

**CITY COUNCIL AGENDA**

**November 18, 2013**

**7:30 p.m.**

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

**I. ROLL CALL & ORDERING OF AGENDA**

**II. APPROVAL OF MINUTES**

**III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

**IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

Notice received from Ohio Department of Commerce regarding expiration and renewal of permits to sell alcoholic beverages.

**V. COMMITTEE REPORTS; PUBLIC HEARINGS**

**VI. OLD BUSINESS**

1. To be removed from the table – ORDINANCE NO. 2013-36 AN ORDINANCE AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH A QUALIFIED VENDOR FOR THE CONSTRUCTION AND MAINTENANCE OF A COMMUNICATIONS TOWER AND RELATED FACILITIES ON CITY-OWNED PROPERTY; AND DECLARING AN EMERGENCY (Cavin)

**VII. NEW BUSINESS**

1. First Reading – ORDINANCE NO. 2013-43 AN ORDINANCE APPROPRIATING FROM VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER FOR THE FISCAL YEAR ENDING DECEMBER 31, 2014, AND DECLARING AN EMERGENCY (Ansel)
2. First Reading – ORDINANCE NO. 2013-44 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)
3. First Reading – RESOLUTION NO. 2013-89 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH THE WAYNE COUNTY COMMISSIONERS FOR THE PROSECUTION OF MUNICIPAL ORDINANCES BY THE WAYNE COUNTY PROSECUTOR AND FOR PAYMENT FOR SUCH SERVICES (Ansel)
4. First Reading – RESOLUTION NO. 2013-90 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH PATH MASTER OF TWINSBURG, OHIO FOR PURCHASE OF SUPPLIES AND MATERIALS FOR THE UPDATE AND/OR REPAIR OF ELEMENTS OF THE CITY'S EMERGENCY PREEMPTION SYSTEM (Ulbright)

5. First Reading – RESOLUTION NO. 2013-91 A RESOLUTION IN SUPPORT OF NEFCO’S ECONOMIC DEVELOPMENT PLANNING PROGRAM, AND DECLARING AN EMERGENCY (Ansel)

6. First Reading – RESOLUTION NO. 2013-92 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE WOOSTER YMCA FOR PROFESSIONAL ADMINISTRATIVE SERVICES RELATED TO THE MANAGEMENT AND OPERATION OF THE CITY OF WOOSTER’S SWIMMING FACILITIES, AND DECLARING AN EMERGENCY (Cavin)

**VIII. EXECUTIVE SESSION**

**IX. MISCELLANEOUS**

**X. ADJOURNMENT**

ORDINANCE NO. 2013-36

AN ORDINANCE AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH A QUALIFIED VENDOR FOR THE CONSTRUCTION AND MAINTENANCE OF A COMMUNICATIONS TOWER AND RELATED FACILITIES ON CITY-OWNED PROPERTY; AND DECLARING AN EMERGENCY

WHEREAS, it is necessary for the safe and efficient operation of safety and other related city services to provide a means of radio and/or cellular communications; and

WHEREAS, with the planned demolition of the Winter Street water storage tank, on which the city has previously located antennas for such communications, it is necessary to identify another site that is in close proximity thereto in order to maintain such radio and/or cellular communications capabilities; and

WHEREAS, the former Layton School property possesses the attributes (elevation; proximity to the existing Winter Street tower) necessary to support such necessary city services; and

WHEREAS, based upon preliminary discussions with representatives of vendors currently providing such services within the city, the director of administration believes that it may be possible to negotiate an agreement with a tower contractor or cellular provider for the construction and maintenance of such facilities, thereby resulting in a substantial savings to the city.

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

SECTION 1. That the Director of Administration is hereby authorized to enter into a technical services contract with a qualified vendor for the construction and maintenance of a communications tower and related communications facilities on city-owned property, the primary purpose of which will be to facilitate radio and/or cellular communications for the police, fire, maintenance and utilities divisions of the municipal government; provided that the vendor may, in addition thereto, provide for facilities that will also serve cellular providers within the city of Wooster.

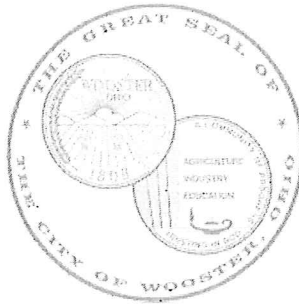
SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this ordinance occurred in an open meeting of this Council or its committees, in compliance with law.

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, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary to facilitate such agreements for the benefit of local cellular services; wherefore, this Ordinance shall be in full force and effect from and





**Robert F. Breneman**  
Mayor



**Joel Montgomery, PE**  
Director of Administration  
Phone (330) 263-5244  
Fax: (330) 263-5247  
Email: [jmontgomery@woosteroh.com](mailto:jmontgomery@woosteroh.com)

**CITY OF WOOSTER**  
538 N. Market Street \* P.O. Box 1128  
Wooster, Ohio 44691-3406

August 16, 2013

Property Owner  
123 Main Street  
Wooster, Ohio 44691

Dear Property Owner:

**RE: Public Notice**  
**Communications Facilities at the Layton Property**

The City Council of the City of Wooster will be considering legislation authorizing the placement of a communications tower on the former Layton School property, at the regularly scheduled Council meeting on:

**Monday, August 19, 2013 at 7:30 p.m.**

at Wooster City Hall, 538 North Market Street, Wooster, Ohio. Authorization is being requested to enter into a contract with qualified contractor for the construction and maintenance of a communications tower and related facilities at 1859 Burbank Road.

**Reason for Request:**

The City has several communications facilities located on the current Winter Street water tower, which is scheduled to be demolished by the end of 2014. Therefore, there is a need to relocate the antennas, repeaters, and other equipment for Police, Fire, Maintenance, and Utilities communications and telemetry to a structure with sufficient height, capacity, and accessibility characteristics, and within close proximity to the existing Winter Street facilities.

The Administration has also been coordinating with existing cellular service providers that are currently located on the Winter Street water tower for relocation of their facilities. Presently, we have contracts with three companies that lease space on the water tower. Were we not demolishing it, we would be coordinating a significant water tower repair, maintenance, and painting project with these companies and their facilities. Our experience with the location of multiple cell phone and other facilities on our water towers, and the associated damage caused by the structural stress, has led us to determine that it is not in our best interests to continue this practice. However, the City is reluctant to forfeit the revenue generated by these relationships (currently over \$53,000 per year).

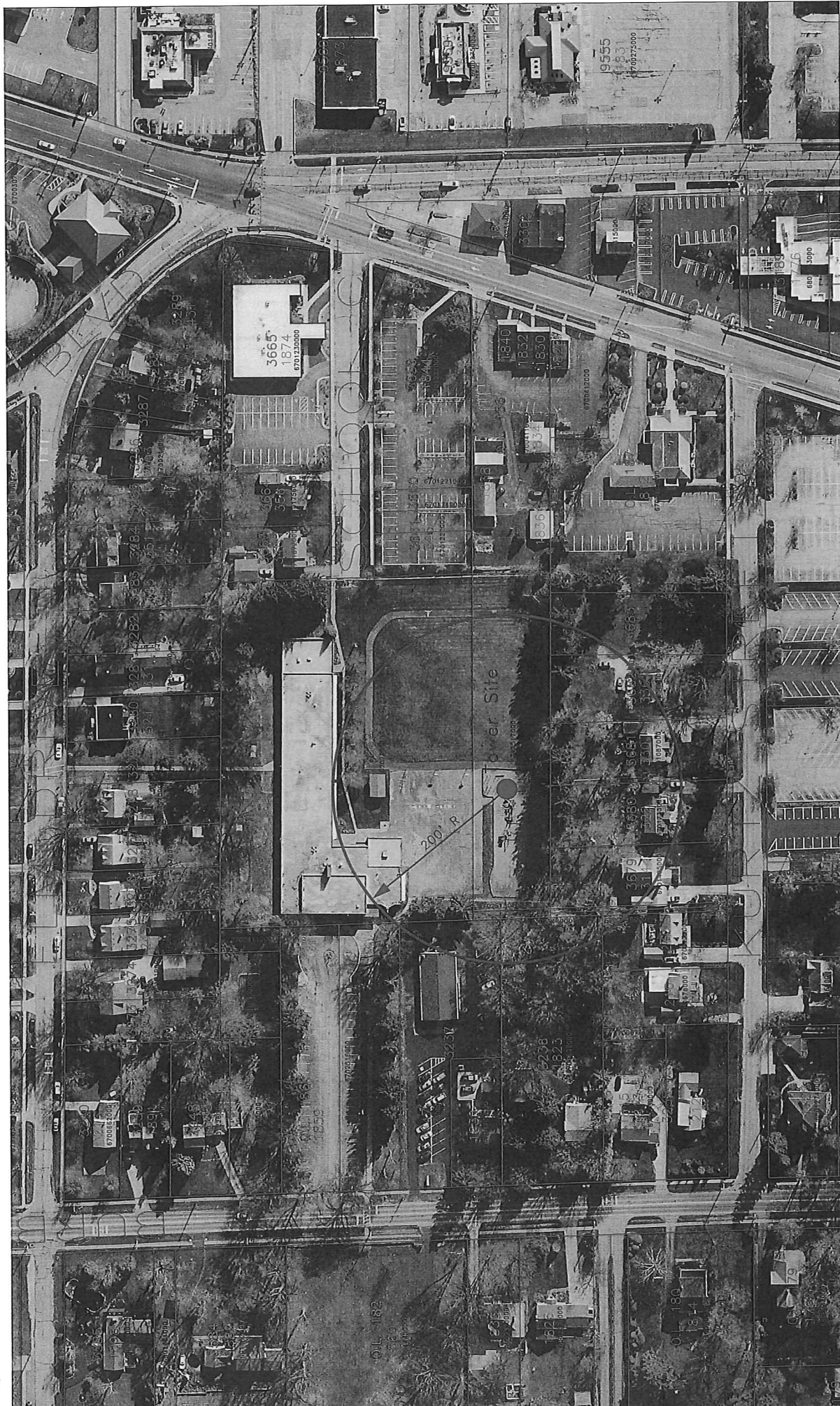
Therefore, these factors have compelled us to investigate potential solutions to our need for a structure that could provide the necessary capabilities for the *City's* communications facilities, as well as potentially retaining the revenue we receive from the cell phone providers. The Layton property was purchased primarily for the purpose of constructing a new water tower to replace the Winter Street tower. However, this is not planned to begin for at least 5 years. Since the new water tower will not be constructed for several years, and communications facilities located on water towers has proven to be problematic, a separate structure will be needed within the next 12 months.

