

WOOSTER CITY COUNCIL AGENDA

February 2, 2015

7:30 p.m.

The meeting will be held at City Hall, in Council Chambers, 1st Floor, 538 N. Market Street, Wooster, Ohio.

I. ROLL CALL & ORDERING OF AGENDA

II. APPROVAL OF MINUTES

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

A memorandum from the Mayor requesting the re-appointment of David Briggs to the Income Tax Board of Review for a three-year term ending December 31, 2017.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

Liquor License notice regarding a request for new C1 and C2 class permits from DolGen Midwest LLC, dba Dollar General Store #15127, 5310 Cleveland Road, Wooster, Ohio 44691.

V. COMMITTEE REPORTS; PUBLIC HEARINGS

PUBLIC HEARING: Proposed amendments to City of Wooster's Planning and Zoning Code: Section 1105.05(f), Board of Building and Zoning Appeals – Powers and Duties; Chapter 1171, Sign Regulations; and Chapter 1103, Definitions; Chapter 1109, Subdivision Procedures; Chapter 1133, Single-Family Residential Districts; Chapter 1135, Multi-Family Residential Districts; Chapter 1143, Manufacturing Districts; Chapter 1149, Non-conforming Uses, Lots, and Structures; and Chapter 1165, Landscaping Use Buffers.

VI. OLD BUSINESS

1. Second Reading – ORDINANCE NO. 2015-01 AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, AND DECLARING AN EMERGENCY (Ulbright)
2. Second Reading – RESOLUTION NO. 2015-13 A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE OHIO STATE HISTORIC PRESERVATION OFFICE FOR GRANT MONIES; TO APPLY SUCH FUNDS, IF AWARDED; AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY (Sanders)
3. Second Reading – RESOLUTION NO. 2015-15 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO RENEW A CONTRACT WITH THE CENTRAL FIRE DISTRICT TRUSTEES FOR THE FURNISHING OF EMERGENCY AMBULANCE SERVICES TO A PORTION OF WAYNE TOWNSHIP, AND DECLARING AN EMERGENCY (Cavin)
4. Second Reading – RESOLUTION NO. 2015-16 A RESOLUTION AMENDING RESOLUTION NO. 2013-96 BY EXTENDING THE TERMS OF THE CONTRACT; AND DECLARING AN EMERGENCY (Cavin)
5. Second Reading – RESOLUTION NO. 2015-17 A RESOLUTION DECLARING THE NECESSITY OF RECONSTRUCTING SIDEWALKS AND CURB RAMPS ON EAST PINE STREET, AND DECLARING AN EMERGENCY (Ulbright)
6. Second Reading – RESOLUTION NO. 2015-18 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST

BIDDER FOR THE RECONSTRUCTION OF A PORTION OF EAST PINE STREET (Ulbright)

VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2015-02 AN ORDINANCE AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY THE ADOPTION OF CERTAIN TEXT AMENDMENTS TO SECTION 1105.05, BOARD OF BUILDING AND ZONING APPEALS (Knapic)
2. First Reading – ORDINANCE NO. 2015-03 AN ORDINANCE AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY THE ADOPTION OF VARIOUS TEXT AMENDMENTS TO CHAPTER 1171, SIGN REGULATIONS (Knapic)
3. First Reading – ORDINANCE NO. 2015-04 AN ORDINANCE AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY THE ADOPTION OF VARIOUS TEXT AMENDMENTS TO TITLES ONE, THREE AND FIVE OF THE CODE (Knapic)
4. First Reading – ORDINANCE NO. 2015-05 AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)
5. First Reading – RESOLUTION NO. 2015-19 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO RENEW A LEASE AGREEMENT WITH THE WAYNE COUNTY HUMANE SOCIETY, AND DECLARING AN EMERGENCY (Silvestri)
6. First Reading – RESOLUTION NO. 2015-20 A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO TRANSFER FUNDS TO THE WOOSTER – ASHLAND REGIONAL COUNCIL OF GOVERNMENTS, AND DECLARING AN EMERGENCY (Cavin; Ansel)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

Memo

To: Members of Wooster City Council

From: Mayor Bob Breneman

RFB


Date: January 29, 2015

Re: Boards and Commissions

In compliance with the City of Wooster's Codified Ordinances and in keeping our boards and commissions at full membership, which are an active part of our city governance, I am recommending the following individual be reappointed:

INCOME TAX BOARD OF REVIEW

David Briggs

Ward
4

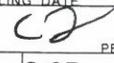
Term-3 yrs.
01/01/15 – 12/31/17

Thank you for your consideration.

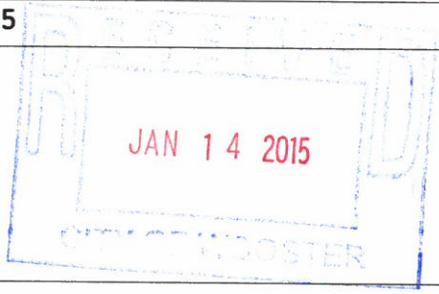
NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

22348152025 <small>PERMIT NUMBER</small>		NEW <small>TYPE</small>	DOLGEN MIDWEST LLC DBA DOLLAR GENERAL STORE #15127 5310 CLEVELAND RD WOOSTER OH 44691	
ISSUE DATE				
01 09 2015				
FILING DATE				
C1 				
<small>PERMIT CLASSES</small>				
85	165	B	A68777	
<small>TAX DISTRICT</small>			<small>RECEIPT NO.</small>	

FROM 01/13/2015

PERMIT NUMBER		TYPE	
ISSUE DATE			
FILING DATE			
PERMIT CLASSES			
TAX DISTRICT	RECEIPT NO.		



