engineer. Such paving material, and base materials related thereto, shall be capable of supporting all anticipated loads without damage. The owner shall, at his/her own expense, maintain the surface in a smooth and dust-free condition and repair any disintegration of the surface by patching or sealing when such disintegration takes place.

(c) Drainage. Parking areas shall be graded, drained and provided with adequate drainage facilities so that adjacent properties and rights-of-way, including public sidewalks, shall not be subject to flooding by run-off water from the proposed parking area.

(d) Illumination in Open Areas. Parking areas shall be illuminated whenever necessary to protect the public safety. All lighting shall comply with the regulations in Chapter 1167.

(e) Curbs and Wheel Blocks/Bumper Guards. Appropriate bumper guards or barrier curbs shall be provided in order to contain the cars on sloping surfaces, and to prevent bumper over-hang or other encroachment into required yards, walkways, sidewalks, aisles, parking spaces, landscaping or adjacent property. Curbs and wheel block/bumper guards shall be a material and constructed as required by the City Engineer.

(f) Marking. Any off-street parking area for 5 or more parking spaces and all waiting spaces shall indicate the location of each parking or waiting space, the location of spaces for persons with disabilities, and the location and direction or movement along the aisles and access drives providing access thereto by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surface.

(g) Signs. Signs shall be provided in accordance with Chapter 1171.

(h) Maintenance. All parking areas, waiting spaces and loading spaces shall be maintained in a manner to keep it as free as practicable from rubbish, paper and other loose particles, and snow and ice shall be promptly removed by the operator. All adjacent sidewalks shall be kept free from dirt, ice, sleet and snow and in a safe condition for use by pedestrians. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking and/or loading spaces shall be maintained in a neat and legible condition. Any walls, trees and shrubbery, as well as surfacing of the parking lot, shall be maintained in good condition throughout its use for parking purposes.
(Ord. 2006-49. Passed 5-21-07.)

1169.16 PARKING LOT LANDSCAPING AND SCREENING.

Parking areas shall be landscaped, screened and buffered in conformance with the regulations set forth in Chapter 1165. (Ord. 2006-49. Passed 5-21-07.)

1169.17 ZONING CERTIFICATE AND DEVELOPMENT PLAN REQUIRED.

All facilities governed by the regulations in this Chapter, as set forth in Section 1169.02, shall comply with the zoning approval process.

(a) Facilities provided for single-family detached and two-family dwellings shall obtain a zoning certificate in compliance with Chapter 1107.

(b) Detailed drawings showing the features of off-street parking facilities, waiting spaces and loading/unloading areas shall be submitted to the Zoning Administrator for development plan review as required by Chapter 1107, Procedures for Zoning Certificates, Development Review and Conditional Use Approval.

(c) All requirements of Chapter 1165, Landscaping and Land Use Buffers, shall be applicable. The Zoning Administrator may require structural or landscape features such as bumper guards, curbs, walls, fences, shrubs, ground cover or hedges to further carry out the objectives of this Code before a zoning certificate is approved.

(d) All requirements of Chapter 907, Erosion and Storm Water Runoff Control, of the Codified Ordinances shall be applicable. The City Engineer shall approve plans before construction may begin.

(e) City Engineer. The City Engineer shall review and approve all requests for access to public rights-of-way prior to construction. All improvements, curb cuts, and approaches in the public right-of-way shall be constructed pursuant to The Engineering Construction Standards, current edition.
(Ord. 2006-49. Passed 5-21-07.)

1169.18 DEFERRED CONSTRUCTION OF REQUIRED SPACES.

If the number of parking spaces required in Table 1169.04 is substantially larger than the number anticipated by the applicant and the applicant provides sufficient evidence that supports the reduced parking needs, a development plan may be approved

with an allowance for the construction of a lesser number of parking spaces provided that:

(a) The total number of spaces initially constructed shall not be less than 70 percent of the spaces required by Table 1169.04.

(b) Suitable area(s) are reserved for the construction of the balance of the total number of spaces otherwise required by Table 1169.04. Such suitable areas shall be illustrated on the development plan in locations and with landscaping in full compliance with this Zoning Code.

(c) The Planning Commission, upon reevaluation of the project's parking needs, may at any time direct that some or all of the parking spaces identified in sub-section (b) be constructed.

(d) When additional parking is determined necessary, it shall be provided according to the approved development plan.

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

CHAPTER 1171
Sign Regulations

1171.01	**Intent.**	**1171.07**	**Prohibited signs.**
1171.02	**Application of sign regulations.**	**1171.08**	**Design standards.**
1171.03	**Computations and rules of measurement.**	**1171.09**	**Sign illumination, construction and maintenance standards.**
1171.04	**Signs in nonresidential districts.**	**1171.10**	**Regulations for nonconforming signs.**
1171.05	**Signs in residential districts.**	**1171.11**	**Administrative provisions**
1171.06	**Garage or yard sale signs.**	**1171.12**	**Classification of signs.**

1171.01 INTENT.

The purpose of this Chapter is to promote the public health, safety, and welfare through the provision of standards for existing and proposed signs of all types. More specifically, this Chapter is intended to:

(a) Enhance and protect the physical appearance of the community.

(b) Promote and maintain visually attractive, residential, retail, commercial, and manufacturing districts.

(c) Ensure that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment.

(d) Prevent the erection of structures of any kind that will obstruct sight distance at the intersection of streets, alleys, or driveways.

(e) Prevent the erection of poorly constructed and unsafely located, posted, or painted signs.

(f) Provide review procedures that enable the City to comprehensively evaluate the appropriateness of a sign to the site, building, and surroundings.

(g) Prohibit all signs not expressly permitted by this Chapter.

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

1171.02 APPLICATION OF SIGN REGULATIONS.

(a) The regulations contained in this Chapter shall apply to signs outside of the public right-of-way, except when specifically stated otherwise.

(b) A sign may only be erected, established, painted, created, or maintained in Wooster in conformance with the standards, procedures, exemptions and other requirements of this Chapter.

(c) Architectural features that are either part of the building or part of a freestanding structure are not considered signs and are thus exempt from

these regulations. Architectural features include any construction attending to, but not an integral part of the sign, and which may consist of landscape or building or structural forms that enhance the site in general.

(d) The following signs and displays are exempt from the regulations of this Chapter:

(1) Public Signs. Any sign displaying a public notice or warning required by a valid and applicable federal, state, or local law, ordinance, or regulation;

(2) Building Marker;

(3) Flags of any nation; government or non-commercial organization; (Ord. 2006-49. Passed 5-21-07.)

(4) Any sign not legible from a distance of more than three feet beyond the lot on which the sign is located and which is inside a building or is attached to the inside of the window or door. (Ord. 2012-24. Passed 8-20-12.)

(5) Any work of art that does not display a commercial message;

(6) Any religious symbol that does not display a commercial message;

(7) Any traffic control sign, such as "STOP" or "YIELD," located on private property that meets applicable governmental standards pertaining to such signs and does not display a commercial message.

(8) Instructional signs shall be exempt provided such signs comply with the following:

A. Instructional signs shall be clearly intended, designed and located for instructional purposes, as determined by the Zoning Administrator; and,

B. Each sign shall not be larger than necessary to serve the intended instructional purpose; and,

C. The sign is not in a location and does not possess design characteristics that constitute or serve the purposes of an identification sign.

D. If the Zoning Administrator determines that the proposed sign(s) does not serve instructional purposes, it shall be considered a freestanding or wall sign, as applicable, and subject to the pertinent regulations in this Chapter. (Ord. 2006-49. Passed 5-21-07.)

1171.03 COMPUTATIONS AND RULES OF MEASUREMENT.

The following regulations shall control the computation and measurement of sign area, sign height, window area, and building frontage:

(a) Determining Sign Area or Dimension.

(1) Sign area shall include the face of all the display area of the sign. Sign area shall not include the frame and structural support unless such structural support is determined to constitute an integral part of the sign design.

(2) For a sign that is framed, outlined, painted, or otherwise prepared and intended to provide a background for a sign display, the area of the sign shall be all the display area that encompasses the entire background or frame of the sign.

(3) For a sign comprised of individual letters, figures or elements on a wall or similar surface of a building or structure, or an irregular shaped freestanding sign, the area of the sign shall be computed by enclosing such sign with the smallest single continuous perimeter around the letters, numbers, figures, emblems or elements and determining its area. (Ord. 2012-24. Passed 8-20-12.)

(4) For freestanding signs and projecting signs:

A. The sign area shall be computed by the measurement of one (1) of the faces when two (2) identical display faces are joined, are parallel, or within 30 degrees of being parallel to each other and are at no point separated by a distance that exceeds two feet apart.

B. No more than two display faces shall be permitted.

C. The portion of a solid sign base that is mostly screened by landscaping, up to a maximum height of two (2) feet, shall not be calculated as sign area.

(b) Determining Sign Height. The height of a sign shall be measured from the average natural grade at the base of the sign or support structure to the tallest element of the calculated sign area. A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the average site grade prior to the addition of the sign.

(c) Determining Building Frontage and Building Unit. For the purposes of these sign regulations, the length of the building wall that faces a public street, that faces a public parking lot, or that contains a public entrance to the uses therein shall be considered the building frontage. See sub-section 1171.03 (c) (5) and (6) below.

(1) Each building frontage shall be entitled to the sign area permitted in this Chapter.

(2) The building frontage shall be measured along such building wall between the exterior faces of the exterior side walls.

(3) In the case of an irregular wall surface, a single straight line extended along such wall surface shall be used to measure the length.

(4) For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

(5) The primary frontage shall be the portion of a frontage that serves as the main access point to a building or building unit. A site/building will be considered to have secondary frontage when any of the following site/building characteristics are present:

A. The subject site is a corner lot;
B. The primary parking area is not located adjacent to a public street; and,
C. The building or unit has walls with ingress and egress that do not face the public street.

(6) When a site has primary and secondary frontage as defined in sub-section 1171.03 (c)(5), the property owner shall determine which wall shall be the primary building frontage and which wall(s) shall be the secondary building frontage. Only one outside wall of any business shall be considered its primary frontage.

(d) Determining Window Area. The window area of a building shall be the total glass area of windows on the building frontage. For the purposes of determining window area for ground floor occupants, the ground floor shall be considered to be no more than fifteen (15) feet in height above grade. (Ord. 2006-49. Passed 5-21-07.)

1171.04 SIGNS IN NONRESIDENTIAL DISTRICTS.

Signs in nonresidential districts shall conform to the standards set forth in this Section, except for residential uses, which shall comply with the standards set forth in Section 1171.05 Signs in Residential Districts.

(a) Maximum Number and Area of Permanent Signs Attached to Buildings. Permanent signs attached to buildings shall conform to the maximum number and area limitations set forth in Table 1171.04(a).

Table 1171.04(a)
Permanent Signs Attached to Buildings

Type	Maximum Number Permitted	Maximum Area	
		CF, CPRO, C-1, C-2 and C-4 Districts [b]	C-3, C-5 and all M Districts
(1) Address sign	1/address	2 sq ft	2 sq ft
(2) Building Sign	In compliance with maximum area [c]	1.5 square ft per linear ft of building frontage, [a]	2 square ft per linear ft of building frontage, [a]
(3) Projecting Sign	1/ground floor occupant frontage[a]	8 sq ft	8 sq ft
(4) Instructional Sign	Shall be exempt from regulations when in compliance with Section 1171.02(d)(8)		

(a) See Section 1171.04 (b)
(b) All signs in the C-4 District shall be subject to review & approval by the Design & Review Board.
(c) Signs shall be permitted on all building frontages provided the area of the signage complies with the regulations in Table 1171.04 (a) and if applicable, sub-sections 1171.04 (b) (2) and (3) below.

(b) Building Signs. The building sign permitted in Table 1171.04(a) shall be a wall sign, awning sign, projecting, or window sign erected in compliance with the following additional regulations.

(1) Window Sign.

A. Ground Floor Occupants. Notwithstanding the permitted area set forth in Table 1171.04(a), a window sign shall not exceed thirty percent (30%) of the total glass area of the ground floor windows.

B. Upper Story Occupants. For a multi-story building, each occupant above the ground floor shall be permitted one permanent sign to be placed in a window of the occupant's space, not to exceed six (6) square feet or 25 percent of the area of the window in which the sign is placed, whichever is smaller. These signs shall be in addition to the maximum allowable area for building signs pursuant to Table 1171.04(a).

(2) Sign Bonuses for Large Building Setbacks. The maximum allowable area for a building sign may be increased by 25% for each 100 feet or fraction thereof of building setback when the principal building is located more than 100 feet from the principal street on which the building is located and the building is visible from the street, not to exceed 200% of the maximum allowable.

(3) Sign bonuses for Corner Lots and Side and Rear Entrances. The maximum allowable area for building signs shall be increased beyond the allowable area set forth in Table 1171.04 (a) in compliance with the following:

A. Additional area shall be permitted when a building has a secondary frontage as determined in sub-section 1171.03 (c)(5), Determining Building Frontage and Building Unit.

B. The increased sign area for each secondary building frontage shall be fifty percent (50%) of the sign area permitted for the primary frontage, provided that the additional sign area is utilized only on the secondary building frontage.

(4) Projecting Signs.

