

WOOSTER CITY COUNCIL AGENDA
September 15, 2014
7:30 p.m.

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

- I. ROLL CALL & ORDERING OF AGENDA**
- II. APPROVAL OF MINUTES**
- III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**
- IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**
- V. COMMITTEE REPORTS; PUBLIC HEARINGS**

PUBLIC HEARING: Proposed amendments to City of Wooster's Zoning Code: Chapter 1115 (Submission Requirements), Chapter 1119 (Amendments), Chapter 1125 (General Use Regulations), Chapter 1131 (Community Facilities District), Chapter 1133 (Single-Family Residential Districts), Chapter 1135 (Multi-Family Residential Districts), Chapter 1137 (Manufactured Home Park District), Chapter 1141 (Commercial District Regulations), Chapter 1142 (Campus, Professional, Research and Office District), Chapter 1143 (Manufacturing District Regulations), Chapter 1147 (Conditional Use Regulations), Chapter 1149 (Nonconforming Use, Lots, and Structures), Chapter 1163 (Environmental Protection Regulations), Chapter 1165 (Landscaping and Land Use Buffers), Chapter 1171 (Sign Regulations), Chapter 1173 (Regulations for Wireless Telecommunications Facilities) and Chapter 1181 (Vehicular and Pedestrian Circulation).

VI. OLD BUSINESS

- 1. Second Reading – ORDINANCE NO. 2014-22 AN ORDINANCE AUTHORIZING THE MAYOR TO IMPLEMENT THE CITY'S LAST, BEST AND FINAL OFFER FOR MEMBERS OF THE WOOSTER EMPLOYEES ASSOCIATION REGARDING WAGES, BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT, AND DECLARING AN EMERGENCY (Ansel)

- 2. Second Reading – ORDINANCE NO. 2014-23 AN ORDINANCE AUTHORIZING THE CITY OF WOOSTER TO PICK UP A PORTION OF THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR ALL LABOR, TRADES, TECHNICAL, CLERICAL AND ADMINISTRATIVE EMPLOYEES OF THE CITY PURSUANT TO I.R.C. SECTION 414(H)(2), AND DECLARING AN EMERGENCY (Ansel)

VII. NEW BUSINESS

- 1. First Reading – ORDINANCE NO. 2014-24 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)

- 2. First Reading – ORDINANCE NO. 2014-25 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,800,000 FOR THE PURPOSE OF PAYING COSTS IMPROVING THE CITY'S WASTEWATER TREATMENT PLANT ACQUIRING, CONSTRUCTING AND INSTALLING RELATED WASTEWATER TREATMENT FACILITIES AND EQUIPMENT, TOGETHER

WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (Ansel)

3. First Reading – RESOLUTION NO. 2014-57 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR FUEL SERVICES FOR CITY VEHICLES (Ansel)
4. First Reading – RESOLUTION NO. 2014-58 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR PURCHASING ROAD SALT (Ulbright)
5. First Reading – RESOLUTION NO. 2014-59 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR PROPERTY AND GENERAL LIABILITY INSURANCE FOR THE MUNICIPAL GOVERNMENT (Ansel)
6. First Reading – RESOLUTION NO. 2014-60 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH URS OF COLUMBUS, OHIO FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE CONSTRUCTION OF IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT (Sanders)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

ORDINANCE NO. 2014-22

AN ORDINANCE AUTHORIZING THE MAYOR TO IMPLEMENT THE CITY'S LAST, BEST AND FINAL OFFER FOR MEMBERS OF THE WOOSTER EMPLOYEES ASSOCIATION REGARDING WAGES, BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT, AND DECLARING AN EMERGENCY

WHEREAS, representatives of the City administration began meeting with representatives of the Wooster Employees Association in October 2013 regarding the negotiation of a new collective bargaining agreement addressing wages, benefits and terms and conditions of employment for labor, trades, technical, clerical and administrative employees; and

WHEREAS, months of negotiations were ultimately unsuccessful in producing a negotiated settlement, and the matter was referred to the statutory fact-finding process, with the result that a neutral fact-finder conducted a hearing and issued his recommendations in a decision dated July 31, 2014; and

WHEREAS, in accordance with Ohio law, this Council met within seven days of its receipt of the fact-finder's report, on August 4, 2014, at which time the Council considered and ultimately rejected the fact-finder's recommendations by a vote of 1 in favor and 5 against; and

WHEREAS, on August 6, 2014 counsel for the City administration spoke by telephone with counsel for the Wooster Employees Association to schedule a bargaining meeting for August 13, 2014, with the understanding that the City administration would convey an offer to resolve the dispute in advance of that meeting; and

WHEREAS, on August 11, 2014, the City administration, through outside counsel, tendered a written offer to representatives of the Wooster Employees Association via email in which it renewed its last, best and final offer ("LBFO"), nearly identical (but for some minor modifications) to that which had previously been tendered to the WEA in late March 2014, at which time the union had rejected it; and

WHEREAS, the representatives of the parties met on August 13, 2014, at which time the City administration representatives reiterated their desire to resolve the matter with the offer on the table (the LBFO); the union responded by explaining that one member of its executive committee was absent and the full committee would need to meet to discuss and consider the union's options; and

WHEREAS, at the conclusion of the meeting the City administration representatives sought to establish another date by which the parties could meet to consider the pending offer; discussion focused on setting a meeting date during the first two days of the last week of August (the 25th or 26th); and

WHEREAS, the City administration's outside counsel, in an email to the union's attorney dated August 18, 2014, explicitly requested that counsel for the union confirm his union's willingness to meet on August 25th, as well as his union's intentions with respect to a possible counter to the pending offer; and

ORDINANCE NO. 2014-23

AN ORDINANCE AUTHORIZING THE CITY OF WOOSTER TO PICK UP A PORTION OF THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR ALL LABOR, TRADES, TECHNICAL, CLERICAL AND ADMINISTRATIVE EMPLOYEES OF THE CITY PURSUANT TO I.R.C. SECTION 414(H)(2), AND DECLARING AN EMERGENCY

WHEREAS, pursuant to federal and Ohio laws, labor, trades, technical, clerical and administrative employees of the City of Wooster could defer the federal and state income taxes on a portion of their wages or salaries if the City of Wooster would “pickup” (assume and pay) the statutorily required contribution by such elected officials and covered employees to the Ohio Public Employees Retirement System (hereinafter OPERS); and

WHEREAS, the City of Wooster will not incur any additional costs in the deferment of federal and state income taxes.

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

SECTION 1. Effective as of the pay date of September 12, 2014, three and one-half percent (3.5%) of the statutorily required contributions to the OPERS shall be picked up and paid as a fringe benefit by the City for each person within any of the classes established in Section 2 herein. This “pick up” by the City of Wooster is, and shall be designated as, public employee contributions and shall be in lieu of contributions to the OPERS by each person within any of the classes established in Section 2 herein. No person subject to this “pick up” shall have the option of choosing to receive the statutorily required contribution to the OPERS directly instead of having it “picked up” by the City of Wooster or of being excluded from the “pick up”.

The City of Wooster shall, in reporting and making remittance to the OPERS, report that the public employees contribution for each person subject to this “pick up” has been made as provided by the statute.

SECTION 2. The “pick up” by the City of Wooster provided by this Ordinance shall apply to the following:

All labor, trades, technical, clerical and administrative employees of the City of Wooster who become contributing members of the PERS on or after September 2, 2014.

SECTION 3. Under the Fringe Benefit Method of Employer pick-up, salary is not modified; however, the employer will pay 3.5% of the employees’ statutorily required 10% contribution to PERS. The remaining contribution will be handled in the salary reduction manner.

SECTION 4. The Finance Director is hereby authorized and directed to implement the provisions of this Ordinance to institute the "pick up", of the statutorily required contributions to the OPERS for those persons reflected in Section 2 herein so as to enable them to obtain the result in federal and state tax deferments and other benefits.

SECTION 5. 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 6. 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 compensate labor, trades, technical, clerical and administrative employees commensurate with their responsibilities in accordance with the recent adoption of an ordinance implementing wages, benefits and terms and conditions of employment for such employees; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 9-2-14 2nd reading _____ 3rd reading _____

Passed: _____, 2014 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2014
Mayor

Introduced by: Jon Ansel

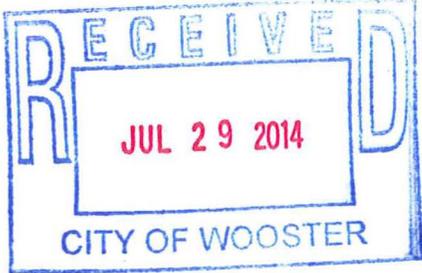
**Request for Agenda Item
Non-Capital**

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

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

Proposed amendments attached along with the recommendation from the Planning Commission.



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

Manager Requesting

Date

Approved for Agenda

ROBERT F. BRENEMAN
Mayor



ANDREW DUTTON
Planning & Zoning Manager
330-263-5238

Laurie Hart
Administrative Assistant
330-263-5200 x304

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

MEMORANDUM

DATE: September 10, 2014
TO: Wooster City Council
FROM: Andrew Dutton, Planning and Zoning Manager
RE: Zoning Amendment #ZC-258

Overview

The proposed amendments to the Planning and Zoning Code incorporate a variety of changes to the current regulations. The document titled "Notes – Proposed Planning and Zoning Code Amendment" provides explanation and justification for significant proposed changes. In addition, further changes have been proposed to clarify regulations and remedy inconsistencies in the current Planning and Zoning Code.

Supplementary amendment language has been included for your consideration which adds a public hearing by City Council for public facilities in residential districts. The Planning Commission was presented similar language at their July 23rd meeting as an option, however, the Commission did not incorporate such language in their recommendation to City Council.

Additional documents, as noted below, have been included to further elaborate on changes to temporary sign regulations and changes to allow public facilities in residential districts.

Included Documents

The following documents have been included for your review:

1. Proposed Planning and Zoning Code Amendments
2. Notes – Proposed Planning and Zoning Code Amendments
3. The recommendation of #ZC-258, with conditions, by the Planning Commission on July 23, 2014
4. A Proposed Additional Text Amendment By Staff
5. A Summary of Proposed Changes to Temporary Signage Regulations
6. Rationale for Changes to Public Safety, Health or Utility Facilities in Residential Districts
7. Public Facility Uses in Other Cities
8. Maps illustrating the location of public facilities in Wooster and cities within close proximity

Public Safety, Health or Utility Facilities Background

- **August 2013** – The Planning Commission unanimously voted to recommend approval of miscellaneous amendments of the Planning and Zoning Code to City Council, including changes to allow public safety, health or utility facilities as a permitted use in all zoning districts.
- **December 2013** – After much discussion, City Council amended the proposed Planning and Zoning Code amendments to remove sections allowing public facilities as a permitted use in residential zoning districts. City Council then approved the amended Planning and Zoning Code amendments. No vote was taken on the proposed amendments allowing public safety, health or utility facilities as a permitted use in residential districts.
- **May 2014** – The currently proposed amendments were brought to the Planning Commission containing the same change to allow public safety, health or utility facilities as a permitted use in residential districts. The Commission again voted unanimously to approve the proposed amendments. Every current member of the Planning Commission has voted in the past to recommend approval of the proposed change to allow public safety, health or utility facilities as a permitted use in residential zoning districts. However, at the May meeting, the proposed amendments were not formally opened for public comment. Though none of the three gentlemen in attendance appeared to be prepared to comment on the application, opening the application for public comment was necessary.
- **June 2014** – The application again brought to the Planning Commission to formally open the application to a public hearing. After the public hearing and discussion by the Commission, the application was tabled to the July 2014 meeting.
- **July 2014** – The Planning Commission passed a motion recommending the removal of changes allowing public safety, health or utility facilities as a permitted use in residential districts.

Items for City Council to Consider

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 & 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.

Action by City Council

After the conclusion of the public hearing required in Section 1119.09, Council shall take action on the proposed amendment.

- (a) Council's action shall either:
 - (1) Adopt the recommendation of the Planning Commission;
 - (2) Deny the recommendation of the Planning Commission; or
 - (3) Adopt some modification thereof.

Please feel free to contact me at (330) 263-5238 or adutton@woosteroh.com if you have any questions or concerns regarding the proposed amendments, recommendation process or the accompanying documents.

PROPOSED PLANNING AND ZONING CODE AMENDMENTS

PROPOSED MISCELLANEOUS AMENDMENTS TO THE FOLLOWING CHAPTERS OF THE PLANNING AND ZONING CODE:

CHAPTER 1115 (SUBMISSION REQUIREMENTS), CHAPTER 1119 (AMENDMENTS), CHAPTER 1125 (GENERAL USE REGULATIONS), CHAPTER 1131 (COMMUNITY FACILITIES DISTRICT), CHAPTER 1133 (SINGLE-FAMILY RESIDENTIAL DISTRICTS), CHAPTER 1135 (MULTI-FAMILY RESIDENTIAL DISTRICTS), CHAPTER 1137 (MANUFACTURED HOME PARK DISTRICT), CHAPTER 1141 (COMMERCIAL DISTRICT REGULATIONS), CHAPTER 1142 (CAMPUS, PROFESSIONAL, RESEARCH AND OFFICE DISTRICT), CHAPTER 1143 (MANUFACTURING DISTRICT REGULATIONS), CHAPTER 1147 (CONDITIONAL USE REGULATIONS), CHAPTER 1149 (NONCONFORMING USES, LOTS AND STRUCTURES), CHAPTER 1163 (ENVIRONMENTAL PROTECTION REGULATIONS), CHAPTER 1165 (LANDSCAPING AND LAND USE BUFFERS), CHAPTER 1171 (SIGN REGULATIONS), CHAPTER 1173 (REGULATIONS FOR WIRELESS TELECOMMUNICATION FACILITIES), AND CHAPTER 1181 (VEHICULAR AND PEDESTRIAN CIRCULATION)

CHAPTER 1115 (SUBMISSION REQUIREMENTS)

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:

- (g) A sign concept plan, if required pursuant to Section 1171.078(i);

CHAPTER 1119 (AMENDMENTS)

1119.05 PUBLIC HEARING AND NOTICE BY PLANNING COMMISSION.

- (a) Upon the receipt of an application or resolution or upon the passage of a motion, the Planning Commission shall set a date for a public hearing for reviewing the proposed amendment.
- (b) ~~Whenever a proposed map amendment proposes to rezone 10 or fewer parcels, written notification shall be given by the Zoning Administrator, by first-class mail, to the applicant and to all owners of property located within 200 feet of the property proposed to be rezoned or redistricted. Failure of delivery of such notice shall not invalidate any recommendation of the Planning Commission or any subsequently enacted ordinance.~~
- (c) ~~Notice shall be given in one or more newspapers of general circulation in the City.~~



- (d) — All notices shall be mailed at least 10 days prior to the date of the public hearing.
- (a) *Notice of the public hearing shall be given by the Planning Commission according to the following:*
- (1) *Notice of the proposed amendment shall be published at least ten (10) calendar days prior to the date of the required public hearing, in one (1) or more newspapers of general circulation in the City.*
- (2) *If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicates, written notice of the hearing shall be mailed by the Planning Division by first class mail at least ten (10) calendar days prior to the date of the required public hearing to owners of properties proposed to be rezoned or redistricted and property owners within two hundred (200) feet of the proposed property to be rezoned or redistricted. Notice shall be sent to the address of such owners appearing on the County Auditor's current tax list or the County Treasurer's mailing list. The failure to deliver the notification as provided in this section shall not invalidate any such amendment.*
- (e3) Notices shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that the opportunity to be heard will be afforded to any person interested.
- (fb) The Commission may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.
- (c) *During the ten (10) calendar days prior to the public hearing, the text of the proposed amendment, maps or plans, if applicable, shall be on file for public examination in the office of the Planning Division or in such other office as is designated by the Planning Commission.*

1119.09 PUBLIC HEARING AND NOTICE BY CITY COUNCIL.

Upon receipt of the recommendation from the Planning Commission, Council shall set a time for a public hearing on the proposed amendment.

- (a) Notice of the public hearing shall be given by Council according to the following:
- (1) Notice of the proposed amendment shall be published at least ~~thirty (30)~~ **ten (10) calendar** days prior to the date of the required **public** hearing, in one (1) or more newspapers of general circulation in the City.
- (2) If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicates, written notice of the hearing shall be mailed by the Clerk of Council by first class mail at least ~~twenty~~ **ten (10)** calendar days before the day of the **required** public hearing to all owners of property ~~ies~~ within, contiguous to and directly across the street from such area proposed to be rezoned or redistricted **proposed to be rezoned or redistrict and property owners within two hundred (200) feet of the proposed property to be rezoned or redistricted. Notice shall be sent** to the address of such owners appearing on the County Auditor's

current tax list or the County Treasurer's mailing list. The failure to deliver the notification, as provided in this section shall not invalidate any such amendment.

- (3) Notices shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that the opportunity to be heard will be afforded to any person interested.
- (b) Council may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.
- (c) During the ~~thirty-(30)~~ **ten (10) calendar** days prior to the public hearing, the text of the proposed amendment, maps or plans, if applicable, and the recommendation of the Planning Commission shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by Council.