MAILED 01/13/2015

RESPONSES MUST BE POSTMARKED NO LATER THAN. 02/13/2015

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **B NEW 2234815-2025**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF WOOSTER CITY COUNCIL
538 N MARKET ST
PO BOX 1128
WOOSTER OHIO 44691

2234815 PERMIT NBR
DOLGEN MIDWEST LLC
ATTN TAX DEPT BEER & WINE
100 MISSION RIDGE
GOODLETTSVILLE TN 37072

ROBERT STEPHENSON	06/10/2011	ACTIVE	SECRETARY	
WILLIAM C BASS	06/10/2011	INACTIVE		
JAMES PATRICK SMITS	11/06/2012	INACTIVE		
DG STRATEGIC I LLC	06/10/2011	ACTIVE		MAN-MBR
LAWRENCE JOSEPH GATTA	09/30/2013	ACTIVE	VICE PRES.	
STEVEN RAY DECKARD	09/24/2013	ACTIVE	CEO	
JOHN FERRAY	06/10/2011	ACTIVE	VICE PRES.	
CHRISTINE CONNOLLY	06/10/2011	INACTIVE		

PA2-KEY = END SESSION, CLEAR-KEY = END OPTION, ENTER-KEY = TO CONTINUE

ROBERT F. BRENEMAN
Mayor



ANDREW DUTTON
Planning & Zoning Manager
330-263-5238

Laurie Hart
Administrative Assistant
330-263-5200 x304

CITY OF WOOSTER
DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION
538 N. MARKET STREET
P.O. BOX 1128
WOOSTER, OH 44691
FAX: 330-263-5274

MEMORANDUM

DATE: January 28, 2014
TO: City Council
FROM: Andrew Dutton, Planning and Zoning Manager
RE: Planning and Zoning Code Amendments

Amendments to Section 1105.05(f) (Board of Building & Zoning Appeals – Powers & Duties)

The Board of Building and Zoning Appeals has a number of powers and duties including hearing of variances to the Planning and Zoning Code, appeals of the Planning and Zoning Division and appeals of the Division of Building Standards. Multiple portions of Chapter 1311, Building Appeals, were recently removed from the chapter and the reader was directed to Section 1105.05 of the Planning and Zoning Code, Board of Building and Zoning Appeals. The proposed text was previously found in the Building Appeals chapter and has been relocated to Section 1105.05(f)(5).

Amendments to Chapter 1171 (Sign Regulations)

The proposed amendments to Chapter 1171 aim to simplify the requirements for temporary signs and allow for easier interpretation and administration of the Chapter. The proposed changes:

- Continue to allow temporary signs to be displayed 4 times a year for 30 days each display occurrence.
- Regulate real estate signs, which were not previously discussed
- Reword language regarding sandwich board signs, which are allowed in the C-4 district during business hours
- Amend administrative provisions which were not previously clear concerning the issuance and expiration of sign permits

City Council reviewed a similar amendment requesting changes to Sign Regulations at their October 20th meeting. The ordinance was not approved based on a recommendation of the Planning Commission to make changes regarding the time of display of temporary signs. The current proposed amendment has incorporated the Planning Commission's previous recommendation regarding the time of display of temporary signs. The Commission thus recommended approval of the amendment without any changes at their December 17th meeting.

See the attached document "Summary of Proposed Changes to Temporary Signage Regulations" for further information.

Miscellaneous Amendments

Miscellaneous Amendments of the Planning and Zoning Code have been proposed per the following:

- **Chapter 1103 (Definitions)** – A definition was added for "Data Center", which was not previously defined (also see Chapter 1143 below). In addition, a reference was changed in Section 1133.02(b)(80) and the definition of "Health Club" was revised to better incorporate modern fitness options. A graphic was also added to illustrate how front, rear and side yards are defined by the code.
- **Chapter 1109 (Subdivision Procedures)** – Additional language was added to clarify that approval is necessary for the combination of parcels. Review is necessary in this instance as the combination of lots may result in new lots which are not in conformance with the code (flag lots, irregularly shaped lots, etc.).
- **Chapter 1133 (SF Residential Districts)** – Changes were made to define and illustrate where parking of vehicles is permitted on a single-family property. The current text and the referenced "Figure 1" are incorrect and do not contain the same information. Changes were also made to the fencing section to require the same style and color of fence, unless an attempt is being made to tie in with existing fencing.
- **Chapter 1135 (MF Residential Districts)** – Changes were made to the fencing section to require the same style and color of fence, unless an attempt is being made to tie in with existing fencing.
- **Chapter 1143 (Manufacturing Districts)** – "Data Center" was added as a permitted use in the M-2 and M-4 zoning districts, which are the most intensive manufacturing districts.
- **Chapter 1149 (Nonconforming Uses)** – The current text allows a lot with a nonconforming mobile or manufacturing home to replace a mobile or manufacturing home of the same size, or 1,000 sq. ft., whichever is larger. This provision results in a property's perpetual nonconformance with district use regulations (Mobile and manufactured home are only permitted in the R-5 (Manufactured Home) district).
The proposed change removes this provision and deems that a nonconforming mobile or manufactured home use is ceased when the mobile or manufactured home is removed from the site and prohibits the reestablishment of the use.
- **Chapter 1165 (Landscaping & Land Use Buffers)** – Changes were made, as recommended by the Shade Tree Commission, to place the list of acceptable and prohibited trees in the Wooster City Urban Forestry Policy Manual. The changes allow the Urban Forester and Shade Tree Commission more flexibility to amend such tree species. There are also a number of references made to the manual and clarifications of the section.

ORDINANCE NO. 2015-01

AN ORDINANCE TO APPROVE AND ADOPT
CURRENT REPLACEMENT PAGES TO THE
CODIFIED ORDINANCES OF THE CITY OF
WOOSTER, OHIO, AND DECLARING AN
EMERGENCY

WHEREAS, various ordinances of a general and permanent nature have been passed which should be included in the Codified Ordinances of the City of Wooster, Ohio; and

WHEREAS, certain traffic and misdemeanor provisions should be revised to comply with current State law; and

WHEREAS, the codification of such ordinances, together with the new matters to be adopted, the matters to be amended and those to be repealed, are now before the Council.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Wooster, Ohio:

SECTION 1. That the Codified Ordinances of the City of Wooster, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2014 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

SECTION 2. That the following sections are hereby amended, enacted or repealed as respectively indicated in order to comply with current State law:

Traffic Code

301.161	Highway Maintenance Vehicle. (Added)
301.162	Highway Traffic Signal. (Added)
333.01	Driving or Physical Control While Under the Influence. (Amended)
333.03	Maximum Speed Limits. (Amended)
333.031	Approaching a Stationary Public Safety, Emergency or Road Service Vehicle. (Amended)
337.16	Number of Lights; Limitations on Flashing. (Amended)
337.17	Focus and Aim of Headlights. (Amended)
339.01	Oversize or Overweight Vehicle on State Routes. (Amended)
351.04	Parking Near Curb; Handicapped Parking. (Amended)

Request for Agenda Item Non-Capital

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

Description (be as descriptive as possible, given space limitations)

The City of Wooster has been presented with the opportunity to obtain grant monies through the Ohio State Historic Preservation Office for the drafting of an update to the City of Wooster Design Guidelines, a document which provides guidance to residents, property owners, architects, and the City's Design Review Board for changes to historic structures and sites in the City of Wooster.