The best and most cost effective solution would be to have a structure constructed on the Layton School property that could accommodate all of our current and future communications needs. Preliminary discussions with several cell phone providers and communications tower construction companies have indicated that a mono-pole (solid pole, no guy wires, no lattice) could be constructed within a 100' x 100' area on the Layton property. The tower would be just less than 200' tall and located within a fenced area with trees for screening. The property's ground elevation and proximity to the Winter Street tank site make it ideal for this use.

Current City ordinance authorizes the Director of Administration to execute contracts with cell providers on City owned facilities. Current City zoning ordinances also exempt antenna towers from the need for a zoning permit as long as the tower serves a public purpose. However, due to the nature of the project and the location adjacent to residential properties, the City is communicating these plans with the public and inviting public input.

All interested parties are welcome to attend. Further information is available from the office of the Director of Administration, Joel Montgomery, at 330.263.5244, during regular office hours.

**Joel Montgomery, PE**  
**Director of Administration**



All boundaries ARE NOT survey quality and are for reference only.

Scale: 1"=100'

PREPARED BY  
**CITY OF WOOSTER**  
DIVISION OF ENGINEERING  
328 N. LAUREL ST. WOOSTER, OHIO 44691  
PH: (330) 763-5241 FAX: (330) 763-5245



ORDINANCE NO. 2013-43

AN ORDINANCE APPROPRIATING FROM VARIOUS FUNDS  
TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES  
AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER  
FOR THE FISCAL YEAR ENDING DECEMBER 31, 2014, AND  
DECLARING AN EMERGENCY

WHEREAS, the Charter of the City of Wooster provides, at §6.04, that no later than the second regular meeting of November the Mayor will prepare and present to the City Council for adoption an annual Appropriation Ordinance providing for the expenses of the municipal government for the coming fiscal year.

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

SECTION 1. That to provide for the current expenses and other expenditures of the City of Wooster for the Fiscal Year ending December 31, 2014, the following appropriations (detailed copy attached hereto) are hereby authorized.

SECTION 2. The budget approved by Council and the appropriation of funds to implement the budget represent the estimated expenditures needed to administer programs approved for the coming fiscal year. The budget is a work plan of the estimate of future needs for a given program as determined by Council when the budget is adopted.

In adopting the budget, Council recognizes that conditions may change during the fiscal year that may call for staff reductions or increases depending upon the facts in each instance.

In recognition of this fluid, constantly changing condition, the Mayor shall review requests for additional positions and for filling vacant positions within the limitations of the budget. After making a study of each request, he shall have the authority to approve, disallow or postpone such requests for additional personnel. In addition, he shall be responsible for resolving questions related to the staffing pattern of each department and division as determined by Council action on the annual budget.

Personnel requests in excess of the annual budget shall be studied and recommendations developed for the consideration of Council.

The Mayor shall be responsible for ascertaining that personnel requirements do not exceed those included or implied in the budget and/or Appropriation Ordinances.

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

SECTION 4. 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, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary in order to commence and complete the various projects at the earliest possible time for the convenience and enjoyment of the general public; 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 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: \_\_\_\_\_, 2013 Vote: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council President of Council

Approved: \_\_\_\_\_, 2013  
Mayor

Introduced by: Jon Ansel

ORDINANCE NO. 2013-44

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

WHEREAS, the Wooster City Planning Commission, in consultation with the planning and zoning manager, directed the planning and zoning manager to review and recommend various proposed text amendments to the Planning and Zoning Code; and

WHEREAS, the Planning Commission considered the proposed amendments at its meeting on August 28, 2013 and recommended the **approval** thereof.

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

SECTION 1. That Part Eleven, Planning and Zoning Code, of the Codified Ordinances of the City of Wooster, is hereby amended to read in accordance with the attached Exhibit A (primarily residential amendments) and Exhibit B (primarily commercial, manufacturing and landscaping amendments).

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

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest date allowed by law.

1st reading \_\_\_\_\_ 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2013      Vote: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council      President of Council

Approved: \_\_\_\_\_, 2013      \_\_\_\_\_  
Mayor

Introduced by: Barbara A. Knapic



**Request for Agenda Item  
Non-Capital**

**Division**  **Meeting Date Requested**

**Project Name**   **Approved for Agenda**

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

AMENDMENTS TO THE WOOSTER PLANNING AND ZONING CODE CHAPTER 1103 (DEFINITIONS), CHAPTER 1115 (SUBDIVISION REQUIREMENTS), CHAPTER 1125 (GENERAL USE REGULATIONS), CHAPTER 1129 (AGRICULTURAL DISTRICT), CHAPTER 1131 (COMMUNITY FACILITIES DISTRICT), CHAPTER 1133 (SINGLE-FAMILY RESIDENTIAL DISTRICTS), CHAPTER 1134 (CLUSTER RESIDENTIAL DEVELOPMENT REGULATIONS), CHAPTER 1135 (MULTI-FAMILY RESIDENTIAL DISTRICTS), CHAPTER 1137 (MANUFACTURING HOME PARK DISTRICT), CHAPTER 1141 (COMMERCIAL DISTRICT REGULATIONS), CHAPTER 1142 (CPRO DISTRICT), CHAPTER 1143 (MANUFACTURING DISTRICT REGULATIONS), CHAPTER 1145 (PDOD DISTRICT), CHAPTER 1147 (CONDITIONAL USE REGULATIONS), CHAPTER 1165 (LANDSCAPING AND LAND USE BUFFERS), CHAPTER 1169 (OFF-STREET PARKING AND LOADING REGULATIONS), AND CHAPTER 1171 (SIGN REGULATIONS), ON THE CONDITION THAT THE FOLLOWING REMAIN PART OF THE PLANNING AND ZONING CODE (SECTION 1125.09(c)): *“RECREATIONAL VEHICLES MAY BE PARKED ON THE PREMISES FOR LESS THAN SEVENTY-TWO HOURS FOR ACCOMMODATION OF GUESTS PROVIDED THAT THE VEHICLE IS NOT PARKED ON THE PUBLIC STREET OR ALLEY RIGHT-OF-WAY”*.

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

No

**Manager Requesting**

**Date**

**Approved for Agenda**



## Planning and Zoning Code Amendments #ZC-255 & #ZC-256

Applicant: City of Wooster

Request: Approval and a recommendation to City Council for various amendments to the Wooster Planning and Zoning Code

### **Application #ZC-255**

These amendments primarily address the single-family and multi-family residential chapters of the code. Other miscellaneous changes, technical corrections and reference adjustments have also been made. Below are significant changes of the code amendment:

- Section 1103.02 - Health and utility was added to the public facility definition
- Section 1125.07 – Fences and walls in residential districts was deleted, adjusted requirements were added in the residential district chapters
- Section 1125.09 & 1125.10 – Requirements for recreational vehicles and motor vehicles were combined and altered
- Section 1131.02 – Administrative government offices and public safety or health facility were added to the CF District
- Chapter 1133 – Single-Family Residential Districts
  - 1133.02 – Public facilities and public parks were changed from conditional to a permitted uses in residential districts
  - 1133.03 – Lot coverage percentages were increased and building coverage was added
  - 1133.04 – Changes were made to setback requirements, mostly to simplify corner lot regulations and simplify the application of the regulations
  - 1133.07 – Setbacks for accessory structures were incorporated into a table and fence regulations were relocated from Section 1125.07 and altered
- Chapter 1135 – Multi-Family Residential Districts
  - 1135.02 – Multi-family dwellings were removed from the R-3 District, public facilities were changed to a permitted use and community recreation facility was changed to a permitted use. Note 1 of the table was relocated from Section 1135.03
  - 1135.03 – Lot coverage was added
  - 1135.07 – Setbacks for accessory structures was moved to a table and fence regulations were relocated from Section 1125.07 and altered

### **Application #ZC-256**

These amendments primarily address the commercial, manufacturing and landscaping chapters of the code. Again, other miscellaneous changes, technical corrections and reference adjustments have also been made. Below are significant changes of the code amendment:

- Chapter 1141 – Commercial Districts
  - 1141.02 – Multi-Family dwellings were changed to a conditional use in C-5
  - 1141.09 – Changes were made to fences to reduce screening requirements when visible from the public right-of-way and screening was added for fences visible from a residential district
  - 1141.11 – Design standards were moved out of chart form and applied to all commercial districts (with the exception of 1141.11(d)(4))
- Section 1142.02 – CPRO District fence regulations were changed to mirror commercial district





- Section 1143.08 – Changes were made to fences in manufacturing districts to reduce material requirements and alter screening requirements
- Chapter 1165 – Landscaping and Land Use Buffers
  - Section 1165.05 – Landscaping along street frontage was modified and slightly reduced
  - Section 1165.06 – Parking lot landscaping was altered to require a dense landscaped area between parking lots and rights-of-ways
  - Section 1165.08 – Screening for loading areas was changed to allow for landscaping to be used as screening and the outdoor storage area screening requirement was changed to reference the applicable zoning district requirement
  - Section 1165.14 – A Woodland Preservation section was added to attempt to preserve heavily wooded areas on developable parcels as practically as possible

### **Planning Commission Consideration**

#### **1191.01 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.

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, OHIO 44691  
Fax: 330-263-5274

August 29, 2013

Wooster City Council  
538 North Market Street  
Wooster, OH 44691

Dear Council Members:

At the August 28, 2013 meeting of the Wooster City Planning Commission, a motion was made and carried to recommend to Council approval of amendments to the Wooster Planning and Zoning Code Chapter 1103, Definitions, Chapter 1115 (Subdivision Requirements), Chapter 1125 (General Use Regulations), Chapter 1129 (Agricultural District), Chapter 1131 (Community Facilities District), Chapter 1133 (Single-Family Residential Districts), Chapter 1134 (Cluster Residential Development Regulations), Chapter 1135 (Multi-Family Districts), Chapter 1137 (Manufactured Home Park District), Chapter 1141 (Commercial District Regulations), Chapter 1142 (CPRO District), Chapter 1143 (Manufacturing District Regulations), Chapter 1145 (PDOD District), Chapter 1165 (Landscaping and Land Use Buffers), and Chapter 1171 (Sign Regulations) on the condition that the following remain part of the Planning & Zoning Code (Zoning Code Section 1125.09(c)): *"Recreational vehicles may be parked on the premises for less than seventy-two hours for accommodation of guests provided that the vehicle is not parked on the public street or alley right-of-way"*.