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CHAPTER 1125 (GENERAL USE REGULATIONS)

1125.08 PARKING AND USAGE OF RECREATIONAL VEHICLES, TRAILERS AND MOTOR VEHICLES.

- (a) Recreational Vehicles and Trailers. Recreational vehicles **and trailers** may be parked subject to the following conditions provided that no living quarters shall be maintained therein, no business shall be conducted therein and that no permanent connection shall be made to any utilities while such trailer is stored or parked.
 - (1) In residential zoning districts, recreational vehicles **and noncommercial trailers** may **only** be parked or stored outside an enclosed building **for more than seventy-two (72) hours** provided that no such vehicle shall overhang in the public right-of-way, be parked or stored on a public street or alley right-of-way, be located in the required front setback, or be located in a required side setback abutting a public right-of-way, **or be located less than ten (10) feet from any property line.** A driveway or parking space may not be constructed in the required front setback or side setback abutting a public right-of-way for the sole purpose of parking or storing of such vehicles.
 - (2) Recreational vehicles **and trailers** may be parked on the premises **of a residentially zoned property** for ~~less than~~ **seventy-two (72) hours or less for loading, unloading or the** accommodation of guests **in a recreational vehicle** provided that the vehicle is not parked on the public street or alley right-of-way.
 - (3) Recreational vehicles **and trailers** shall only be parked in nonresidential zoning districts subject to use regulations and outdoor display and storage regulations of the applicable zoning district.
 - (4) If the recreational vehicle **or trailer** is parked or stored outside, it shall be parked on an impervious surface, such as asphalt or concrete.

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

CHAPTER 1131 (COMMUNITY FACILITIES DISTRICT)

1131.01 INTENT.

The Community Facilities District (CF) and its regulations are established in order to accommodate large-scale governmental, civic, educational, recreational facilities and other institutional facilities and their associated uses in a manner that:



- (a) Provides for the proper location and development of community facilities on ten (10) or more acres.
- (b) Ensures that such large-scale community facilities are compatible with surrounding single-family neighborhoods by requiring conditional use review and development plan review *and conditional use approval, as necessary*, for proposed development.
- (c) *Provides for the appropriate location of governmental, civic, educational, recreational, and other institutional uses throughout the city which may be utilized to provide a transition between zoning districts.*
- (ed) Ensures that large-scale institutional uses comply with these objectives by establishing review requirements to ensure that all phases of a large-scale development are consistent with the regulations *of this Planning and Zoning Code*. by:
 - (1) Requiring conditional use review and final development plan review for proposed development of an institution when the proposed development is within 300 feet of a Residential District boundary.
 - (2) Requiring final development plan review for proposed development of an institution when the proposed development is not within 300 feet of a Residential District boundary.

1131.02 USE REGULATIONS.

- (d) Table of Permitted Uses.

Table 1131.02 Permitted Uses		
Land Use Category	CF Community Facilities District	
	Within 300 feet of a Residential Zoning District Boundary	Greater than 300 feet from a Residential Zoning District Boundary ⁽ⁿ⁾
(3) Recreation Facilities		
A. Golf course	C	P
B. Outdoor recreation facilities provided by the City of Wooster	P	P

Table 1131.02 Permitted Uses		
Land Use Category	CF Community Facilities District	
	Within 300 feet of a Residential Zoning District Boundary	Greater than 300 feet from a Residential Zoning District Boundary ^(a)
C. Other outdoor community recreation facilities	C	P
D. Public park and/or playground	P	P
E. Theater⁽¹⁾	C	P

Notes to Table 1131.02:
^(a)—When included as part of a community facilities development for which a general development plan has been approved. ***(1) Theaters receiving more than fifty (50) percent of attendance from the screening of motion pictures shall not be permitted.***
 P = Principal use permitted by right
 C = Conditional use
 A = Accessory use

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1131.03 MINIMUM LOT AREA AND WIDTH.

The minimum lot size for a CF District shall be ten (10) acres, and ***The area of land for a lot in the CF district shall be no less than necessary to accommodate principal structures, accessory structures and parking and the required setbacks, buffers and open space.*** The minimum lot width ***at the building line*** shall be 300 ***one hundred (100)*** feet.

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1131.04 MINIMUM SETBACKS.

All buildings, outdoor activity areas and off-street parking areas shall be located in a manner that maintains the minimum setbacks set forth in this section.

(a) Table 1131.04: Minimum Setback Requirements.

Table 1131.04 Minimum Setback Requirements			
	Buildings	Outdoor Activity Areas	Off-Street Parking ^(a)
(1) Setback from public street right-of-ways	35 feet ^(ab)	35 feet ^(ab)	35 feet
(2) Setback from R-R, R-1, R-2 or R-T district boundary	50 feet ^(b)	100 feet	20 feet
(3) Setback From All Other Lot Lines.	20 feet ^(c)	20 feet	10 feet

NOTES

Table 1131.04 Minimum Setback Requirements			
	Buildings	Outdoor Activity Areas	Off-Street Parking^(a)
Notes to Table 1131.04: <i>(a) Additional parking location standards are found in Section 1131.08(c).</i> <i>(ab) Or a distance equal to the height of the building or structure, whichever is greater.</i> <i>(b) Or a distance equal to the height of the building or structure, or distance equal to one-half the length of the building wall that is parallel to or within 45° of being parallel to the lot line, whichever is greater.</i> <i>(c) Or a distance equal to one-half (1/2) the height of the building or structure, whichever is greater</i>			

- (b) Outdoor activity areas shall include structures such as stadiums, tennis courts, swimming pools, picnic shelters and similar types of facilities.
- (c) Off-Street Parking Areas. Off-street parking areas shall conform to the regulations of Chapter 1169.

1131.06 ACCESSORY STRUCTURE REGULATIONS.

Accessory structures permitted in a CF District shall conform to the regulations of this Section as well as any other applicable Sections in this Planning and Zoning Code.

- (a) Accessory Buildings. Accessory buildings shall conform to all lot and setback regulations for principal buildings and shall be reviewed according to the development plan review procedures set forth in Chapter 1107.
- (b) Fences and Walls. Fences and walls shall comply with the regulations set forth below:
 - (1) Location.
 - A. Fences may be built up to, but not on, the property line, and shall be located entirely on the property of the person constructing it, except property owners, with written permission from abutting property owners, may connect to fences on adjoining properties.
 - B. In order to maintain clear vision lanes for vehicles and pedestrians, no opaque fences shall be permitted within ten (10) feet, in any direction, of the following points:
 - 1. At the intersection of a driveway and sidewalk (or front property line if there is no sidewalk);
 - 2. At the intersection of a driveway and public right-of way;
 - 3. At the intersection of any two driveways.
 - C. All fences shall comply with Section 1125.15, Visibility at Intersections.

(2) Materials and Construction.

- A. Approved fencing materials include **Fences shall be constructed of stone, brick, finished wood, iron, metal, or synthetic look-alike products.** Chain link fences shall be permitted **when not located in the required setback from a public street right-of-way** provided that they are constructed of a dark, neutral-colored, non-reflective vinyl, as approved by the Zoning Administrator or the Planning Commission; whichever is applicable according to the procedures in Chapter 1107.
- B. No fence shall be electrified or constructed of barbed or razor wire.
- C. ~~Only ornamental or decorative fences shall be permitted in front of a building, unless required for screening pursuant to Chapter 1165, Landscaping and Land Use Buffers or other applicable regulations in this Planning and Zoning Code.~~
- 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 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, unless otherwise required by this Zoning Code.

(4) Screening and Landscaping.

- A. Screening and landscaping is not required for ornamental fences.
- B. All fences, other than ornamental fences, when visible from public streets, shall be visually softened and reasonably screened from the street with appropriate landscaping as follows:
 - 1. ~~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:~~
 - i1. One **(1)** shade tree shall be provided for every fifty ~~(50) 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 ~~includes~~ **two (2) inches** and a clear trunk height of at least six (6) feet;
 - ii2. One **(1)** 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,

iii3. 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.

Ɔ(6). Any proposed fence shall be approved as part of a Development Plan Review in accordance with Chapter 1107.

(c) Signs. Signs shall comply with the regulations specified in Chapter 1171.

1131.07 LANDSCAPING AND SCREENING REQUIREMENTS.

Visual screening and landscape buffers shall be provided for all lots in CF districts in accordance with the provisions set forth in Chapter 1165, Landscaping and Land Use Buffers.

1131.08 DEVELOPMENT AND DESIGN GUIDELINES.

The following development and design guidelines are established to ensure that all proposed development in a CF District complies with the purpose and objectives of this Chapter. The Planning Commission shall review plans for a proposed development giving particular consideration to the following:

(a) General Criteria.

(1) — Buildings, structures and landscaping should be designed and located on the site and be of a scale and massing to:

A. (1) Enhance and protect the character of the surrounding area, especially adjoining residential areas.

B. (2) Minimize any adverse influences.

(b) Specific Criteria.

(1) Adequate screening, buffering, and landscaping shall be provided to limit the view of the proposed use, reduce the noise between incompatible land uses, and ease the transition from one (1) zoning district to another.

(2) Natural features, especially mature trees, shall be preserved and supplemented with landscaping to buffer and screen adjacent residential districts. The Planning Commission shall consider the setbacks, building mass and type when determining the extent of landscaping required.

(3) When the proposed use abuts or is across the street from a single-family residential zoning district boundary, at a minimum, a thirty-five (35)-foot buffer and landscape area shall be provided, between the right-of-way and building and/or parking lot, that contains no structures, with the exception of decorative fencing. *a buffer yard shall be required per Section 1165.07.*

(4) Buildings, which have any facade facing a public street, shall have at least one (1) entrance facing the public street or its tangent, if the street is curved. Any facade or building wall facing a public street or its tangent, if the street is curved, shall have a harmonious building fenestration, and in no case shall a wall devoid of openings be visible from a public street.

Blank walls, those devoid of openings such as transparent windows and transparent doors, shall not be permitted on the front façade of any building facing a public right-of-way. Any part of the building that is visible from a public right-of-way or a residential zoning district shall have no more than twenty-five (25) percent of the wall length, not to exceed fifty (50) feet, of contiguous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, column, defined bays, or an undulation of the building.

- (5) Delivery areas and loading zones shall not face a public street and shall be screened from view of residentially-zoned property by the use of walls, berms, and landscaping ***comply with the screening requirements found in Section 1165.08(c).***
 - (6) All power plants, storage or maintenance buildings, which are visible from a public street, shall have a buffer yard of twenty (20) feet. This buffer yard shall contain one ***(1)*** major tree for every ***thirty (30)*** lineal feet of frontage or as appropriate to provide a tree canopy over the landscaped area. In addition, four ***(4)*** feet ***foot*** high shrubs are required per ***thirty (30)*** lineal feet of frontage. Ground cover plants must fully cover the remainder of the landscaped area.
 - (7) Ambulance and emergency areas shall not abut a single-family residential district. If an ambulance or emergency area is visible from a public street, it shall have a buffer yard of twenty (20) feet. This buffer yard shall include a six ~~(6)~~ foot high masonry wall along the interior side of the landscaped area. One major tree is required per 30 lineal feet of wall or as appropriate to provide a tree canopy over the landscaped area. In addition, four feet high shrubs are required per 30 lineal feet of wall. Ground cover plants must fully cover the remainder of the landscaped area ***include screening per the requirements found in Section 1165.08(c).***
 - (8) To provide connectivity, sidewalks shall be provided from facilities, which are meant for use by the general public like parks and playgrounds, to the sidewalks in the public rights-of-way.
 - (9) Development plans shall include drawings, renderings, or perspectives of a professional quality that illustrate the scale; massing; roof shape; window size shape and spacing; and exterior materials of the structure. Development plans shall also include samples of building materials.
- (c) Design of Parking Areas.
- (1) The layout of parking areas, service areas, entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the character of residential areas adjacent to the development.
 - (2) Access from public streets to parking areas, service areas, and pedestrian walkways within the development shall be designed to minimize traffic hazards or congestion.
 - (3) Pedestrian connections from the community facilities development to adjacent parcels should minimize adverse intrusions into residential neighborhoods.

- (4) Off-street, surface parking areas shall be located behind the front building line provided the Planning Commission, at the time of general development plan review, may grant an exception from this requirement on the basis of the depth of the parcel, the proximity of residentially zoned property, the unusual size or shape of the parcel, the location of mature trees, the location of existing principal buildings, or other similar factors.

1131.09 PERFORMANCE STANDARDS.

In addition to the standards in Chapter 1125, General Use Regulations, all land uses shall comply with the following performance standards:

- (a) Lighting. The placement, orientation, distribution patterns and fixture types of outdoor lighting shall comply with the regulations set forth in Chapter 1167. If the use is located **three hundred (300)** lineal feet or less from a residential zoning district boundary, at the close of business, all illuminated signs and lights not necessary for security purposes shall be extinguished.
- (b) Enclosure. All uses and operations, except off-street parking and loading facilities, shall be performed wholly within enclosed buildings, unless specifically permitted otherwise.
- (c) Outdoor Vending Machines. Within **three hundred (300)** feet of a residential zoning district boundary, there shall be no outdoor vending machines.
- (d) Overhead Utility Lines. All utility lines, electric; telephone; cable TV lines; etc., shall be placed underground.
- (e) Overnight Parking. Within **three hundred (300)** lineal feet of any residential zoning district boundary, there shall be no overnight parking and/or outdoor storage of commercial motor vehicles or buses.
- (f) Stormwater Detention/Retention Facilities. Within ~~300 feet of a Community Facilities zoning district boundary,~~ **Detention/retention facilities** that are visible from a public street shall be integrated into a landscaped area. Such landscaped areas shall contain any combination of the following elements: shade and ornamental trees, evergreens, shrubbery, hedges, and/or other planting materials as well as ornamental fencing.

1131.10 APPROVAL PROCEDURES.

All development within a CF District shall be subject to the development plan review requirements set forth in Chapter 1107, and any additional procedures set forth below:

- (a) ~~A general development plan shall be required for any project that includes multiple buildings or phased development.~~
- (b) ~~Applications for a proposed conditional use or modifications to an existing conditional use in a CF District shall be reviewed and acted on according to the procedures set forth in Chapter 1107, except as otherwise set forth below for Community Facility Developments.~~
- (c) ~~Community Facilities Development.~~ Any development that encompasses ten (10) acres or more shall be considered a community facilities development in compliance with the following:
 - (1) ~~Requirements for Community Facilities Development.~~



- A. **(a)** The area of a proposed development shall be in one **(1)** ownership, or if in several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed CF boundaries.
 - B. **(b)** All land within a development shall be contiguous in that it shall not be divided into segments by any existing tract of land not owned by the applicant(s) of the community facilities development. Parcels that are located directly across the street from one another shall be considered contiguous.
- (2) — A general development plan shall be reviewed and approved for the entire community facilities development according to the procedures set forth in Chapter 1107.
- (3) — Once a general development plan is approved for a community facilities development, the review and approval of the final development plan(s) for new construction or additions to existing development shall comply with the following:
- A. — Whenever the area involved is within 300 feet of a CF district boundary that abuts a residential district, the proposed development shall be approved according to the conditional use procedures set forth in Chapter 1107. A final development plan shall be required for the portion of the development involved.
 - B. — Whenever the area involved is more than 300 feet from a project boundary abutting a residential district, a final development plan shall be reviewed by the Planning Commission according to Chapter 1107 and the proposed project shall not be subject to the conditional use procedures.
- (d) — Whenever land is rezoned to a CF District at the request of a property owner, a general development plan shall be submitted and approved at the time of rezoning.



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

(d) Table 1133.02 Permitted Uses.

Table 1133.02 Permitted Uses			
	R-1 Suburban Single-Family District	R-2 Single-Family District	R-T Traditional Residential District
(2) Community Facilities			
E. Public safety, health or utility facility	CP	CP	CP



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Table 1133.02 Permitted Uses			
	R-1 Suburban Single-Family District	R-2 Single-Family District	R-T Traditional Residential District
(4) Other Uses			
A. Wireless telecommunication facility	See Chapter 1173		
B. Family day care home, Type B	A	A	A
C. Temporary sales/leasing office or model unit¹	P	P	P
<i>P = Permitted by right C = Conditional A = Accessory -- = Use not permitted in district</i>			
Notes to Table 1133.02: ¹ <i>Shall be permitted until the initial sale or lease of all dwelling units in the development has been completed or no more than two (2) years after the establishment of the use.</i>			

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

(d) Table 1135.02 Permitted Uses.

Table 1135.02 Permitted Uses		
	R-3	R-4
	Attached Single-Family/Townhouse District	Multi-Family District
2. Community Facilities		
E. Public safety, health or utility facility	CP	CP
4. Other Uses		
B. Temporary sales-offices/model-unit <i>Sales/leasing office or model unit</i>	P	P



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

(d) Table 1137.02 Permitted Uses.