A. Projecting signs shall be limited to occupants that have a minimum of 20 feet of building frontage.

B. All projecting signs shall have a maximum height of 14 feet and a minimum clearance of eight (8) feet from the ground to the bottom of the sign, except when the projecting sign is located above a landscaped area or other area that does not permit pedestrian traffic beneath the sign.

C. In the C-4 District, a projecting sign may be permitted to extend into the street right-of-way provided such sign extends no closer than one (1) horizontal foot to the back of the curb.

(c) Permanent Freestanding Signs. Permanent freestanding signs permitted in nonresidential districts shall comply with the following regulations:

(1) Maximum Number, Area and Height, Minimum Setback of Permanent Freestanding Signs. Permanent freestanding signs shall comply with the maximum number, area, and height limitations and minimum setback from the street right-of-way set forth in Table 1171.04(c).

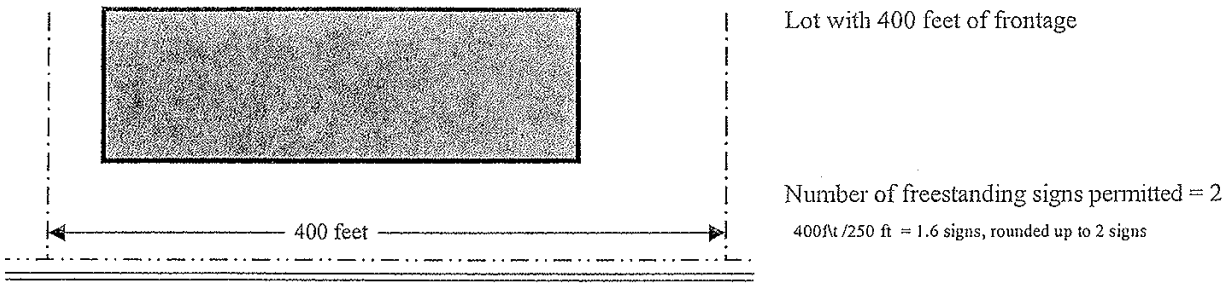
Table 1171.04(c)
Permanent Freestanding Signs

	Maximum Number	Maximum Area	Maximum Height	Minimum Setback from ROW	Minimum Setback from Side Lot Line [e]
1. Primary Freestanding Sign[a]					
a. CF, CPRO, C-1, C-4 District	1 per lot [b]	30 sq ft [c]	6 ft	3 feet	10 ft.
b. C-2 District	1 per lot [b]	30 sq ft [c]	8 ft	3 feet	10 ft.
c. C-3 District	1 per lot [b]	40 sq ft [d]	12 ft	3 feet	10 ft.
d. C-5 District	1 per lot [b]	55 sq ft [d]	15 ft	3 feet	10 ft.
e. M Districts	1 per lot [b]	40 sq ft [d]	8 ft	3 feet	10 ft.
2. Entrance/Exit Signs	2 per driveway (1 in, 1 out)	6 sq ft	4 ft	0	0
3. Instructional Signs	Shall be exempt from regulations when in compliance with Section 1171.02 (d)(8)				

[a] Not permitted on the site when the building is setback less than 10 feet from the street right-of-way.
[b] Except as otherwise permitted in Section 1171.04(c)(2) for lots that have 250 feet or more of street frontage.
[c] Plus 1 sq ft for every 7 ft of lot frontage >200 ft. Notwithstanding any provision of this Section, the area of any freestanding sign shall not exceed 200 square feet.
[d] Plus 1 sq ft for every 5 ft of lot frontage >200 ft. Notwithstanding any provision of this Section, the area of any freestanding sign shall not exceed 200 square feet.
[e] Except that when a side lot line coincides with a Residential District boundary line, then the minimum setback shall be 30 feet

(2) Additional Freestanding Signs for Large Lots. The number of freestanding signs on large lots may be increased as follows. The allowable sign area permitted by this Section may be distributed to one or more freestanding sign(s) for each 250 feet of lot frontage or fraction thereof. (For example, a lot with 400 feet of frontage would be permitted to have two (2) freestanding signs. See Figure 1. The total area of all freestanding signs shall comply with Table 1171.04 (c).

Figure 1
Illustration of Additional Freestanding Signs for Large Lots



(3) Signs On Lots with Multiple Public Street Frontages. For lots that have frontage on multiple public streets, each street frontage shall be calculated separately. The allowable sign area permitted by this Section may be distributed to one or more freestanding sign(s) for each 250 feet of lot frontage or fraction thereof. The total area of all freestanding signs shall comply with Table 1171.04 (c). Two signs may be aggregated into a single sign provided that the area of any freestanding sign face shall not exceed 175 percent (175%) of the maximum area permitted for a single sign.

(4) Minimum Separation of Freestanding Sign. Freestanding signs on the same lot shall be separated by a minimum of 200 feet, as measured along the street right-of-way line. For corner lots, both sides of the intersection shall be used in measuring spacing. (Ord. 2006-49. Passed 5-21-07.)

(5) Minimum Sign Setback from Intersection. On corner lots, freestanding signs shall comply with the minimum sign setback from both street rights- of-way, as set forth in Table 1171.04(c) and shall comply with Section 1125.15. (Ord. 2013-44(a). Passed 12-16-13)

(6) Landscaping. Freestanding signs shall be erected in a landscaped setting and not on sidewalks, drives or in parking lots. Neither the landscaping nor the freestanding sign shall obstruct the view of vehicles entering or exiting the property.

(7) Multi-Occupant Facilities. When a freestanding sign is permitted on a site that has more than one occupant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor occupant, all occupants, or some combination thereof.

(d) Temporary Signs In Nonresidential Districts. The following regulations for temporary signs in non-residential districts are in addition to the maximum sign area and height regulations set forth in Section 1171.04. A sign permit shall be required per Section 1171.11(c), however, the regulations of this Chapter shall apply to all temporary signs in nonresidential districts, whether or not a permit is required.

(1) Temporary Signs. A temporary sign attached to a building, freestanding on a property or otherwise visible through a window or door shall be permitted in compliance with the following, in addition to temporary signs specified in Sections (2), (3) and (4) below:

A. No more than one (1) temporary sign shall be permitted at a time for each business located on a property.

B. An occurrence of displaying a temporary sign shall not exceed thirty (30) consecutive days. No more than four (4) separate occurrence of displaying a temporary sign shall be permitted in a calendar year.

C. The maximum sign area shall be forty (40) square feet and the total sign height shall be a maximum of six (6) feet.

D. A temporary sign visible from the outside through a window or door, or placed on the outside of a window, shall be included in the glass area calculation found in Section 1171.04(b)(1).

E. Freestanding signs shall be located no less than three (3) feet from the street right-of-way or a property line.

F. Freestanding signs shall not be permitted in the C-4 District except as noted in Section 1171.04(d)(4).

(2) Real Estate for Sale or Lease Signs. A temporary sign announcing the sale or lease of real estate shall be permitted in compliance with the following:

A. Available real estate shall be permitted no more than one (1) sign along each street on which the lot has frontage.

B. For properties less than two (2) acres in area, the maximum sign area shall be twenty (20) square feet and the total sign height shall not exceed six (6) feet.

C. For properties two (2) acres or larger, the maximum sign area shall be forty (40) square feet and the total sign height shall not exceed twelve (12) feet.

D. A sign shall be displayed only when the subject real estate is actively for sale or lease and shall be removed no more than fourteen (14) days after the sale or lease of the property.

E. Freestanding signs shall be located no less than three (3) feet from the street right-of-way or a property line.

(3) Project Real Estate/Construction Signs. A project real estate or construction sign for a real estate or construction project shall be permitted in compliance with the following:

A. A project shall be permitted no more than one (1) sign along each street on which the lot has frontage.

B. The maximum sign area shall be forty (40) square feet and the total sign height shall be a maximum of twelve (12) feet.

C. A project real estate or construction sign shall be erected and maintained on a lot only during the period of time that the project is under construction. Such temporary sign shall be removed within two (2) business days of installation of the permanent identification sign.

D. Freestanding signs shall be located no less than three (3) feet from the street right-of-way line or a property line.

(4) Sandwich Board Signs in the C-4 District. Sandwich board signs and similar types of temporary signs shall be permitted on a public sidewalk in the C-4 zoning district in compliance with the following:

A. No more than one (1) sign shall be permitted per business. No other freestanding temporary signs shall be permitted for a properties located in the C-4 District.

B. The sign shall be located no more than five (5) feet from the entrance of the subject business. The sign may encroach upon the public right-of-way provided that an unobstructed walkway of no less than four (4) feet is available on the public sidewalk.

C. Such signs shall not exceed three (3) feet in height or two (2) feet in width.

D. Sandwich board signs shall be placed indoors at the close of each business day. (Ord. 2015-03. Passed 2-17-15.)

1171.05 SIGNS IN RESIDENTIAL DISTRICTS.

Signs for all residential uses and for nonresidential uses in residential districts shall comply with the regulations set forth in this Section.

(a) Sign Standards. Signs for all residential uses and for nonresidential uses in residential districts shall be limited in number, area, height and setback based on the type of use, as set forth in Table 1171.05(a).

Table 1171.05(a)
Signs in Residential Districts

Type	Maximum Number Permitted	Maximum Area Per Sign	Regulations for Freestanding signs	
			Maximum Height	Min Setback from ROW
(1) Signs for Single-Family and Two-Family				
A. Permanent Signs				
1. Address or window sign	1 per DU	2 sq ft	--	--
2. Freestanding sign	1/building	2 sq ft	6 ft	0 [(a)]
B. Freestanding sign for Residential Subdivision	2/subdivision entrance	36 sq ft	6 ft	--

Table 1171.05(a) Signs in Residential Districts				
Type	Maximum Number Permitted	Maximum Area Per Sign	Regulations for Freestanding signs	
			Maximum Height	Min Setback from ROW
(2) Multi-Family Buildings:				
A. Permanent Signs				
1. Address or window sign	1 per DU	2 sq ft	--	--
	1/public entrance to building	2 sq ft	--	--
2. Freestanding sign	1/development entrance	32 sq ft	6 ft	3 ft
(3) Nonresidential Uses/ Conditional Uses				
A. Permanent Signs				
1. Address sign	1/address	2 sq ft	--	--
2. Wall Sign	1/building	40 sq ft	--	--
3. Freestanding sign	1/ 500 feet of parcel frontage[(b)]	32 sq ft	6 ft	3 ft
(4) Instructional Sign:	Shall be exempt from regulations when in compliance with Sec. 1171.02(d)(8), Instructional Signs.			

[(a)] But no closer than 10 feet from the pavement of the travel lane of the public or private street.
[(b)] Or fraction thereof, except as otherwise permitted in Section 1171.05(b)(4), Supplemental Regulations for Permanent Freestanding Signs, for lots that exceed 500 feet in street frontage.
DU = Dwelling Unit

(b) Supplemental Regulations for Permanent Freestanding signs.

(1) Freestanding signs shall be erected in a landscaped setting and not on sidewalks, drives, or in parking lots.

(2) No part of a freestanding sign, the wall or entry feature on which a sign is mounted, or the landscaping shall obstruct the view of vehicles entering or exiting the property.

(3) For residential subdivisions, the freestanding sign shall have a maximum of two sign faces per entrance and be either a double-faced freestanding sign or 2 single-sided sign faces attached to walls or entry features located one on each side of the street entrance.

(4) For nonresidential uses, one additional primary freestanding sign shall be permitted for every 500 feet of street frontage or fraction thereof per lot greater than 500 feet. For corner lots, each street frontage shall be calculated separately. Freestanding signs on the same lot shall be separated by a minimum of 200 feet, as measured along the street right-of-way line. For corner lots, both sides of the intersection shall be used in measuring spacing.

(5) For nonresidential uses, a maximum of 30% of the permitted freestanding sign area may be devoted to changeable copy.

A. The changeable copy shall not be changed more than once per day.

B. Changeable copy may be either computer driven or manually changed. (Ord. 2006-49. Passed 5-21-07.)

(c) Temporary Signs in Residential Districts. The following regulations for temporary signs in residential districts are in addition to the maximum sign area and height regulations set forth in Section 1171.05. A sign permit shall be required per Section 1171.11(c), however, the regulations of this Chapter shall apply to all temporary signs in residential districts, whether or not a permit is required.

(1) Temporary Signs for Residential Uses. A temporary sign freestanding on a property or otherwise visible through a window or door shall be permitted in compliance with the following, in addition to temporary signs specified in Sections (3) and (4) below and Section 1171.06:

A. Each residential unit shall be permitted to erect one (1) temporary sign either in a window or as a freestanding sign in the front yard. The area of a temporary sign~~s~~ shall not exceed six (6) square feet. An occurrence of displaying a temporary sign shall not exceed thirty (30) consecutive days. No more than four (4) separate occurrence of displaying a temporary sign shall be permitted in a calendar year.

B. Temporary signs for commercial uses shall not be permitted except garage or yard sale signs per Section 1171.06 or a sign for a contractor working on-site per the requirements of Section 1171.05(c)(1).

C. Temporary freestanding signs shall be located at least three (3) feet from a public right-of-way or a property line.

D. The height of temporary freestanding signs shall not exceed four (4) feet.

(2) Temporary Signs for Non-Residential Uses. A temporary sign attached to a building, freestanding on a property or otherwise visible through a window or door shall be permitted in compliance with the following, in addition to temporary signs specified in Sections (3) and (4) below:

A. No more than one (1) temporary sign shall be permitted at a time on a property.

B. An occurrence of displaying a temporary sign shall not exceed thirty (30) consecutive days. No more than four (4) separate occurrence of displaying a temporary sign shall be permitted in a calendar year.