If awarded, the funds will cover approximately sixty percent (60%) of the costs of creation of the document (presently estimated at \$20,000), with the balance to come from the general fund. An update of the Design Guidelines has been indicated as a five-year goal in the Planning and Zoning Division's 2013 and 2014 annual reports.

Is there a need for rules suspension or time limitation when this must be passed?

The request requires a suspension for the rules and needs to be passed at the January 20th Council meeting as the deadline for the grant application is February 2nd.

Manager Requesting

Date

Approved for Agenda

Res #13

RESOLUTION NO. 2015-15

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO RENEW A CONTRACT WITH THE CENTRAL FIRE DISTRICT TRUSTEES FOR THE FURNISHING OF EMERGENCY AMBULANCE SERVICES TO A PORTION OF WAYNE TOWNSHIP, AND DECLARING AN EMERGENCY

WHEREAS, the city of Wooster has for several years provided emergency ambulance services to a portion of Wayne Township which lies northwest of and adjacent to the municipality; and

WHEREAS, the Central Fire District Trustees have requested a one-year renewal of the arrangement for emergency ambulance services by the city's Fire Division, and this Council believes that it is important to assist township residents in the service area, and such a service will not impair the ability of the Fire Division to provide such services to municipal residents.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That the Director of Administration is hereby authorized to renew a contract with the Central Fire District Trustees for emergency ambulance services for a portion of Wayne Township northwest of and adjacent to the municipality. The provisions of such contract may include, but not be limited to: (1) a description of the area to be served; (2) a provision for reasonable charges for the services provided; (3) a term, which may be renewable at the option of the Director of Administration; and (4) such other terms as s/he may deem necessary and advisable.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this Resolution occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary to continue services provided under the existing agreement for 2015; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 1-20-15 2nd reading _____ 3rd reading _____

Passed: _____, 2015 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2015 _____
Mayor

Introduced by: Mark Cavin

RESOLUTION NO. 2015-16

A RESOLUTION AMENDING RESOLUTION NO. 2013-96 BY
EXTENDING THE TERMS OF THE CONTRACT; AND
DECLARING AN EMERGENCY

WHEREAS, this City Council, in Resolution No. 2013-96, authorized the Director of Administration to renew a contract with Wooster Township for the housing, operation and maintenance of a fire truck at Wooster Fire Station #1; and for firefighting assistance in the vicinity of Prairie Lane; and

WHEREAS, the contract was negotiated for a term of three years, but through clerical error it was presented to this Council as being a one-year renewal.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That Section 1 of Resolution No. 2015-96 is hereby amended to read: That the Director of Administration is hereby authorized to enter into an agreement with Wooster Township for the housing, operation and maintenance of a fire truck at Wooster Fire Station #1; and for firefighting assistance in the vicinity of Prairie Lane. Such agreement may include, but not be limited to, the following: (1) term of ~~one~~ **three** years, commencing January 1, 2014; (2) City to house and maintain one township fire truck at Wooster Fire Station #1, and provide two regular firefighters to operate said truck; (3) Township to pay City a reasonable charge as and for costs of space, maintenance and manning; (4) City to pay Township a reasonable charge for mutual aid EMS provided by Township to City; (5) Township to provide fire suppression services to the vicinity of Prairie Lane; and (6) such other terms as the Director of Administration deems necessary and advisable.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this Resolution occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, and for the further reason that prompt action is necessary to renew the agreement for the remaining two years of the three-year agreement; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 1-20-15 2nd reading _____ 3rd reading _____

Passed: _____, 2015 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2015
Mayor

Introduced by: Mark Cavin

RESOLUTION NO. 2015-17

A RESOLUTION DECLARING THE NECESSITY OF RECONSTRUCTING SIDEWALKS, AND CURB RAMPS, ON EAST PINE STREET, AND DECLARING AN EMERGENCY

and driveway approaches

WHEREAS, East Pine Street, between Bever Street and Quinby Avenue, has deteriorating sidewalks on either side of the street, and this Council believes that because of the concentration of residences and an elementary school within this area, the reconstruction of sidewalks on East Pine Street is essential to the safety of pedestrians traveling therein, and also consistent with the City's longstanding policy of promoting sidewalks in all areas of the city; and

WHEREAS, the cost of the project is budgeted in 2015, with the cost thereof to be assessed to property owners bounding and abutting on the proposed improvements; and

WHEREAS, this City Council believes that prompt action is necessary to provide for the safety of pedestrian traffic in this area.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That it is hereby determined to be necessary to construct certain sidewalks and curb ramps in the City of Wooster, Ohio on both sides of East Pine Street, between Bever Street and Quinby Avenue, for a distance of approximately ____ lineal feet.

SECTION 2. The plans, specifications and estimate of costs for the improvements are now on file in the office of the Clerk of this Council, and are hereby approved.

SECTION 3. The owners of each lot and parcel of land bounding and abutting on the proposed improvements shall construct those portions of the improvements which abut his/her property, in accordance with the plans and specifications filed in the office of the Clerk, within thirty (30) days after service of notice of the passage of this Resolution.

SECTION 4. In the event any such abutting property owner does not complete the construction of that portion of such improvements which abut his/her property in accordance with the plans and specifications and within the time prescribed, this Council will cause it to be done and the entire cost thereof assessed on the property of such abutting property owner.

SECTION 5. The Clerk of Council is hereby directed to serve notice of the passage of this Resolution on the owners of the lots and lands abutting on the improvements in the manner provided by law.

SECTION 6. This Council finds and declares that all formal actions concerning and relating to the adoption of this Resolution occurred in an open meeting of this Council or its committees, in compliance with law.