Table 1137.02 PERMITTED USES IN MANUFACTURED HOME DISTRICT	
	R-5
	Manufactured Home
(4) Other	
B. Public safety, health or utility facility	CP



1137.08 FENCES AND WALLS.

Fences and walls shall comply with the fence and wall regulations set forth in sub-section 1141.09 (e**b**) Fences and Walls, in the Commercial Districts.

CHAPTER 1141 (COMMERCIAL DISTRICT REGULATIONS)

1141.04 BUILDING SETBACK REQUIREMENTS.

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

(b) Table 1141.04: Minimum Building Setbacks.

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

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

1141.06 OFF-STREET PARKING REGULATIONS.

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

- (a) Table 1141.06 Minimum Parking Setbacks. Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified below unless otherwise noted.

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

1141.09 ACCESSORY STRUCTURE REGULATIONS.

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

- (a) **Accessory Buildings.** The height of the accessory building shall not exceed twenty (20) feet. Accessory buildings that have a gross floor area of 200 square feet or less shall be located in a side or rear yard and shall comply with the parking setbacks set forth in Table 1141.06. All other buildings shall be considered principal buildings and shall conform to all lot and setback regulations and development plan review and approval requirements of the zoning district in which the lot is located. *Accessory buildings shall be located in a rear or side yard and shall be located on the same lot as the principle building. The height of accessory buildings shall not exceed twenty (20) feet.*
 - (1) *Accessory buildings that have a gross floor area of two hundred (200) square feet or less shall comply with the parking setbacks set forth in Table 1141.06.*
 - (2) *Accessory buildings that have a gross floor area of greater than two hundred (200) square feet shall comply with the building setbacks found in Table 1141.04. The indicated Maximum Setback from the Street ROW found in Table 1141.04 shall not apply to accessory buildings.*

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

1142.02 USE REGULATIONS.

- (d) Table 1142.02 Permitted Uses.

Table 1142.02 Permitted Uses	
	CPRO
(4) Community Facilities/Other	
H. Scientific research, development, training and testing facility	<i>CP</i>



1142.07 ACCESSORY STRUCTURE REGULATIONS.

Accessory structures permitted in the CPRO district shall conform to the regulations in this Section as well as any other applicable Sections *provisions in this Planning and Zoning Code:*

- (a) **Accessory Buildings.** The height of the accessory building shall not exceed twenty (20) feet. Accessory buildings that have a gross floor area of 200 square feet or less shall be located in a side or rear yard and shall comply with the parking setbacks set forth in Table 1142.06. All other buildings shall be considered principal buildings and shall conform to all lot and setback regulations

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and development plan review and approval requirements of the zoning district in which the lot is located. *Accessory buildings shall be located in a rear or side yard and shall be located on the same lot as the principle building. The height of accessory buildings shall not exceed twenty (20) feet.*

- (1) *Accessory buildings that have a gross floor area of two hundred (200) square feet or less shall comply with the parking setbacks set forth in Table 1142.06.*
- (2) *Accessory buildings that have a gross floor area of greater than two hundred (200) square feet shall comply with the building setbacks found in Table 1142.04.*

CHAPTER 1143 (MANUFACTURING DISTRICT REGULATIONS)

1143.02 USE REGULATIONS.

(d) Table of Permitted Uses.

	M-1 Office/Limited Manufact'g	M-2 General Manufact'g	M-3 Urban Manufact'g	M-4 Open Space/ Heavy Manufact'g
(5) Other Use Types:				
A. Agriculture	--	P	--	P
B. Commercial recreation, indoor	C	C	--	--
BC. Crematorium	--	P	--	P
CD. Mineral excavation, quarry operations	--	C	--	P
DE. Plant nursery/greenhouse	--	P	--	P
EF. Public-safety service/maintenance facility	P	P	P	P
FG. Utility substation/distribution facility, indoor & outdoor	P	P	P	P
GH. Public safety, health or utility facility	P	P	P	P
HI. Campgrounds	--	C	--	P
IJ. Recycling collection/processing facility	--	C	--	P
JK. Radio and TV Stations	--	P	--	P
KL. Wireless telecommunication facility	See Chapter 1173			



1143.06 OFF-STREET PARKING AND LOADING REGULATIONS.

Off-street parking areas shall conform to the regulations of Chapter 1169 and to the parking requirements specified in Table 1143.06 below.

- (a) Table 1143.06 Minimum Parking Setbacks. Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified below unless otherwise noted.

Table 1143.06 Minimum Parking Setbacks				
	M-1 Office/Limited Manufact'g	M-2 General Manufact'g	M-3 Urban Manufact'g	M-4 Open Space/ Heavy Manufact'g
(1) Minimum Setback from Street ROW	Behind front building line <i>20 feet¹</i>	25 feet ¹	10 feet	40 feet
(2) Setback from Side and Rear Lot line abutting nonresidential district	10 feet	10 feet	8 feet	20 feet
(3) Setback from Side and Rear Lot line abutting residential district	50 feet	50 feet	25 feet	100 feet
Notes to Table 1143.06: ¹ Except when lot is part of a new industrial subdivision and fronts on a new interior street, then the minimum setback shall be 20 feet. <i>Properties located across the street from residential districts shall have a minimum setback of 40 feet from the street right-of-way.</i>				

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1143.08 ACCESSORY STRUCTURE REGULATIONS.

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

- (a) Accessory Buildings. The height of the accessory building shall not exceed twenty (20) feet. Accessory buildings that have a gross floor area of 200 square feet or less shall be located in a side or rear yard and shall comply with the parking setbacks set forth in Table 1142.06. All other buildings shall be considered principal buildings and shall conform to all lot and setback regulations and development plan review and approval requirements of the zoning district in which the lot is located. *Accessory buildings shall be located in a rear or side yard and shall be located on the same lot as the principle building. The height of accessory buildings shall not exceed twenty (20) feet.*
 - (1) *Accessory buildings that have a gross floor area of two hundred (200) square feet or less shall comply with the parking setbacks set forth in Table 1143.06.*

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(2) *Accessory buildings that have a gross floor area of greater than two hundred (200) square feet shall comply with the building setbacks found in Table 1143.04.*

CHAPTER 1147 (CONDITIONAL USE REGULATIONS)

1147.05 CONDITIONAL USES IN SINGLE-FAMILY DISTRICTS.

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

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

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

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Conditional use	Conditional Use in District	Minimum Lot Regulations ⁽¹⁾		Minimum Building Setbacks ⁽¹⁾		Minimum Parking Setbacks ⁽¹⁾		Also See Section:
		Area ⁽²⁾	Width	Front	Side/Rear	Front	Side/Rear	
<p>Notes to Table 1147.05:</p> <p>(1) Uses shall comply with the standards in this table or the corresponding district standard whichever is greater.</p> <p>(2) Parcel size devoted to the use shall not exceed 10 acres.</p> <p>(3) Shall comply with the regulations for the district in which the conditional use is located.</p> <p>(4) The minimum lot regulations of this section shall not apply to a public utility distribution or storage facility.</p> <p>(5) Parking spaces for more than 2 vehicles shall be located in the rear yard.</p> <p>(6) Shall comply with the side yard setback requirements for principal buildings.</p> <p>NP = Not Permitted</p>								

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

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

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

Conditional use	Conditional Use in District	Minimum Lot Regulations ⁽¹⁾		Minimum Building Setbacks ⁽¹⁾		Minimum Parking Setbacks ⁽¹⁾		Also See Section:
		Area	Width	Front	Side/Rear	Front	Side/Rear	
7. Public safety, health or utility facility	R-3, R-4, R-5	2 acres ⁽³⁾	200 ft ⁽³⁾	(2)	20 ft	(2)	10 ft	1147.09(u)
8. Residential facility for 9-16 persons	R-3, R-4	20,000 sq ft	100 ft	(2)	20 ft	(2)	10 ft	1147.09(zy)
9. School, (public or private) elementary/secondary	R-3, R-4	2 acres	200 ft	(2)	20 ft	(2)	10 ft	1147.09(eebb)
10. Utility substation/distribution facility, indoor	R-3, R-4	None	None	(2)	40 ft	(2)	15 ft	1147.09(jjhh)
11. Wireless telecommunication facility	See Chapter 1173							



Notes to Table 1147.06:

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

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1147.07 CONDITIONAL USES IN COMMERCIAL DISTRICTS.

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

**Table 1147.07
Regulations for Conditional Uses In Commercial Districts**

Conditional Use	Conditional Use in District	Minimum Lot Regulations ⁽¹⁾		Also See Section:
		Area	Width	
6. Commercial recreation, outdoor	C-5, CPRO	2 acres	200 ft	1147.09(v <u>u</u>)
7. Day care facility, child and/or adult	C-1	(2)	(2)	1147.09(k)
8. Drive-thru facility in association with a permitted use	C-2, C-3, C-4, C-5	1 acre	125 ft	1147.09(l)
9. Financial institution	CPRO	(2)	(2)	1147.09(m)
10. Gasoline station / pumps	C-2, C-3, C-4	1 acre	150 ft	1147.09(c)
11. Hospital	C-3	5 acres	400 ft	1147.09(o)
12. Library, cultural institution	C-1, C-4, CPRO	(2)	(2)	1147.09(g)
13. Motor vehicle sales and rental	C-5	2 acres	200 ft	1147.09(c)
14. Multi-family dwelling development	C-3, C-5	2 acres	200 ft	1147.09(r)
15. Places of worship, church	C-1, CPRO	(2)	(2)	1147.09(g)
16. Public park	CPRO	(2)	(2)	1147.09(v <u>u</u>)
17. Public use parking lot	C-1, C-2, C-4	(2)	(2)	1147.09(t)
18. Public Transportation Terminal	C-4	(2)	(2)	1147.09 (k <u>ki</u>)
19. School, (public or private) college/ university	C-3, C-4, C-5	10 acres	300 ft	1147.09 (a <u>az</u>)
20. School, specialty, personal instruction	C-3, C-4	(2)	(2)	1147.09 (d <u>dc</u>)
21. School, (public or private) elementary/secondary	C-1	2 acres	200 ft	1147.09 (e <u>eb</u>)
22. Scientific research, development, training & testing facility	CPRO	(2)	(2)	1147.09 (e <u>e</u>)
23 22. Self-storage facility, indoor	C-5	2 acres	200 ft	1147.09 (f <u>fd</u>)
24 23. Service establishment, business	C-1	(2)	(2)	1147.09 (g <u>ge</u>)
25 24. Service establishment, personal	C-1	(2)	(2)	1147.09 (g <u>ge</u>)





Conditional Use	Conditional Use in District	Minimum Lot Regulations ⁽¹⁾		Also See Section:
		Area	Width	
2625. Single-family attached dwellings	C-4	10,000 sq ft	70 ft	1147.09 (Hjj)
2726. Theater, Movie-Indoor	C-4	(2)	(2)	1147.09(h)
2827. Utility substation/distribution facility, indoor	C-1, C-2, C-3, C-4, C-5, CPRO	none	none	1147.09 (jjhh)
2928. Vehicle repair garage	C-5	2 acres	200 ft.	1147.09(c)
3029. Wireless telecommunication facility	See Chapter 1173			

1147.08 REGULATIONS FOR CONDITIONAL USES IN MANUFACTURING DISTRICTS.

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

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

Conditional Use	Conditional Use in District	Minimum Lot Regulations ⁽¹⁾		Also See Section: Area
		Area	Width	
1. Car wash	M-1	1 acre	125 ft	1147.09(e)
2. <i>Commercial Recreation, Indoor</i>	<i>M-1, M-2</i>	<i>1 acre</i>	<i>125 ft</i>	<i>1147.09(h)</i>
23. Drive-thru, -drive-in facilities in association with a permitted use	M-1	1 acre	125 ft	1147.09(l)
34. Financial institution	M-1, M-3	1 acre	125 ft	1147.09(m)
45. Gasoline station	M-1, M-2	1 acre	125 ft	1147.09(c)
56. Kennel with outdoor run	M-1, M-2	2 acres	200 ft	1147.09(p)
67. Mineral excavation, quarry operations	M-2	20 acres	250 ft	1147.09(q)
78. Outdoor recreation, including campgrounds	M-2	10 acres	300 ft	1147.09(vu)
89. Outdoor storage of fleet vehicles/equipment used in operation of principal use	M-2	(2)	(2)	1147.09(s)
910. Recycling collection/processing facility	M-2	2 acres	200 ft	1147.09(xw)
1011. Restaurant or other type of eating and drinking establishment	M-1, M-3	(2)	(2)	1147.09(yx)
1112. Service establishment, personal	M-1	(2)	(2)	1147.09(ggee)
1213. Self-storage facility, indoor	M-2, M-4	2 acres	200 ft	1147.09(ffdd)
1314. Wireless telecommunication facility	See Chapter 1173			

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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.

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

- (1) The proposed use shall not generate excessive noise beyond the premises.
- (2) In order to minimize any effects of the above, the Planning Commission may require additional noise reduction measures to assure that the level of noise is no more than the prevailing noise levels of permitted uses in the District.
- (3) Buildings in which ~~dance floor/~~ **outdoor** entertainment is provided shall be located a minimum of **one hundred (100) feet from an adjacent residential district or be oriented to sufficiently direct sound away from an adjacent residential district.**
- (4) The Planning Commission may limit the hours of operation to ensure that the proposed use is compatible with the surrounding uses.
- (5) Such uses shall be located on an arterial or collector street or ~~have direct access to~~ **be within three hundred (300) feet from** an arterial or collector street.
- (6) Requirements in the C-4 District. Such establishments shall be located so as to minimize the amount of space located in a retail setting that is inactive during normal business hours. Such facilities are encouraged to have associated retail uses located in the first floor space nearest the street or sidewalk to contribute to the retail environment of the zoning district.
- (7) ***Requirements in Manufacturing Districts. Such indoor commercial recreation establishments shall be similar in scale to area structures in the manufacturing zoning district. Principle buildings shall be no less than twenty thousand (20,000) square feet in area.***

(t) Parking Lot for Public Use.

- (1) Surface parking lots shall be setback ten (10) feet from any property line that is adjacent to a public street **right-of-way and shall meet the applicable setbacks of Section 1141.06(a) from all other property lines.** In this setback, a masonry knee wall, which is a minimum of four (4) feet in height, shall be constructed and landscaping provided in front of the wall, which meets the requirements in sub-section 1165.06 (b), Perimeter Landscaping Requirements. **Landscaping and screening of surface parking lots shall meet the requirements of Section 1165.06.**
- (2) Openings for parking access from a public right-of-way shall be a maximum of twenty-five (25) feet wide.

(u) Public Safety, Health or Utility Facility.

- (1) In residential districts, facilities shall be limited to structures that are essential for the distribution of services to the local area.
- (2) Outdoor storage of fleet vehicles used in the operation of the facility may be permitted provided such storage areas are located in the side or rear yard in off-street parking areas and are screened in accordance with Section 1165.07(g), Screening.





- (3) — The areas devoted to the outdoor storage of fleet vehicles shall be enclosed with a fence having a minimum height of six (6) feet.
- (vu) Recreation Facilities Including: Commercial Recreation, Outdoor; Public Park, Playground; Public Swimming Pool; Golf Course, Except Miniature Golf; Campgrounds:
(No changes to the text of this section)
- (wp) Golf courses, including tees, fairways, greens and golf driving ranges shall be designed and landscaped in such a manner as to reasonably prevent a misfired ball from landing out of the golf course.
(No changes to the text of this section)
- (xw) Recycling Collection/Processing Facility.
(No changes to the text of this section)
- (yx) Restaurant.
(No changes to the text of this section)
- (zy) Residential Facility for 9-16 Persons.
(No changes to the text of this section)
- (aaz) School, (Public/Private) College/University.
(No changes to the text of this section)
- (bbaa) School, Commercial, Business or Trade.
(No changes to the text of this section)
- (eebb) School, (Public/Private) Elementary/Secondary.
(No changes to the text of this section)
- (ddcc) School, Specialty, Personal Instruction.
(No changes to the text of this section)
- (ee) — Scientific Research, Development, Training, and Testing Facility.
 - (1) — All activities, excluding accessory parking and loading facilities, shall occur within an enclosed building.
 - (2) — Where the site is adjacent to a residential district, hours of operation may be restricted.
 - (3) — No exterior odor, dust, noise, or other objectionable impacts shall be produced as a result of the use.
 - (4) — Parking shall be located behind the front line of the principal building. The Planning Commission may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.
- (ffdd) Self-Storage Facility.
(No changes to the text of this section)
- (ggee) Service Establishment, Business/Personal.
(No changes to the text of this section)
- (hhff) Two-family Dwelling Conversion from SF Dwelling.
(No changes to the text of this section)
- (iigg) Two-Family Dwelling – New Construction in the R-2 District and C-5 District.
(No changes to the text of this section)
- (jjhh) Utility Substation/Distribution Facility: Indoor and Outdoor.
(No changes to the text of this section)



NOTES

- (kk*ii*) Public Transportation Terminal.
(No changes to the text of this section)
- (H*jj*) Single-Family Attached Dwellings.
(No changes to the text of this section)

CHAPTER 1149 (NONCONFORMING USES, LOTS AND STRUCTURES)

1149.07 NONCONFORMING SIGNS.

A sign, lawfully existing at the time this Planning and Zoning Code, or any amendment thereto, became or becomes effective, but which fails to conform to the sign regulations of the district in which it is located is a nonconforming sign. Nonconforming signs shall comply with the regulations set forth in Section 1171.09**10**, Regulations for Nonconforming Signs.