Sincerely,

Kevin Lowry, Chairman  
Wooster City Planning Commission

KL/lah  
Enclosures—Request for Agenda Item (City Council)

## EXHIBIT A

**PROPOSED ZONING CODE AMENDMENTS TO CHAPTER 1103 (DEFINITIONS),  
CHAPTER 1115 (SUBDIVISION REQUIREMENTS), CHAPTER 1125  
(GENERAL USE REGULATIONS), CHAPTER 1129 (AGRICULTURAL DISTRICT),  
CHAPTER 1131 (COMMUNITY FACILITIES DISTRICT), CHAPTER 1133 (SINGLE-  
FAMILY RESIDENTIAL DISTRICTS), CHAPTER 1134 (CLUSTER RESIDENTIAL  
DEVELOPMENT REGULATIONS), CHAPTER 1135 (MULTI-FAMILY RESIDENTIAL  
DISTRICTS), CHAPTER 1137 (MANUFACTURING HOME PARK DISTRICT), CHAPTER  
1141 (COMMERCIAL DISTRICT REGULATIONS), CHAPTER 1142 (CPRO DISTRICT),  
CHAPTER 1143 (MANUFACTURING DISTRICT REGULATIONS), CHAPTER 1145 (PDOD  
DISTRICT), 1165 (LANDSCAPING AND LAND USE BUFFERS), AND  
CHAPTER 1171 (SIGN REGULATIONS)**

### 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:
  - (174) Public safety, health or utility facility. A municipal, government facility *utilized* for public safety, *health, utility, and 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* and related administrative facilities.
  - (243) 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 ~~water pumping station, water reservoir,~~ transformer station, landline telephone exchange, or building for radio, television, but not including a yard or building for storage, maintenance or repair service.

### CHAPTER 1115 (SUBDIVISION REQUIREMENTS)

#### 1115.06 CONTENTS OF FINAL PLAT DOCUMENTS.

- (i) Covenants, Easements and 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 1125.142,

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.

#### **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:

- (k) *An exterior lighting plan pursuant to Section 1167.03.*
- (k/l) Other information necessary for the evaluation of the final/minor development plan as deemed necessary by the Zoning Administrator.

### **CHAPTER 1125 (GENERAL USE REGULATIONS)**

#### **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.

- (f) Walls and fences as per Sections ~~1125.07 and 1107.04~~ *the requirements of the applicable zoning district*; however, if the wall or fence is used to enclose entrances or courtyards in the front yard, approval of the Zoning Administrator is required.

#### ~~1125.07 FENCES AND WALLS IN RESIDENTIAL DISTRICTS.~~

- ~~(a) — Fences and similar screening devices shall not exceed six (6) feet in height in residential districts, except in the front yard and when enclosing a tennis court with a fence. In the front yard, fences shall not exceed four (4) feet in height provided that at street intersections, no fence shall be constructed, erected or installed which will obstruct line of sight or traffic visibility. When enclosing a standard tennis court, fences shall not exceed ten (10) feet in height and shall not exceed twelve (12) feet in height for platform tennis courts. A zoning certificate shall be obtained and approved prior to erecting any fence in a residential district.~~
- ~~(b) — Barbed wire, spike, razor wire, or electric fences are prohibited in any residential district.~~
- ~~(c) — At least fifty (50) percent of the vertical surface of a fence located in a front yard shall be open.~~
- ~~(d) — Fences that are painted, shall be one color. Fences and walls shall be maintained in good repair 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.~~

- (e) ~~Fences 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.~~
- (f) ~~Decorative walls or fences may be used to enclose entrances or courtyards to a height of six (6) feet at the front of the residential dwelling, if approved by the Zoning Administrator upon the review of a development plan of the property showing the location of the walls or fences.~~
- (g) ~~Decorative walls and/or fences used as main entrance features to an existing or new residential subdivision or development shall not:
 
  - (1) ~~Exceed six (6) feet in height in any yard;~~
  - (2) ~~Be located in the public right of way; and~~
  - (3) ~~Obstruct line of sight or traffic visibility.~~~~
- (h) ~~All fences and decorative walls shall comply with Section 1125.17, Visibility at Intersections. (Ord. 2005-49. Passed 5-21-07.)~~

#### **1125.087 SWIMMING POOLS.**

*(No changes to any text in this section)*

#### **1125.098 PARKING AND USAGE OF RECREATIONAL VEHICLES AND MOTOR VEHICLES IN RESIDENTIAL DISTRICTS.**

- (a) ***Recreational Vehicles.*** *Recreational vehicles 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.*
  - (a1) *In residential zoning districts, recreational vehicles, camper trailers, small utility trailers and boats and boat trailers may be parked or stored outside an enclosed garage, other accessory building or on a driveway provided that no such vehicle shall overhang in the public right-of-way, or be parked or stored on a public street or alley right-of-way, or be located in the required front setback, or on that part of the driveway which may be located in the required front setback **be located in a required side setback abutting a public right-of-way.** A driveway or parking space may not be constructed in the required front setback **or side setback abutting a public right-of-way** for the sole purpose of parking or storing of such vehicles.*
  - (b) ~~Recreational vehicles may be parked subject to the conditions stipulated in subsection (a) provided that no living quarters shall be maintained therein, or any business conducted in connection therewith while such trailer is stored or parked and that no permanent connection is made to any utilities.~~
  - (e) *Recreational vehicles may be parked on the premises for less than seventy-two (72) hours for accommodation of guests provided that the vehicle is not parked on the public street or alley right-of-way.*
  - (3) ***Recreational vehicles shall only be parked in non-residential zoning districts subject to use regulations and outdoor display and storage regulations of the applicable zoning district.***
  - (d4) *If the recreational equipment vehicle is parked or stored outside, it shall be parked on an impervious surface, such as asphalt or concrete.*

- (e4) All recreational equipment *vehicles* shall be kept in good repair and carry a current year's license or registration.
- (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 non-residential 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.*

~~1125.10 ADDITIONAL REGULATIONS REGARDING MOTOR VEHICLES IN RESIDENTIAL ZONING DISTRICTS.~~

- ~~(a) 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 on a residential lot.~~
- ~~(b) The overnight parking or the outdoor storage of commercial motor vehicles and/or buses is prohibited.~~

**1125.119 LOT REGULATIONS.**

*(No changes to any text in this section)*

**1125.120 RESERVED.**

**1125.131 PROXIMITY OF BUILDINGS TO EXISTING GAS AND/OR OIL WELLS. (REPEALED)**

*(No changes to any text in this section)*

**1125.142 REQUIREMENTS FOR OWNERS ASSOCIATIONS.**

*(No changes to any text in this section)*

**1125.153 GENERAL DISTRICT REGULATIONS.**

*(No changes to any text in this section)*

**1125.164 PERFORMANCE STANDARDS.**

*(No changes to any text in this section)*

**1125.175 VISIBILITY AT INTERSECTIONS.**

*(No changes to any text in this section)*

**1125.186 GARAGE OR YARD SALES.**

*(No changes to any text in this section)*

## CHAPTER 1129 (AGRICULTURAL DISTRICT)

### 1129.02 USE REGULATIONS.

- (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.
- (3) Fences, walls, landscape features in compliance with Section 1133.07 and Chapter 1125.

## CHAPTER 1131 – (COMMUNITY FACILITIES DISTRICT)

### 1131.02 USE REGULATIONS.

- (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. Accessory uses are further regulated as noted below.
- (1) ~~Off street parking, as regulated in this district and Chapter 1169.~~
- (2) ~~Signs, as regulated in Chapter 1171.~~
- (d) Table of Permitted Uses.

<b>Table 1131.02 Permitted Uses</b>		
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 <sup>(a)</sup>
<b>(a) Community Facilities</b>		
<del>(1)A.</del> Cemetery	C	P
<del>(2)B.</del> Civic facility for public assembly	C	P
<del>(3)C.</del> Day care facility, adult and/or child, accessory to a permitted or conditional use	C	P
<del>(4)D.</del> Hospital and associated medical offices	C	P
<del>(5)E.</del> Libraries, cultural institutions, monuments	C	P
<del>(6)F.</del> Place of worship	C	P
<b>G. Administrative government offices</b>	<b>P</b>	<b>P</b>
<b>H. Public safety, health or utility facility</b>	<b>P</b>	<b>P</b>



**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 <sup>(a)</sup>
	<b>(b2) Educational Facilities</b>	
(1)A. School, college/university, including associated on-campus student housing and athletic fields	C	P
(2)B. School facility, public or private – elementary/secondary	C	P
<b>(e3) Recreation Facilities</b>		
(1)A. Golf course	C	P
(2)B. Outdoor recreation facilities provided by the City of Wooster	P	P
(3)C. Other outdoor community recreation facilities	C	P
(4)D. Public park and/or playground	P	P
<b>(e4) Residential Facilities</b>		
(1)A. Residential uses affiliated with a college or university including clubs	C	P
(2)B. Congregate care facility/Nursing home	C	P
(3)C. Parish residence, convent or other residential use associated with a place of worship	C	P
<b>(e5) Accessory Uses</b>		
(1) Administrative government offices	C	P
<i>A. Off-street parking</i>	<i>A</i>	<i>A</i>
<b>(f6) Other Uses</b>		
<i>A. Wireless telecommunications facility</i>	See Chapter 1173	

**Notes to Table 1131.02:**

<sup>(a)</sup> When included as part of a community facilities development for which a general development plan has been approved.

P = Principal use permitted by right

C = Conditional use

*A* = Accessory use



**1131.06 ACCESSORY USE STRUCTURE REGULATIONS.**

Accessory uses ~~uses~~ 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.