**Request for Agenda Item
Authorization for Bid or Purchase of Capital Item**

Division Engineering	Meeting Date Requested January 20, 2015
Project Name E. Pine Street Reconstruction	Approved for Agenda
Estimated Total Cost \$370,000 (including contingencies)	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded? The proposed funding allocation consists of \$38,000 in assessments to property owners and \$332,000 from the City Capital Improvement Fund.	
Description Of Purchase This is a request to declare the necessity of reconstructing E. Pine St. from Quinby to Bever, and establish preliminary assessments for sidewalks and drive approaches to affected property owners.	
Justification / Benefits Benefits are new pavement, curbs, drive approaches and sidewalks.	
Will This Project Effect the City's Operating Costs This project should reduce the City's operating costs, since continuing maintenance will no longer be necessary.	
What Alternatives Exist and What Are The Implications of The Alternatives The alternatives are to maintain the road and reconstruct at a later date.	
Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, Explain The Circumstances	
Are You Requesting Suspension Of The Rules <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, Note Reasons	
Division Manager Roger Kobilarcsik	Date January 12, 2015

Res 17 § 18

RESOLUTION NO. 2015-18

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE RECONSTRUCTION OF A PORTION OF EAST PINE STREET

WHEREAS, it is necessary to reconstruct a portion of East Pine Street, between Bever Street and Quinby Avenue, and such project is included in the capital plan for 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. The Director of Administration is hereby authorized to advertise according to law and enter into a contract with the lowest and best bidder for the reconstruction of a portion of East Pine Street, between Bever Street and Quinby Avenue, in accordance with specifications on file in the office of the director.

SECTION 2. The cost of such contract will not exceed the amount appropriated for this purpose.

SECTION 3. This Council finds and declares that all formal actions concerning and relating to the adoption of this Resolution occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 4. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

1st reading 1-20-15 2nd reading _____ 3rd reading _____

Passed: _____, 2015 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2015
Mayor

Introduced by: Jon E. Ulbright

EXHIBIT A

PROPOSED AMENDMENT TO SECTION 1105.05(f) (ADMINISTRATIVE POWERS AND DUTIES – BOARD OF BUILDING AND ZONING APPEALS) OF THE PLANNING AND ZONING CODE

1105.05 BOARD OF BUILDING AND ZONING APPEALS.

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

EXHIBIT A

PROPOSED AMENDMENTS TO CHAPTER 1171 OF THE PLANNING AND ZONING CODE (SIGN REGULATIONS)

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.

- (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) — Project Real Estate/Construction Signs. A project real estate or construction sign for a development project shall be permitted only in compliance with the following:
- A. — One project real estate or construction sign shall be permitted for each street on which the lot has frontage.
 - B. — Such sign shall be located a minimum of 3 feet from any street right-of-way.
 - C. — A project real estate or construction sign shall be erected and maintained on a lot only during the period of time that the parcel is up for sale, rent, or lease or the building project is under construction. Such temporary sign shall be removed within two (2) business days of installation of the permanent identification sign.
 - D. — The maximum sign area shall be forty (40) square feet.
- (2) — Temporary Window Signs. Temporary window signs shall be attached to the interior of the building and shall comply with the following:
- A. — The area of temporary window signs, either affixed thereto or visible from the outside, shall not exceed the percentage of the window area as set forth in Section 1171.04 (b)(1), Window Sign. This area is in addition to the allowable sign area for identification signs that are permanently attached to windows.
 - B. — All temporary window signs shall be displayed no longer than 30 days after placement, after which time such sign shall be removed. Temporary window signs shall only be displayed a maximum of four (4) times in a calendar year.
- (3) — Other Temporary Signs. A temporary sign, whether a freestanding sign; a banner attached to the front of the building; or a portable sign, shall be permitted for not more than four (4) times per calendar year, not to exceed a period of more than thirty (30) days each time. Such signs may be permitted for a period longer than thirty (30) days only when the Planning Commission approves an extended time frame.

- The maximum area for freestanding or banner signs shall be forty (40) square feet. The maximum height for freestanding signs shall be six (6) feet.
- (4) ~~Additional Regulations for Portable Signs.~~ Portable signs shall not be permitted in the C-4 District. The maximum area shall be thirty-two (32) square feet, and the maximum height shall be six (6) feet.
- (5) ~~Temporary Signs in C-4 District.~~ Only sandwich board signs and similar types of temporary signs shall be permitted in the C-4 District. Such signs shall be placed no more than five feet from the front of the building and may encroach upon the public right-of-way provided an unobstructed walkway is reserved for public passage. Such signs shall not exceed three (3) feet in height or two (2) feet in width. Sandwich board signs must be placed indoors at the close of each business day. The Zoning Administrator shall approve all such signs.
- (6) ~~Setbacks.~~ All temporary freestanding signs shall be located no closer than three (3) feet from the street right-of-way line and three (3) feet from a side lot line, unless specifically regulated otherwise.
- (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.*

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.

- (c) *Supplemental Regulations for Temporary Signs:* *Temporary signs are permitted in Residential Districts subject to the following provisions:*

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 Individual Lots in R-1, R-2, R-T, R-3, R-4, and R-5 Residential Districts: 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 signs either in a window or as a freestanding sign in the front yard. The area of *a* each temporary signs shall not exceed six (6) square feet. Such temporary sign shall be displayed for no longer than 30 days, after which time such sign shall either be removed or replaced. *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 in residential districts *except garage or yard sale signs per Section 1171.06* that one temporary sign promoting a garage sale or a *sign for a contractor working on-site* shall be permitted. Such sign shall be posted on private property for a period not to exceed seven (7) calendar days, on not more than two separate occasions in any given calendar year *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 side lot *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).*
- (24) Project Real Estate /Construction Signs. A project *real estate* or construction sign shall comply with the following: *requirements of Section 1171.04(d)(3).*
- A. Such signs shall be located a minimum of three (3) feet from any street right-of-way.

- B. A project or construction sign may be erected and maintained on a lot only during the period of time that the parcel is up for sale, rent, or lease or the building project is under construction. Such temporary sign shall be removed within two (2) business days of installation of the permanent identification sign.
- C. The maximum area shall be thirty-two (32) square feet, and the maximum height shall be six (6) feet.
- (3) Other Temporary Signs for Non-residential Uses. Such signs shall comply with the following:
 - A. One temporary freestanding sign or one banner attached to the front of the building shall be permitted for a period not to exceed fourteen (14) days, four times per calendar year. Such signs may be permitted for a period longer than 14 days only when the Planning Commission approves an extended time frame. The maximum area shall be twelve (12) square feet.
 - B. A temporary freestanding sign shall be located no closer than 10 feet from the street right-of-way line or a side lot line.

1171.10 REGULATIONS FOR NONCONFORMING SIGNS.

- (a) Maintenance of Nonconforming Signs. Nonconforming signs shall be maintained in good condition pursuant to Section 1171.08(c), Maintenance, and may continue until such sign is required to be removed as set forth in this Chapter.