CHAPTER 1163 (ENVIRONMENTAL PROTECTION REGULATIONS)

1163.05 BUILDINGS IN THE FLOODPLAIN.

- (a) No residential dwelling or part thereof, except for campgrounds per sub-section 1143.02 (d) E-9:**(5)(I)**, shall be erected within the 100-year floodplain as designed by the Flood Insurance Study prepared by the U. S. Department of Housing and Urban Development, Federal Insurance Administration or the latest acceptable study on the floodplain.
 - (1) In the event a recreational dwelling is built within the floodplain, then the dwelling shall be built above the floodstage, or if the recreational dwelling is stilted, then the main structure of the dwelling shall be built above the floodstage.

CHAPTER 1165 (LANDSCAPING AND LAND USE BUFFERS)

1165.08 SCREENING OF ACCESSORY USES.

Screening of accessory uses shall be provided according to the following:

- (c) Loading Areas. Permitted loading areas shall be screened from the public right-of-way and abutting properties **in nonmanufacturing zoning districts** per the following:
 - (1) Screening shall be composed of either a wall or fence according to the requirements set forth in the subject property's zoning district or dense landscaping with no less than eighty (80) percent opacity at the time of planting.
 - (2) Screening provided shall be no less than six (6) feet in height at the time of installation. Landscaping utilized to provide such screening may employ a mound of no more than three (3) feet in height.
 - (3) A single gap of no more than forty (40) feet in such required screening shall be permissible to allow for ingress and egress to a loading area.

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.

(d) Temporary Signs In Nonresidential Districts. The following regulations for temporary signs in non-residential districts are in addition to the maximum sign area and height regulations set forth in Section 1171.04. *A sign permit shall be required per Section 1171.11(c), however, the regulations of this Chapter shall apply to all temporary signs in nonresidential districts, whether or not a permit is required.*

- (1) ~~Project Real Estate/Construction Signs.~~ A project real estate or construction sign for a development project shall be permitted only in compliance with the following:
 - A. ~~One project real estate or construction sign shall be permitted for each street on which the lot has frontage.~~
 - B. ~~Such sign shall be located a minimum of 3 feet from any street right-of-way.~~
 - C. ~~A project real estate or construction sign shall be erected and maintained on a lot only during the period of time that the parcel is up for sale, rent, or lease or the building project is under construction. Such temporary sign shall be removed within two (2) business days of installation of the permanent identification sign.~~
 - D. ~~The maximum sign area shall be forty (40) square feet.~~
- (2) ~~Temporary Window Signs.~~ Temporary window signs shall be attached to the interior of the building and shall comply with the following:
 - A. ~~The area of temporary window signs, either affixed thereto or visible from the outside, shall not exceed the percentage of the window area as set forth in Section 1171.04 (b)(1), Window Sign. This area is in addition to the allowable sign area for identification signs that are permanently attached to windows.~~
 - B. ~~All temporary window signs shall be displayed no longer than 30 days after placement, after which time such sign shall be removed. Temporary window signs shall only be displayed a maximum of four (4) times in a calendar year.~~
- (3) ~~Other Temporary Signs.~~ A temporary sign, whether a freestanding sign; a banner attached to the front of the building; or a portable sign, shall be permitted for not more than four (4) times per calendar year, not to exceed a period of more than thirty (30) days each time. Such signs may be permitted for a period longer than thirty (30) days only when the Planning Commission approves an extended time frame. The maximum area for freestanding or banner signs shall be forty (40) square feet. The maximum height for freestanding signs shall be six (6) feet.

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

- (1) ***Temporary Signs.*** ***A temporary sign attached to a building, freestanding on a property or otherwise visible through a window or door shall be permitted in compliance with the following, in addition to temporary signs specified in Sections (2), (3) and (4) below:***
 - A. ***No more than one (1) temporary sign shall be permitted at a time for each business located on a property.***
 - B. ***An occurrence of displaying a temporary sign shall not exceed forty-five (45) consecutive days. No more than two (2) separate occurrence of displaying a temporary sign shall be permitted in a calendar year.***
 - C. ***The maximum sign area shall be forty (40) square feet and the total sign height shall be a maximum of six (6) feet.***
 - D. ***A sign visible from the outside through a window or door, or placed on the outside of a window, shall be included in the glass area calculation found in Section 1171.04(b)(1).***
 - E. ***Freestanding signs shall be located no less than three (3) feet from the street right-of-way or a property line.***
 - F. ***Freestanding signs shall not be permitted in the C-4 District except as noted in Section 1171.04(d)(4).***
- (2) ***Real Estate for Sale or Lease Signs.*** ***A temporary sign announcing the sale or lease of real estate shall be permitted in compliance with the following:***
 - A. ***Available real estate shall be permitted no more than one (1) sign along each street on which the lot has frontage.***
 - B. ***For properties less than two (2) acres in area, the maximum sign area shall be twenty (20) square feet and the total sign height shall not exceed six (6) feet.***
 - C. ***For properties two (2) acres or larger, the maximum sign area shall be forty (40) square feet and the total sign height shall not exceed twelve (12) feet.***
 - D. ***A sign shall be displayed only when the subject real estate is actively for sale or lease and shall be removed no more than fourteen (14) days after the sale or lease of the property.***

- E. *Freestanding signs shall be located no less than three (3) feet from the street right-of-way or a property line.*
- (3) *Project Real Estate/Construction Signs. A project real estate or construction sign for a real estate or construction project shall be permitted in compliance with the following:*
 - A. *A project shall be permitted no more than one (1) sign along each street on which the lot has frontage.*
 - B. *The maximum sign area shall be forty (40) square feet and the total sign height shall be a maximum of twelve (12) feet.*
 - C. *A project real estate or construction sign shall be erected and maintained on a lot only during the period of time that the project is under construction. Such temporary sign shall be removed within two (2) business days of installation of the permanent identification sign.*
 - D. *Freestanding signs shall be located no less than three (3) feet from the street right-of-way line or a property line.*
- (4) *Sandwich Board Signs in the C-4 District. Sandwich board signs and similar types of temporary signs shall be permitted on a public sidewalk in the C-4 zoning district in compliance with the following:*
 - A. *No more than one (1) sign shall be permitted per business. No other freestanding temporary signs shall be permitted for a business utilizing a sandwich board sign.*
 - B. *The sign shall be located no more than five (5) feet from the entrance of the subject business. The sign may encroach upon the public right-of-way provided that an unobstructed walkway of no less than four (4) feet is available on the public sidewalk.*
 - C. *Such signs shall not exceed three (3) feet in height or two (2) feet in width.*
 - D. *Sandwich board signs shall be placed indoors at the close of each business day.*

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1171.05 SIGNS IN RESIDENTIAL DISTRICTS.

Signs for all residential uses and for nonresidential uses in residential districts shall comply with the regulations set forth in this Section.

- (c) ~~Supplemental Regulations for Temporary Signs: Temporary signs are permitted in Residential Districts subject to the following provisions~~ *Temporary Signs in Residential Districts. The following regulations for temporary signs in residential districts are in addition to the maximum sign area and height regulations set forth in Section 1171.05. A sign permit shall be required per Section 1171.11(c), however, the regulations of this Chapter shall apply to all temporary signs in residential districts, whether or not a permit is required.:*
 - (1) ~~Temporary Signs for Individual Lots in R-1, R-2, R-T, R-3, R-4, and R-5 Residential Districts:~~ *Residential Uses. A temporary sign freestanding on a property or otherwise visible through a window or door shall be permitted in compliance with the following, in addition to temporary signs specified in Sections (3) and (4) below and Section 1171.06:*



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- A. Each residential unit shall be permitted to erect **one (1)** temporary signs either in a window or as a freestanding sign in the front yard. The area of **a** each temporary signs shall not exceed six (6) square feet. Such temporary sign shall be displayed for no longer than 30 days, after which time such sign shall either be removed or replaced. **An occurrence of displaying a temporary sign shall not exceed forty-five (45) consecutive days. No more than two (2) separate occurrence of displaying a temporary sign shall be permitted in a calendar year.**
- ~~B.~~ Temporary signs for commercial uses shall not be permitted in residential districts except **garage or yard sale signs per Section 1171.06** that one temporary sign promoting a garage sale or a **sign for a contractor working on-site** shall be permitted. Such sign shall be posted on private property for a period not to exceed seven (7) calendar days, on not more than two separate occasions in any given calendar year **per the requirements of Section 1171.05(c)(1).**
- BC. Temporary freestanding signs shall be located at least three (3) feet from a public right-of-way or a side lot **property** line.
- D. The height of temporary freestanding signs shall not exceed four (4) feet.
- (2) **Temporary Signs for Non-Residential Uses. A temporary sign attached to a building, freestanding on a property or otherwise visible through a window or door shall be permitted in compliance with the following, in addition to temporary signs specified in Sections (3) and (4) below:**
 - A. **No more than one (1) temporary sign shall be permitted at a time on a property.**
 - B. **An occurrence of displaying a temporary sign shall not exceed forty-five (45) consecutive days. No more than two (2) separate occurrence of displaying a temporary sign shall be permitted in a calendar year.**
 - C. **The maximum sign area shall be twelve (12) square feet and the total sign height shall be a maximum of six (6) feet.**
 - D. **A sign visible from the outside through a window or door, or placed on the outside of a window, shall be included in the glass area calculation found in Section 1171.04(b)(1).**
 - E. **Freestanding signs shall be located no less than ten (10) feet from the street right-of-way or a property line.**
- (3) **Real Estate for Sale or Lease Signs. A real estate for sale or lease sign shall comply with the requirements of Section 1171.04(d)(2).**
- (24) **Project Real Estate /Construction Signs. A project real estate or construction sign shall comply with the following: requirements of Section 1171.04(d)(3).**
 - A. Such signs shall be located a minimum of three (3) feet from any street right-of-way.
 - B. A project or construction sign may be erected and maintained on a lot only during the period of time that the parcel is up for sale, rent, or lease or the building project is under construction. Such temporary sign shall be removed within two (2) business days of installation of the permanent identification sign.

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

1171.10 REGULATIONS FOR NONCONFORMING SIGNS.

- (a) Maintenance of Nonconforming Signs. Nonconforming signs shall be maintained in good condition pursuant to Section 1171.089(c), Maintenance, and may continue until such sign is required to be removed as set forth in this Chapter.

1171.11 ADMINISTRATIVE PROVISIONS.

- (a) Compliance with this Section. No person shall erect, locate, move, alter, or replace any sign or cause a sign to be located or maintained, unless all provisions of this Chapter have been met.
- (b) Application, Administrative Review, and Approval of Signage Proposals.
 - (1) *A sign permit shall be required for the erection, location, relocation, alteration, or replacement of a sign per Section 1171.11(c). All signs are subject to provisions of this Chapter, whether or not a sign permit is required.*
 - (12) When any person other than the owner of the property submits a sign *permit* application, the owner of the property or a designated agent for the owner shall also sign such application.
 - (23) All signage proposals requiring review and approval shall be reviewed administratively by the Zoning Administrator for compliance with the design criteria, construction standards, maintenance, and all other applicable regulations in this Chapter.
 - (34) Approved signage proposals will receive from the Zoning Administrator a *Sign P*ermit.
- (c) Table 1171.11 Administrative Requirements.

Table 1171.11 Administrative Requirements		
Sign Type	Sign Permit Required	Sign Permit Not Required
<i>Address</i>		<i>X</i>
Building, Permanent	X	

Table 1171.11 Administrative Requirements		
Sign Type	Sign Permit Required	Sign Permit Not Required
Construction		X
Entrance or Exit	X	
Freestanding, Permanent	X	
Instructional		X
Address Sign		X
<i>Project Real Estate/Construction</i>	<i>X</i>	
<i>Real Estate for Sale or Lease</i>		<i>X</i>
<i>Sandwich Board</i>		<i>X</i>
Temporary (6 sq. ft. or less)		X
Temporary (greater than 6 sq. ft.)	X	

- (d) Status of Prior Violations. All violations of the sign regulations repealed by the adoption of this Planning and Zoning Code shall remain violations and all penalties and enforcement remedies set forth herein shall be available to the City as though the violation were a violation of this Planning and Zoning Code. Provided, however, that if the effect of this Planning and Zoning Code is to make a sign, that was formerly unlawful or non-conforming, become lawful and/or conforming, then no enforcement action shall be taken except for the imposition and collection of penalties, other than the removal of the sign, for the violations that occurred prior to the effective date of this Planning and Zoning Code.
- (e) Prohibited signs located in the public right-of-way, as indicated in Section 1171.067(a) of this Planning and Zoning Code, shall be immediately removed by the City in order to maintain a public right-of-way which is safe and unobstructed.

**CHAPTER 1173
(REGULATIONS FOR WIRELESS TELECOMMUNICATION FACILITIES)**

1173.03 PERMITTED LOCATIONS.

A wireless telecommunications tower or facility is permitted in the following areas when in compliance with these regulations and approved by the Planning Commission according to the procedures set forth in Chapter 1107. Efforts shall be made to locate in the order of priority listed below. If a location other than the most preferred location is proposed, the applicant shall demonstrate to the Planning Commission that a technically suitable, higher priority location is not available and that the proposed location is needed to meet the reasonable service requirements of the applicant.

- (a) *In all zoning districts,* ~~N~~ew wireless antennas may collocate on existing telecommunication towers or on existing structures, which have been constructed



- for other purposes, such as but not limited to water towers, church towers, electric transmission towers, chimneys, and cooling towers.
- (b) A wireless telecommunication tower **or facility** may be located in an **M-1**, M-2 and M-4 zoning districts; when located a distance at least **two (2)** times the height of the tower from a residential district.
- (c) A wireless telecommunication tower **or facility** may be located within a recorded electric high tension power line easement, provided that the tower shall not exceed the height of the existing high tension power line towers by more than **ten (10)** feet and the wireless telecommunication tower shall be located within **forty (40)** feet of such existing high tension power line towers.
- (d) A ~~W~~ireless ~~T~~elecommunications ~~T~~ower **or facility** shall be permitted in any interstate-highway right-of-way and shall be set back from a dwelling unit a distance of one hundred ten **(110)** percent (~~110%~~) of the height of the ~~T~~ower.

1173.04 LOCATIONS REQUIRING CONDITIONAL USE APPROVAL.

A wireless telecommunications tower or facility may be considered in the following areas as a conditional use when approved by the Planning Commission according to the procedures set forth in Chapter 1107. When considering an application, the Planning Commission shall determine that the applicant demonstrates compliance with the standards set forth in Section 1107.12, Criteria for Reviewing Minor and Final Development Plans; with the General Criteria for Conditional Uses in Section 1147.02; and has demonstrated that more preferred locations are not technically suitable. Efforts shall be made to locate the towers in the order of priority listed below:

- (a) In the ~~a~~ C-5, General Commercial, **CF or CPRO** zoning district, when located at least twice the height of the tower from a residential dwelling.
- (b) ~~A wireless telecommunication facility that includes a tower shall not be permitted in a single-family or multi-family residential district with the exception of placement on any~~ **On a** property with an institutional use (e.g. church, park, library, municipal government, hospital, school, utility) **when located on a property not indicated in Section 1173.03 or 1173.04(a)** located in these districts. However, antennas attached to existing buildings or structures are permitted. In applying for a permit in any residential district, the applicant must present substantial evidence as to why it is not technically feasible to locate in a more appropriate ~~nonresidential zone~~**ing district or location as indicated in Section 1173.03 or 1173.04(a).**
- (c) ~~With approval from the Design and Review Board, a wireless telecommunications tower or antenna may be located on or near historic structures, districts, or corridors only if concealed so as to be substantially invisible. The views of, and vistas from, such structures, districts, and corridors shall not be impaired or diminished by the placement of telecommunications towers and antennas.~~
- (c) **On a designated Landmark, or within a Landmark District, on a location specified as a permitted or conditional use in Section 1173.03 or Section 1173.04. A wireless telecommunications tower or facility on a designated Landmark or within a Landmark District shall be concealed so as to be substantially invisible and the views of, and vistas from, such structures, districts, and corridors shall not be impaired or diminished by the placement of**



telecommunications towers and facilities. Such wireless telecommunications tower or facility shall also receive Certificate of Appropriateness approval from the Design and Review Board per Section 155.06.

1173.09 EXEMPTION OF CERTAIN CITY PROPERTY.

Regardless of the provisions of this Chapter, a Wireless Telecommunication Facility may be permitted on any property owned or controlled by the City and currently used for public services, and *On any property owned or controlled by the City, wireless telecommunications towers or facilities shall be permitted and shall be exempt from the regulations set forth in this Chapter and any other provisions of this Planning and Zoning Code provided that City Council has first held a public hearing and approved the location of such tower or facility by a majority vote.* Such tower or facility shall be constructed, erected, maintained, extended and removed under such conditions, standards and regulations as may be required by the City Council.