- (b) Fences and Walls. Fences and walls shall comply with the regulations set forth below:
  - (1) Location.
    - C. All fences shall comply with Section 1125.175, Visibility at Intersections.

**CHAPTER 1133 (SINGLE-FAMILY RESIDENTIAL DISTRICTS)**

**1133.02 USE REGULATIONS.**

- (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) Accessory buildings and structures in compliance with Section 1133.07, Accessory Uses and Structures.~~
  - ~~(2) Family day care home, "type B" in compliance with Chapter 1125, General Use Regulations.~~
  - ~~(3) Fences, walls, landscape features in compliance with Section 1133.07 and Chapter 1125.~~
  - ~~(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 1133.02 Permitted Uses.

	R-1 Suburban Single-Family District	R-2 Single-Family District	R-T Traditional Residential District
<b>(1) Residential</b>			
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	P	P	--

	R-1 Suburban Single-Family District	R-2 Single-Family District	R-T Traditional Residential District
compliance with Chapter 1134			
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	--	--
<b>(2) Community Facilities on less than 10 acre sites</b>			
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, <i>health or utility</i> facility	<i>CP</i>	<i>CP</i>	<i>CP</i>
F. Utility substation/distribution facility, indoor	C	C	C
G. School (public/private) elementary/secondary	C	C	C
<b>(3) Open Space/Recreation</b>			
<del>A.</del> Agriculture, except confined feeding operations	--	--	--
<del>B.A.</del> Golf course, except miniature golf	C	C	--
<i>CB.</i> Community recreation facility	C	C	C
<del>DC.</del> Public park, public playground	<i>CP</i>	<i>CP</i>	P
<b>(4) Other Uses</b>			
A. Wireless telecommunication facility	See Chapter 1173		
B. Family Day Care Home, Type B	A	A	A
<i>P = Permitted by right      C = Conditional      A = Accessory</i> <i>-- = Use not permitted in district</i>			

**1133.03 LOT AREA AND WIDTH REQUIREMENTS.**

(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 <i>coverage of the lot by buildings coverage<sup>(a)</sup></i>	25% or 2300 sq. ft. whichever is greater		25%
5. <i>Maximum lot coverage<sup>(a)</sup></i>	35%		40%
<i>(a) See Section 1133.07(d) for building coverage of accessory structures</i>			

**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) 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 1133.04. There shall be no required rear setback on a through lot.~~
- ~~(d) Side Setbacks. Each interior and through lot shall have and maintain two (2) side yards as set forth in Table 1133.04 sets forth the minimum width of any side setback and the minimum total width of both side setbacks and in Section 1133.04(e), as applicable.~~
- ~~(e) Side Setbacks for Corner Lots. Corner lots shall maintain the following setback requirements See Figure 1 below.~~
  - ~~(1) Corner Side Setback. Where new construction or an addition to an existing building is proposed for a corner lot, such building or building addition shall maintain a corner side setback that complies with the following:~~
    - ~~A. When the rear lot line of a corner lot coincides with the rear lot line of another corner lot, the corner side setback shall be the greater of:~~
      - ~~1. The corner side setback of the abutting corner lot; or~~
      - ~~2. The minimum side setback set forth in Table 1133.04.~~

~~B. When the rear lot line of a corner lot coincides with the side lot line of an interior lot. The corner side setback shall comply with the requirements for a front setback, including subsection (b) above for front setback dimensions on built-up blocks.~~

~~(2) Interior Side Setback. The width of a side setback along the interior side lot line shall not be less than the minimum side setback as set forth in Table 1133.04.~~

(fd) 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.

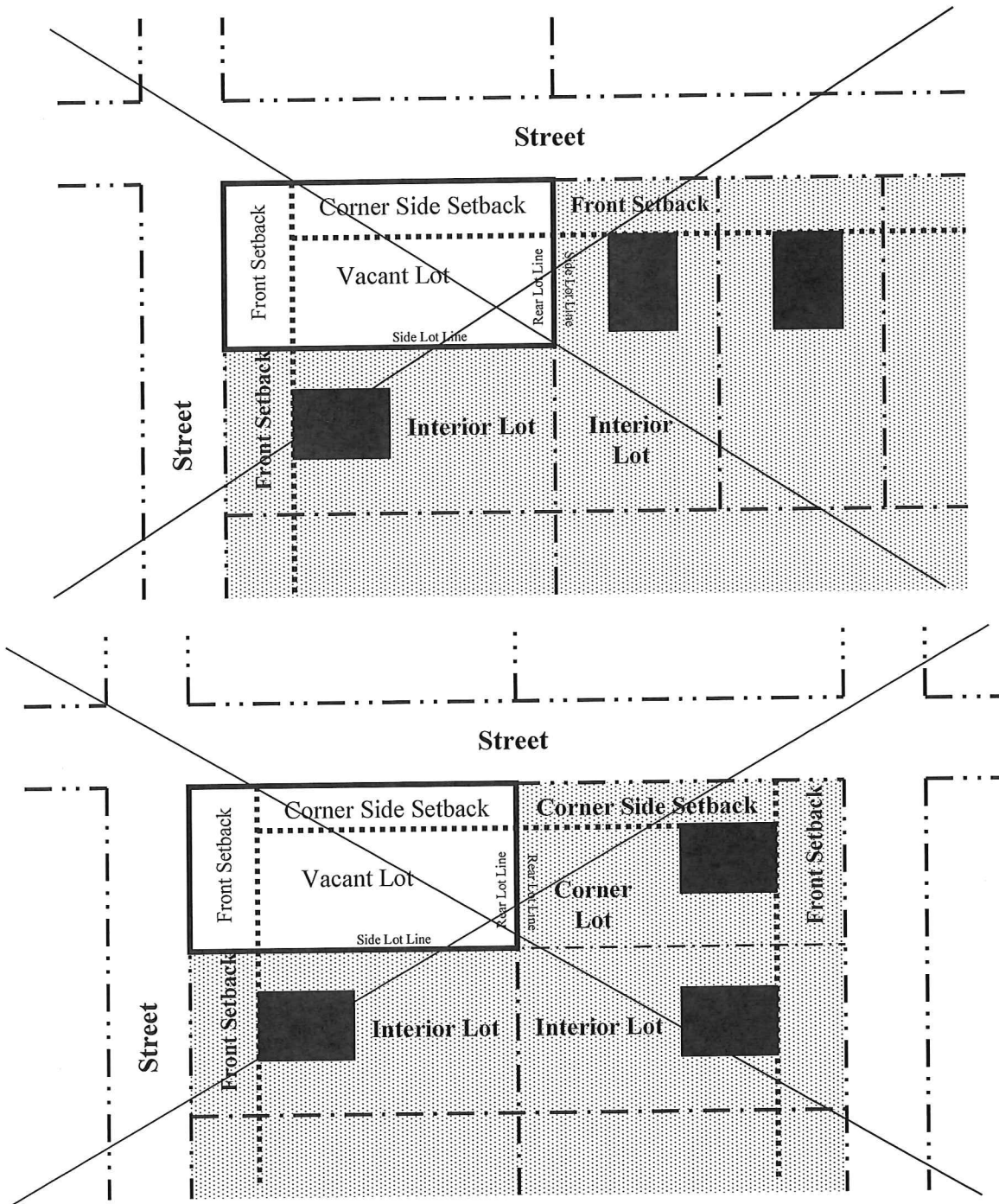
(g) Table 1133.04 Minimum Setback Requirements:

	R-1	R-2	R-T
	Suburban Single-Family District	Single-Family District	Traditional Residential District
(1) Front Setback <sup>a</sup>	25 ft.	25 ft.	20 ft.
(2) Side Setback <sup>a</sup>			
A. Minimum of any one side	5 feet <i>ft.</i>	5 feet <i>ft.</i>	5 feet <i>ft.</i>
B. Total side setback	15 feet <i>ft.</i>	15 feet <i>ft.</i>	10 feet <i>ft.</i>
(3) Rear Setback <sup>a</sup>	20 ft.	20 ft.	20 ft.
<i>(a) See Section 1125.02 for permitted obstructions within required setbacks or other related open space</i>			

Notes to Table 1133.04:

~~(a) See Section 1125.02 for permitted obstructions within required setbacks or other related open space. (Ord. 2012-24. Passed 8-20-12.)~~

Figure 1—Corner Side Setback Requirements:



**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. 2006-49. Passed 5-21-07.)

**1133.07 ACCESSORY USES AND STRUCTURES.**

Accessory ~~uses~~, buildings and structures permitted in single-family residential districts shall conform to the ~~location, coverage, and maintenance~~ standards contained in this Section and Chapter 1125, if applicable. No accessory building ~~or use~~ shall be established on a lot unless a principal building ~~or use~~ has first been established on the lot in conformance with all applicable provisions of this Planning and Zoning Code.

- (a) Location Requirements for Accessory ~~Uses~~ Structures. ~~An a~~Accessory buildings ~~or use~~ **and structures** permitted in a residential district shall be located as set forth in Table 1133.07. However, an accessory use shall only be permitted to the extent such use complies with all other accessory use regulations set forth in this Planning and Zoning Code. (Ord. 2006-49. Passed 5-21-07.)
- (b) Table 1133.07 Permitted Accessory Structures ~~or Uses~~ In Front, Side And Rear Yards:

<b>Table 1133.07 Permitted Accessory Structures In Front, Side And Rear Yards</b>				
<i>Use-Structure</i>	Yard Permitted	Minimum Setback From Lot Line		
		Front	Side	Rear
1. <del>Attached accessory buildings and structures</del>	None	(a)	(a)	(a)
21. Detached accessory buildings, including garages	Side, rear	NP	(b) 5 ft.	(b) 5 ft.
32. Driveways	Front, corner side, side, rear	NA 0 ft.	3 ft.	3 ft.
43. Unroofed parking spaces <sup>(ea)</sup>	Front, corner side, side, rear	(a) 20 ft.	(b) 5 ft.	(b) 5 ft.
54. Fences, walls	Front, corner side, side, rear	0 ft.	0 ft.	0 ft.
65. Outdoor storage of recreation vehicle. See also §1125.09 <sup>(b)</sup>	Side, rear	NP	(b) 10 ft.	(b) 10 ft.
76. Private Swimming pools.	Rear	NP	See §1125.08 10 ft.	See §1125.08 10 ft.