C. The maximum sign area shall be twelve (12) square feet and the total sign height shall be a maximum of six (6) feet.

D. A sign visible from the outside through a window or door, or placed on the outside of a window, shall be included in the glass area calculation found in Section 1171.04(b)(1).

E. Freestanding signs shall be located no less than ten (10) feet from the street right-of-way or a property line.

(3) Real Estate for Sale or Lease Signs. A real estate for sale or lease sign shall comply with the requirements of Section 1171.04(d)(2).

(4) Project Real Estate /Construction Signs. A project real estate or construction sign shall comply with the requirements of Section 1171.04(d)(3). (Ord. 2015-03. Passed 2-17-15.)

1171.06 GARAGE OR YARD SALE SIGNS.

Signs announcing a garage or yard sale shall comply with the regulations set forth in this Section.

(a) Signs shall be displayed no more than seven (7) days prior to the garage or yard sale and shall be removed within twenty-four (24) hours of the completion of the sale.

(b) Signs shall be no more than six (6) feet in area and no more than four (4) feet in height. No more than three (3) total signs shall be erected for a single garage or yard sale.

(c) No sign shall be placed on a utility pole, street sign or in the public right-of-way.

(d) No sign shall be illuminated, animated or obstruct visibility when entering or leaving property. (Ord. 2013-17(b). Passed 6-3-13.)

1171.07 PROHIBITED SIGNS.

All signs not expressly permitted in this Chapter shall be prohibited in the City. Such signs include but are not limited to the following:

(a) Private signs located in the public right-of-way except as otherwise permitted for in the C-4 District;

(b) Roof Signs;

(c) Billboards/off-premise signs;

(d) Flags intended for advertising or commercial purposes;

(e) Flashing, intermittent, or moving signs that flash or move more than four times per minute, blinker, racer type, rotating, animated, or revolving signs, whirligig devices, inflatable signs and tethered balloons, pennants, ribbons, streamers, spinners, exposed light bulbs, and strings of lights not permanently mounted to a rigid background, and other similar types of attention-getting devices;

(f) Merchandise, equipment, products, or vehicles solely placed for advertising or attention getting purposes;

(g) Permanent signs erected or attached to accessory structures, including outdoor furniture, benches, tables, chairs; and,

(h) Marquee signs. (Ord. 2006-49. Passed 5-21-07.)

1171.08 DESIGN STANDARDS.

In addition to ensuring compliance with the numerical standards of these regulations, the Zoning Administrator shall consider the proposed general design arrangement and placement of the sign according to the following criteria:

(a) The lettering shall be large enough to be easily read but not overly large or out of scale with the building or site.

(b) The sign should be consolidated into a minimum number of elements.

(c) The ratio between the message and the background shall permit easy recognition of the message.

(d) The size, style, and location of the sign shall be appropriate to the activity of the site.

(e) The sign shall complement the building and adjacent buildings by being designed and placed to enhance the architecture of the building.

(f) Signs shall be designed with a limited number of, and harmonious use of, colors.

(g) Signs, if seen in series, shall have a continuity of design with the style of sign generally consistent throughout the building or block.

(h) Instructional signs shall contain the minimum information and the minimum area necessary to convey the message and instruct the viewer in the safe and efficient use of the facility.

(i) Sign Concept Plan. For multi-tenant buildings and development projects with multiple buildings in the CPRO, C-1, C-2, C-3, C-4, C-5, M-1, M-2, M- 3, and M-4 Districts, the Planning Commission shall approve basic sign parameters that set forth the location, size, color, and style of each tenant sign. Such sign parameters will be established when the Planning Commission reviews development plans for new buildings. Whenever the Planning Commission has approved such sign parameters, the Zoning Administrator will ensure any subsequent sign application submitted for a tenant of the development or building complies with such sign parameters. (Ord. 2006-49. Passed 5-21-07.)

1171.09 SIGN ILLUMINATION, CONSTRUCTION, AND MAINTENANCE STANDARDS.

The Zoning Administrator shall consider the proposed sign according to the following standards:

(a) Illumination. Signs shall be permitted to be illuminated in compliance with the following:

(1) Light sources shall be shielded from all adjacent buildings and streets.

(2) Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists, or cause reasonable objection from adjacent residential districts.

(3) Signs shall not include flashing, moving, or intermittent lighting in which any part of the message changes at a rate of more than once every 15 seconds.

(4) The illumination of signs shall not obstruct traffic control or any other public informational signs. Signs visible from sight lines along streets shall not contain symbols or words, or red and green lights that resemble highway traffic signs or devices.

(5) In single-family residential districts, temporary signs shall not be illuminated. Permanent, freestanding signs shall only be externally illuminated.

(b) Construction Standards.

(1) The construction, erection, safety, and maintenance shall comply with all applicable building codes.

(2) All signs shall be constructed in a professional manner in conformance with the appropriate building code and other applicable requirements of the City and shall be structurally sound to withstand wind pressures of at least thirty (30) pounds per square foot of surface area.

(3) All signs shall be located and secured so as to pose no threat to pedestrian or vehicular traffic.

(4) Permanent signs shall be fabricated on and of materials that are of good quality and good durability.

(5) Electric signs and all permanent signs involving structural requirements of the building code shall be installed, repaired, altered and serviced only by a contractor licensed to perform such tasks.

(6) No sign shall be erected to as to project over or obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent or other means of ingress of any building.

(7) No sign shall be attached to a utility pole, tree, trash receptacle, bench or other structure not intended or approved as a sign support.

(8) Temporary signs shall be durable and weather-resistant, and fastened or anchored sufficiently, whether attached to the building or positioned in the ground.

(9) No sign regulated by any of the provisions of this Chapter shall be erected in the right-of-way, in proximity to railroad crossings, or at the intersection of any streets in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words “STOP”, “LOOK”, “DANGER” or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

(10) In the event there is a conflict between the provisions of this Section and the provisions of any applicable building codes, the provisions of the applicable building code shall govern.

(c) Maintenance. All signs shall be maintained in accordance with the following:

(1) The property owner, occupant, or other person responsible for the sign shall maintain the sign in a condition fit for the intended use and he/she shall have a continuing obligation to comply with all building code requirements.

(2) If the Zoning Administrator finds that any sign is unsafe, insecure, a menace to the public, or constructed, erected, or maintained in violation of the provisions of this Code, notice shall be given in writing by the Zoning Administrator to the owner. The owner of the sign shall, within forty-eight (48) hours of such notification, correct such unsafe condition or remove the sign. If the correction has not been made within the allotted forty-eight hours, the sign may be removed or altered by the City to comply with these regulations at the expense of the owner or occupant of the property upon which the sign is located. The Zoning Administrator may cause any sign, which, in the City's opinion, creates a danger to persons or property to be removed immediately and without notice.

(3) The Zoning Administrator may order any sign to be painted or refurbished whenever needed to keep the sign in a neat and safe condition. All supporters, guys, braces and anchors for such signs shall be maintained in a safe condition.

(4) Abandoned Signs and Failure to Maintain. The face of any permanent sign which advertises a business that has not been conducted on the premises for 180 consecutive days, or fails to serve the purposes for which it was intended, or evidences a lack of maintenance, shall be removed by the owner, agent, or person having the beneficial use of the building, structure, or land upon which such sign is located, within ten (10) business days after written notice by the Zoning Administrator, and the sign area shall be replaced by a neutral, single background color panel or similar cover. If the sign is comprised of individually raised letters, the letters shall be removed. Upon failure to comply with such notice within the time specified in such order, the Zoning Administrator is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property on which the sign is located. (Ord. 2006-49. Passed 5-21-07.)

1171.10 REGULATIONS FOR NONCONFORMING SIGNS.

(a) Maintenance of Nonconforming Signs. Nonconforming signs shall be maintained in good condition pursuant to Section 1171.09 (c), Maintenance, and may continue until such sign is required to be removed as set forth in this Chapter. (Ord. 2015-03. Passed 2-17-15.)

(b) Alteration, Relocation or Replacement of Nonconforming Signs. A nonconforming sign shall not be structurally altered, relocated, or replaced unless it is brought into compliance with the provisions of this Chapter, except as otherwise permitted in this Chapter.

(c) Reconstruction of Damaged Sign. If a sign face and/or its support is damaged to the extent where the repair cost exceeds 50% of the replacement cost of the sign, the sign shall be removed or brought into compliance with this Chapter. If the repair costs do not exceed 50% of the replacement cost of the sign, the sign may be repaired, subject to approval by the Zoning Administrator.

(d) Termination. A legal nonconforming sign shall immediately lose it legal nonconforming status, and therefore shall be brought into conformance with this Chapter or removed, when any of the following occur:

(1) The size or shape of the sign is changed; or

(2) The building to which the sign is accessory is renovated or remodeled to the extent that more than 50% of the gross floor area is removed or replaced, or otherwise affected by renovation or remodeling; or

(3) The building is expanded and the total sign area permitted for the expanded building is more than 50% greater than the existing sign area; or

(4) When fifteen years have elapsed from the effective date of this provision, which effective date is June 21, 2007.

(e) Historic Signs. The Planning Commission may grant exceptions to these standards whenever a sign has been designated as a historic landmark. (Ord. 2006-49. Passed 5-21-07.)

1171.11 ADMINISTRATIVE PROVISIONS.

(a) Compliance with this Section. No person shall erect, locate, move, alter, or replace any sign or cause a sign to be located or maintained, unless all provisions of this Chapter have been met.

(b) Application, Administrative Review, and Approval of Signage Proposals.

(1) A sign permit shall be required for the erection, location, relocation, alteration, or replacement of a sign per Section 1171.11(c). All signs are subject to provisions of this Chapter and applicable sections of this Planning and Zoning Code whether or not a sign permit is required.

(2) When any person other than the owner of the property submits a sign permit application, the owner of the property or a designated agent for the owner shall also sign such application.

(3) All signage proposals requiring review and approval shall be reviewed administratively by the Zoning Administrator for compliance with the provisions of this Chapter and applicable sections of this Planning and Zoning Code.

(4) A sign permit shall be issued only when the Zoning Administrator determines that the proposed application fully complies with the regulations set forth in this Chapter and applicable sections of this Planning and Zoning Code.

(c) Table 1171.11 Administrative Requirements.

Table 1171.11 Administrative Requirements		
Sign Type	**Sign Permit Required**	**Sign Permit Not Required**
Address		X
Building, Permanent	X	
Entrance or Exit	X	
Freestanding, Permanent	X	
Instructional		X
Project Real Estate/Construction	X	
Real Estate for Sale or Lease		X
Sandwich Board		X
Temporary (6 sq. ft. or less)		X
Temporary (greater than 6 sq. ft.)	X	

(Ord. 2015-03. Passed 2-17-15.)

(d) Status of Prior Violations. All violations of the sign regulations repealed by the adoption of this Planning and Zoning Code shall remain violations and all penalties and enforcement remedies set forth herein shall be available to the City as though the violation were a violation of this Planning and Zoning Code. Provided, however, that if the effect of this Planning and Zoning Code is to make a sign, that was formerly unlawful or non-conforming, become lawful and/or conforming, then no enforcement action shall be taken except for the imposition and collection of penalties, other than the removal of the sign, for the violations that occurred prior to the effective date of this Planning and Zoning Code.
(Ord. 2006-49. Passed 5-21-07.; Ord. 2015-03. Passed 2-17-15.)

(e) Prohibited signs located in the public right-of-way, as indicated in Section 1171.07(a) of this Planning and Zoning Code, shall be immediately removed by the City in order to maintain a public right-of-way which is safe and unobstructed.
(Ord. 2013-17(b). Passed 6-3-13.; (Ord. 2015-03. Passed 2-17-15.)

(f) Expiration of Sign Permit.

(1) Permanent Signs. A sign permit for a permanent sign shall expire if all work has not completed in compliance with the approved sign permit within one (1) year of the issuance.

(2) Temporary Signs. A sign permit for a temporary sign shall expire at the end of the calendar year in which such sign permit was issued. Sign permits for Project Real Estate/Construction signs shall expire per Section 1171.04(d)(3). Ord. 2015-03. Passed 2-17-15.)

1171.12 CLASSIFICATION OF SIGNS.

For the purposes of these regulations, a sign shall be classified by physical design or structure and by function or purpose based on the following. The definitions for the following terms are in Chapter 1103, Definitions.

(a) By Location Characteristics.

(1) Building Sign: A building sign includes any of the following types of signs:

A. Awning or Canopy Sign;

B. Wall Sign; and,

C. Window Sign.

(2) Freestanding Sign: A freestanding sign may include any of the following types of signs:

A. Entrance/Exit Sign;

B. Instructional Sign;

C. Freestanding Sign.

(3) Projecting Sign.

(4) Roof Sign:

(b) Physical Design Characteristics.

(1) Banner Sign.

(2) Changeable Copy Sign.

(3) Flashing Sign.

(c) Function.

(1) Billboard.

(2) Building Marker.

(3) Instructional Sign.

(4) Address Sign.

(5) Project Real Estate/Construction Sign.

(6) Permanent Sign.