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.*
 - (12) 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.
 - (23) All signage proposals requiring review and approval shall be reviewed administratively by the Zoning Administrator for compliance with the design criteria, construction standards, maintenance, and all other applicable regulations *provisions of* in this Chapter *and applicable sections of this Planning and Zoning Code.*
 - (34) Approved signage proposals will receive from the Zoning Administrator a Sign Permit *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
<i>Address</i>		<i>X</i>
Building, Permanent	X	
Construction		X
Entrance or Exit	X	
Freestanding, Permanent	X	
Instructional		X
Address Sign		X
<i>Project Real Estate/Construction</i>	<i>X</i>	
<i>Real Estate for Sale or Lease</i>		<i>X</i>
<i>Sandwich Board</i>		<i>X</i>
Temporary (6 sq. ft. or less)		X
Temporary (greater than 6 sq. ft.)	X	

- (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.
- (e) Prohibited signs located in the public right-of-way, as indicated in Section 1171.067(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.
- (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).*

Summary of Proposed Changes to Temporary Signage Regulations

Non-Residential Districts (Section 1171.04(d))

Current		Proposed	
Project Real Estate/ Construction Signs	1 sign permitted No max size No max height 3 ft. from R/W Displayed during construction & lease of project	Project Real Estate/ Construction Signs	1 sign permitted <i>along each R/W</i> <i>Max area 40 sq. ft.</i> <i>Max height 12 ft.</i> 3 ft. from R/W <i>or property line</i> Displayed during <i>construction</i> of project
Temporary Window Signs	No max number Conform to window sign area Display time 30 days, no more than 4 times a year	Temporary Signs	<i>1 sign per occurrence</i> Max area 40 sq. ft. Display time 30 days, no more than 4 time a year Max height (freestanding) 6 ft. Conform to window sign area Portable signs not permitted in C-4 Freestanding no closer than 3 ft. from R/W or property line
Other Temporary Signs	No max number Max area 40 sq. ft. Max height (freestanding) 6 ft. Display time 30 days, no more than 4 times a year		
Portable signs	No max number Max area 32 sq. ft. Max height (freestanding) 6 ft. Not permitted in C-4 Display time 30 days, no more than 4 time a year		
Temporary Signs in the C-4 District	Sandwich board signs and "similar types of temporary signs" permitted only in C-4 Max size 3 ft. high by 2 ft. wide Permitted in R/W if allowing a walkway, 5 ft. from door	Sandwich Board Signs in the C-4 District	Sandwich board signs and "similar types of temporary signs" only permitted in C-4 Max size 3 ft. high by 2 ft. wide Permitted in R/W if allowing a <i>4 ft.</i> walkway, 5 ft. from door
Setbacks	Freestanding no closer than 3 ft. from R/W or property line	(Addressed in other Sections)	Freestanding no closer than 3 ft. from R/W or property line
Real Estate for Sale or Lease Signs	No regulations	Real Estate for Sale or Lease Signs	<i>1 sign permitted along each R/W</i> <i>Property < 2 acres, max area 20 sq. ft., max height 6 ft.</i> <i>Property ≥ 2 acres, max area 40 sq. ft., max height 12 ft.</i> <i>Displayed when for sale/lease</i> <i>Freestanding no closer than 3 ft. from R/W or property line</i>

Residential Districts (Section 1171.05(c))

Current		Proposed	
Temporary Signs (Residential Use)	1 sign permitted Max area 6 sq. ft. Max height 4 ft. Displayed for 30 days, no limit on number of occurrences 3 ft. from R/W	Temporary Signs (Residential Use)	1 sign permitted Max area 6 sq. ft. Max height 4 ft. <i>Display time 30 days, no more than 4 times a year</i> 3 ft. from R/W <i>or property line</i>
Temporary Signs (Non-Residential Use)	1 sign permitted Max area 14 sq. ft. No max height Displayed for 14 days, no more than 4 times a year 10 ft. from R/W or property line	Temporary Signs (Non-Residential Use)	1 sign permitted Max area 12 sq. ft. Max height 6 ft. <i>Display time 30 days, no more than 4 times a year</i> 10 ft. from R/W or property line
Project Real Estate/ Construction Signs	No regulations	Project Real Estate/ Construction Signs	<i>1 sign permitted along each R/W</i> <i>Max area 40 sq. ft.</i> <i>Max height 12 ft.</i> <i>3 ft. from R/W or property line</i> <i>Displayed during construction of project</i>
Real Estate for Sale or Lease Signs	No regulations	Real Estate for Sale or Lease Signs	<i>1 sign permitted along each R/W</i> <i>Property < 2 acres, max area 20 sq. ft., max height 6 ft.</i> <i>Property ≥ 2 acres, max area 40 sq. ft., max height 12 ft.</i> <i>Displayed when for sale/lease</i> <i>Freestanding no closer than 3 ft. from R/W or property line</i>

ROBERT F. BRENEMAN
Mayor



ANDREW DUTTON
Planning & Zoning Manager
330-263-5238

LAURIE HART
Administrative Assistant
330-263-5200 x304

CITY OF WOOSTER
DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION
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JUSTIN REED
Property Maintenance Inspector
Planning & Zoning Code Enforcement
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THE DAILY RECORD
LEGAL AD - Please Publish December 7, 2014

NOTICE OF PUBLIC HEARING

The Planning Commission of the City of Wooster will hold a public hearing on a request filed the City of Wooster for approval and recommendation by the Planning Commission to City Council of amendments to Chapter 1171, Sign Regulations, of the Wooster Planning and Zoning Code.

The hearing will be held on Wednesday, December 17, 2014 at 5:30 p.m., or soon thereafter, at City Hall, 1st Floor Council Chambers, 538 North Market Street, Wooster, Ohio. All interested parties are welcome to attend. Further information is available from the Division of Planning and Zoning, 330-263-5238, during regular office hours.

Special auxiliary aids for handicapped persons are available upon request. At least five (5) days notice is required prior to a meeting. Requests must be made to Andrew Dutton, 330.263.5238, during regular working hours.