**Notes to Table 1133.07:**

(a) ~~Shall comply with the setback requirements for principal buildings set forth in Table 1133.04.~~

(b) ~~Shall comply with the side setback requirements for principal buildings in Table 1133.04.~~

(ea) Required and non-required parking spaces are permitted in a driveway as shown in Figure 2 under Section 1133.06(e).

(b) *See Section 1125.08 for additional outdoor storage of recreation vehicle regulations*

NA Not Applicable.

NP Not Permitted

- (c) Accessory Buildings. No more than two (2) accessory buildings shall be located on a single zoning 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. 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.
- (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) Fences and Walls. Fences and walls in any residential district shall comply with the regulations in Section 1125.07, Fences and Walls in Residential Districts.~~
- (hg) Temporary Storage Units. Temporary storage units, meaning those without a foundation, shall not be permitted in a front or side yard. They 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. 2006-49. Passed 5-21-07.)
- (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) *Fences that are painted, shall be one color. 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.*
  - (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.*

**CHAPTER 1134  
(CLUSTER RESIDENTIAL DEVELOPMENT REGULATIONS)**

**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 1125.142, 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.

**CHAPTER 1135 (MULTI-FAMILY DISTRICTS)**

**1135.01 INTENT.**

Multi-Family Residential District (R-3, R-4) regulations are established in order to achieve, among others, the following purposes:

- (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.

**1135.02 USE REGULATIONS.**

- (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) Accessory storage buildings or structures in compliance with Section 1135.05.~~
  - ~~(2) Fences, walls, landscape features and other structures in compliance with Section 1135.05 and Chapter 1125.~~
  - ~~(3) Home occupations in compliance with Chapter 1125.~~
  - ~~(4) Private garages and off street parking spaces in compliance with this Chapter and Chapter 1169.~~
  - ~~(5) Signs in compliance with Chapter 1171.~~



(d) Table 1135.02 Permitted Uses.

<b>Table 1135.02 Permitted Uses</b>		
	<b>R-3</b>	<b>R-4</b>
	Attached Single-Family/Townhouse District	Multi-Family District
<b><i>A1. Residential</i></b>		
<b>1A.</b> Single-family detached dwellings	P in subdivisions established prior to June 21, 2007 <sup>1</sup> & in accordance with §1135.03(b) <sup>1</sup>	P in subdivisions established prior to June 21, 2007 <sup>1</sup> & in accordance with §1135.05(b) <sup>1</sup>
<b>2.</b> Multi-family development including one or more of the following unit types: 1. Two-family dwellings 2. Single-family attached dwellings 3. Multiple-family dwellings	P	P
<b>B.</b> <i>Single-family attached dwellings</i>	<i>P</i>	<i>P</i>
<b>C.</b> <i>Two-family dwellings</i>	<i>P</i>	<i>P</i>
<b>D.</b> <i>Multi-family dwellings</i>	--	<i>P</i>
<b>3E.</b> Boarding house	C	C
<b>4F.</b> Adult care facility for 3-5 persons	P	P
<b>5G.</b> Adult care facility for 6-16 persons	C	C
<b>6H.</b> Residential facility for 5 or fewer persons	P	P
<b>7I.</b> Residential facility for 6-8 persons	P	P
<b>8J.</b> Residential facility for 9-16 persons	C	C
<b><i>B2. Community Facilities</i></b>		
<b>1A.</b> Congregate Care Facility/Nursing home	C	C
<b>2B.</b> Place of worship/church	C	C
<b>3C.</b> Day care facility, child and/or adult	C	C
<b>4D.</b> Library, cultural institution	C	C
<b>5E.</b> Public safety, <i>health or utility</i> facility	<i>CP</i>	<i>CP</i>
<b>6F.</b> Utility substation/distribution facility, indoor	C	C
<b>7G.</b> School (public/private) elementary/secondary	C	C
<b><i>C3. Open Space Recreation</i></b>		
<b>1A.</b> Community recreation facility	<i>CP</i>	P
<b>2B.</b> Public park, public playground	P	P

<b>Table 1135.02 Permitted Uses</b>		
	<b>R-3</b>	<b>R-4</b>
	Attached Single-Family/Townhouse District	Multi-Family District
<b>4. Other Uses</b>		
1A. Wireless telecommunication facility	See Chapter 1173	
2B. Temporary sales offices/model unit	P	P
3C. 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: <sup>1</sup> To be permitted by right, such <i>for properties which were subdivided and</i> subdivisions shall have been approved and recorded in the Office of the Wayne County Recorder prior to June 21, 2007. <i>Such properties shall comply with all regulations for detached, single-family homes in the R-2 District that are contained in Chapter 1133.</i>		

**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) ~~Single Family Requirements.~~ In the R-3 and R-4 Districts, single family dwellings on individually subdivided lots shall comply with the regulations for detached, single family homes in the R-2, Single Family District that are contained in Chapter 1133, Single Family Residential Districts.
- (eb) 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.
- (dc) 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.
- (ed) 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.
- (fe) Maximum Number of Attached Single-Family Units. A building comprised of attached single-family units shall have not more than six such units attached.

(g) Table 1135.03 Lot and Density Regulations.

<b>Table 1135.03 Lot and Density Regulations</b>		
	<b>R-3 Attached Single- Family/Townhouse District</b>	<b>R-4 Multi-Family District</b>
(1) Minimum frontage	100 feet <i>ft.</i>	125 feet <i>ft.</i>
(2) Maximum dwelling units per acre	8	15
(3) Maximum lot coverage <i>of the lot</i> by buildings	25%	40%
(4) <i>Maximum lot coverage</i>	<i>45%</i>	<i>60%</i>

**1135.04 SITE DEVELOPMENT REGULATIONS.**

The following regulations are established to regulate the design and development of buildings in multi-family districts.

(e) Table 1135.04 Site Development Standards

<b>Table 1135.04 Site Development Standards</b>		
	<b>R-3 Attached Single- Family/Townhouse District</b>	<b>R-4 Multi-Family District</b>
(1) Minimum Building Setback from Right of Way <sup>(a)</sup>	25 feet	50 feet
(2) Minimum Building Setback from: <sup>(a)</sup>		
A. <i>Right-of-way</i>	<i>25 ft.</i>	<i>50 ft.</i>
AB. Project boundary lines abutting an R-1, R-2 or R-T District	40 feet <i>ft.</i>	50 feet <i>ft.</i>
BC. Project boundary line abutting all other a districts	20 feet <i>ft.</i>	20 feet <i>ft.</i>
(3) Minimum Parking Setback from:		
CA. Right-of-Way	25 feet <i>ft.</i>	50 feet <i>ft.</i>
AB. Project boundary lines abutting an R-1, R-2 or R-T District	20 feet <i>ft.</i>	20 feet <i>ft.</i>
BC. Project boundary line abutting all other districts	10 feet <i>ft.</i>	10 feet <i>ft.</i>
(4) Minimum Building Separation	<i>25 ft.</i>	<i>25 ft.</i>
A. Main wall to main wall	25 feet	25 feet
B. Main wall to end wall	25 feet	25 feet

C. End wall to end wall	25 feet	25 feet
(54) Maximum Principal Building Height	35-feet <i>ft.</i>	6045 feet <i>ft.</i>
Notes to Table 1135.04:		
(a) See Section 1125.02 for permitted obstructions within required setbacks or other related open space.		

Notes to Table 1135.04:

(a) — See Section 1125.02 for permitted obstructions within required setbacks or other related open space. —

**1135.05 ACCESSORY USE REGULATIONS STRUCTURES.**

Any accessory use permitted in an R-3 or R-4 District may occupy a part of the principal building, occupy a separate accessory structure or constitute an accessory land use. *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) — Fence and Wall Regulations. Fences and walls shall comply with the setback requirements set forth in Section 1133.07 (b), Permitted Accessory Structures In Front, Side And Rear Yards, and the regulations regarding fences and walls in Chapter 1125.~~
- ~~(b) — 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 1125.08, Swimming Pools.~~
- ~~(c) — Minimum Setbacks for Accessory Buildings and Uses. Accessory buildings including garages, carports and recreation facilities, and active recreation areas such as a swimming pool or tennis court which is intended for use by the residents of the residential development shall comply with the minimum setbacks set forth below~~
  - ~~(1) — The minimum setback from the public right of way for such accessory buildings and uses shall be equal to the setback of the principal building.~~
  - ~~(2) — The minimum setback from a side or rear lot line abutting an R-3 or nonresidential district shall be 15 feet.~~
  - ~~(3) — The minimum setback from the side or rear lot line abutting an R-1 or R-2 district shall be 20 feet~~
- ~~(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:~~

<i>Table 1135.05 Permitted Accessory Structures in Front, Side and Rear Yards</i>				
<i>Structure</i>	<i>Yard Permitted</i>	<i>Minimum Setback From Lot Line</i>		
		<i>Front</i>	<i>Side</i>	<i>Rear</i>
<i>1. Detached accessory buildings<sup>(a)</sup>- Property boundary abutting R-1, R-2, R-3 and R-T Districts</i>	<i>Side, rear</i>	<i>NP</i>	<i>20 ft.</i>	<i>20 ft.</i>

<i>Table 1135.05 Permitted Accessory Structures in Front, Side and Rear Yards</i>				
<i>Structure</i>	<i>Yard Permitted</i>	<i>Minimum Setback From Lot Line</i>		
		<i>Front</i>	<i>Side</i>	<i>Rear</i>
<i>2. Detached accessory buildings<sup>(a)</sup> - Property boundary abutting all other districts</i>	<i>Side, rear</i>	<i>NP</i>	<i>10 ft.</i>	<i>10 ft.</i>
<i>3. Fences, walls</i>	<i>Front, corner side, side, rear</i>	<i>0 ft.</i>	<i>0 ft.</i>	<i>0 ft.</i>
<i>4. Outdoor storage of recreation vehicles<sup>(b)</sup></i>	<i>Side, rear</i>	<i>NP</i>	<i>10 ft.</i>	<i>10 ft.</i>
<i>5. Private Swimming pools<sup>(c)</sup></i>	<i>Rear</i>	<i>NP</i>	<i>10 ft.</i>	<i>10 ft.</i>

*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.*
  - (4) *Fences that are painted, shall be one color. Fences, walls and similar screening devices shall be maintained in good repair 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.*
  - (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.*

**CHAPTER 1137 (MANUFACTURING HOME PARK DISTRICT)**

**1137.02 USE REGULATIONS.**

- (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.
  - ~~(3) Signs in compliance with Chapter 1171.~~
- (d) Table of Permitted Uses.