(7) Temporary Sign.

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

CHAPTER 1173
Regulations for Wireless Telecommunication Facilities

1173.01	**Intent.**	**1173.06**	**Standards applicable to all wireless telecommunications facilities.**
1173.02	**Definitions.**	**1173.07**	**Abandoned Telecommunications facilities.**
1173.03	**Permitted locations.**	**1173.08**	**Approval required.**
1173.04	**Locations requiring conditional use approval.**	**1173.09**	**Exemption of certain City property.**
1173.05	**Standards applicable for conditional use applications.**		

1173.01 INTENT.

These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities as permitted uses and conditional uses depending on the specific land areas of the City in which they are proposed to be located. The purpose of these regulations is to balance the competing interests created by the federal Telecommunications Act of 1996, Public Law 104-104, and the interests of the City in regulating wireless telecommunication towers and related facilities. Specifically, these regulations are intended to achieve the following purposes:

(a) To protect property values;

(b) To regulate a commercial use so as to provide for orderly and safe development within the City;

(c) To provide for and protect the health, safety and general welfare of the residents of the City;

(d) To minimize any adverse effects on residential properties, parks, open spaces, and the non-intensive commercial zoning districts;

(e) To promote collocation of wireless telecommunication facilities in order to decrease the number of towers in the City;

(f) To maintain the aesthetic appearance of the City; and,

(g) To maintain, where possible, the integrity of the Zoning Code.

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

1173.02 DEFINITIONS.

(a) Collocation: The use of a wireless telecommunications facility by more than one wireless telecommunications provider or by one provider for more than one type of telecommunication technology.

(b) Lattice tower: A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation to the top.

(c) Monopole: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

(d) Technically Suitable: The location of a wireless telecommunication antenna that reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within developed areas of the City.

(e) Telecommunications: The technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.

(f) Wireless telecommunications antenna, antenna, or antenna array: The physical device or an array of elements constituting a physical device through which electromagnetic, wireless telecommunications signals authorized by the FCC are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

(g) Wireless telecommunications facility: A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

(h) Wireless telecommunications tower: A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures. (Ord. 2006-49. Passed 5-21-07.)

1173.03 PERMITTED LOCATIONS.

A wireless telecommunications tower or facility is permitted in the following areas when in compliance with these regulations and approved by the Planning Commission according to the procedures set forth in Chapter 1107. Efforts shall be made to locate in the order of priority listed below. If a location other than the most preferred location is proposed, the applicant shall demonstrate to the Planning Commission that a technically suitable, higher priority location is not available and that the proposed location is needed to meet the reasonable service requirements of the applicant.

(a) In all zoning districts, new wireless antennas may collocate on existing telecommunication towers or on existing structures, which have been constructed for other purposes, such as but not limited to water towers, church towers, electric transmission towers, chimneys, and cooling towers.

(b) A wireless telecommunication tower or facility may be located in M-1, M-2 and M-4 zoning districts when located a distance at least two (2) times the height of the tower from a residential district.

(c) A wireless telecommunication tower or facility may be located within a recorded electric high tension power line easement, provided that the tower shall not exceed the height of the existing high tension power line towers by more than ten (10) feet and the wireless telecommunication tower shall be located within forty (40) feet of such existing high tension power line towers.

(d) A wireless telecommunications tower or facility shall be permitted in any highway right-of-way and shall be set back from a dwelling unit a distance of one hundred ten (110) percent of the height of the tower.
(Ord. 2006-49. Passed 5-21-07.; Ord. 2014-24(a). Passed 10-20-14.)

1173.04 LOCATIONS REQUIRING CONDITIONAL USE APPROVAL.

A wireless telecommunications tower or facility may be considered in the following areas as a conditional use when approved by the Planning Commission according to the procedures set forth in Chapter 1107. When considering an application, the Planning Commission shall determine that the applicant demonstrates compliance with the standards set forth in Section 1107.12, Criteria for Reviewing Minor and Final Development Plans; with the General Criteria for Conditional Uses in Section 1147.02; and has demonstrated that more preferred locations are not technically suitable. Efforts shall be made to locate the towers in the order of priority listed below:

(a) In a C-5, CF or CPRO zoning district when located at least twice the height of the tower from a residential dwelling.

(b) On a property with an institutional use (e.g. church, park, library, government, hospital, school, utility) when located on a property not indicated in Section 1173.03 or 1173.04(a). In applying for a permit, the applicant must present substantial evidence as to why it is not technically feasible to locate in a more appropriate zoning district or location as indicated in Section 1173.03 or 1173.04(a).

(c) On a designated Landmark, or within a Landmark District, on a location specified as a permitted or conditional use in Section 1173.03 or Section 1173.04. A wireless telecommunications tower or facility on a designated Landmark or within a Landmark District shall be concealed so as to be substantially invisible and the views of, and vistas from, such structures, districts, and corridors shall not be impaired or diminished by the placement of telecommunications towers and facilities. Such wireless telecommunications tower or facility shall also receive Certificate of Appropriateness approval from the Design and Review Board per Section 155.06.
(Ord. 2006-49. Passed 5-21-07.; Ord. 2014-24(a). Passed 10-20-14.)

1173.05 STANDARDS APPLICABLE FOR CONDITIONAL USE APPLICATIONS.

A wireless telecommunication facility that is proposed in a location that requires conditional use approval shall comply with the following:

(a) A wireless telecommunication facility shall be permitted in a location set forth in Section 1173.04, Locations Requiring Conditional Use Approval, only to the extent that a technically suitable location is not available in an area identified in Section 1173.03, Permitted Locations. The applicant shall demonstrate that a technically suitable location in an area identified in Section 1173.03 is not available and:

(1) The applicant shall provide documentation that supports the applicant's claim that no such technically suitable location exists; or

(2) If another tower, building or structure set forth in Section 1173.03, Permitted Locations, is technically suitable, then the applicant must show that reasonable efforts have been made to:

A. Request co-location on the existing tower(s), building(s) or structure(s) and that each co-location request was rejected by the owner of the tower, building or structure; or

B. Request of all owners of properties determined to be locations that are technically suitable to permit construction of a wireless telecommunication tower, within reasonable terms, and demonstrate that each request was rejected.

(b) As a condition of approving the conditional use permit to construct and operate a wireless telecommunication tower in the City, the owner/operator of the wireless telecommunication tower shall be required to allow co-location until said tower has reached full antenna capacity. In no event shall the owner/operator agree to allow fewer than two additional antenna platforms. Agreement to this provision shall be included in the applicant's lease with the landowner, if different from the owner/operator of such tower. Written documentation shall be presented to the Planning Commission showing that the owner of the property on which such tower is to be located has agreed to the terms of this subsection as well as all other applicable requirements, regulations and standards set forth in this Chapter .

(c) Any wireless telecommunication tower proposed as a conditional use shall be located a minimum of one-half mile from any other wireless telecommunication tower proposed or previously approved as a conditional use. (Ord. 2006-49. Passed 5-21-07.)

1173.06 STANDARDS APPLICABLE TO ALL WIRELESS TELECOMMUNICATION FACILITIES.

All wireless telecommunication towers and facilities shall comply with the following standards and conditions:

(a) Towers should be of monopole design with no guy wires. A lattice-type structure may be approved when the applicant demonstrates that such a structure provides greater ability to collocate additional antenna. Towers and antennas shall be designed to meet all applicable building code requirements.

(b) All wireless telecommunication towers should be constructed with "stealth" design technology. Examples of stealth technology include architecturally screened roof mounted antennas, antennas integrated into architectural elements, the design of the tower to look like a light pole, power pole and trees, or other structures that may blend into the surrounding area.

(c) Unless otherwise provided for in this Chapter, a wireless telecommunication facility shall comply with the setback and yard requirements applicable to buildings in the underlying zone in which it is located. A wireless telecommunication tower shall be placed upon the lot in such a way as to minimize the visual impact on adjoining roads and properties. In no event shall any portion of a wireless telecommunication facility be located in front of the principal use or building on the lot.

(d) Recognizing that the Federal Aviation Administration (FAA) may impose greater restrictions, a wireless telecommunication tower shall in no event be more than 200 feet in height as measured from the average ground level at the base of the tower. The applicant of a proposed tower shall demonstrate that the proposed tower is the minimum height necessary to accommodate the antenna and is no higher than existing towers housing similar antenna.

(e) Any accessory structure related to the wireless telecommunication facility shall comply with the district regulations in which the tower is located.

(f) The base of the tower and all related facilities shall be completely enclosed with a secure fence having a minimum height of eight (8) feet. Such fence shall be equipped with a locked gate.

(g) A landscaped buffer area of not less than fifteen (15) feet in depth shall be located around the required fence. The buffer area shall be continuously maintained and promptly restored when necessary and shall consist of at least one of the following:

(1) A row of hardy evergreen trees tightly spaced and deciduous trees planted twelve (12) feet on center with a 2.5-inch caliper. The initial evergreen plantings shall be no less than six feet tall and planted a maximum of five (5) feet on center.

(2) Existing vegetation, inclusive of trees and shrubs, shall be preserved to the maximum extent possible.

(3) Other appropriate landscaping that achieves the screening objective, as approved by the Planning Commission.

(h) The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or the FAA.

(i) The tower shall be equipped with an appropriate anti-climbing device or shall have all climbing pegs from the lower 20 feet of the tower removed and separately secured from the public.

(j) All towers above 100 feet shall be artificially lighted. In addition, all FAA regulations addressing safety marking and obstruction lighting shall be followed when necessary. Lighting for security purposes shall be permitted at the base of the wireless telecommunication tower.

(k) “No Trespassing” signs and a warning sign shall be posted on the required fence in clearly visible locations. The warning sign shall include phone numbers for the police, fire and county emergency management facilities, and a local or toll-free telephone number of whom to contact in the event

of an emergency. The warning sign shall be 12 inches by 12 inches. No other signs or advertising shall be located anywhere on the facility or site.

(l) After issuance of a building permit to construct a Wireless Telecommunication Facility, the applicant shall commence construction within six (6) months and shall complete construction within one (1) year or the permit shall expire.

(m) All utility lines from the utility source to the Wireless Telecommunication Facility shall be underground. (Ord. 2006-49. Passed 5-21-07.)

1173.07 ABANDONED TELECOMMUNICATIONS FACILITIES.

(a) In the event the use of a wireless telecommunications tower ceases for a period of six months, whether the tower has had no antenna mounted upon it or the antenna(s) mounted thereon is not operated, the facility shall be considered abandoned. The owner/operator shall agree to remove the nonfunctioning facility within 180 days after receipt of a notice from the Zoning Administrator to do so.

(b) In the event that more than one wireless telecommunication service provider is using a wireless telecommunications tower, the tower shall not be considered abandoned until all such users cease using the tower, as provided in this Section.

(c) The site shall be restored to its original state within six (6) months following the date that the wireless telecommunications tower or facility is no longer operational. (Ord. 2006-49. Passed 5-21-07.)

1173.08 APPROVAL REQUIRED.

(a) All wireless telecommunications towers and facilities shall comply with the procedures for development plan review set forth in Chapter 1107.

(b) In addition to the submission requirements for development plans and conditional use certificates, the applicant shall submit the following additional items:

(1) Name, address and telephone number of the owner or lessee of the parcel of land on which the telecommunications facility is to be situated.

(2) The legal description, including County Auditor's parcel identification number, city lot number, and address upon which the telecommunications facility is to be situated.

(3) The names, addresses and telephone numbers of all owners of other telecommunications facilities within a 2,500 feet radius of the proposed new tower or antenna, including City-owned property.

(4) Detailed description of the wireless telecommunications towers or facility's capacity including the number and types of antenna that it can accommodate.

(5) Demonstration that the wireless telecommunications tower must be located where it is proposed in order to service the applicant's

service area, including an explanation of why a tower at this proposed site is technically necessary.

(6) When the telecommunications tower is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that the vehicular access is provided to the facility.

(7) Documentation certifying that the wireless telecommunication facility complies with all current Federal Communications Commission (FCC) regulations for non-ionizing electromagnetic radiation (NIER).

(8) A vicinity map (at a scale of 1" = 1,000") indicating within a two-mile radius of the proposed site the location of all wireless telecommunications towers and facilities and electrical utility high-tension wires.

(9) A list of names and phone numbers of whom to contact in an emergency. This list shall be kept current at all times.

(10) A list of any and all hazards that are within the secured area.

(11) When the proposed facility is to include a new tower, a plot plan, including all building uses within 300 feet, shall be required at a scale not less than one-inch equal to 100 feet. Aerial photos and/or renderings may augment the plot plan.

(c) Prior to the issuance of a zoning certificate, the applicant shall post a performance guarantee, the amount of which is determined by the Zoning Administrator. The guarantee shall be for the purpose of insuring that an abandoned, obsolete or destroyed wireless telecommunication facility shall be removed in compliance with Section 1173.07, Abandoned Telecommunications Facilities. Any successor-in-interest or assignee of the applicant shall be required to additionally execute such bond.

(d) Prior to receiving approval for a new tower, the applicant shall demonstrate to the City that such facility is needed to meet the reasonable service requirements of the applicant. This assessment shall include consideration of alternative sites and the operational implications of such alternatives with respect to, but not limited to, height, opportunities for co-location, impact on residents and impact on service levels. The City may retain consultants to review the information, with the reasonable costs for such consultation being borne by the applicant.