Andrew Dutton
Planning and Zoning Manager

Proof of Publication

Dix Communications
P.O. Box 918
Wooster, OH 44691
Phone: (330) 264-1125
Fax: (330) 264-3756

I, Penni Vacca being first duly sworn depose and say that I am Office Manager of
THE DAILY RECORD

Daily Record a newspaper printed and published in the city of Wooster, and of General circulation in the County of Wayne, State of Ohio, and personal knowledge of the facts herein stated and that the notice hereto annexed was Published in said newspapers for 1 insertions on the same day of the week from and after the 7th day of December, 2014 and that the fees charged are legal.

Penni Vacca
Penni Vacca

Name of Account: City Of Wooster-LEGALS
Ad Number: 11901997
No. of Lines: 38

Day(s) Published: 12/07,
Printers Fee: \$63.14

Sworn to and subscribed before this 8th day of December, 2014.

Debra A. Snyder



DEBRA A SNYDER
Notary Public
In and for the State of Ohio
My Commission Expires
March 13, 2013

LEGAL

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Andrew D. Snyder
Planning and Zoning

M:
Publish Wooster Daily Record
December 7, 2014

EXHIBIT A

**PROPOSED AMENDMENTS TO
CHAPTER 1103 (DEFINITIONS), CHAPTER 1109 (SUBDIVISION PROCEDURES),
CHAPTER 1133 (SINGLE-FAMILY RESIDENTIAL DISTRICTS), CHAPTER 1135
(MULTI-FAMILY RESIDENTIAL DISTRICTS), CHAPTER 1143
(MANUFACTURING DISTRICTS), CHAPTER 1149 (NONCONFORMING USES,
LOTS AND STRUCTURES), AND CHAPTER 1165 (LANDSCAPING AND LAND
USE BUFFERS) OF THE PLANNING AND ZONING CODE**

CHAPTER 1103 (DEFINITIONS)

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:

*(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.*

** The numbering of existing definitions (55) through (78) in Section 1133.02(b) shall be increased by one*

*(79) **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 Section 1103.02-(b)-(86) **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.*

** The numbering of existing definitions (80) through (100) in Section 1133.02(b) shall be increased by one*

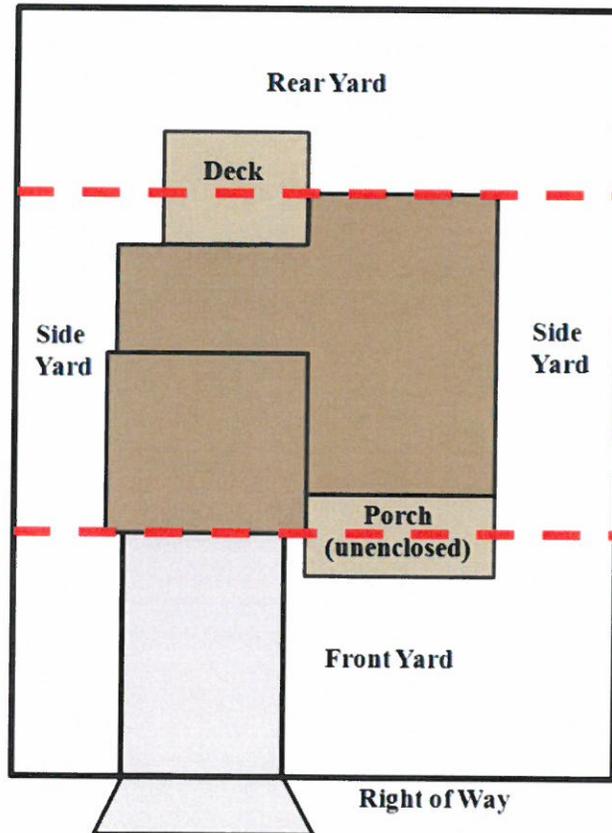
*(101) **Health club.** An establishment for the conduct of indoor sports and **or** exercise activities, along with **which may include** related locker and shower rooms, offices and classrooms, where use of such establishment is offered on a membership basis.*

** The numbering of existing definitions (102) through (256) in Section 1133.02(b) shall be increased by one*

(2578) 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. See Figure 5 below.

- 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



** The numbering of existing definitions (258) through (268) in Section 1133.02(b) shall be increased by one*

CHAPTER 1109 (SUBDIVISION PROCEDURES)

1109.09 APPROVAL OF MINOR SUBDIVISION.

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

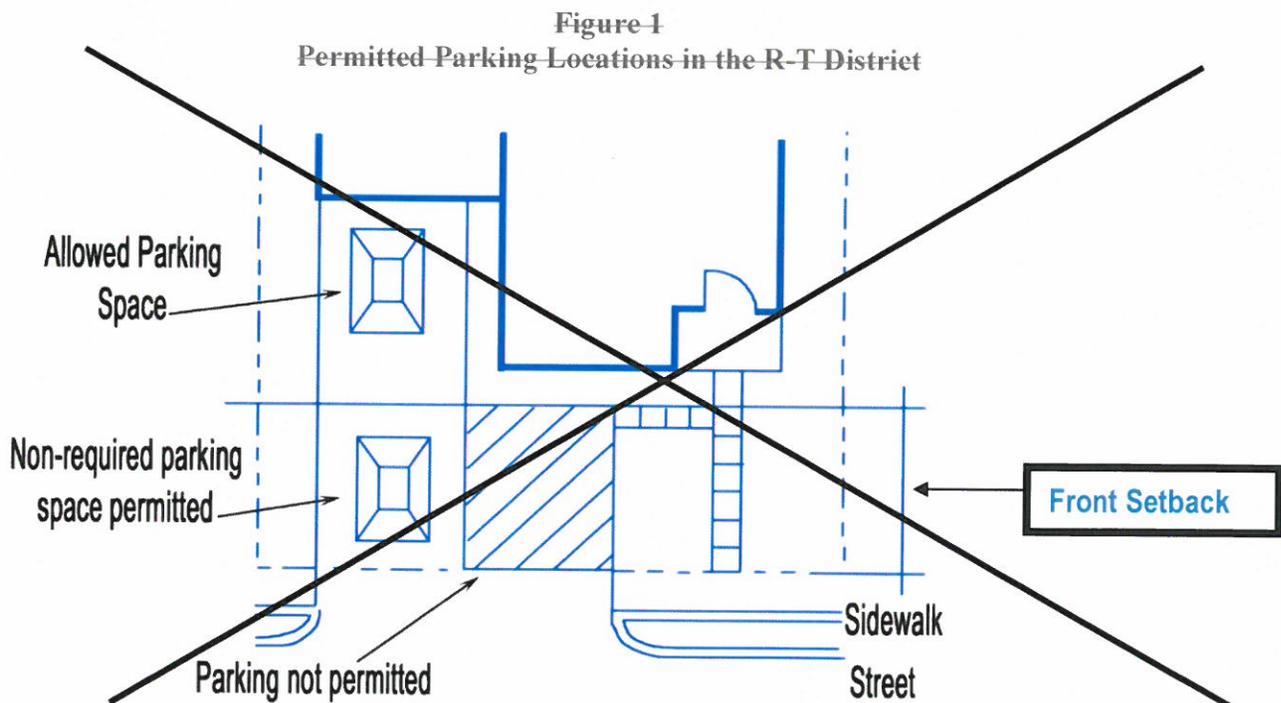
- (a) Applicability. Administrative approval of a minor subdivision, including the relocation of lot lines *and the combination of parcels*, may be granted by the Zoning Administrator and the City Engineer if the proposed division of a parcel of land meets all of the following conditions:

CHAPTER 1133 (SINGLE-FAMILY RESIDENTIAL DISTRICTS)

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.

- (e) — Required parking areas shall not be located in the front setback, and supplemental parking areas are prohibited between the front building line and the front setback line. See Figure 1 below.



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.

(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) Required and non-required parking spaces are permitted in a driveway as shown in Figure 1 under Section 1133.06(e). *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.

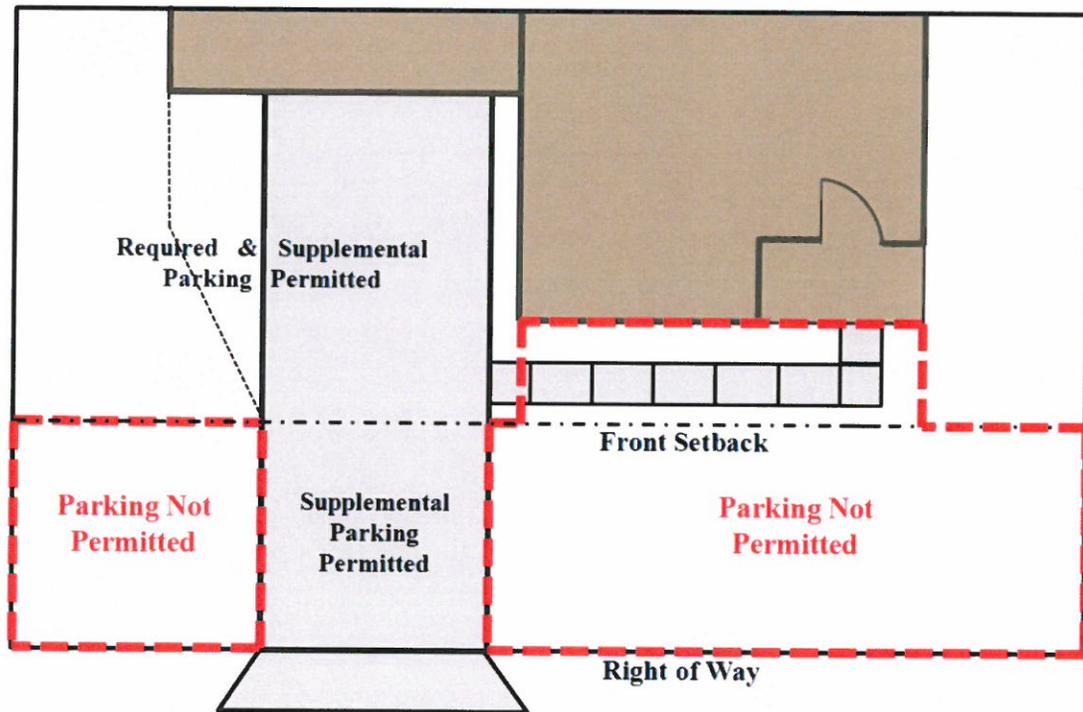
NP Not Permitted

(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:

- (4) Fences that are painted, shall be one color. *All fences on a single property shall have a unified style, unified color and* 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. *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.*

- (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 in the R-T District



CHAPTER 1135 (MULTI-FAMILY RESIDENTIAL DISTRICTS)

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.

- (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:
- (4) ~~Fences that are painted, shall be one color.~~ *All fences on a single property shall have a unified style, unified color and* 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. ~~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.*

CHAPTER 1143 (MANUFACTURING DISTRICTS)

1143.02 USE REGULATIONS.

- (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
(2) Industrial/Warehousing Uses				
<i>A. Data Center</i>	--	<i>P</i>	--	<i>P</i>
<i>AB. Light industrial processing, assembly</i>	P	P	P	P
<i>BC. Manufacturing and production with outdoor activities (open space)</i>	--	--	--	P
<i>CD. Manufacturing and production within enclosed building</i>	P	P	P	P
<i>DE. Manufacturing using raw materials, including saw mill, asphalt plant, etc.</i>	--	--	--	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.F. Metal, steel alloy fabrication	--	P	--	P
F.G. Outdoor storage of materials & general merchandise	--	P	--	P
G.H. Scientific research, development, training and testing facility	P	P	P	P
H.I. Transport and truck terminal	--	P	--	P
I.J. Self-storage facility, indoor	--	C	--	C
J.K. Warehousing	P	P	P	P
K.L. Wholesale sales & distribution, indoor	P	P	P	P
L.M. Wholesale sales & distribution, outdoor	--	P	--	P

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.

- (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.

CHAPTER 1149 (NONCONFORMING USES, LOTS AND STRUCTURES)

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:

- (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) The nonconforming use of land as a site for a mobile or manufactured home may be continued so long as the site is not unused for one year and so long as replacement mobile homes which occupy the site are no larger

in floor area than the one existing at the time of adoption of this Code or 1000 square feet whichever is larger.

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.

CHAPTER 1165 (LANDSCAPING AND LAND USE BUFFERS)

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 characterized as hardy, long-lived shade trees. Suggested species are listed in Table 1165.12. The Zoning Administrator or the Planning Commission may approve other 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 are to ***shall*** be planted within three (3) feet of the rights-of-way of the road or roads within and abutting the development or at the discretion of the City, within the right-of-way of such roads ***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 with a minimum pit size of five (5) feet by five (5) feet. ***in 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 ~~or the Zoning Administrator's designee for this approval~~ *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 ~~City's inspection~~ *Zoning Administrator*, shall be replaced at the expense of the developer or builder.
 - (6) If the ~~City~~ *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.