<b>Table 1137.02 PERMITTED USES IN MANUFACTURED HOME DISTRICT</b>	
	<b>R-5</b>
	<b>Manufactured Home</b>
<b>(1) Residential</b>	
(a)A. Manufactured home	P
(b)B. Mobile home	P
(c)C. Manufactured home community	P
<b>(2) Residential/Work</b>	
(a)A. Home occupation <sup>51</sup>	A
<b>(3) Recreation/Open Space</b>	
(a)A. Park/playground	P
<b>(4) Other</b>	
(a)A. Day care facility, child and/or adult	C
(b)B. Wireless Telecommunication facility	See Chapter 1173
<b>(5) Accessory Uses</b>	
(a) — Accessory buildings	A
(b)A. Office <sup>12</sup>	A
(c)B. Personal service establishment <sup>3</sup>	A
(d)C. Recreation facility, indoor <sup>24</sup>	A

**Table 1137.02  
PERMITTED USES IN MANUFACTURED HOME DISTRICT**

	<b>R-5 Manufactured Home</b>
(e)D. Recreation facility, outdoor <sup>24</sup>	A
(f)E. Retail Business <sup>3</sup>	A
(g) Signs	A
(h)F. Single-family dwelling, detached <sup>45</sup>	A
<sup>51</sup> As further regulated by Chapter 1125 <sup>42</sup> An office for the on-site manager shall be a permitted. All other office uses are prohibited. <sup>3</sup> A personal service establishment and a retail business that is solely utilized by residents of the manufactured home community shall be permitted. <sup>24</sup> Recreation facilities that are solely utilized by the residents of the manufactured home community shall be permitted. <sup>45</sup> 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	

## CHAPTER 1141 (COMMERCIAL DISTRICT REGULATIONS)

### 1141.09 ACCESSORY USE REGULATIONS.

Accessory uses 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:

- (b) Fences and Walls. Fences and walls may be erected in any Commercial District in compliance with the requirements set forth below.
  - C. All fences shall comply with Section 1125.175, Visibility at Intersections.

## CHAPTER 1142 (CPRO DISTRICT)

### 1142.07 ACCESSORY USE REGULATIONS.

Accessory uses permitted in the CPRO District shall conform to the regulations in this Section as well as any other applicable Sections.

- (b) Fences and Walls. Fences and walls may be erected in the CPRO District in compliance with the requirements set forth below.
  - (1) Location.
    - C. All fences shall comply with Section 1125.175, Visibility at Intersections.



#### **1142.09 PERFORMANCE STANDARDS.**

All uses shall comply with the following performance standards:

- (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 1125.164, Performance Standards.

### **CHAPTER 1143 (MANUFACTURING DISTRICT REGULATIONS)**

#### **1143.08 ACCESSORY USE REGULATIONS.**

Accessory uses permitted in any Manufacturing District shall conform to the regulations of this Section and any other applicable regulation in this Planning and Zoning Code.

- (c) Fences and Walls. Fences and walls may be erected in any Industrial District in compliance with the requirements set forth below:
  - (1) Location.
    - C. All fences shall comply with Section 1125.175, Visibility at Intersections.

### **CHAPTER 1145 (PDOD DISTRICT)**

#### **1145.06 SUBMISSION REQUIREMENTS.**

- (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:
  - (10) Covenants, Easements and Restrictions.
    - 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 1125.142, Requirements for Owners Associations:

### **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:

- (b) Location Requirements.
  - (4) Trees shall be planted an adequate distance from intersections so that at full maturity such planting shall comply with Section 1125.175, Visibility at Intersections, to ensure the unobstructed visibility of motorists and pedestrians.



## CHAPTER 1171 (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.

- (c) Permanent Freestanding Signs. Permanent freestanding signs permitted in nonresidential districts shall comply with the following regulations:
  - (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 1125.175.

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, OHIO 44691  
Fax: 330-263-5274

August 29, 2013

Wooster City Council  
538 North Market Street  
Wooster, OH 44691

Dear Council Members:

At the August 28, 2013 meeting of the Wooster City Planning Commission, a motion was made and carried to recommend to Council approval of amendments to the Wooster Planning and Zoning Code Chapter 1141 (Commercial District Regulations), Chapter 1142 (CPRO District), Chapter 1143 (Manufacturing District Regulations), Chapter 1147 (Conditional Use Regulations), Chapter 1165 (Landscaping and Land Use Buffers) and Chapter 1169 (Off-Street Parking and Loading Regulations).

Sincerely,

Kevin Lowry, Chairman  
Wooster City Planning Commission

KL/lah  
Enclosures—Request for Agenda Item (City Council)

## EXHIBIT B

### PROPOSED ZONING CODE AMENDMENTS TO CHAPTER 1141 (COMMERCIAL DISTRICT REGULATIONS), CHAPTER 1142 (CPRO DISTRICT), CHAPTER 1143 (MANUFACTURING DISTRICT REGULATIONS), CHAPTER 1147 (CONDITIONAL USE REGULATIONS), CHAPTER 1165 (LANDSCAPING AND LAND USE BUFFERS), AND CHAPTER 1169 (OFF-STREET PARKING AND LOADING REGULATIONS)

#### CHAPTER 1141 (COMMERCIAL DISTRICTS)

#### 1141.02 USE REGULATIONS.

(d) Table 1141.02 Permitted Uses.

<b>Table 1141.02 Permitted Uses</b>					
	<b>C-1 Office, Institutional</b>	<b>C-2 Neighborhood Business</b>	<b>C-3 Community Commercial</b>	<b>C-4 Central Business</b>	<b>C-5 General Commercial</b>
<b>(1) Residential/Lodging</b>					
A. Single-family dwelling	P <sup>4</sup>	P <sup>4</sup>	--	--	--
B. Single-family attached dwellings	--	--	--	C	--
C. Two-family dwelling	P <sup>4</sup>	P <sup>4</sup>	--	--	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	--	P <sup>3</sup> C
<b>(3) Retail and Services</b>					
L. Custom print shop	--	--	--	--	P <sup>65</sup>
<b>(6) Community Facilities/ Other</b>					
G. Public safety, <i>health or utility</i> facility	P	P	P	P	P
<b>(7) Accessory Uses</b>					
G. Signs	A	A	A	A	A
<p>P = Permitted by right      C = Conditional      A= Accessory      -- = Use not permitted in district</p>					

- <sup>1</sup> 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.
- <sup>2</sup> All operations, including storage, shall take place in a principal and/or an accessory building.
- <sup>3</sup> 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.
- <sup>4</sup> Only those dwelling units that existed on June 21, 2007 shall be permitted. New dwelling units are prohibited.
- <sup>5</sup> ~~In the C-5, General Commercial District, the maximum residential density shall not exceed fifteen (15) dwelling units per acre. 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. The minimum building wall separation shall be twenty-five (25) feet.~~
- <sup>65</sup> 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.

#### 1141.04 BUILDING SETBACK REQUIREMENTS.

(b) Table 1141.04: Minimum Building Setbacks.

**Table 1141.04  
Minimum Building Setbacks**

Notes to Table 1141.04

- <sup>1</sup> Shall comply with Section 1141.04(c) below
- <sup>2</sup> Except when buildings share a common wall, then there shall be no setback required.
- <sup>3</sup> See Section 1125.02 for permitted obstructions within required setbacks or other related open space.
- <sup>4</sup> A property in a commercial district containing a permitted residential or conditional residential use which abuts either a property in a multi-family residential district or a property in a commercial district containing a similar permitted or conditional residential use shall utilize the side and rear lot lines stated in Table 1135.04(2)B(1)C.

#### 1141.09 ACCESSORY USE STRUCTURE REGULATIONS.

Accessory ~~uses~~ **structures** permitted in any ~~C~~commercial ~~D~~district shall conform to the regulations in this Section as well as any other applicable provisions in this Planning and Zoning Code:

- (b) Fences and Walls. Fences and walls may be erected in any ~~C~~commercial ~~D~~district in compliance with the requirements set forth below.
- (2) Materials and Construction.
- A. Approved fencing materials include ***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, or provided for outdoor dining pursuant to Section 1141.07.~~
- ~~DC.~~ All fences shall be designed, constructed, and finished so that the supporting members face the property of the owner of the fence.
- ~~ED.~~ 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 ~~forty-two (42) inches~~ ***four (4) feet*** in height when located in

front of a building *or a required setback abutting a public street right-of-way*, ~~or a~~ 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 ~~from the street~~ with appropriate landscaping as follows:

1. ~~Fences that are located within required building and parking setbacks shall be considered appropriately screened when the landscaping required in Section 1165.05, Landscaping along the Street Frontage, is planted within five (5) feet of the fence and between the fence and the property line.~~

2. ~~Fences that are not located within the required setback areas shall be screened with the following landscape materials, planted not more than five (5) feet from the fence and between the fence and the property line:~~

a1. One shade tree shall be provided for every ~~thirty (30)~~ *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 ~~2.5~~ *two (2)* inches and a clear trunk height of at least six (6) feet;

b2. One shrub, that is twenty-four (24) inches in height at planting, shall be provided for every ~~five (5)~~ *ten (10)* feet fence length or fraction thereof, not including gates or other fence openings; and,

e3. 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. 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.~~

#### 1141.11 DESIGN STANDARDS.

(b) Applicability of Regulations. In addition to the development standards set forth in this Chapter, the design standards set forth in ~~Table 1141.11~~ *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.)

(d) Exceptions. The Planning Commission is authorized to grant an exception to the Design Standards contained in ~~Table 1141.11~~ *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.

(e) Table 1141.11 Design Standards.