(e) When the applicant requests a building permit, the following items shall be provided:

(1) A report prepared by a licensed professional engineer shall be included with the submitted application and shall contain the height, design and proof of compliance with nationally-accepted structural standards published by the American National Standards Institute/Electronic Industry Association section 222-F, as amended.

(2) A soil report complying with the standards of ANSI/EIA 222-F (Annex I: Geotechnical Investigations for Towers), as amended, shall be submitted to the Building Department to document and verify the design specifications of the foundation for the tower, and anchors for the guy wires, if used.

(3) Wireless telecommunications towers and antennas shall be designed to withstand sustained winds of at least 80 miles per hour.

(4) The ANSI/EIA section 222-F (Annex H: Commentary on Ice Design Criteria for Communications Structures) shall be consulted for ice load specifications.

(5) Elevations of existing and proposed structures showing width, depth, and height of the telecommunications facility as well as the specifications of the antenna and support structure shall be presented.

(6) The applicant shall present documentation that the tower is designed in accordance with the standards established in the Section 1173.06, Standards Applicable to all Wireless Telecommunication Facilities.

(7) The applicant shall demonstrate that the proposed tower complies with all Federal Aviation Administration regulations concerning safety.

(8) The applicant shall demonstrate that the proposed tower complies with all Federal Communications Commission regulations addressing radio frequency emissions standards.

(9) All applicants shall be required to construct or locate on a base tower structure and structure foundation that is designed to be buildable up to 200 feet above the finished grade. Although the initial capacity may be for one antenna, the structure shall be designed to serve as a base for a reconstructed tower with the capacity for three (3) providers when constructed to the maximum allowable height. (Ord. 2006-49. Passed 5-21-07.)

1173.09 EXEMPTION OF CERTAIN CITY PROPERTY.

On any property owned or controlled by the City, wireless telecommunications towers or facilities shall be permitted and shall be exempt from the regulations set forth in this Chapter and any other provisions of this Planning and Zoning Code provided that City Council has first held a public hearing and approved the location of such tower or facility by a majority vote. Such tower or facility shall be constructed, erected, maintained, extended and removed under such conditions, standards and regulations as may be required by the City Council.

(a) Notice of the public hearing regarding a wireless telecommunication tower or facility on a City owned or controlled property shall be given by Council according to the following:

(1) Notice of the hearing shall be published at least fourteen (14) calendar days prior to the date of the required public hearing, in one (1) or more newspapers of general circulation in the City.

(2) Written notice of the required hearing shall be mailed by the Clerk of Council by first class mail at least fourteen (14) calendar days prior to the date of the required public hearing to all owners of property within two hundred (200) feet from the subject property to the address of such owners appearing on the County Auditor's current tax list or the County Treasurer's mailing list. The failure to deliver the notification as provided in this section shall not invalidate any decision made by Council regarding the location of a wireless telecommunications tower or facility.

(3) Notices shall include the time and place of the public hearing, a summary of the proposed placement of the tower or facility and a statement that the opportunity to be heard will be afforded to any person interested.

(b) Council may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.

(c) During the fourteen (14) days prior to the public hearing, all materials relevant to the proposed tower or facility placement shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by Council. (Ord. 2014-24(a). Passed 10-20-14.)

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CHAPTER 1181
Vehicular and Pedestrian Circulation

1173.01	**Conformity to development plans, zoning and engineering standards.**	**1173.05**	**Street names.**
1173.02	**Street layout.**	**1173.06**	**Street lights.**
1173.03	**Street design.**	**1173.07**	**Access management.**
1173.04	**Street trees.**	**1173.08**	**Private streets.**
		1173.09	**Sidewalks, walkways and bikeways.**

1181.01 CONFORMITY TO DEVELOPMENT PLANS, ZONING, AND ENGINEERING STANDARDS.

(a) The arrangement, character, extent, width and location of arterial, collector and local streets or highways shall conform with the Thoroughfare Plan for the City, which is part of City of Wooster Comprehensive Plan, current edition and is on file in the office of the Zoning Administrator, and with the provisions of the Regulations in this Chapter. Streets not contained in the Official Thoroughfare Plan should conform to the recommendation of the Commission based on existing and planned streets, topography, public safety and convenience and proposed uses of land.

(b) In addition, no final plat of land within the area in which an existing zoning ordinance is in effect shall be approved unless it conforms to such ordinance.

(c) Any plans or documents submitted for subdivision or development plan approval shall conform with the following:

(1) The Engineering Construction Standards, current edition;

(2) The Erosion and Stormwater Runoff Control Manual for Development and Improvement, current edition; and

(3) Any other policies or procedures promulgated by the City Engineer regarding the construction of public improvements.

(d) The specifications of the City shall in all respects govern all construction work. The work shall be done under City supervision and inspection. It shall be completed within the time fixed or agreed upon by the City Engineer. (Ord. 2006-49. Passed 5-21-07.)

1181.02 STREET LAYOUT.

(a) Street Classification and Design. Each public street in a proposed development shall be classified as an arterial, collector, or local street. In classifying streets, the City shall consider projected traffic demands after the completion of the entire development. Streets shall be designed according to the following:

(1) Arterial Street. Arterial streets shall not bisect residential neighborhoods but act as boundaries between them. Abutting residential properties shall not face on the roadway unless separated from it by a service road. Access onto arterial streets shall be limited pursuant to the standards in the State of Ohio Department of Transportation State Highway Access Management Manual, current edition and the City of Wooster Engineering Standards. On-street parking shall be prohibited and traffic regulation shall be accomplished by traffic control devices and channelization.

(2) Collector Street. A collector street shall be permitted to have direct, managed access to abutting properties. Regulation of traffic between a collector street and other street types shall be accomplished by traffic control devices. On-street parking may be permitted.

(3) Local Streets. Direct access to abutting properties shall be permitted from local streets. On-street parking may be permitted.

(b) Level of Service Requirements. No development shall be approved if such development, at ultimate build out, will result in or increase traffic on the arterial or collector street to which it is connected, so that the arterial or collector street functions at an average daily traffic Level of Service (LOS) "D" or worse as described in the Highway Capacity Manual" prepared by the Transportation Research Board. The applicant shall mitigate the impacts from the proposed development to ensure adequate roadway capacity at an average daily traffic LOS "C" or better.

(c) General Street Layout.

(1) Access to Adjoining Property. Where it is necessary for the orderly extension of the City's transportation system to provide for street access to adjoining property, proposed streets shall be constructed and dedicated to the boundary line of such property.

(2) Access to Public Street. Every subdivision and every lot shall have access to a public right of way, unless the Planning Commission authorizes alternative access.

(3) Half Streets. Dedication of new half streets shall not be permitted. Where a dedicated or platted half street or alley exists adjacent to the tract being subdivided or developed, the other half shall be platted, if deemed necessary by the Commission.

(4) Dead-End Streets. Permanent dead-end streets shall not be permitted. Where a subdivision adjoins un-subdivided land, a temporary turn-around shall be provided for each street more than 200 feet in length if lots front thereon, and provisions shall be made for future extension of the street and utilities and reversion of the excess right-of-way to the abutting properties and the same shall be so noted on the final plat. The temporary turn-around shall conform to the Engineering Construction Standards, current edition.

(5) Location. When a proposed development is adjacent to or contains a State highway, the developer and the Planning Commission should seek information from the Ohio Department of Transportation as to the status of such highway in reference to width and direction and also to access of such highway.

(6) Coordination of Streets With Existing and Anticipated Streets. The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas, or their proper projection where adjoining land is not subdivided, insofar as they may be deemed necessary for public requirements.

A. Arterial, collector, and local streets shall be respectively extended as such.

B. The street arrangement shall be such as to not cause a future hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.

(7) Residential Streets. Residential streets shall be designed to discourage through traffic that may otherwise use collector or arterial streets and whose origin and destination are not within the subdivision. However, offset streets should be avoided. Residential streets extending for a considerable distance, parallel to any collector or arterial street, should be avoided.

(8) Streets for Multi-Family Developments. Dedicated streets for multi-family developments shall be planned to connect with arterial or collector streets so as not to generate large volumes of traffic on local residential streets.

(9) Streets for Commercial and Industrial Developments. Dedicated streets for commercial and industrial developments shall be planned to connect with arterial streets so as not to generate traffic on local residential streets. The Planning Commission may require the dedication and improvement of service roads along arterial streets.

(10) Relationship of Streets to Topography. Streets shall be related appropriately to the topography:

A. A subdivision/development shall be planned so that as many lots as possible will be above the street grade.

B. On irregular topography, streets shall be designed to avoid extensive cuts and fills and to comply with grading standards hereinafter established for streets.

C. Streets approximately parallel to contour lines shall be adjusted so that the lots on one side of the street will not be excessively below the street grade.

D. Street grades shall conform as closely as practicable to the original topography. (Ord. 2006-49. Passed 5-21-07.)

1181.03 STREET DESIGN.

(a) Minimum Street Right-Of-Way, Pavement Widths and Curb/Gutters.

(1) The minimum right-of-way and pavement width of public streets shall conform to the width designated in Table 1181.03(a). The Planning Commission in their review of the proposed subdivision or development plan may vary this width when an increased width is recommended in the Comprehensive Plan, or necessary to accommodate a boulevard, or a reduced width is permitted for a Cluster Residential Development.

(2) Right-of-way widths for public streets in Planned Development Overlay Districts shall be subject to the approval of the Planning Commission, with review and recommendation from the City Engineer. The Planning Commission shall use these standards as a guide for determining the appropriate width.

(3) Whenever there exists a dedicated or platted portion of a street adjacent to the tract to be subdivided or to the proposed site for development, the applicant shall dedicate by subdivision plat additional right-of-way so that such streets will have a minimum right-of-way width shown in Table 1181.03(a) or that shown on the Thoroughfare Plan.

(4) If the existing rights-of-way within a subdivision are not as specified in Table 1181.03(a) below, the subdivider shall dedicate additional right-of- way by subdivision plat so that such streets will meet the standards of this Chapter.

(5) Portland cement curbs and gutters or vertical curbs, conforming to the specifications of the City Engineer, shall be provided on both sides of all streets within the corporation limits, provided that the Planning Commission may waive curb requirements within the three-mile area of jurisdiction beyond the corporation limits, in a Cluster Residential Development as provided for in Section 1134.08 (b)(3) and in a Planned Development as provided for in Section 1191.05, Modifications to Requirements in Title Five.

(6) The minimum pavement widths for public streets, measured from back of curb to back of curb and installed at the applicant's expense, shall be as set forth in Table 1181.03(a) below.

Table 1181.03(a)
Minimum Pavement and Right-of-Way Widths for Public Streets

Street Type	Right of Way Width	Pavement Width[a]
Arterial, and highways	Variable[b]	Variable[b]
Collector	80 feet	37 feet
Local - Residential	60 feet	27 feet
Local - Commercial	80 feet	37 feet

Table 1181.03(a) Minimum Pavement and Right-of-Way Widths for Public Streets
[a] See also Subsection (8) below for additional width requirements for on-street parking. [b] Shall conform to applicable cross sections of the Engineering Construction Standards, as determined by the City Planning Commission and the City Engineer.

(7) A parking lane at least eight (8) feet wide on one or both sides of the street and paved in accordance with the current specifications may be required by the City Engineer, and such requirement may be in addition to the necessary number of lanes for moving traffic.

(b) Construction of Public Streets. All public streets shall be constructed in accordance with Engineering Construction Standards, current edition, except where the City Engineer determines that a higher standard is warranted due to unusual conditions.

(c) Cul-de-sacs.

(1) A cul-de-sac street shall have a maximum length of 1,000 feet measured from the centerline of the nearest street intersection to the center of the cul-de-sac turnaround.

(2) For residential, local streets, each cul-de-sac shall be provided with a turnaround having a minimum pavement radius of forty-five (45) feet measured from face of curb and a minimum right of way radius of sixty (60) feet.

(3) The standards for streets in commercial and industrial developments shall be determined, by consulting with the City Engineer and the Planning Commission, at the time of preliminary plat review or during development plan review.

(d) Street Intersections.

(1) The angle of intersection between local streets and arterial streets should not vary by more than ten degrees from a right angle. All other streets should intersect each other as near to a right angle as possible. Property line radius at intersections shall be not less than twenty-five feet.

(2) Not more than two streets shall intersect at any one point, unless the City Engineer advises the Planning Commission that such an intersection can be constructed with no extraordinary danger to public safety.

(3) Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 200 feet on local streets and 400 feet on collector and arterial streets.

(4) Street curb intersections shall be rounded by a minimum radius of 25 feet on local streets and a minimum radius of 35 feet on collector streets and arterial streets.

(5) Intersections of two local residential streets should be designed to maintain suitable traffic volumes and speeds.

(e) Street Grades and Curvature.

(1) Maximum Grade. Street grades shall not exceed the following percentages set forth in Table 1181.03(e), with due allowance for reasonable vertical curves. The Planning Commission may permit deviations from these requirements where the topography is such that these standards are not practical:

Table 1181.03(e)
Maximum Grade of Streets

Type of Street	Maximum Grade (percent)
Arterial Streets	5
Collector Streets	7
Local Streets	9
Cul-de-sacs	10

(2) Minimum Grade. The minimum street grade shall be one (1) percent in order to provide adequate surface drainage.