- (a) *Notice of the public hearing regarding a wireless telecommunication tower or facility on a City owned or controlled property shall be given by Council according to the following:*
 - (1) *Notice of the hearing shall be published at least fourteen (14) calendar days prior to the date of the required public hearing, in one (1) or more newspapers of general circulation in the City.*
 - (2) *Written notice of the required hearing shall be mailed by the Clerk of Council by first class mail at least fourteen (14) calendar days prior to the date of the required public hearing to all owners of property within two hundred (200) feet from the subject property to the address of such owners appearing on the County Auditor's current tax list or the County Treasurer's mailing list. The failure to deliver the notification as provided in this section shall not invalidate any decision made by Council regarding the location of a wireless telecommunications tower or facility.*
 - (3) *Notices shall include the time and place of the public hearing, a summary of the proposed placement of the tower or facility and a statement that the opportunity to be heard will be afforded to any person interested.*
- (b) *Council may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.*
- (c) *During the fourteen (14) days prior to the public hearing, all materials relevant to the proposed tower or facility placement shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by Council.*

CHAPTER 1181 (VEHICULAR AND PEDESTRIAN CIRCULATION)

1181.09 SIDEWALKS, WALKWAYS AND BIKEWAYS.

Sidewalks, walkways and bike lanes shall be provided as necessary to provide safe, convenient and efficient transportation.

(b) Design Standards.

- (1) For residential developments, sidewalks shall be a minimum of four (4) feet in width, except on arterial and collector streets where a minimum of five (5) feet shall be required. For all commercial/industrial developments, sidewalks shall be a minimum of five (5) feet in width.

Sidewalks shall be no less than four (4) feet in width when located along a public right-of-way of sixty (60) feet or less. Sidewalks shall be no less than five (5) feet in width when located along a public right-of-way of greater than sixty (60) feet.



NOTES - PROPOSED PLANNING AND ZONING CODE AMENDMENT

The following are notes to provide a description and explanation for the proposed Planning and Zoning Code amendments. In the outside margin, notable changes to the code are indicated with either a solid red line (**|**) for more significant changes or a dashed blue line (**- - -**) for less significant changes. The number adjacent to the line corresponds to the note numbers below. The notes are in order as they first appear.

1. The section regarding map and text amendments has been altered to have consistent notification requirements. Currently, the code requires the Planning Commission to notify property owners within 200 ft. of a property being rezoned while Council must only notify abutting property owners. The change requires notification to all property owners within 200 ft. at both stages, though notification time prior to the meeting is reduced to 10 days prior to the Council meeting in order to provide consistency with the Planning Commission notification and to reduce the extensive time needed for the amendment process. (Pages 1-3)
2. The section has been changed to include trailers along with recreational vehicles. The definition of recreational vehicles may be interpreted to include trailers, however, this change solidifies the intent of the section. In addition, the section has been amended to prohibit commercial trailers from being stored on residential properties and correspond with requirements stated elsewhere in the Planning and Zoning Code. (Page 3 & 4)
3. The scale of developments in the CF district is reduced by removing the minimum lot size of 10 acres, though still requiring sites to meet other applicable standards, such as setbacks and buffers. It is unclear why the chapter was initially geared to such large developments as the majority of the permitted and conditional uses in the chapter do not necessitate 10 acre sites. In addition, there are 180 lots that have CF zoning and 144 lots, or 80%, are actually under 10 acres. A section was also added indicating the use of the CF district as a transition zone, as is currently stated in Section 1131.08(b)(1). (Pages 4 & 5)
4. Approval procedures concerning development plan and conditional use approval in the CF district were removed. These sections are not necessary and are derivative as the development plan and conditional use processes are extensively identified in Chapters 1107 and 1115, which apply to all developments in the CF district. (Page 4, 10 & 11)
5. Theaters are currently a conditional use in the C-4 (Central Business) District and limited to indoor movie theaters. The proposed amendment allows outdoor theaters in the C-4 and CF districts and removes the movie theater only requirement. The applicable conditional use standards have also been amended with consideration to neighboring properties. (Pages 5, 21 & 22)
6. Changes were made to the fence section in the CF district to align it with other similar fencing requirements for nonresidential districts. (Pages 7 & 8)
7. Public Safety, Health and Utility Facilities were changed from a conditional use to a permitted use in all residential districts. Rationale for allowing such facilities as a permitted use is included in the attached document "Changes to Public Safety, Health or Utility Facilities". (Pages 11, 12, 13, 18, 19, 22, & 23)
8. In the CPRO (Campus, Professional, Research, and Office) district, the use of a scientific research, development, training and testing facility was changed from a conditional use to a permitted use. A research use is stated in the intent section of the district, therefore, it is unclear why the use was listed as conditional. (Pages 15, 20 & 23)

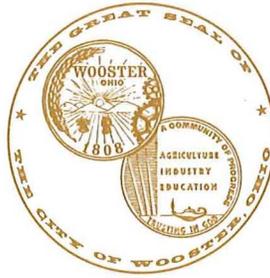
9. Commercial recreation, indoor was added as a permitted use in the M-1 (Office/Limited Manufacturing) and M-2 (General Manufacturing) districts. It is currently only allowed as a conditional use in the C-5 (General Commercial) district. The rationale for the change is that the scale and function of indoor recreation is suitable for manufacturing zones. (Pages 16, 21 & 22)
10. The current code requires parking to be situated to the side or rear of a structure in the M-1 (Office/Limited Manufacturing) district when the property is on the edge of a manufacturing development, such as the east side of Akron Road, north of Long Road. Such a requirement is not practical for manufacturing and office uses and results in the building being placed as close to the right-of-way as possible. The proposed setbacks of 20 ft. when internal to the development, and 40 ft. when facing a residential district, allow manageable setbacks while providing a buffer from residential areas. (Page 17)
11. Conditional use requirements for public parking lots have been revised to replace the requirement for a masonry knee wall to screen the lot with landscaping. (Page 22)
12. The existing requirements for temporary signs are difficult to determine and interpret. The revised section aims to simplify the requirements for temporary signs. Overall, the section allows for 2 temporary signs a year for 45 days each display occurrence for signs in nonresidential areas and more restrictive requirements for temporary signs in residential districts. Such signs do not require a permit when they are 6 sq. ft. or smaller, though all temporary signs are subject to the regulations of Chapter 1171. In addition, real estate signs are allowable without a permit, provided the regulations of the section are met. Sandwich board signs are also allowed in the C-4 district during business hours when allowing 4 ft. for pedestrian traffic to pass. See the attached document "Summary of Proposed Changes to Temporary Signage Regulations" for further information. (Pages 25-29)
13. A number of changes were made to the wireless telecommunications facility section. "Tower" or "Facility" was added in a number of places to maintain consistency throughout the chapter. Such facilities were added as a permitted use in the M-1 (Office/Limited Manufacturing) district and as a conditional use in the CPRO (Campus, Professional, Research & Office) and CF (Community Facilities) districts. Wireless telecommunication facilities are currently a conditional use in residential districts on properties with an institutional use. This regulation was expanded to include properties with institutional uses in all districts.

Section 1173.09, which exempts the city from the requirements of the chapter, was rewritten to exempt all city owned or controlled property from the wireless telecommunication regulations. The interpretation of the section has been that any property owned or controlled by the city is exempt per the code's definition of "Use". Section 1103.02(b)(241) defines "Use" as "The *purpose* for which and, a building or structure is arranged, designed, *intended*, maintained or occupied...". The change clarifies the interpreted intent of the section.

In addition, Section 1173.09 was amended to require City Council approval and a public hearing for all proposed wireless telecommunication tower or facilities proposed on city property. Notification requirements are similar to those involved with a zoning amendment. (Pages 30-32)

14. The standards for sidewalk width have been changed to align with requirements of the City's Engineering Division. (Page 33)

ROBERT F. BRENEMAN
Mayor



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July 29, 2014

Wooster City Council
538 North Market Street
Wooster, OH 44691

Dear Council Members:

At the July 23, 2014 meeting of the Wooster City Planning Commission, a motion was made to recommend to Council approval of ZC-258, Zoning Code amendments, with the following exceptions:

- Not recommending changing Public Safety, Health and Utility Facilities from a conditional use to a permitted use in residential zoning districts (Sections 1133.02(d)(2)(E), 1135.02(d)(2)(E), 1137.02(d)(4)(B), 1147.05, 1147.06, and 1147.09(u)) and
- Not recommending changing the allowable time of display of temporary signs from 4 times a year, not exceeding 30 days per occurrence, to 2 times a year, not exceeding 45 days per occurrence (Section 1171.04(d)(1)(B)).

Sincerely,

Fred Selig, Chairman
Wooster City Planning Commission

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

PROPOSED ADDITIONAL TEXT AMENDMENT

CHAPTER 1107 (PROCEDURES FOR ZONING CERTIFICATES, DEVELOPMENT REVIEW AND CONDITIONAL USE APPROVAL)

1107.10 PUBLIC NOTICE *AND PUBLIC HEARING* FOR DEVELOPMENT PLANS.

- (a) Property Notice. For General; Final; and Minor Development Plan Reviews which have been referred to the Planning Commission, at least seven (7) days prior to the Commission's public meeting on the pending application, the applicant shall erect on the subject property a sign indicating the change proposed, and the date, time, and place of the public meeting. Failure to do so shall result in the cancellation or continuation of the scheduled public meeting.
- (1) The Zoning Administrator shall determine the number of signs required, however, there shall be at least one sign posted along each public right of way abutting the property. At least one sign shall be posted every 300 feet along any single right-of-way. All signs must be clearly visible from the adjacent right-of-way and shall be no larger than 3 feet by 4 feet in size. For properties that lack any public right-of-way, all required signs shall be posted along at least two property lines, as determined by the Zoning Administrator.
 - (2) The applicant shall have the responsibility to determine and provide adequate structural elements necessary to erect the sign on the property.
 - (3) All public meeting signs posted shall be removed from the property by the applicant within 2 days after the Commission's public hearing.
 - (4) The temporary absence of any posted sign, due to vandalism or climatic conditions, shall not violate the intent of this section.
- (b) Posted Notice. Public notice of general; final and minor development plans to be reviewed and acted upon by the Planning Commission shall be posted on the bulletin board in the main lobby of the Municipal Building. The public notice will be the Planning Commission's agenda on which the development plans to be considered will appear.
- (c) ***Public Safety, Health or Utility Facility Public Hearing. Prior to the review of a Development Plan application in which a site is initially utilized for a public safety, health or utility facility in a residential zoning district, City Council shall first hold a public hearing and approved the location of such facility by a majority vote.***
- (1) ***Notice of the public hearing regarding a public safety, health or utility facility shall be given by Council according to the following:***
 - A. ***Notice of the hearing shall be published at least fourteen (14) calendar days prior to the date of the required public hearing, in one (1) or more newspapers of general circulation in the City.***
 - B. ***Written notice of the required hearing shall be mailed by the Clerk of Council by first class mail at least fourteen (14) calendar days prior to the date of the required public hearing to all owners of property within two hundred (200) feet from the***

subject property to the address of such owners appearing on the County Auditor's current tax list or the County Treasurer's mailing list. The failure to deliver the notification as provided in this section shall not invalidate any decision made by Council regarding the location of a wireless telecommunications tower or facility.

- C. Notices shall include the time and place of the public hearing, a summary of the proposed Development Plan application and a statement that the opportunity to be heard will be afforded to any person interested.*
- (2) Council may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.*
- (3) During the fourteen (14) days prior to the public hearing, all materials relevant to the proposed public safety, health or utility facility shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by Council.*

Summary of Proposed Changes to Temporary Signage Regulations

Non-Residential Districts (Section 1171.04(d))

Current		Proposed	
Project Real Estate/ Construction Signs	1 sign permitted No max size No max height 3 ft. from R/W Displayed during construction & lease of project	Project Real Estate/ Construction Signs	1 sign permitted <i>along each R/W</i> <i>Max area 40 sq. ft.</i> <i>Max height 12 ft.</i> 3 ft. from R/W <i>or property line</i> Displayed during <i>construction</i> of project
Temporary Window Signs	No max number Conform to window sign area Display time 30 days, no more than 4 times a year	Temporary Signs	<i>1 sign per occurrence</i> Max area 40 sq. ft. <i>Display time 45 days, no more than 2 times a year</i>
Other Temporary Signs	No max number Max area 40 sq. ft. Max height (freestanding) 6 ft. Display time 30 days, no more than 4 times a year		Max height (freestanding) 6 ft. Conform to window sign area Portable signs not permitted in C-4 Freestanding no closer than 3 ft. from R/W or property line
Portable signs	No max number Max area 32 sq. ft. Max height (freestanding) 6 ft. Not permitted in C-4 Display time 30 days, no more than 4 times a year		
Temporary Signs in the C-4 District	Only sandwich board signs and "similar types of temporary signs" permitted in C-4 Max size 3 ft. high by 2 ft. wide Permitted in R/W if allowing a walkway, 5 ft. from door	Sandwich Board Signs in the C-4 District	Only sandwich board signs and "similar types of temporary signs" permitted in C-4 Max size 3 ft. high by 2 ft. wide Permitted in R/W if allowing a <i>4 ft.</i> walkway, 5 ft. from door
Setbacks	Freestanding no closer than 3 ft. from R/W or property line	(Addressed in other Sections)	Freestanding no closer than 3 ft. from R/W or property line
Real Estate for Sale or Lease Signs	No regulations	Real Estate for Sale or Lease Signs	<i>1 sign permitted along each R/W</i> <i>Property < 2 acres, max area 20 sq. ft., max height 6 ft.</i> <i>Property ≥ 2 acres, max area 40 sq. ft., max height 12 ft.</i> <i>Displayed when for sale/lease</i> <i>Freestanding no closer than 3 ft. from R/W or property line</i>

Residential Districts (Section 1171.05(c))

Current

Proposed

Current		Proposed	
Temporary Signs (Residential Use)	1 sign permitted Max area 6 sq. ft. Max height 4 ft. Displayed for 30 days, no limit on number of occurrences 3 ft. from R/W	Temporary Signs (Residential Use)	1 sign permitted Max area 6 sq. ft. Max height 4 ft. <i>Display time 45 days, no more than 2 times a year</i> 3 ft. from R/W <i>or property line</i>
Temporary Signs (Non-Residential Use)	1 sign permitted Max area 14 sq. ft. No max height Displayed for 14 days, no more than 4 times a year 10 ft. from R/W or property line	Temporary Signs (Non-Residential Use)	1 sign permitted Max area 12 sq. ft. Max height 6 ft. <i>Display time 45 days, no more than 2 times a year</i> 10 ft. from R/W or property line
Project Real Estate/ Construction Signs	No regulations	Project Real Estate/ Construction Signs	<i>1 sign permitted along each R/W</i> <i>Max area 40 sq. ft.</i> <i>Max height 12 ft.</i> <i>3 ft. from R/W or property line</i> <i>Displayed during construction of project</i>
Real Estate for Sale or Lease Signs	No regulations	Real Estate for Sale or Lease Signs	<i>1 sign permitted along each R/W</i> <i>Property < 2 acres, max area 20 sq. ft., max height 6 ft.</i> <i>Property ≥ 2 acres, max area 40 sq. ft., max height 12 ft.</i> <i>Displayed when for sale/lease</i> <i>Freestanding no closer than 3 ft. from R/W or property line</i>

Rationale for Changes to Public Safety, Health or Utility Facilities in Residential Districts

Public safety, health and utility facilities provided city services such as police and fire protection, EMS, water service, and wastewater treatment which are vital to residents and businesses of the City of Wooster. As noted below, there are a number of indispensable factors that must be taken into consideration when locating a public facility. These factors result in a finite number of possible sites to locate a public facility. Currently conditional use review requirements subject public facility uses to additional review standards which are not directly applicable to public safety, health and utility facilities and severely limit their necessary placement.

As a permitted use, public safety, health and utility facilities would continue to require approval of City Council to fund virtually any facility. In addition, the Planning Commission reviews all public facility projects through the Development Plan review process. Public safety, health and utility facilities are commonly found throughout municipalities, including Wooster, and the location of such facilities is critical to providing public services and protect the city's residents and businesses.

A more detailed description of the rationale for allowing public safety, health and utilities as a permitted use is stated below:

1. Public safety, health and utility facilities are operated solely to provide essential services to residents and businesses. Such facilities must be located where necessary to provide such services.

- Public facilities are required, not optional, to provide safety, health and utility services to residents and businesses in the city.

The city needs to have the ability to locate such facilities where they are necessary. In certain instances, public facilities need to be located in residential districts to provide necessary safety, health and utility services.

- Public facilities are unique in nature

The City of Wooster is the sole entity charged with provide such safety, health and utility services within our city limits. Public safety, health and utility facilities are unique and unlike any other uses as there only purpose is to serve the residents and businesses of the City of Wooster. Consideration needs to be taken into account for such facilities which are solely focused on serving city residents and businesses.