<b>Table 1141.11 Design Standards</b>				
<b>Design Standard</b>	<b>C-2 Neighborhood Business</b>	<b>C-3 Community Commercial</b>	<b>C-4 Central Business</b>	<b>C-5 General Commercial</b>
(1) <del>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.</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>
(2) <del>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.</del>	<del>X</del>	<del>X</del>	<del>X</del>	
(3) <del>Buildings, structures and landscaping is 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.</del>	<del>X</del>	<del>X</del>	<del>X</del>	
(4) <del>On each zoning lot, the minimum percent, set forth in this sub-section, of the frontage abutting the public street shall be devoted to the principal building. See Figure 1 below.</del>	<del>65%</del>	<del>50%</del>	<del>80%</del>	<del>NA</del>
(5) <del>Blank walls, those devoid of openings such as transparent windows and transparent doors, shall not be permitted on the front facade of any building.</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>
(6) <del>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.</del>			<del>X</del>	

<b>Table 1141.11 Design Standards</b>				
<b>Design Standard</b>	<b>C-2 Neighborhood Business</b>	<b>C-3 Community Commercial</b>	<b>C-4 Central Business</b>	<b>C-5 General Commercial</b>
(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 percent (25%) 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.	X	X	X	X
(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.	X	X	X	X
(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.	X	X	X	X

- (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.*

**CHAPTER 1142  
(CAMPUS, PROFESSIONAL, RESEARCH, AND OFFICE DISTRICT)**

**1142.02 USE REGULATIONS.**

(g) Table 1142.02 Permitted Uses.

	CPRO
<b>(1) Accessory Uses</b>	
A. Off-street parking facility	A
B. Signs	A

**1142.07 ACCESSORY USE STRUCTURE REGULATIONS.**

Accessory uses ~~uses~~ *structures* permitted in the CPRO District shall conform to the regulations in this Section as well as any other applicable Sections.

(b) Fences and Walls. Fences and walls may be erected in the CPRO District shall conform with the requirements set forth below.

(2) Materials and Construction.

- A. ~~Approved fencing materials include~~ *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 ~~forty-two (42) inches~~ *four (4) feet* in height when located in front of a building *or a required setback abutting a public street right-of-way*, ~~or a~~ 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 ~~from the street~~ with appropriate landscaping as follows:
    - 1. ~~Fences that are located within required building and parking setbacks shall be considered appropriately screened when the landscaping required in Section 1165.05, Landscaping along the Street Frontage, is planted within five (5) feet of the fence and between the fence and the property line.~~
    - 2. ~~Fences that are not located within the required setback areas shall be screened with the following landscape materials, planted not more than five (5) feet from the fence and between the fence and the property line:~~
      - a1. One shade tree shall be provided for every ~~thirty (30)~~ *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 ~~2.5~~ *two (2)* inches and a clear trunk height of at least six (6) feet;
      - b2. One shrub, that is twenty-four (24) inches in height at planting, shall be provided for every ~~five (5)~~ *ten (10)* feet fence length or fraction thereof, not including gates or other fence openings; and,
      - c3. 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. *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 ZONING DISTRICTS)

(d) Table of Permitted Uses.

<b>Table 1143.02 Permitted Uses</b>				
	<b>M-1 Office/Limited Manufact'g</b>	<b>M-2 General Manufact'g</b>	<b>M-3 Urban Manufact'g</b>	<b>M-4 Open Space/ Heavy Manufat'g</b>
<b><del>A</del>(1) Offices/Retail/Services</b>				
<del>1</del> A. Administrative/professional offices, but not including medical and dental offices	P	--	P	--
<del>2</del> B. Car wash	C	--	--	--
<del>3</del> C. Drive-thru facility in association with a permitted use	C	--	--	--
<del>4</del> D. Financial institution/Banks	C	--	C	--
<del>5</del> E. Gasoline station/pumps	C	C	--	--
<del>6</del> F. Kennel with outdoor run	C	C	--	P
<del>7</del> G. Restaurant, indoor or other type of eating and drinking establishment	C	--	C	--
<del>8</del> H. School, commercial, business, or trade	P	--	P	--
<del>9</del> I. Service establishment, business	P	--	--	--
<del>10</del> J. Service establishment, personal <sup>1</sup>	C	--	--	--
<del>11</del> K. Veterinary office, animal hospital	P	P	P	--
<b><del>B</del>(2) Industrial/Warehousing Uses</b>				
<del>1</del> A. Light industrial processing, assembly	P	P	P	P
<del>2</del> B. Manufacturing and production with outdoor activities (open space)	--	--	--	P
<del>3</del> C. Manufacturing and production within enclosed building	P	P	P	P
<del>4</del> D. Manufacturing using raw materials, including saw mill, asphalt plant, etc.	--	--	--	P
<del>5</del> E. Metal, steel alloy fabrication	--	P	--	P
<del>6</del> F. Outdoor storage of materials & general merchandise	--	P	--	P
<del>7</del> G. Scientific research, development, training and testing facility	P	P	P	P
<del>8</del> H. Transport and truck terminal	--	P	--	P
<del>9</del> I. Self-storage facility, indoor	--	C	--	C

**Table 1143.02  
Permitted Uses**

	<b>M-1 Office/Limited Manufact'g</b>	<b>M-2 General Manufact'g</b>	<b>M-3 Urban Manufact'g</b>	<b>M-4 Open Space/ Heavy Manufat'g</b>
10J. Warehousing	P	P	P	P
11K. Wholesale sales & distribution, indoor	P	P	P	P
12L. Wholesale sales & distribution, outdoor	--	P	--	P
<b>C.(3) General Commercial Uses:</b>				
1A. Agriculture/farm supplies and services	--	P	--	P
2B. Business equipment sales and service	P	P	P	P
3C. Business maintenance services	P	P	P	P
4D. Cemetery monuments works	P	P	--	P
5E. Cleaning establishments - laundry, carpet, other cleaning service	--	P	P	P
6F. Commercial greenhouse	P	P	--	P
7G. Construction trade, contractor's facility	P	P	P	P
8H. Grain elevator, feed mill	--	--	--	P
9I. Printing and publishing	P	P	P	P
10J. Retail establishment	P <sup>2</sup>	--	--	--
11K. Sale of building materials	P	P	P	P
<b>D.(4) Vehicle/Equipment Sales, Service, Storage</b>				
1A. Outdoor storage of fleet vehicles/equipment used in operation of principal use	--	C	--	P
2B. RV, farm implement, construction equipment, or other large equipment sales, service and commercial storage	--	P	--	P
3C. Vehicle repair garage	P	P	P	P
4D. Motor vehicle body shop	P	P	P	P
<b>E.(5) Other Use Types:</b>				
1A. Agriculture	--	P	--	P
2B. Crematorium	--	P	--	P
3C. Mineral excavation, quarry operations	--	C	--	P
4D. Plant nursery/greenhouse	--	P	--	P
5E. Public safety facility	P	P	P	P

<b>Table 1143.02 Permitted Uses</b>				
	<b>M-1 Office/Limited Manufact'g</b>	<b>M-2 General Manufact'g</b>	<b>M-3 Urban Manufact'g</b>	<b>M-4 Open Space/ Heavy Manufat'g</b>
6F. Utility substation/distribution facility, indoor & outdoor	P	P	P	P
7G. Public service/maintenance <i>safety, health or utility</i> facility	--	P	--	P
8H. Campgrounds	--	C	--	P
9I. Recycling collection/processing facility	--	C	--	P
10J. Radio and TV Stations	--	P	--	P
11K. Wireless telecommunication facility	See Chapter 1173			
<del>F.</del> (6) <b>Accessory Uses:</b>				
1A. Day care facility, child and/or adult	A	A	A	A
2B. Outdoor sales and display	--	A	--	A
3C. Off-street parking and loading facilities	A	A	A	A
4. Signs	A	A	A	A
5D. Accessory medical clinics, lunchrooms, cafeterias, and recreational facilities in association with a permitted use	A	A	A	A
<i>E. Outdoor Activities, See Section 1143.07</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>A</i>
P = Permitted by right      C = Conditional      A = Accessory      -- = Use not permitted in District				
<sup>1</sup> 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. <sup>2</sup> 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.				

**1143.08 ACCESSORY USE STRUCTURE REGULATIONS.**

Accessory uses ~~uses~~ *structures* permitted in any ~~M~~manufacturing ~~D~~district shall conform to the regulations of this Section and any other applicable regulation in this Planning and Zoning Code.

(c) Fences and Walls. Fences and walls may be erected in any ~~Industrial~~ *manufacturing* ~~D~~district in compliance with the requirements set forth below:

(2) Materials and Construction.

A. ~~Approved fencing materials include~~ *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.~~ Only ornamental fences shall be permitted in front of a building, unless required for screening pursuant to Chapter 1165, Landscaping and Land Use Buffers, or provided for outdoor dining pursuant to Section 1141.07.
  - ~~DC.~~ All fences shall be designed, constructed, and finished so that the supporting members face the property of the owner of the fence.
  - ~~ED.~~ 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 forty two (42) inches in height when located in front of a building, or a unless otherwise required by this Planning and Zoning Code. ***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 ~~from the street~~ with appropriate landscaping as follows:
    - 1. ~~Fences that are located within required building and parking setbacks shall be considered appropriately screened when the landscaping required in Section 1165.05, Landscaping along the Street Frontage, is planted within five (5) feet of the fence and between the fence and the property line.~~
    - 2. ~~Fences that are not located within the required setback areas shall be screened with the following landscape materials, planted not more than five (5) feet from the fence and between the fence and the property line:~~
      - a1. One shade tree shall be provided for every ~~thirty (30)~~ ***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 ~~2.5~~ ***two (2)*** inches and a clear trunk height of at least six (6) feet;.
      - b. ~~One shrub, that is twenty four (24) inches in height at planting, shall be provided for every five (5) feet fence length or fraction thereof, not including gates or other fence openings; and,~~
      - e2. 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.~~ ***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 1147 – CONDITIONAL USE REGULATIONS**

**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 <sup>(1)</sup>		Also See Section:
		Area	Width	
14. Multi-family dwelling development	C-3, C-5	2 acres	200 ft	1147.09(r)

**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.

(r) Multi-Family.