(3) In no case shall streets be constructed with grades that, in the professional opinion of the City Engineer, create a substantial danger to the public safety.

(4) Streets shall level off to a grade not exceeding 2 percent for a distance of not less than 50 feet from each side of an intersection.
(Ord. 2006-49. Passed 5-21-07.)

1181.04 STREET TREES.

Trees shall be provided and installed by the applicant, at the applicant's expense, in tree lawns in all subdivisions where curbs, gutters and sidewalks are required in accordance with standards and specifications of the Shade Tree Commission. The trees shall be species that are resistant to damage and disease and which do not cause interference with underground utilities, street lighting or visibility at street intersections. The street trees shall also comply with the regulations in Chapter 1165, Landscaping and Land Use Buffers. Existing trees should be retained in new subdivisions and developments, whenever possible. (Ord. 2006-49. Passed 5-21-07.)

1181.05 STREET NAMES.

(a) Establishing Names for New Streets. Street names shall be selected that will not duplicate or be confused with the names of existing streets in the City of Wooster and in Wayne County irrespective of modifying terms such as street, avenue, boulevard, etc. Streets that are or will eventually be continuations of existing or platted streets shall be named the same. Street names shall be included on the preliminary plan and final plat.

(b) Street Name Signs. Street name signs shall be constructed and installed by the applicant at the applicant's expense. The applicant shall design and install these signs in accordance with the City of Wooster Engineering Construction Standards, current edition. (Ord. 2006-49. Passed 5-21-07.)

1181.06 STREET LIGHTS.

(a) The developer shall indicate on his plans where electric street lighting service shall be installed in the development. The developer shall provide streetlights in all major subdivision, and the electric services shall be underground. The developer shall submit two sets of preconstruction drawings to the electric utility company, who shall return one copy of their street lighting recommendations to the City Engineer prior to final acceptance of the preconstruction drawings for the development by the Engineer.

(b) The developer shall bear the cost of trenching and any special backfilling required for the installation of streetlights. Underground conduits for streetlights shall be installed at the same time the street is constructed, and shall be installed according to the plans developed by the electric utility company. The developer shall be responsible for furnishing the required easements and such easements shall be shown on the final plat.

(c) In addition, the developer shall bear the cost difference between a normal street light installation and shall bear the cost difference of operating the more aesthetic installation for a period of twenty-two years. Such cost differences shall be paid in an advance lump sum payment according to the schedule on file in the City Engineer's office.
(Ord. 2006-49. Passed 5-21-07.)

1181.07 ACCESS MANAGEMENT.

Improvements and roadway access required as the result of site development shall be located; designed; and constructed to provide safe access to property and enable safe traffic flow throughout the City. It is recognized that land use and site planning issues are directly related to the capacity of roadways to efficiently move traffic through an area and provide safe access to adjoining property. It is also recognized that achieving an appropriate balance between roadway access to adjoining property and the ability of roadways to carry through traffic will not only reduce future congestion and accident rates, but will also enhance emergency vehicle response times.

(a) State Access Management Standards. In reviewing development projects adjacent to arterial and collector streets, the Planning Commission and the City Engineer shall require adherence to the State of Ohio Department of Transportation State Highway Access Management Manual, current edition, as well as the City's Engineering Construction Standards for access management, current edition.

(b) Other Access Management Standards.

(1) The minimum distance between non-residential access drives, on adjacent parcels, shall be as set forth in the Ohio Department of Transportation, State Highway Access Manual, current edition, for

all parcels located on state routes within the City's corporation limits. The minimum distance for nonresidential drives on other City Streets shall be as set forth in the Engineering Construction Standards, current edition. The Planning Commission, upon a recommendation from the City Engineer, may grant an exception to the regulations in this sub-section when the Commission determines that reduced spacing will not impair public safety or the management of traffic on abutting roadways. In granting this exception, the Planning Commission may require the property owner to enter into a recorded agreement with the City that preexisting access points to the site will be closed and eliminated after the completion of a joint access driveway with an adjacent parcel.

(2) Adjacent commercial properties that generate 100 trips or more per day according to the Institute of Transportation Engineer's Trip Generation Manual, shall provide a cross access drive to allow circulation between sites. The Planning Commission, upon the recommendation from the City Engineer, may modify or waive the requirements of this sub-section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.

(3) A system of joint use driveways and cross access easements shall be established along all streets designated as collector or greater and the building site shall incorporate one or more of the following:

A. Service drive connections or cross access corridors between sites preferably visible from the street; a design speed of 10 mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles;

B. Stub-outs and other design features to show that the abutting properties may be tied in to provide cross access via a service drive;

C. A unified access and circulation system plan that includes coordinated or shared parking areas is provided;

(4) To effectuate A. – C., record an easement allowing cross access to and from other properties to be served by the joint use driveways and cross access or service drive. Record an agreement with the City that remaining access rights along the public road will be dedicated to the City and pre-existing driveways will be closed and eliminated after completion of the joint use driveway. Record a joint maintenance agreement defining maintenance responsibility of adjoining property owners. The Planning Commission, upon the recommendation from the City Engineer, may modify or waive the requirements of this sub-section where the characteristics or

layout of abutting properties would make development of a unified or shared access and circulation system impractical.

(c) Traffic Impact Studies.

(1) A Traffic Impact Study shall be required whenever a subdivision, development, or rezoning request meets the development intensity thresholds listed below:

A. Generates or has the potential to generate traffic volumes equal to or exceeding 100 vehicle trip ends (total of entering and exiting vehicles for the proposed development at full twenty (20) year build out and occupancy) during the highest peak hour of the development or land use;

B. A turn-lane warrant analysis may be required by a development or land use generating less than 100 vehicle trip ends in the peak hour.

C. Proposed access within a location identified by the City Engineer as a safety problem or accident location.

(2) For the submission requirements for a Traffic Impact Study, see Chapter 1115.

(3) The Traffic Impact Study shall outline recommended mitigation measures, including but not limited to roadway widening, turn lane geometries, changes to signalization, elimination or combination of access points, or reduction in the proposed intensity of use, demonstrate any changes to the level of service achieved by these measures, and describe any alternatives or suggested phasing of improvements. The responsibility for construction and timing of roadway improvements shall be described.

(d) Turn Lanes. Turn lanes shall be provided on all existing arterial and collector streets adjacent to a proposed major subdivision. The Planning Commission may waive this requirement based on a recommendation from the City Engineer.

(e) Traffic Control Devices. The developer, at his/her expense, shall install traffic control devices within the subdivision and where subdivision streets connect with existing streets in accordance with the recommendations of the traffic impact study. These devices shall meet all applicable standards in the City of Wooster Engineering Construction Standards, current edition. (Ord. 2006-49. Passed 5-21-07.)

1181.08 PRIVATE STREETS.

(a) Private streets shall not be permitted except as follows:

(1) As permitted in Chapter 1134, Cluster Residential Development Regulations;

(2) As permitted in Chapter 1145, Planned Development Overlay District; and,

(3) When the private street is 500 feet or less in length and only serves to provide access to a multi-family development, provided such private street shall not be planned or be expected to extend to serve property outside the

multifamily development and the design and layout of the private street(s) shall provide adequate and safe access to the intended units, as determined by the Wooster Police and Fire Departments. Such private street shall be constructed in accordance with Engineering Construction Standards, current edition.

(b) Whenever a private street is included in a Cluster Residential Development or a Planned Development, deed restrictions shall be required which shall specifically include the following language, "The undersigned grantee(s) hereby acknowledge(s) that (he, she, they) understand that the premises described herein is located upon a non-dedicated, private street. And further, the grantee(s) understands that no government body is responsible for care and maintenance of said private street." (Ord. 2006-49. Passed 5-21-07.)

1181.09 SIDEWALKS, WALKWAYS AND BIKEWAYS.

Sidewalks, walkways and bike lanes shall be provided as necessary to provide safe, convenient and efficient transportation.

(a) Location Criteria.

(1) Development Plan Approval. Sidewalks shall be provided along all parts of a site abutting a developed public street, where such sidewalks do not exist as of the date of the application for development plan approval.

(2) Subdivision Approval. Sidewalks shall be constructed on both sides in the right-of-way of all public streets. Sidewalks shall connect with existing sidewalks on streets adjacent to or within the land subdivided, and shall be placed to enable the eventual continuation with proposed or future sidewalks in the vicinity of the land subdivided. At their own discretion, the Planning Commission may waive sidewalk requirements where lot widths are more than 100 feet. (Ord. 2006-49. Passed 5-21-07.)

(b) Design Standards.

(1) Sidewalks shall be no less than four (4) feet in width when located along a public right-of-way of sixty (60) feet or less. Sidewalks shall be no less than five (5) feet in width when located along a public right-of-way of greater than sixty (60) feet.

(2) A planting strip shall be required between the curb and the sidewalk as required in the Engineering Construction Standards, current edition.

(3) Sidewalks, walkways, and bikeways shall be designed with a maximum grade of 8 percent, unless sidewalks include steps and handrails of an acceptable design.

(4) Sidewalks and walkways for places of public accommodation and commercial facilities shall be designed and constructed to be readily accessible to persons with disabilities in accordance with the Americans with Disabilities Act (ADA).

(5) Bike lanes should be installed along City streets in accordance with the adopted Wooster Comprehensive Plan and to provide connections to all parks, schools, adjacent neighborhoods, etc., as approved by the Planning Commission.
(Ord. 2006-49. Passed 5-21-07; Ord. 2014-24(a). Passed 10-20-14.)

(c) Access to Open Space and Public Facilities. In order to facilitate pedestrian access from the streets and sidewalks to schools, parks, playgrounds, open space, or other nearby streets, the Planning Commission may require public rights-of-way or easements with a minimum width of 30 feet to ensure the perpetual unobstructed access to such facilities. Such easements shall be indicated and dedicated on the subdivision plat. (Ord. 2006-49. Passed 5-21-07.)

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CHAPTER 1183
Utility Regulations

1183.01	**General design criteria.**	**1183.06**	**Other utilities.**
1183.02	**Utilities-general provisions.**	**1183.07**	**Utility easements.**
1183.03	**Water.**	**1183.08**	**Maintenance and operations.**
1183.04	**Sanitary sewer.**	**1183.09**	**Off-site improvements.**
1183.05	**Storm sewers and stormwater management.**		

1181.01 GENERAL DESIGN CRITERIA.

The design and construction of all utilities for subdivisions and developments requiring development plan approval shall conform to the requirements set forth in this Chapter and any construction standards issued by the Division of Engineering.
(Ord. 2006-49. Passed 5-21-07.)

1183.02 UTILITIES – GENERAL PROVISIONS.

(a) Extension Policies. All public improvements and required easements shall be extended through the parcel on which new development is proposed in order to promote the logical extension of public infrastructure.

(b) Disruption to be Minimized. Whenever public improvements are installed, the open cutting of roads shall be avoided to the greatest extent practicable.

(c) Any plans or documents submitted for subdivision or development plan approval shall conform to the City of Wooster's Development and Improvement Regulations Manual, current edition.
(Ord. 2006-49. Passed 5-21-07.)

1183.03 WATER.

(a) Public Water Required, if Available:

(1) Public water, if available as determined by the City Engineer, shall be extended at the developer's and/or owner's cost to all lots. Where the public water system is not available, City or County Board of Health shall review lot sizes and shapes, topographic conditions and soil conditions for that particular subdivision, and if the appropriate Board of Health finds that private wells will be acceptable according to the rules and regulations of the City and County Board of Health and the State of Ohio, the Planning Commission may, at their discretion, approve private water supply system provided that all other requirements have been met.

(2) In considering the availability of public water, the City Engineer shall consider the following criteria: the proximity of public waterlines; engineering feasibility and cost of extension of such

lines to serve the subdivision or development; alternative sources of water; public health and safety of the proposed development; and the City's plans for waterline extension in the area; whether an alternate source of water, acceptable to the fire department, is available or will be provided for fire suppression purposes.

(3) If public water facilities are reasonably available to serve the proposed subdivision or development, but inadequate capacity as determined by the City Engineer exists, the applicant shall at his expense upgrade the public water mains or facilities to provide the additional capacity. Adequate capacity shall be determined as enabling 1,000 gallons per minute fire flow to be attained at the critical hydrant as determined by the City Engineer, without dropping residual pressures elsewhere within the public water system to or below 20 pounds per square inch.

(4) Unless public water is determined not to be available, the applicant shall install the public water distribution system within the subdivision or development, including water mains, service lateral through the curb line for each lot, and fire hydrants, and upon its completion, shall dedicate and convey title to the water distribution system to the City of Wooster.

(b) Construction and Design Standards:

(1) Water lines shall be constructed in accordance with the standards prescribed by the City Engineer, and may be either cast iron or approved equal. The minimum size shall be a six-inch diameter. Fire hydrant placement shall be as specified in Part 15, Fire Prevention Code, Section 1505.

(2) Water mains shall be looped within or through a subdivision.

(3) Water service line shall be located on a lot corner remote from the electric service.

(c) Placement of Water Laterals: When public water is designed and constructed to be available to each lot, individual laterals shall not extend across lots to the served lot. (Ord. 2006-49. Passed 5-21-07.)