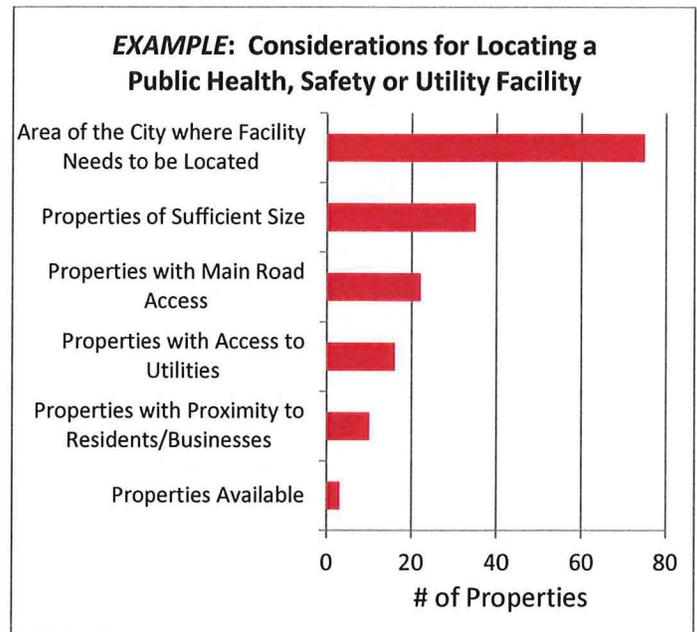
2. Numerous factors must be considered when locating a public safety, health and utility facility which produce a limited number of suitable sites for such a facility.

- Public facilities are location specific

The placement of a public facility is more location specific than any other use. In addition, the area in which a public facility needs to be placed to effectively provide services to residents and businesses is often very restrictive.

For example, facilities such as water treatment, water storage and wastewater facilities must be located at certain elevations, in a necessary pressure zone, accessible to existing or future utility lines, and away from air traffic. In addition, facilities such as fire and police stations must be located to provide safety services to the residents and businesses in the city. Considerations for locating such facilities include access to a main roads, emergency response time and relation to other similar facilities.

- Properties are limited for public facilities
There are only a finite number of properties that meet the necessary requirements for a public facility. Initially, research is conducted to determine the area where a public facility needs to be located. The characteristics of properties in the identified area are then reviewed for suitability for the public facility. Such characteristics as the property's size, accessibility to main roads, proximity to the residents and businesses served, and access to necessary utilities are evaluated. In addition, only a limited number of properties are available for purchase at a given time.



- The subject requirements apply to all properties in residential districts

The proposed amendments are not specific to any one site and to review them as such would not incorporate their full effect. Residential districts account for approximately 42% of the zoned land area of the City of Wooster. Having such a large portion of the city subject to the requirements of a conditional use process limits the city's ability to locate a public facility.

3. It is infeasible for a public safety, health and utility facility to fully comply with all conditional use requirements

Though public safety, health and utility facilities are designed to be harmonious and appropriate with the general vicinity, such facilities are inherently inconsistent with residential uses. Characteristics of public facilities are clearly different than residential structures, such as structure height, size and function. Applying the subjective conditional use criteria to a public safety, health and utility facility clearly limits the placement of a public facility. In addition, the subjective nature of conditional use requirements opens up an application to potential lawsuits regarding the interpretation of the code.

Below are the general and specific conditional use requirements applicable to public safety, health and utility facilities found in Chapter 1147 of the Planning and Zoning Code.

- General conditional use requirements (1147.02)
 - (a) The conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the prevailing existing or intended character of the general vicinity.
 - (b) The establishment, maintenance or operation of the conditional use will not endanger the public health, safety or general welfare.
 - (c) The conditional use will not be more hazardous or more disturbing to the existing and future use and enjoyment of properties in the immediate vicinity than uses that are permitted by right, nor substantially diminish or impair property values within the neighborhood.

- (d) The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (e) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible.

- Specific conditional use requirements (1147.05 & 1147.09(u))

Conditional use	Conditional Use in District	Minimum Lot Regulations ⁽¹⁾		Minimum Building Setbacks ⁽¹⁾		Minimum Parking Setbacks ⁽¹⁾		Also See Section:
		Area ⁽²⁾	Width	Front	Side/Rear	Front	Side/Rear	
9. Public safety, health or utility facility	R-1, R-2, R-T	2 acres ⁽⁴⁾	200 ft ⁽⁴⁾	⁽³⁾	30ft	NP	10 ft	1147.09(u)
Notes to Table 1147.05: ⁽¹⁾ Uses shall comply with the standards in this table or the corresponding district standard whichever is greater. ⁽²⁾ Parcel size devoted to the use shall not exceed 10 acres. ⁽³⁾ Shall comply with the regulations for the district in which the conditional use is located. ⁽⁴⁾ The minimum lot regulations of this section shall not apply to a public utility distribution or storage facility.								

Public Safety, Health or Utility Facility.

- (1) In residential districts, facilities shall be limited to structures that are essential for the distribution of services to the local area.
- (2) Outdoor storage of fleet vehicles used in the operation of the facility may be permitted provided such storage areas are located in the side or rear yard in off-street parking areas and are screened in accordance with Section 1165.07(g), Screening.
- (3) The areas devoted to the outdoor storage of fleet vehicles shall be enclosed with a fence having a minimum height of six (6) feet.

4. Public safety, health and utility facilities are subject to additional review by City Council, which no other uses are subject to, along with Development Plan review by the Planning Commission

- City Council approves legislation for public facilities

Funding for the purchase of land, construction of buildings and site work is authorized by the elected members of City Council at a meeting open to the public. The public has the ability to speak at all Council meetings and let their opinions be known. In addition, proposed text to Section 1107.10 requires a public hearing by Council for the location of all public facilities in residential district. Furthermore, the location, purchase and construction of a public facility is extensively studied by the city administration prior to being presented to Council.

- The Planning Commission reviews a Development Plan application

The City of Wooster Planning Commission reviews development plan applications for all public facility projects for their conformance with the Planning and Zoning Code. The Planning and Zoning Code contains a multitude of requirements for development including setbacks, lot coverage, screening, parking, lighting, signage, and environment protection. Planning Commission meetings are open to the public, though development plans do not require a dedicated public hearing. The Planning and Zoning Code also requires the placement of a notice of the development plan application on the subject property prior to the meeting date.

5. Public safety, health and utility facilities are located throughout the City of Wooster and other similar cities in order to provide essential services

Public facilities in the City of Wooster, and other cities, are located where they are necessary. Current public facilities in Wooster are located in a variety of zoning districts, including residential. Though other cities have ordinances with a variety of different requirements, public facilities are commonly found in all areas of a city, for the reasons previously stated. Further documentation is found in the attached chart entitled “Public Facility Uses in Other Cities” and its associated maps.

Summary

Public safety, health and utility facilities are a unique use with no other purpose than to provide police and fire protection, EMS, water service, and wastewater treatment to the City of Wooster’s residents and business. There are numerous factors that must be taken into consideration when locating a necessary public facility, such as and the many requirements of potential sites, which make the location of such facilities challenging. The addition of the currently applicable conditional use review requirements significantly limits the city’s ability to locate necessary public facilities by subjecting the use to criteria that are not applicable to a public facility. Allowing public safety, health or utility facilities as a permitted use allows the city to provide services to its approximately 26,384 residents and businesses with authorization of City Council and within the parameters of Development Plan review by the Planning Commission.

Public Facility Uses in Other Cities

The following is a more descriptive look into how other cities in Ohio address public facility uses in single-family residential zoning districts similar to Wooster's R-1 (Suburban Single-Family Residential) zoning district. The list shows that there are a variety of ways that such a use is addressed, including:

- Allowing all, or some, public facilities as a permitted use
- Allowing all, or some, public facilities as a conditional use
- Not permitting, or some, public facilities in single family districts
- Not listing all, or some, public facilities as uses in any zoning district

The list illustrates the variety of ways that cities' address the location and regulation of public facility uses. In addition, conditional uses have different criteria and procedures for review, which adds to the range of ways public facility uses are regulated.

City	Permitted Use or Code Exempt	Conditional Use		Not Permitted or Conditional in R-1 District
		LESS Restrictive than Wooster	EQUALLY Restrictive as Wooster	
1. Ashland		Public Buildings		
2. Findlay	Public Utilities	Gov't Uses/Emergency		
3. Sidney	Essential Services	Gov't Buildings		
4. Medina			Gov't Facilities	
5. Mansfield		Public Buildings		
6. Canton			Gov't Buildings	
7. North Canton	Essential Services		Safety Facility	
8. Kent			Public Fac. & Utility	
9. Green	Public Utilities	Safety/Service Facility		
10. Barberton			Special General Use	
11. Garfield Heights			Public Utility & Bldg.	
12. Hilliard	Essential Services			Public Uses
13. Shaker Heights			Muni. Services/Utility	
14. Hudson	Public Safety		Essential Services	
15. Maple Heights			Public Utilities	Gov't Facilities
16. Willoughby			Public Safety	Public Utilities*
17. Upper Arlington	Essential Services		Public Utilities	Gov't Facilities*
18. Sandusky		Public Facilities		
19. Mason				Public Facilities*
20. Riverside	Public Facilities			
21. North Olmsted			Muni. Building/Use	
22. South Euclid		Gov't Office/Utilities		
23. Oxford	Essential Services			Public Facilities*
24. Fairborn	Neighborhood Facility		Community Facility	
25. Avon			Public Safety/Utility	Public Service
26. Alliance	Safety Fac./Utilities			Gov't Offices
27. Brunswick			Gov't Buildings/Utilities	
28. Massillon		Public Bld./Utilities		
* Not indicated as a Permitted or Conditional Use in any Zoning District				

1. Ashland

“Any public building erected, leased or used by any department of a municipal government” and “Public Utility Building” uses are not traditional conditional uses in the district similar to R-1, rather, they are permitted by a special permit. The procedure for review of a special permit includes a recommendation from the Planning Commission to City Council. The only criteria for review is the “effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the public health, safety or general welfare”. The code does not include a requirement for a public hearing. See Chapter 1183 (Walter H. Drane).

2. Findlay

“Public Facilities” are permitted in all districts. “Government Uses” and “Emergency Services” are conditional uses in the district similar to R-1, though there is no process for review or applicable standards. Certain conditional uses have standards, but public facilities are not such a use. See Sections 1101.07, 1121.03 and 1161.15 (Walter H. Drane).

3. Sidney

“Essential Services” are exempt from the Zoning Code. This definition includes structures and equipment related to all public utilities, including water towers.

“Municipal or Government Buildings” are a conditional use in the district similar to R-1. The review process is similar to the City of Wooster, though the application is heard by the Board of Zoning Appeals (BZA). There are no general criteria for their approval and the only conditional use regulations, as noted below, are not very restrictive. See Sections 1107.15, 1115.02, 1103.43 and Chapter 1147 (American Legal).

1147.30 MUNICIPAL OR GOVERNMENTAL BUILDING.

- (a) Municipal or government buildings are conditionally permitted in the N-1, S-1, R-1, R-2, R-3, O-1, B-1, B-2, I-1, and I-2 Districts.
- (b) Plans for exterior signs shall be approved by the Board of Appeals.
- (c) Landscape, buffering and screening plans shall be approved by the Board.
- (d) Plans for outdoor artificial lighting shall be approved by the Board.

4. Medina

“Governmentally owned and/or operated building or facilities” are a conditional use in the district similar to R-1. There are a number of criteria for review, which are restrictive, though many are not applicable to a government facility. The review process is similar to the City of Wooster.

“Governmentally owned and/or operated building or facilities” are allowed in the Public Facilities (PF) District. Looking at a Medina zoning map, two fire stations are located in residential areas, but they are zoned PF. This is how Medina was able to provide fire service constantly throughout the city without going through the conditional use process, assuming they were built under the current code. See Sections 1121.02 and 1153.04 (Walter H. Drane).

5. Mansfield

“Public Utility Buildings” and “Publically Owned Buildings” are conditional uses in the district similar to R-1, however, there are limited criteria, as noted below. In addition, there does not appear to be a public hearing requirement for review of conditional uses. See Section 1167.01 and Chapter 1183 (Walter H. Drane).

(g) Public Utility Structures.

- (1) All structures and activity areas shall be located at least fifty feet from all property lines.
- (2) Parking areas shall be screened from adjacent residential properties by a six-foot high obscuring fence or landscaping.

6. Canton

“Government Buildings” are a conditional use in the district similar to R-1. The review process appears to be similar to the City of Wooster, however, the standards are mostly general, other than use must be 50 ft. from a residential Lot.

Public Utilities are permitted in residential districts, however, the section only applies to electric, gas and telephone. See Sections 1129.07, 1135.03 and Chapter 1169 (Walter H. Drane).

7. North Canton

“Essential Services” are exempt from the provisions of the zoning code. This definition includes structures and equipment related to all public utilities. “Public Safety Facilities” are a conditional use in the district similar to R-1. Their review process and standards are similar to the City of Wooster, though there are only general standards applicable to Public Safety Facilities. See Sections 1123.05, 1125.02 and 1133.03 and Chapter 1145 (Walter H. Drane).

8. Kent

“Governmentally owned and/or operated buildings or facilities” and “Public utility right of ways and pertinent structures” are conditional uses in the district similar to R-1. Their review process and standards are similar to the City of Wooster. See Chapter 1107 and Sections 1131.02 and 1171 (3, 7, 8 & 11) (Walter H. Drane).

9. Green

“Public Utility Services” are permitted in all residential districts. “Public Safety/Service Facilities” and “Government Offices” are conditional uses with a review process and general standards though are similar to the City of Wooster, though there are no specific standards. See Sections 1224.08 and 1226.01 (American Legal).

10. Barberton

“Special General” uses, which include most public facilities, are a conditional use in the district similar to R-1. Their review process and general standards are similar to the City of Wooster, though there are no specific standards. See Sections Tables 1130B and 1330G(3) and Sections 1310.03 and 1320.02. (American Legal).

11. Garfield Heights

“Public water supply reservoir, tower or filter bed” and “city hall, fire station, police station and the like, or similar public or quasi- public building” are special uses in all zoning districts. Their review process and standards are similar to the City of Wooster for conditional uses, though the application is heard by the BZA. See Chapters 1123 and 1141 (Walter H. Drane).

12. Hilliard

“Essential Services” are a permitted use in residential zoning districts, which includes public and private utility services. “Public Uses” are not permitted in residential districts. See Sections 1107.01(29 & 63) and 1123.01 (Walter H. Drane).

13. Shaker Heights

“Municipal Service” and “Utilities” uses are conditional uses in the district similar to R-1. Their review process is somewhat similar to the City of Wooster, however, the Planning Commission makes a recommendation to Council for approval of the use. See Section 1213.05 and 1220.03 (Walter H. Drane).

14. Hudson

“Public Safety and Emergency Services” are a conditional use in the district similar to R-1. Their review process and standards are similar to the City of Wooster. “Essential Public Utility and Public Services” are a permitted use. This use includes “bus shelters and bus stops, but not including water towers, power generating stations, transfer stations, or outdoor storage”. See Sections 1203.05, 1205.04 and 1206.02 (Hudson City Website).

15. Maple Heights

“Public Utilities” are a conditional use in the district similar to R-1. Their review process and standards are similar to the City of Wooster. “Government Facilities” are not permitted in the similar R-1 district. See Sections 1262.12 and 1270.04 (American Legal).

16. Willoughby

“Public Safety Facilities” are a conditional use in the district similar to R-1. Their review process and standards are similar to the City of Wooster. “Public Service Facility” is defined, but not found elsewhere in the zoning code. See Sections 1109.05 and 1131.03 and Chapter 1155 (Walter H. Drane).

17. Upper Arlington

“Essential Services” are a permitted use in residential zoning districts, which includes a number of public utility uses. “Utility Structures” are a conditional use if they are “large”. Their review process and standards are similar to the City of Wooster, however, their BZA hears conditional use applications. Though other public facilities are not indicated in residential districts, they are also absent from all other districts. See Articles 2.02, 4.05 and 5.06 (Upper Arlington City Website).

18. Sandusky

“Public facilities” are a conditional use in the district similar to R-1. Conditional uses have a similar review process as the City of Wooster, however, there are few general standards for approval. These standards are not as stringent as the Wooster Zoning Code, as indicated below. See Sections 1109.10 and 1129.03 (Walter H. Drane).

- (b) Standards for evaluating conditional use permits. An application for a conditional use permit shall not be approved unless it conforms with the intent of the City of Sandusky Comprehensive Plan and complies with the following conditions and standards:
 - (1) Residential District.
 - A. That the proposed use is properly located in relation to any adopted land use plan or major thoroughfare plan, secondary and local streets, and pedestrian circulation in the surrounding area;
 - B. That the proposed use when located on a local residential street is such as to generate a minimum of vehicular traffic through residential neighborhoods;
 - C. That the location, design, and operation of the use will not discourage the appropriate development, or impair the value of the surrounding residential district.

19. Mason

Public facilities are not indicated as permitted or conditional uses for residential districts. The “Public Offices and Buildings” use is permitted in three commercial districts. The BZA determines whether a use not indicated as a permitted or conditional use is appropriate for a zoning district. See Section 1147.01 and Appendix A & B (American Legal).