- (1) — The principal orientation of all the multi-family buildings shall be the public street on which the lot has frontage. There shall be at least one entrance, for each building facing the street, and the principal windows of the multi-family units shall also face this public street.
- ~~(3) — All accessory structures shall be located behind the rear building line of the multi-family dwellings.~~
- (4I) 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.
- ~~(5) — In the C-3, Community Commercial District, the maximum residential density shall not exceed eight (8) dwelling units per acre. 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.~~
- (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.*



**CHAPTER 1165**  
**(LANDSCAPING – STREET TREE PLANTING REQUIREMENTS)**

**1165.03 DEFINITIONS.**

Terms related to required landscaping and screening shall have the following meanings:

- (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.*

**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:

(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 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 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*. See sub-section 1165.11(i) for requirements related to planting required street trees in sidewalk pits. *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.

(dc) Installation. In the case of residential subdivisions, street trees shall be planted after seventy-five (75) percent (~~75%~~) of the residential dwelling units have been occupied. 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.

(ed) 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 (2) year guarantee period.

- (7) ~~In order to secure the guarantee,~~ *Developments requiring ten (10) or more street trees shall require* the developer shall *to* deposit an *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.

**1165.05 LANDSCAPING ALONG THE STREET FRONTAGE.**

All areas within the ~~required front setback, corner building setback and/or parking setback~~ *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) ~~Three (3)~~ **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) ~~Twenty shrubs shall be provided for every 100 linear feet of lot frontage or fraction thereof, not including drive entrances.~~
- (eb) All areas not devoted to trees and shrubs shall be planted with grass, ground cover or other live landscape treatment.
- (dc) Trees and shrubs may be aggregated appropriately.
- (ed) Whenever the building setback is five (5) feet or less, these requirements shall not apply.

**1165.06 SCREENING AND LANDSCAPING OF PARKING LOTS.**

- (b) Perimeter Landscaping Requirements. ~~In addition to the requirements of subsections 1165.06(a) and 1165.06(e) hereof, p~~Perimeter 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. ~~However, this does not mean that shade trees must be located forty (40) feet on center or be spaced forty (40) feet apart. This strip shall be landscaped open space free of any wall, fence, embankment and/or walkway. Such wall, fence, etc. may exist or be constructed on the edge of such landscape 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. In addition to the requirements of subsections 1165.06(a) and 1165.06(b) hereof, wWhen 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 utilizing ~~one of the following methods.~~ ***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.***

The requirements of this subsection shall not apply where planting is required for screening pursuant to subsection 1165.07(e)(6).

- (1) ~~Landscaped setbacks.~~ Provide at least a ten (10) foot wide landscaped area exclusive of that required for sidewalks and utility easements, as specified in the Planning and Zoning Code, between the road right of way and the parking lot. When a parking lot is located adjacent to an alley, a minimum of

a four (4) foot wide landscaped area, exclusive of any type of curbs, shall be provided between the alley right of way and the parking lot.

This landscaped strip shall contain the plantings mandated by Section 1165.04, Street Tree Planting Requirements, if the plantings mandated by Section 1165.04 are not provided in the right of way. At least a three (3) foot high evergreen hedge, masonry wall or ornamental fence, with landscaping provided in front of such wall, fence, etc. (which meets the requirements in sub-section 1165.06 (b), Perimeter Landscaping Requirements), shall also be constructed on the edge of such landscape strip closest to the parking lot.

- ~~(2) Grade changes. In cases where substantial grading is necessary that results in a parking lot lower in elevation than the surrounding or adjacent right of way, the resulting embankment should be planted with low shrubs and shade or ornamental trees. A minimum of 10 feet of landscaping should be provided between the right of way and the parking lot.~~
- ~~(3) Landscape berms. Create at least a two (2) foot high berm with slopes not to exceed twenty five (25) percent for lawn areas. Berms planted with ground cover and shrubs can be steeper; however, no slope should exceed forty (40) percent.~~
- ~~(4) Woodland preservation. In cases where quality woodland exists, preserve existing trees between the parking lot and the right of way. Provide additional evergreen shrubs if needed to achieve an effective visual buffer. The vegetation should be saved.~~

#### **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 adjacent roads and properties *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) Outdoor Storage and Loading Areas. Permitted loading areas, outdoor storage of goods, supplies, equipment or vehicles used in the operation of an establishment, where permitted, shall be enclosed with a solid fence or wall, including solid gates. The wall or fence shall have a height tall enough to conceal all operations and materials therein from the view of any observer standing at the grade level of an abutting lot or a public street. *shall be screened from the public right-of-way and abutting properties 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 an outdoor activity area.*
- ~~(d) Height of Screening. Screening shall be a minimum of six (6) feet in height placed adjacent to the waste receptacles, storage or loading areas so as to effect screening from any adjacent streets and any adjoining properties.~~
- (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.*

**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.*

**1165.145 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.

**CHAPTER 1169 (OFF-STREET PARKING AND LOADING REGULATIONS)**

**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.

**Table 1169.04  
Required Off-Street Parking Spaces**

<u>Principal Building or Use</u>	<u>Minimum Parking Requirement</u> <sup>(a)</sup>
(ec) Office, Professional Services	
<del>(fd)</del> Retail/ Personal Services	
<del>(ge)</del> Entertainment - Recreation	
<del>(hf)</del> Automotive Uses	
<del>(ig)</del> General Commercial and Industrial Uses	







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

Division  Project Name  Requested Meeting Date

- Approved for Agenda
- Full Amount is Budgeted

If not, how is purchase to be funded?

Description of Purchase

Justifications / Benefits

How will this project effect the City's operating budget?

What alternatives exist, and what are the implications of the alternatives?

- Sole Source Bid or Non-Bid Situation?

If Yes, explain the circumstances

- Requesting suspension of the rules?

If Yes, explain reasons.

Division Manager  Date

Res #90



RESOLUTION NO. 2013-91

A RESOLUTION IN SUPPORT OF NEFCO's ECONOMIC DEVELOPMENT PLANNING PROGRAM, AND DECLARING AN EMERGENCY

WHEREAS, the Public Works and Economic Development Act of 1965 as amended, delegates to the Economic Development Administration the responsibility of assisting in the development of multi-county planning districts through project grants which assure effective utilization of local resources in creating full-time permanent jobs for the unemployed and under-employed; and

WHEREAS, the purpose of the 1974 amendment to the Public Works and Economic Development Act of 1965 was to further authorize economic adjustment assistance in the form of planning grants under Title IX, and implementation grants under Title I and II, to areas experiencing unemployment caused by structural changes in the area's economy; and

WHEREAS, the Economic Development Administration is authorized through planning and implementation grants to assist area planning efforts to solve problems of economic growth, unemployment and underemployment; and

WHEREAS, the Northeast Ohio Four County Regional Planning and Development Organization ("NEFCO") region is undergoing significant changes in the structure of its economy; and

WHEREAS, the Economic Development Administration has designated the NEFCO region as an Economic Development District (EDD), based on the incidence of unemployment rates; and

WHEREAS, the NEFCO General Policy Board, in conjunction with its 126 local units in government, has formulated the NEFCO 2013-2016 Economic Development Administration Work Program.

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

SECTION 1. That the Wooster City Council hereby concurs with the goals, objectives and Comprehensive Economic Development Strategy ("CEDS") project priorities.

SECTION 2. That the City of Wooster has submitted three projects: (1) Water Utilities Project to support development along Geyers Chapel Road; (2) North High Water Tower Project; and (3) Geyers-Chapel Road to Old Airport Road Connector project, all for inclusion as priority projects in the CEDS for 2014.

SECTION 3. That the Wooster City Council hereby approves and supports NEFCO's Economic Development Planning Program, and will continue to participate in the NEFCO Economic

Development District Program.

SECTION 4. The Clerk of Council is hereby authorized and directed to mail or otherwise deliver promptly a certified copy of this Resolution to the executive director of NEFCO.

SECTION 5. 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 6. 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 offer timely support for this important economic development program; 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: \_\_\_\_\_, 2013

Vote: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_, 2013

\_\_\_\_\_  
Mayor

Introduced by: Jon Ansel

**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 requested by the Northeast Ohio Four County Regional Planning and Development Organization ("NEFCO") to provide a Resolution of support for the continuation of its Economic Development Planning Program, and that the City will continue to participate in the program. The City is a dues-paying member of NEFCO, a regional organization that coordinates with the Economic Development Administration in grant procurement, among other development tasks throughout the region.

This effort is a continuation of Resolution 2012-112, which was passed in January to support NEFCO's application for its 2013-2016 Economic Development Administration work program. For 2014, the City of Wooster has proposed including the following economic development projects within the Comprehensive Economic Development Strategy ("CEDS") project priority list, which may better position the City for future grant funding for these and other economic development pursuits. These projects proposed for 2014 are: (1) Water Utilities Project to support the future Daisy Brand manufacturing site, (2) the proposed North High Water Tower Project, and (3) a connector between Geyers Chapel Road and Old Airport Road.

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

Yes - NEFCO is working to compile an application for EDA Grant Funding. Passage prior to December would greatly help facilitate NEFCO's work for the entire four-county region.

**Manager Requesting**

**Date**

**Approved for Agenda**

*Rx #91*



## Request for Agenda Item Non-Capital

**Division**  **Meeting Date Requested**

**Project Name**   **Approved for Agenda**

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

This is a request to enter into a contract with the Wooster YMCA to manage the City of Wooster's Aquatic Facilities for the summer 2014 season. The scope of the partnership would include day to day operations, staffing, light maintenance (cleaning), pool set-up and end of season winterization of all facilities. The goal of the partnership is to reduce expenses at all City and YMCA Aquatic Facilities while still providing the same level of Recreational and Competitive swimming opportunities.

This partnership would allow for one organization to manage all City pool facilities (YMCA pool, Natatorium pool and City pools) and coordinate operating hours.

In addition to managing the pool staff, this partnership would save approximately 200 hours of City HR staff time processing seasonal staff paperwork and coordinating drug screenings. This equals approximately \$5000 in HR cost savings. Not included in these savings is the Workers Comp liability and the unemployment exposure that the City would no longer be responsible for.

Finally, this would save several hundred hours of Recreation staff time normally spent managing the pool staff. This time will be redirected towards providing recreation programs that have been either cut back or eliminated in recent years due to budget cuts.

The total contract for basic services would be \$125,296. Estimated additional services for special events coverage is \$3,000. The City's currently projected cost for these services is over \$172,000 for 2013.

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

**Manager Requesting**

**Date**

**Approved for Agenda**

*Res #92*