1183.04 SANITARY SEWER.

(a) Sanitary Sewer Required, if Available:

(1) Sanitary sewerage facilities shall connect with public sanitary sewerage systems where available and adequate capacity exists. When sanitary sewers are not available, as determined by the City Engineer, the City or County Board of Health shall review lot sizes and shapes, topographic conditions and soil conditions, and if appropriate Board of Health finds that private wells and/or private sewage disposal systems will be acceptable according to the rules and regulations of the City and County Board of Health and the State of Ohio, the Planning Commission may, at their discretion, approve private water supply and/or sewage disposal system provided that all other requirements have been met.

(2) If public sanitary sewerage facilities are reasonably available to serve the proposed subdivision or development, but inadequate capacity, as determined by the City Engineer, in such facilities exists, the applicant shall at his/her expense upgrade the sanitary sewerage lines or facilities to provide the additional capacity. The City Engineer shall evaluate the downstream sewer system to the point where the flow contributed by the subdivision is less than 1% of the flow in the system.

(3) In considering the availability of a public sewer, the City Engineer shall consider the following criteria: the proximity of public sewer lines; engineering feasibility and cost of extension of such lines to serve the subdivision; appropriateness of the area and soils for septic sewer service; public health and safety of the proposed subdivision; and the City's plans for sewer line extension or service in the area.

(4) The sanitary sewerage plan shall include calculations of the amount of sanitary flow to be discharged from the subdivision upon complete occupancy of the site.

(b) Construction and Design of Sanitary Sewer:

(1) Unless public sewer is determined not to be available, sanitary sewers shall be constructed in accordance with the standards prescribed by the City Engineer. The minimum size shall be an eight-inch diameter, placed at a minimum grade of 0.4%.

(2) The sanitary sewer shall be designed and constructed so as to serve by gravity the lowest floor elevation of proposed principal buildings on all lots.

(3) Public sewer shall be designed and constructed to be available to each lot, such that individual laterals shall not extend across lots to the served lot. (Ord. 2006-49. Passed 5-21-07.)

1183.05 STORM SEWERS AND STORMWATER MANAGEMENT.

(a) The design of stormwater runoff conveyance systems including, but not limited to storm sewers and appurtenant structures, bridges, culverts, ditches, swales, detention and/or retention facilities, shall meet the requirements of The Erosion and Stormwater Runoff Control Manual for Development and Improvement, current edition.

(b) Unless otherwise approved by the City Engineer, stormwater management facilities, such as detention and retention ponds, shall not be located on individually owned lots in a residential subdivision. Instead, these facilities shall be located on a lot or lots commonly owned by a homeowner's association or equivalent agency.

(c) Stormwater management facilities serving a residential subdivision shall be maintained by the homeowner's association or equivalent agency for that subdivision as required in Section 1183.08, unless City maintenance or another arrangement is approved by the City Engineer. A maintenance plan for the facilities shall be provided as part of the engineering plan for

the subdivision, and maintenance responsibility shall be designated on the subdivision plat. (Ord. 2006-49. Passed 5-21-07.)

1183.06 OTHER UTILITIES.

(a) Provision of Other Utilities. Electrical service, gas mains and other utilities should be provided within each subdivision. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat.

(b) Other Utilities, Electric, Telephone And Cable Television Installation. The installation, construction and expansion of electric, telephone, cable television and other utilities shall be placed underground subject to the following:

(1) Transmission lines are exempt from the provisions of this section. Transmission lines are defined as those lines that are part of the transmission grid, constructed on towers between generating stations and substations.

(2) For the standard or typical underground utility installation, that equipment typically placed above ground such as transformers and switches affixed on the ground shall be exempt from the provisions of this section.

(3) For purposes of this section, services, adjacent to new subdivisions as well as commercial and industrial uses, that shall be installed underground include but are not be limited to:

A. New distribution lines that deliver local service and are extended across the public right-of-way from existing overhead service to such new subdivisions, commercial and industrial uses.

B. Existing overhead distribution lines that deliver local service which are located within the public right-of-way that is being widened or improved as part of the improvements for the proposed subdivision.

(4) Temporary overhead services of electric and telephone utilities shall be allowed, provided that all permanent electric, telephone and cable television services within and adjacent to new subdivisions, commercial and industrial uses shall be underground. For the purposes of this section, temporary overhead service shall mean:

A. That service which is necessary for immediate public convenience and necessity and is constructed to serve only on an interim basis until permanent underground services can be installed.

B. That service which in order to reach a new subdivision, commercial or industrial use must be extended from existing overhead service through undeveloped parcels of land not included in the subdivision, commercial or industrial use.

(5) The owner or developer of new subdivisions as well as commercial and industrial uses shall offer an easement for TV cable and TV cable equipment within the easement shown on the plat for electric and telephone utilities. The easement shall be granted at no expense to the TV cable operator.

(6) The providers of electric, telephone, natural gas, and cable television services are encouraged to inform the Planning Commission as to the nature and location of their services and plans for increasing service capacity.

(c) Street Lights. See Section 1181.06, Street Lights.

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

1183.07 UTILITY EASEMENTS.

The developer shall convey a fifteen (15) foot wide common or shared public utility easement centered on all interior lot lines and interior to all perimeter lot lines, to franchised cable television operators furnishing cable television and corporations furnishing cable television, gas, telephone, and electric service to the development. The City Engineer may require a wider easement where necessary to provide adequate separation between water, sewer, and/or stormwater management facilities. The City Engineer may waive the requirement for utility easements when the proposed development does not include lots being subdivided. Easements may also be required across lots where engineering design or special conditions may necessitate the installation of water and sewer lines outside of public rights-of-way.

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

1183.08 MAINTENANCE AND OPERATION.

(a) Maintenance Responsibilities. Where the development contains sewers, sewage treatment plants, water supply systems, stormwater management facilities or other physical features necessary or desirable for the welfare of the area and which are of common use or benefit and which are of such character that the City or other public agency does not desire to maintain them, such facilities shall be maintained by a the property owner, the homeowners' association or an equivalent agency. Documents creating an association and detailing maintenance responsibilities shall be submitted in a form that is acceptable to the Law Director for the proper and continuous maintenance and supervision of such facilities.

(b) Failure to Maintain. In the event the property owner, agency, or homeowners' association, hereafter referred to as the agency, established to own and maintain the facilities, or any successor agency, shall fail to fulfill any obligation imposed on such agency as a condition of approval of the development, the City may serve written notice upon such agency or upon the residents and owners of the development, setting forth the manner in which the agency has failed to fulfill its obligation. The notice shall include a demand that such deficiencies be cured within the time specified within the notice. If such deficiencies are not cured within the specified time, the City, in order to preserve the taxable values of the

properties within the development and to prevent the facilities from becoming a public nuisance, may enter upon the facilities and maintain the same and perform the other duties of the agency until such agency shall again resume its obligations. All costs incurred by the City in carrying out the obligations of the agency shall be assessed against the properties within the development and shall become a tax lien on the properties. (Ord. 2006-49. Passed 5-21-07.)

1183.09 OFF-SITE IMPROVEMENTS.

(a) Where the construction, improvement, development, or subdivision of land makes necessary, at least in part, the installation of new or improved sewerage, water, or drainage facilities located outside the property limits of the development, the developer shall pay a proportionate share of the cost of the facilities, in accordance with this sub-section.

(b) No such payment shall be required until the City Council has established (or has committed itself by ordinance to the establishment of) a general sanitary sewer, water or drainage improvement program for an area having related and common sanitary sewer, water and drainage conditions, or any of them, and within which the land to be developed is located. The City may develop and administer all three (3) programs together or any one (1), or other number, separately or jointly.

(c) The program shall include regulations that establish reasonable standards to determine the proportionate share of the total estimated cost of ultimate sanitary sewerage, water and drainage facilities required adequately to serve a related and common area, when and if fully developed in accord with the comprehensive plan, that shall be borne by each developer within the area.

(d) The share to be borne by each developer shall be limited to the proportion of such total estimated cost which the increased sanitary sewerage flow, water use or increased volume and velocity of stormwater runoff to be caused by the proposed development bears to the total estimated volume and velocity of such sanitary sewerage, water or runoff from such area in its fully developed state. In calculating the volume and velocity of stormwater runoff, the City shall take into account the effect of all on-site stormwater facilities or best management practices constructed or required to be constructed by the developer and give appropriate credit therefore.

(e) Each such payment received shall be expended only for the necessary engineering and related studies and the construction of those facilities for which the payment was required and, until so expended, shall be held in an interest-bearing account for the benefit of the developer. In lieu of such payment, the City Engineer may accept a letter of credit satisfactory to the City Engineer conditioned upon the payment at the commencement of construction. The payments received shall be kept in a separate account for each of the individual improvement programs until such time as they are expended for the improvement program. All payments shall be released and used, with any interest earned, as a tax credit on the real

estate taxes on the property if construction of the facilities identified in the established water, sewer and drainage programs is not commenced within twelve years from the date of the posting of the payment.

(f) Nothing in this section shall imply or constitute an obligation on the part of the City to upgrade or construct any sanitary sewerage, water or storm drainage facilities or prevent the developer from constructing on his own account and to satisfy his own schedule such off-site facilities necessary or desirable for the safe and proper provision of utility service to the development in accordance with this subdivision ordinance and other ordinances of the City. (Ord. 2006-49. Passed 5-21-07.)

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CHAPTER 1191
Supplemental Regulations for All Subdivisions

1191.01 Intent.
1191.02 Applicability.
1191.03 Block design.
1191.04 Lots.
1191.05 Modifications to requirements in Title Five.
1191.06 Monuments.

1191.01 INTENT.

The planning principles and construction standards for subdivisions set forth in this Chapter are fundamental principles and standards to be applied with professional skill in the planning for the division of land as to produce functional, attractive, distinctive, convenient, and economical subdivisions. (Ord. 2006-49. Passed 5-21-07.)

1191.02 APPLICABILITY.

The design of all subdivisions and planned developments shall conform to the requirements set forth in this Chapter. (Ord. 2006-49. Passed 5-21-07.)

1191.03 BLOCK DESIGN.

Streets shall be laid out so that blocks are created in compliance with the following:

(a) General Layout.

(1) Blocks shall be designed to accommodate lots of the size required for the zoning district as set forth in this Planning and Zoning Code and to provide for convenient access, circulation, and safety of traffic on the bounding streets. The lines and boundaries of blocks shall be adjusted to conform to the topography and other natural features.

(2) When a parcel is too small to be laid out economically for the use intended and would result in fractional or odd shaped lots, the Commission may request the developer to include adjoining unsubdivided land so a complete block may be planned and developed as a unit.

(b) Blocks for Single-Family Subdivisions. Block lengths, within a subdivision, shall be planned to average of 1000 feet and shall not exceed 1500 feet or be less than 800 feet, unless approved by the Commission. Block widths, shall be planned to accommodate two tiers of lots, except that a single tier of lots may be required by the Commission to separate residential development from arterial and collector streets, adjoining nonresidential land uses, or unusual topographic or natural features.

(c) Blocks for Non-Single-Family Developments. Blocks for multi-family, business or industrial subdivisions shall be adequate to accommodate the building sites and provide the yards, setbacks, service drives, off-street

parking and other required facilities, and shall be designed for unit development and not necessarily according to the typical lot and street pattern.

(d) Pedestrian Ways. Where blocks are over 750 feet in length or at the end of cul-de- sacs, pedestrian ways having a minimum right-of-way or easement of thirty (30) feet shall be required for access to schools, playgrounds or bus stops, or to other public facilities where convenient pedestrian circulation has not been provided by sidewalks and or streets. The Planning Commission may eliminate or lessen the requirements of this subsection based on the following: the existing sidewalk network in the area; topographic and/or other natural constraints; and other similar circumstances. (Ord. 2006-49. Passed 5-21-07.)

1191.04 LOTS.

(a) Building Sites. The lot arrangement and design shall be such that all sublots will provide satisfactory and desirable building sites for the type of building to be developed, properly related to topography and the character of surrounding development. The lots shall be more or less rectangular in form; triangular, elongated, or other shapes that restrict its use as a building site shall be avoided.

(b) Side Lot Lines. All side lines of lots shall be at right angles to street lines and radial to curved street lines except where the Planning Commission determines that a variation to this rule will provide a better street and sublot layout.

(c) Radius of Property Lines. Property lines at street intersections shall be rounded with a minimum radius of twenty-five feet.

(d) Access. Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

(e) Area and Width. The size and width of each lot in a subdivision shall be not less than required by the Planning and Zoning Code and shall be appropriate for the neighborhood and type of development proposed. On curved streets the arc of the front lot line or a rear lot line shall be not less than sixty percent of the required width at the building line.

(f) Depth. No lot shall have an average depth that is more than two and one-half times its average width. Where extraordinary and unnecessary hardship may result from strict compliance with this regulation, the Zoning Administrator in consultation with the City Engineer or their designee may vary this requirement.

(g) Lot Sizes.

(1) For subdivisions located within the corporate limits of the City, lot width and size shall conform to the requirements of this Planning and Zoning Code. In case of unusual soil conditions or other factors which may impair the health and safety of the neighborhood in which a subdivision may be located, upon the

recommendation of the appropriate Board of Health or the City Engineer, the Planning Commission may require larger lot widths and sizes, as deemed necessary.