20. Riverside

“Publicly owned and operated buildings and facilities” are a permitted use in the district similar to R-1. See Section 1155.02 (Riverside City Website).

21. North Olmsted

“Municipal, County State and Federal Buildings and Uses” is a conditional use in the district similar to R-1. Their standards and review process are similar to the City of Wooster. See Chapter 1118 and Section 1135.01 (Walter H. Drane).

22. South Euclid

“Government Offices” and “Public Utilities” are conditional uses in the district similar to R-1. Their review process is similar to the City of Wooster, however, the Planning Commission makes a recommendation to Council. The standards for conditional use approval, as indicated below, do not require a great amount of justification for the use, though they do include a number of development standards. See Chapter 722 and 762.05 (American Legal).

Conditional uses listed in Section 722.02 shall conform to the following standards:

- (a) Each use shall be located, planned and designed to be compatible with the surrounding development pattern, intensity and character of the area, and shall not create a condition which is noxious, disturbing or offensive or otherwise impair the general safety or welfare.
- (b) All principal and accessory uses must conform to lot area, yard, height and off-street parking requirements established in Chapter 772, Table 1.
- (c) Accessways to parking spaces shall be designed with due regard to traffic safety and the maintenance of a smooth and efficient flow of traffic in the area.
- (d) Outdoor storage of goods or equipment shall not be permitted.
- (e) Outdoor storage of vehicles shall be permitted, provided the vehicles are normally associated with the main use of the property.
- (f) Traffic generated by such use or facility shall not be in excess of those volumes for which the street system is designed.
- (g) The design of a public utility structure shall be compatible with the design, bulk and general landscaping of the residential area in which it is located.

23. Oxford

Public facilities are not listed as permitted or conditional uses in any zoning district, however, Section 1133.03 exempts “Essential Services” from the zoning code. See Section 1133.03 and Chapter 1143 (Walter H. Drane).

1133.03 ESSENTIAL SERVICES EXEMPTED.

- (a) Agencies providing essential services shall make reasonable efforts to comply with the standards of this Zoning Code. If compliance with this code prevents the efficient and effective provision of the service, the standards of this Code may be waived by the City Manager.

ESSENTIAL SERVICES – Services created by the erection, construction, alteration, or maintenance by public utilities or governmental agencies, of underground or overhead, gas, electrical, steam or water transmission or distribution systems, collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment for the refurbishing or adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings other than accessory buildings

24. Fairborn

“Neighborhood Utilities and Public Facilities”, as indicated below, are permitted uses in the district similar to R-1. “Community Utilities and Public Facilities”, also indicated below, are a conditional use in the similar R-1 district. Their review process is similar to the current Wooster Zoning Code, though their standards only contain general criteria. See Sections 1133.02, 1133.03 and 1176.07 (Walter H. Drane).

- (d) Neighborhood Utilities and Public Facilities: Utilities and facilities, primarily government owned, constructed to serve the needs of those properties in the immediate neighborhood. Uses are small in scale and unobtrusive to neighbors. Such uses shall include all underground utilities, sanitary sewer lift stations, telephone/electric transmission poles, street lights, water towers, fire/police substations.
- (e) Community Utilities and Public Facilities: Facilities and services, primarily owned by public utilities and governmental agencies, built to serve community-wide or regional needs.
 - (1) Electrical substations, and buildings housing switching equipment, wellfields and water reclamation centers.
 - (2) Government administration buildings and offices, government residential facilities, correctional facilities and fire stations.
 - (3) Radio and television transmission towers, Wireless Telecommunications Facilities as regulated by Chapter 1162.

25. Avon

“Public Safety Facility” and “Utility Substation” are special uses in the district similar to R-1. Their review process and standards are similar to the City of Wooster for a conditional use, however, the Planning Commission makes a recommendation to Council for approval of the use. “Public Service Facility”, which includes such uses as a water treatment plant and power plants, is only allowed in manufacturing and commercial districts. See Section 1262.03 and Chapters 1230 and 1280 (American Legal).

26. Alliance

“Fire and Police Stations” and “Public Utility and Essential Service Structures and Uses” are a permitted use in the district similar to R-1. Government offices are not a permitted or conditional use in the district similar to R-1. See Section 1122.03 (Walter H. Drane).

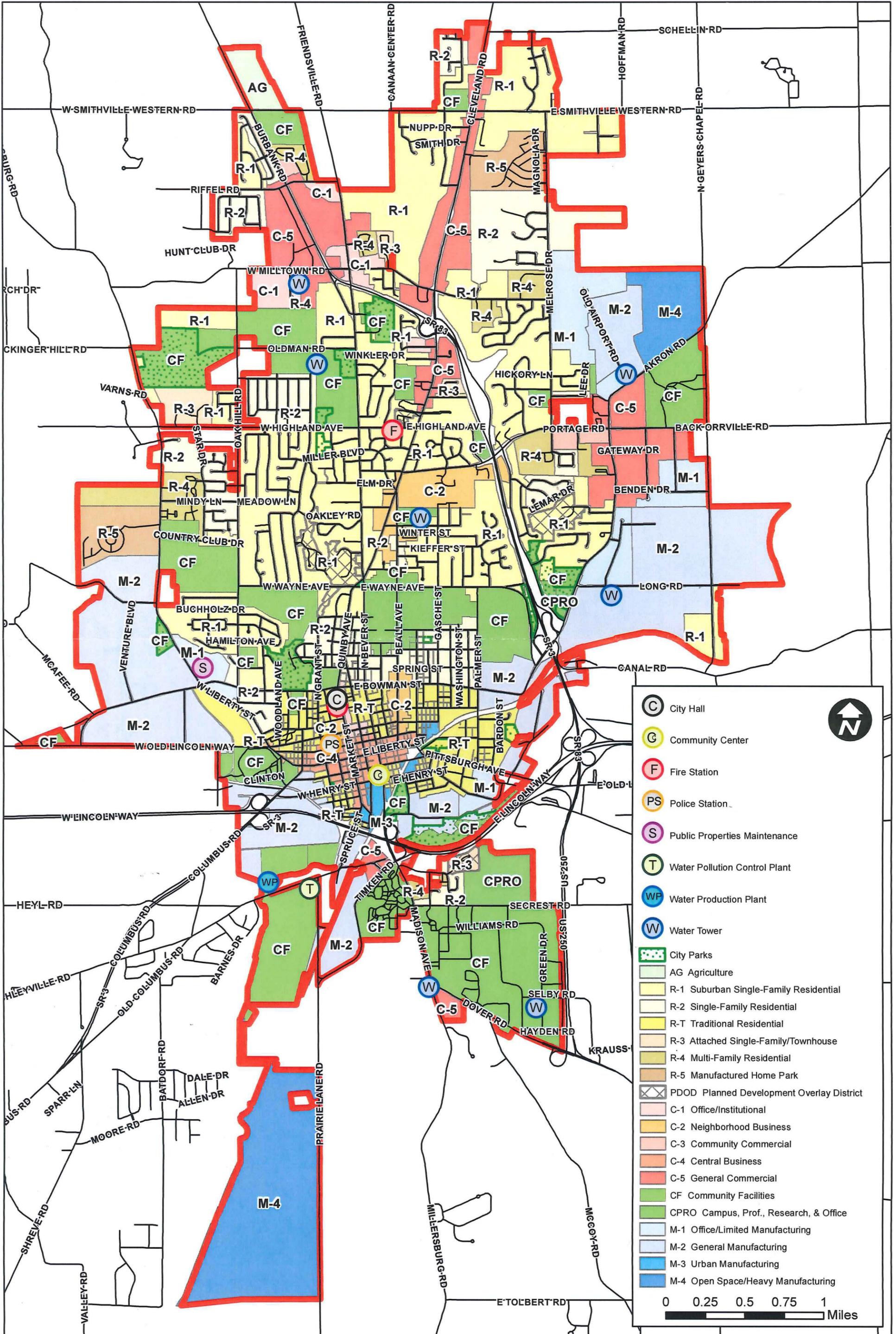
27. Brunswick

“Public Utility Structures” and “Governmentally-owned and/or operated buildings and facilities” are conditional uses in the district similar to R-1. Their review process and standards are similar to the City of Wooster, however, there are no specific standards to Public Utility Structures and Governmentally-owned facilities. See Section 1252.04 and Chapter 1274 (Walter H. Drane).

28. Massillon

“Utility and Public Service Buildings and Uses” is a permitted use with special conditions in the district similar to R-1. There does not appear to be any codified review process or criteria for approval, other than the Planning Commission must review such a use. See Section 1153.03 (Walter H. Drane).

City of Wooster Public Facilities



- C City Hall
- G Community Center
- F Fire Station
- PS Police Station
- S Public Properties Maintenance
- T Water Pollution Control Plant
- WP Water Production Plant
- W Water Tower
- City Parks
- AG Agriculture
- R-1 Suburban Single-Family Residential
- R-2 Single-Family Residential
- R-T Traditional Residential
- R-3 Attached Single-Family/Townhouse
- R-4 Multi-Family Residential
- R-5 Manufactured Home Park
- PDOD Planned Development Overlay District
- C-1 Office/Institutional
- C-2 Neighborhood Business
- C-3 Community Commercial
- C-4 Central Business
- C-5 General Commercial
- CF Community Facilities
- CPRO Campus, Prof., Research, & Office
- M-1 Office/Limited Manufacturing
- M-2 General Manufacturing
- M-3 Urban Manufacturing
- M-4 Open Space/Heavy Manufacturing

N

0 0.25 0.5 0.75 1

Miles

Medina City Zoning

January 2008

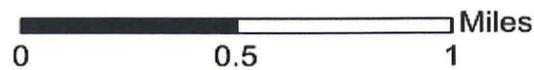
Legend

- Township/Municipal Boundary
- RoadExpMedCtyLafTwp
- RoadExpMedCtyYrkTwp
- RoadsExpMedCty
- Railroad

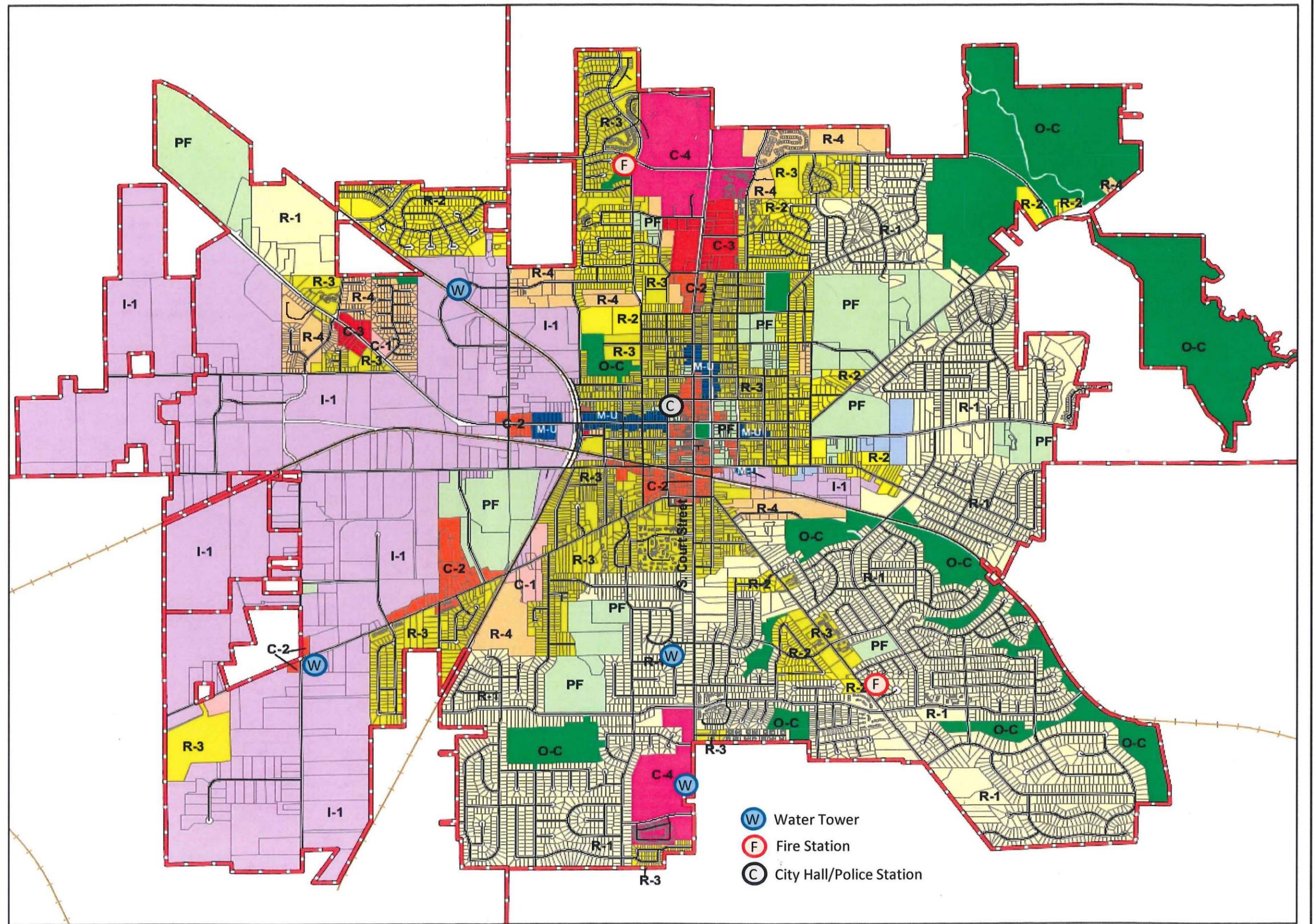
Medina City ZONING

- C-1 Local Commercial
- C-2 Retail Office
- C-3 Commercial
- C-4 Planned Commercial
- C-B Commercial Business
- I-1 Industrial
- M-U Multi-Use
- O-C Open Space-Conservation
- PF Public Facilities
- R-1 Low density Urban Residential
- R-2 Medium Density Urban Residential
- R-3 High Density Urban Residential
- R-4 Multi-Family Urban Residential

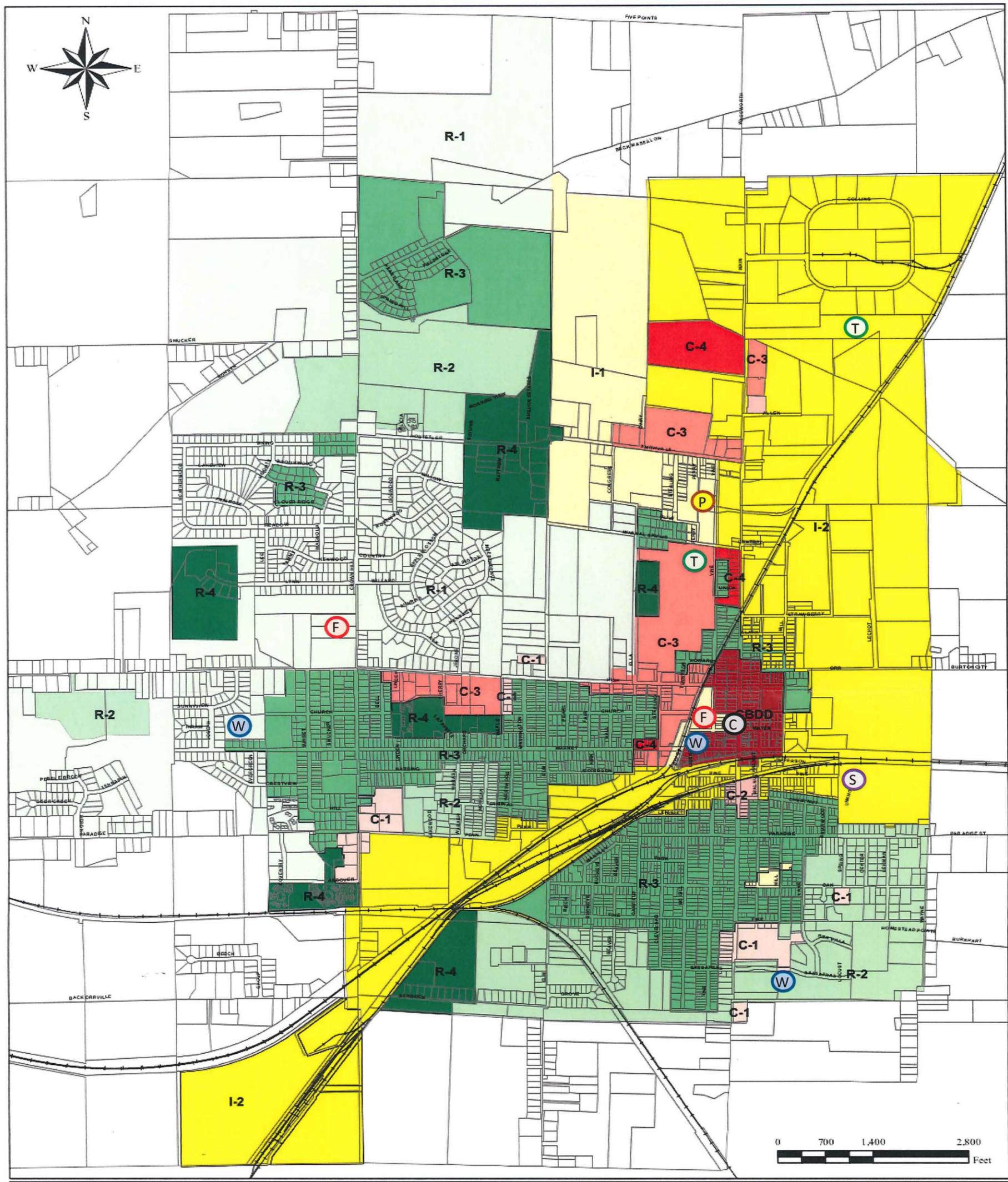
Note:
The lot lines of this map are representative of the actual lot lines and are not intended to be substituted for an official survey or used to resolve boundary or area issues. Secure a survey, consult County records or the City of Medina Clerk of Council records for dimensions and areas of lots and boundaries.