1165.12 RECOMMENDED TREE SPECIES.

~~Acceptable trees to fulfill the requirements of this Chapter include, but are not limited to, those identified as suitable for the use intended in Table 1165.12 (a) below.~~

~~(a) — Table 1165.12 (a) Recommended Trees.~~

Table 1165.12 (a) Recommended Tree Species		
Botanic Name	Common Name	Suitability
Acer rubrum	Red Maple	T, S
Celtis occidentalis	Hackberry	P, T
Cereis Canadensis	Redbud	P
Corylus colurna	Turkish Filbert	T
Crataegus punctata var.	Ohio Pioneer Dotted Hawthorn	P
	Vaughn Dotted Hawthorn	P

**Table 1165.12 (a)
Recommended Tree Species**

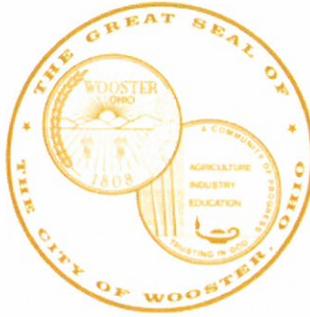
Botanic Name	Common Name	Suitability
Ginkgo biloba	Ginkgo (male tree only)	T, S
Gleditsia triacanthos inermis var.	Thornless Honeylocust (use podless cultivar)	P, T
Gymnoeldus dioica	Kentucky Coffeetree (male tree only)	P, T, S
Malus sp.	Flowering Crab (use upright, disease resistant cultivars)	P, T
Prunus sp.	Flowering cherry (use upright, single stem cultivars)	P, T
Pyrus calleryana var. ^(a)	Cleveland Select Callery Pear	P, T, S
	Redspire Callery Pear	P, T, S
Quercus bicolor	Swamp White Oak	T
Quercus rubra	Red Oak	T
Quercus Shumard	Shumard Oak	T
Syringa reticulata	Japanese Tree Lilac	P, S
Taxodium distichum	Common Bald Cypress	T
Titia Americana	Americian Linden	T, S
Tilia cordata	Littleleaf Linden	T, S
Ulmus var.	Deleware Hybrid Elm	T
	Frontier Hybrid Elm	T
	Urban Hybrid Elm	T
P = Parking Lot Trees T = Tree Lawn S = Sidewalk Trees ^(a) Bradford Callery Pear trees should be avoided since it attracts bird roosting, has a wide spread, and is susceptible to wind damage.		

- (b) ~~Evergreen trees should only be used for landscaping and screening purposes on private property and shall not be permitted in any public street right of way. Evergreen trees shall only be planted in planting areas with sufficient space to permit the trees to grow to maturity.~~
- (c) ~~Table 1165.12 (c) - Prohibited Trees. The trees listed in Table 1165.12 (c) should not be used unless approved by the Zoning Administrator or the Planning Commission, whichever is applicable under Chapter 1107.~~

Table 1165.12 (c) Prohibited Trees	
Botanic Name	Common Name
Acer-negundo	Box-elder
Acer-saccharinum	Silver-Maple
Aesculus-hippocastanum	Horsechestnut
Ailanthus-altissima	Tree-of-heaven Ailanthus
Catalpa-(all)	Catalpa
Crataegus-sp.	Hawthorn (any species-with thorns)
Liriodendron-tulipifera	Tuliptree (Tulip-Popular)
Maelura-pomifera	Osageorange
Malus-pumila	Common-Apple
Morus-sp.	Mulberry (any-species)
Populus-sp.	Cottonwood, Poplar, etc.
Pyrus-calleryana-Bradford	Bradford Callery Pear
Robinia-pseudoacacia	Black-Loeust
Sambucus-canadensis	Elderberry
Salix-(all)	Willow
Ulmus-americana	American-Elm (including Moline-Elm)
Ulmus-pumila ^(a)	Siberian-Elm
^(a) Not to be confused with Ulmus parvifolia — Chinese or Lacebark Elm	

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.

Robert F. Breneman
Mayor



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Director of Finance
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Fax: (330) 263-5262
Email: adordea@woosteroh.com

CITY OF WOOSTER
538 N. Market Street, P.O. Box 1128
Wooster, Ohio 44691-7082

Memorandum

To: Dick Benson, Law Director
CC: Chief Fisher & Director Montgomery
From: Andrei Dordea, Director of Finance
Date: 1/28/2015
Re: Request for Agenda Item – Council Meeting 02/02/2015

On or about November 29, 2014 one of our police cruisers was involved in an accident. The 2013 Chevy Caprice was deemed a total loss by our insurance provider. We recently received a check for the loss, less deductible and salvage value. The amount of the check is \$21,197.17.

Wooster PD needs to replace this vehicle. Therefore, we need to appropriate \$29,000 in the Capital Projects fund from the unappropriated balance. This is the approximate cost of a replacement vehicle.

Please refer any specific questions about this matter to Chief Fisher.

Ord #5

RESOLUTION NO. 2015-19

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO RENEW A LEASE AGREEMENT WITH THE WAYNE COUNTY HUMANE SOCIETY, AND DECLARING AN EMERGENCY

WHEREAS, since 1974 the municipal government has leased to the Wayne County Humane Society (the "WCHS") a parcel of real estate on Mechanicsburg Road (approx. 2.6 ac.) upon which the WCHS has erected and maintained an animal shelter and offices; and

WHEREAS, the current lease recently expired, and the WCHS desires to renew the lease for another term of twenty (20) years, with an option to renew, in order to continue to support its operations at that location; and

WHEREAS, the property upon which it is located is not presently needed for a municipal purpose; and the city administration believes that the WCHS provides a valuable service to the community, and hereby recommends the renewal of the lease agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That the Director of Administration is hereby authorized to renew the lease with the Wayne County Humane Society. The terms of such lease will include, but not be limited to, the following: (1) lease term from January 1, 2015 until December 31, 2034; (2) at a lease price of \$1.00 per year, payable on January 1, 2015, and on each January 1st thereafter; and (3) such other terms as the Director of Administration, in his discretion, deems appropriate.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this resolution occurred in an open meeting of this Council, in compliance with law.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division; and for the further reason that prompt action is necessary to renew the lease agreement; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading _____ 2nd reading _____ 3rd reading _____

Passed: _____, 2015 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2015
Mayor

Introduced by: David Silvestri