(2) For subdivisions located within three (3) miles of the corporate limits of the City, the developer or sub-divider shall comply with the criteria listed in Table 1191.04 below. Except in case of unusual soil conditions or other factors which may impair the health and safety of the neighborhood in which a subdivision may be located, upon the recommendation of the appropriate Board of Health or the City Engineer, the Planning Commission may require larger lot widths and sizes, as deemed necessary.

Table 1191.04
Minimum Lot Characteristics for Areas
Outside the Corporate Limits of the City of Wooster

Type of Development	Minimum Width at Building Line	Minimum Lot Sizes[1]
Single-Family	60 feet	6,500 square feet
Two-Family	80 feet	10,800 square feet
Multi-family (3 or more dwelling units)	80 feet	4,350 per dwelling unit
Commercial	100 feet	20,000 square feet
Industrial	200 feet	2 acres

Notes to Table 1191.04:
[1] These regulations are based on the provision of group water and/or sewer facilities. If proposed subdivisions are based on individual water and/or sewer facilities, the minimum lot size shall be that which will be approved by the appropriate Board of Health for individual water and/or sewer facilities except that in no case shall lots be smaller for subdivisions located within three (3) miles of the corporate limits of the City that are permitted in Table 1191.04.

(h) Lots on Arterial Streets.

(1) Reverse frontage lots abutting an arterial street and fronting on a local street within a subdivision shall be of sufficient depth so as to provide for a minimum rear setback of seventy (70) feet. Within this setback, a twenty (20) foot buffer strip shall be reserved abutting the arterial street for the planting of screening. This screening shall include dense vegetative plantings incorporating trees and/or shrubs of a variety which shall be equally effective in winter and summer. Trees and/or shrubs shall be adequately spaced to form a solid, continuous visual screen within three (3) years after the initial installation. At a minimum, at the time of planting, the spacing of trees shall not exceed twelve (12) feet on center, and the planting pattern shall be staggered. Shrubbery shall be more closely spaced.

(2) Lots with double frontage shall be avoided except where the Commission determines that it is essential to provide separation of residential development from arterial or collector streets.

(i) Corner Lots. Corner lots in a single-family subdivision shall have extra width to obtain the required side setbacks and appropriate orientation to both streets and as may be required by this Planning and Zoning Code. bLots abutting a pedestrian access or way shall have extra width.

(j) R-T District. In the R-T, Traditional Residential District, the Commission may, at its discretion, approve the plat of a subdivision containing lots of less width than the minimum required in the zoning district if the lots conform generally to the other lots in the neighborhood.

(k) Entrances to Streets. All driveway entrances and other openings onto streets within the City shall be constructed so that:

(1) Vehicles can exit from the lot in question without having to back up, except single-family residential lots.

(2) Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.

(l) Setbacks Outside of the City of Wooster's Corporation Boundary. Where the subdivided area is not under zoning control and is to be used for residential purposes, the average front building setback shall not be less than thirty feet from the right of way of the street or thoroughfare upon which the lots front. Restrictions requiring greater setbacks than the above may be required for commercial and industrial uses and for residential uses along arterial and collector streets as determined by the Commission. (Ord. 2006-49. Passed 5-21-07.)

1191.05 MODIFICATIONS TO REQUIREMENTS IN TITLE FIVE.

The Planned Development approach to development is greatly encouraged. The applicable regulations in Title Five may be modified by the degree necessary to accomplish the objective and standards required for the Planned Development Overlay District in accordance with Chapter 1145 of the Planning and Zoning Code. Nothing within this section, however, shall exempt the developer from the requirements of subdivision plat approval as specified in Chapter 1109, Subdivision Procedures. (Ord. 2006-49. Passed 5-21-07.)

1191.06 MONUMENTS.

When necessary in accordance with the accepted surveying practice and legal requirements the surveyor shall set boundary monuments so that, upon completion of the survey, each corner of the property and each referenced control station shall be physically monumented.

(a) When it is impossible or impracticable to set a boundary monument on a corner, the surveyor shall set a reference monument, similar in character to the boundary monument and preferably along one of the property lines which intersect at that corner. When such a reference monument is used, it shall be clearly identified as a reference monument on the plat of the property and in any new deed description that may be written for the property.

(b) Every boundary monument and/or reference monument set by the surveyor shall, when practicable:

(1) Be composed of a durable material.
(2) Have a minimum length of thirty inches.
(3) Have a minimum cross-section area of material of 0.2 square inches.
(4) Be identified with a durable marker bearing the surveyor's Ohio registration number and/or name or company name.
(5) Be detectable with conventional instruments for finding ferrous or magnetic objects.

(c) When a case arises, due to physical obstructions such as pavements, large rocks, large roots, utility cables, etc., so that neither a boundary monument or a reference monument can be conveniently or practicably set in accordance with sub-section (c) hereof, then alternative monumentation which is essentially as durable and identifiable (i. e., chiselled "X" in concrete, drill hole, etc.) shall be established for the particular situation.

(d) Street Monuments. Per Engineering Construction Standards, current edition, monuments shall be located at all intersections and changes in street alignment as well as whenever designated by the City Engineer. (Ord. 2006-49. Passed 5-21-07.)

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CHAPTER 1195
Adult Use Regulations

1191.01 Purpose and findings.
1191.02 Definitions.
1191.03 Location of sexually oriented businesses.
1191.04 Severability.

1195.01 PURPOSE AND FINDINGS.

(a) Purpose. The City of Wooster has determined that permitting sexually oriented businesses, as defined in this Chapter, in proximity to residential, institutional, and non-adult oriented retail uses would have a detrimental effect on such adjacent uses. It has been demonstrated that sexually oriented businesses, as defined in this Chapter, have been known to cause undesirable secondary effects on residential and institutional uses, particularly those where children are present, as well as adjacent non-sexually oriented business oriented retail uses. The provisions of this Chapter do not have the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Further, it is not the intent of this Chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Chapter to condone or legitimize the distribution of obscene material. Therefore, in order to prevent potential deterioration in Wooster's retail areas; and to avoid potential adverse impacts on residential and institutional uses particularly those where children are present, and thereby protecting the public health, safety and welfare, sexually oriented businesses, as defined in this Section, shall be permitted only in the M-2 and M-4 Districts subject to the following regulations.

(b) Findings. The City Council has received substantial evidence concerning the adverse secondary effects of adult uses on the community in findings incorporated in the cases of City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986), Young v. American Mini Theatres, 426 U.S. 50 (1976), and Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991), and on studies in other communities, including, but not limited to, Phoenix, Arizona; Tucson, Arizona; Garden Grove, California; Los Angeles, California; Whittier, California; Indianapolis, Indiana; Oklahoma City, Oklahoma; Amarillo, Texas; Austin, Texas; Beaumont, Texas; Houston, Texas; and Seattle, Washington. (Ord. 2006-49. Passed 5-21-07.)

1195.02 DEFINITIONS.

For purposes of this Chapter, the words and phrases defined in this Section shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

(a) "Adult Arcade" shall mean any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

(b) "Adult Bookstore," "Adult Novelty Store," or "Adult Video Store" means a commercial establishment which has a significant or substantial portion of its stock- in trade in, or derives a significant or substantial portion of its revenues from, or devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space to the sale or rental, for any form of consideration, to, any one or more of the following:

(1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations which are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas;

(2) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

(c) "Adult Cabaret" means a nightclub, bar, juice bar, restaurant bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

(1) Persons who appear semi-nude,

(2) Live performances which are distinguished or characterized by an emphasis upon the exposure of specified anatomical areas or specified sexual activities, or

(3) Films, motion pictures, videocassettes, digital video discs ("DVDs"), slides, or other photographic reproductions which are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

(d) "Adult motel" means a motel, hotel, or similar commercial establishment which: (1) offers public accommodations, for any form of consideration, and which regularly provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, DVDs, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon the exhibition or description of specified sexual

activities or specified anatomical areas and which regularly advertise the availability of such material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, and (2) offers a sleeping room for rent for a period of time less than ten (10) hours.

(e) "Adult Motion Picture Theater" means a commercial establishment where films, motion pictures, videocassettes, DVDs, slides, or similar photographic reproductions which are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

(f) "Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features: (1) persons who appear semi-nude or (2) live performances which are distinguished or characterized by an emphasis upon the exposure of specified anatomical areas or specified sexual activities.

(g) "Controlling Interest" means the power, directly or indirectly, to direct the operation, management or policies of a business or entity, or to vote twenty percent (20%) or more of any class of voting securities of a business. The ownership, control, or power to vote twenty percent (20%) or more of any class of voting securities of a business shall be presumed, subject to rebuttal to be the power to direct the management, operation or policies of the business.

(h) "Distinguished or Characterized by an Emphasis Upon" means the dominant or principal theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas," the films so described are those in which the dominant or principal character and theme are the exhibition or description of specified anatomical areas or specified sexual activities.

(i) "Establish or Establishment" shall mean and include any of the following:

(1) The opening or commencement of a sexually oriented business as a new business;

(2) The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business;

(3) The addition of a sexually oriented business to any other existing sexually oriented business; or

(4) The relocation of a sexually oriented business.

(j) "Nudity" or "State of Nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the areola.

(k) "Operate" or "Cause to be Operated" shall mean to cause to function or to put or keep in a state of doing business. "Operator" means any person on

the premises of a sexually oriented business who is authorized to exercise overall operational control of the business or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business. More than one person may be an "Operator" at any given time.

(l) "Person" shall mean individual, proprietorship, partnership, corporation, association, or other legal entity.

(m) "Regularly Features" or "Regularly Shown" means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the sexually oriented business.

(n) "Semi-Nude" or "State of Semi-Nudity" shall mean a state of dress in which opaque clothing covers no more than the genitals, anus, anal cleft or cleavage, pubic area, vulva, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

(o) "Semi-Nude Model Studio" means any place where a person, who regularly appears in a state of semi-nudity, is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons, except that such a modeling class operated:

(1) By a college, junior college, or university supported entirely or partly by taxation;

(2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

(3) In a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing and where, in order to participate in a class a student must enroll at least three days in advance of the class, is not a "Semi-Nude Model Studio."

(p) "Sexual Encounter Establishment" means a business or commercial establishment which, as one of its principal business purposes, offers, for any form of consideration, a place where two or more persons congregate, associate, or consort for the purpose of engaging in or viewing specified sexual activities or at least one of them appearing in a state of semi-nudity. The definition of "sexual encounter establishment" shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

(q) "Sexually Oriented Business" shall mean an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, semi-nude model studio, and/or sexual encounter establishment. The definition of "sexually oriented business" shall not include an establishment where a medical practitioner,

psychologist, psychiatrist, or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

(r) "Sexually Oriented Entertainment Activity" means the sale, rental, or exhibition for any form of consideration, of books, films, videocassettes, DVDs, magazines, periodicals, or live performances which are distinguished or characterized by an emphasis upon the exposure or display of specified sexual activities or specified anatomical areas.

(s) “Significant or substantial portion” means ten percent (10%) or more.

(t) "Specified Anatomical Areas" shall mean human genitals, anus, cleft of the buttocks, or the female breast.

(u) "Specified Sexual Activity" means any of the following:

(1) Sex acts, normal or perverted, including intercourse, oral copulation, masturbation or sodomy; or

(2) Excretory functions as a part of or in connection with any of the activities described in (1) above.

(v) "Transfer of Ownership or Control" of a sexually oriented business shall mean any of the following:

(1) The sale, lease, or sublease of the business;

(2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(w) "Viewing Room" shall mean the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, videocassette, DVD, or other video reproduction.

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

1195.03 LOCATION OF SEXUALLY ORIENTED BUSINESSES.

(a) A sexually oriented business shall not be operated or located on any parcel within 1,000 feet of:

(1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;

(2) A school (public/private) elementary/secondary as defined in Chapter 1103, Definitions, of the Planning and Zoning Code;

(3) A boundary of any residential zoning district;

(4) A park as defined in Chapter 1103, Definitions, of the Planning and Zoning Code;

(5) Any library, as defined in Chapter 1103, Definitions, of the Planning and Zoning Code;

(6) Another sexually oriented business.

(b) No such business shall be located on any parcel or operated within 500 feet of any landmark or historic district.

(c) Such businesses shall only be located in M-2 (General Manufacturing) or M-4 (Open Space Manufacturing) Zoning District.

(d) No advertisements, displays, or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.

(e) All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.

(f) No screens, loudspeakers or sound equipment shall be used for adult motion pictures theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.

(g) For the purposes of this Section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or school, or to the nearest boundary of an affected public park, or residential district.

(h) For the purposes of this Section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects from the closest exterior wall of the structure in which each business is located.

(i) No person shall establish, operate or cause the establishment or operation of any sexually oriented business in violation of the provisions of this section. Nothing in this Section shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film or video material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.

(j) Any sexually oriented business lawfully operating on the effective date of this Planning and Zoning Code that is in violation of Chapter 1195, Adult Regulations, of this Code shall be deemed a nonconforming use. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a church, public or private school, residential district, public park or library within 1,000 feet, or a landmark or historic district within 500 feet, of the sexually oriented business. When a nonconforming sexually oriented business use of a structure or premises is voluntarily discontinued or abandoned for more than six months, the structure, building, or premises shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located. (Ord. 2006-49. Passed 5-21-07.)

1195.04 SEVERABILITY.

If any section, subsection or clause of this chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected. (Ord. 2006-49. Passed 5-21-07.)