Prepared by:
Department of Planning Services
 124 W. Washington St., Suite B-4 Medina, OH 44026 (330) 722-9239 Fax: (330) 764-8436
 Visit us on the web at www.planning.co.medina.oh.us



CITY OF ORRVILLE ZONING DISTRICTS



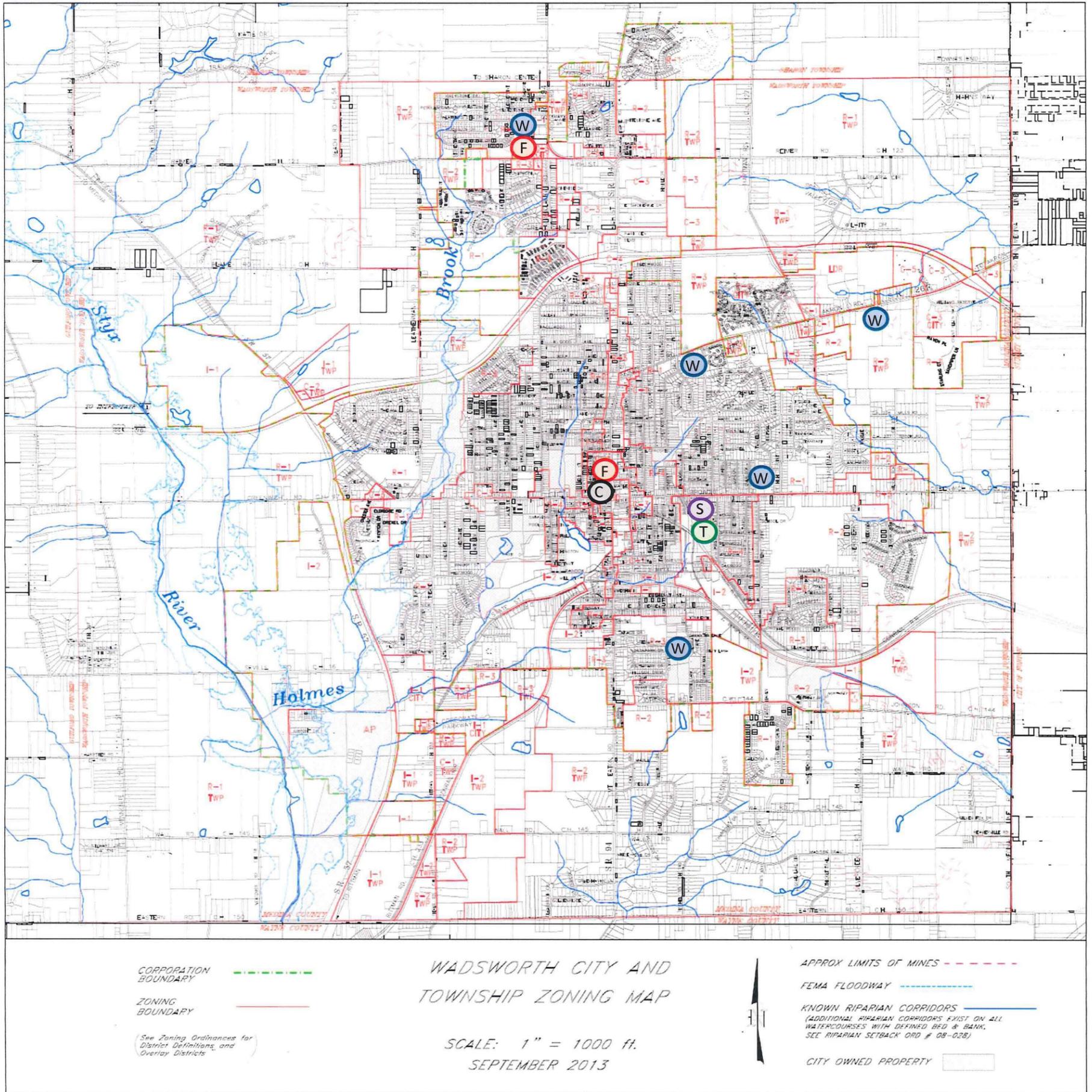
REVISIONS

ORD. NO.	DATE
123-99	1-3-00
78-00	11-6-00
79-00	11-6-00
80-00	11-6-00
A-02	2-19-02
G-02	6-3-02
N-02	1-6-03
P-03	11-3-03
V-03	1-5-04
W-03	1-5-04
J-05	6-27-05
D-06	3-2-06
I-06	10-2-06

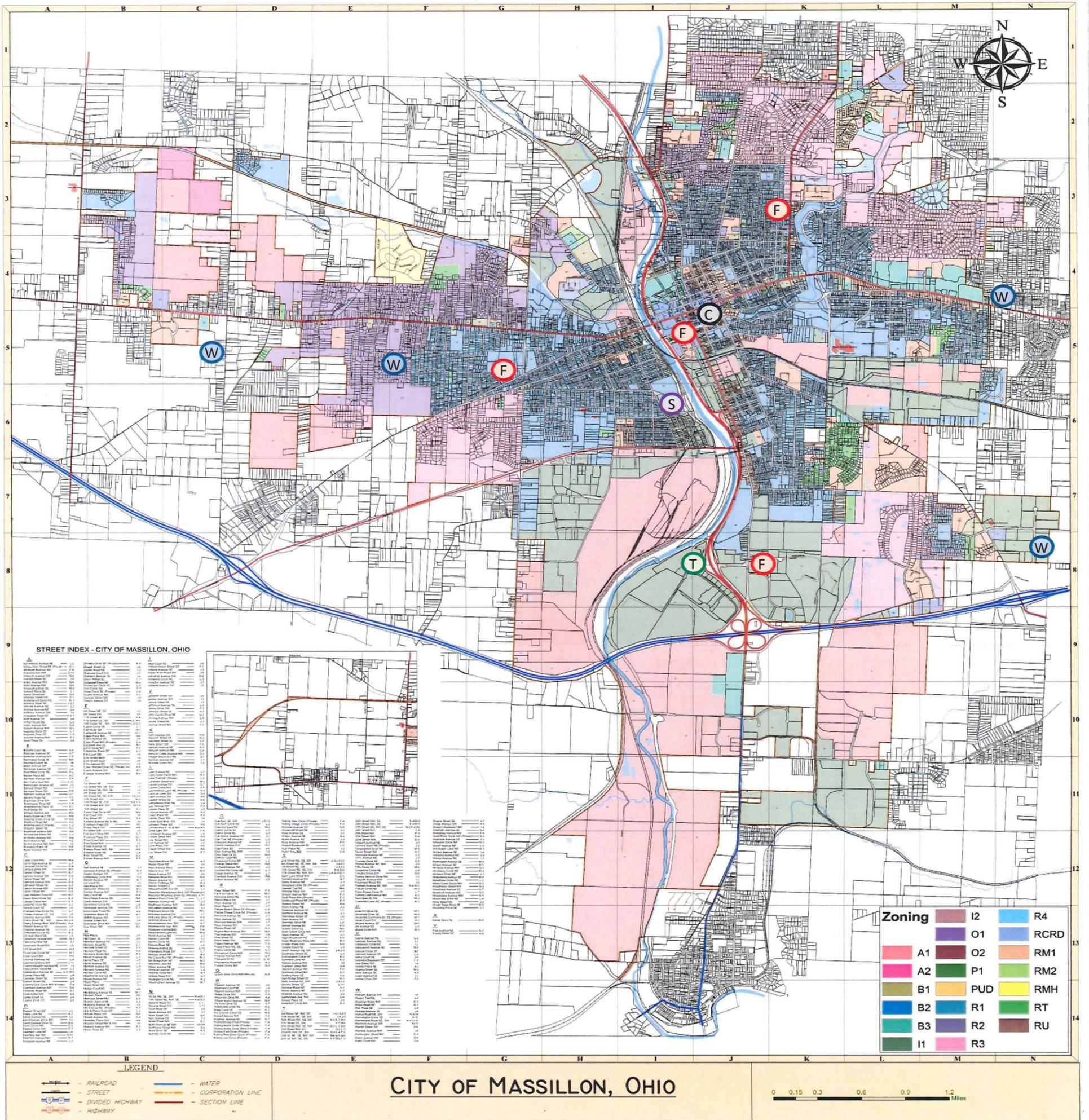
R-1 Low Density Residential	C-1 Office District	CBDD Central Business Development District
R-2 Medium/Low Density Residential	C-2 Local Commerical District	I-1 Light Industrial District
R-3 Medium Density Residential	C-3 Intensive Commerical District	I-2 Heavy Industrial District
R-4 High Density Residential	C-4 Highway Service District	

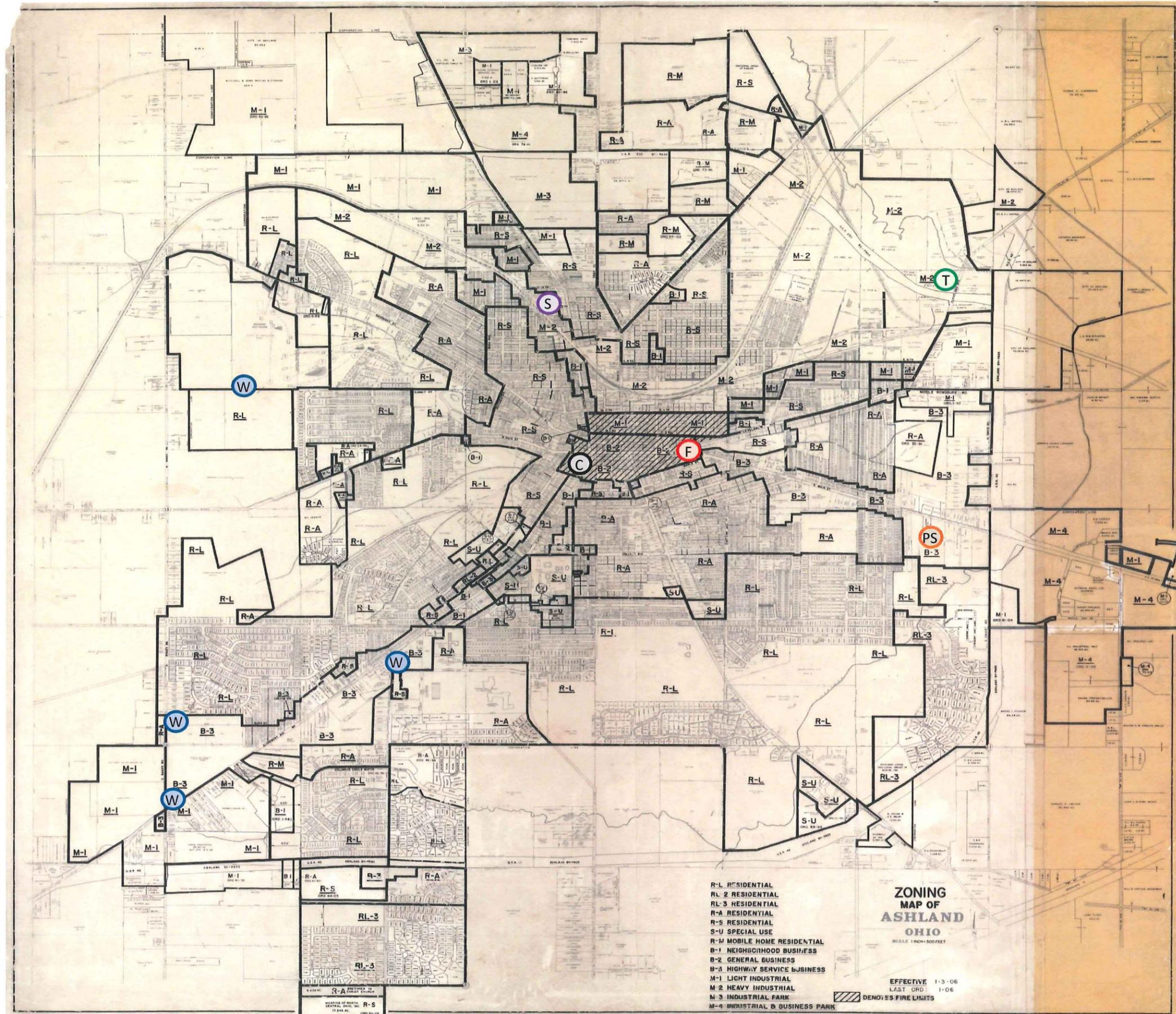
Safety- Service Department
207 N. Main Street
Orrville, OH 44667

- | | |
|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| W Water Tower | T Treatment Plant |
| F Fire Station | S Street Department |
| C City Hall/Police Station | P Power Plant |



- W Water Tower
- F Fire Station
- C City Hall/Police Station
- T Treatment Plant
- S Street Department





ORDINANCE NO. 2014-25

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,800,000 FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE CITY'S WASTEWATER TREATMENT PLANT AND ACQUIRING, CONSTRUCTING AND INSTALLING RELATED WASTEWATER TREATMENT FACILITIES AND EQUIPMENT, TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 2 is at least five years and the estimated maximum maturity of the Bonds described in Section 2 is 40 years;

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

Section 1: Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

“Authorized Denominations” means (subject to any limitations in Section 3) the denomination of \$1,000 or any integral multiple thereof.

“Bond proceedings” means, collectively, this Ordinance, the Certificate of Award, the Continuing Disclosure Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

“Bond Register” means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

“Bond Registrar” means the bank or trust company appointed pursuant to Section 4 as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Bond Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Bond Registrar Agreement and, thereafter, “Bond Registrar” shall mean the successor Bond Registrar.

“Bond Registrar Agreement” means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and signed by the Fiscal Officer in accordance with Section 4.

“Bonds” means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Certificate of Award.

“Book entry form” or “book entry system” means a form or system under which (a) the ownership of book entry interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry and (b) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds “immobilized” in the custody of the Depository or its agent. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Bonds and that principal and interest.

“Certificate of Award” means the certificate authorized by Section 6(a), to be signed by the Fiscal Officer, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“Closing Date” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“Code” means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“Continuing Disclosure Agreement” means the agreement authorized by Section 6(c), to be substantially in the form on file with the Clerk of Council, made by the City for the benefit of holders and beneficial owners of the Bonds in accordance with the Rule.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of book entry interests in Bonds or the principal of and interest on Bonds, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Fiscal Officer” means the Director of Finance of the City.

“Interest Payment Dates” means, unless otherwise determined by the Fiscal Officer in the Certificate of Award, June 1 and December 1 of each year that the Bonds are outstanding, commencing June 1, 2015.

“Original Purchaser” means the original purchaser of the Bonds designated by the Fiscal Officer in the Certificate of Award.

“Participant” means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies, and clearing corporations.

“Principal Payment Dates” means, unless otherwise determined by the Fiscal Officer in the Certificate of Award, December 1 in each of the years from and including 2015 to and including 2039, provided that in no case shall the total number of Principal Payment Dates exceed the maximum maturity of the Bonds referred to in the preambles hereto.

“Rule” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“SEC” means the Securities and Exchange Commission.

“Serial Bonds” means those Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“Term Bonds” means those Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 2: Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue bonds of the City in one lot in the maximum principal amount of \$4,800,000 (the Bonds) for the purpose of paying costs of improving the City’s Wastewater Treatment Plant and acquiring, constructing and installing related wastewater treatment facilities and equipment, together with the necessary appurtenances thereto, including the payment of expenses related to the issuance of the Bonds.

The aggregate principal amount of Bonds to be issued shall not exceed \$4,800,000 and shall be issued in an amount determined by the Fiscal Officer in the Certificate of Award to be the aggregate principal amount of Bonds required to be issued, taking into account any premium above or discount from the aggregate principal amount of the Bonds at which they are sold to the Original Purchaser, in order to effect the purpose for which the Bonds are to be issued, including the payment of any expenses properly allocable to the issuance of the Bonds.

The proceeds from the sale of the Bonds (except any premium and accrued interest) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Bonds are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 3: Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in the Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, provided that their dated date shall not be more than 60 days prior to the Closing Date.

(a) Interest Rates and Interest Payment Dates. The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of 12 30-day months) as shall be determined by the Fiscal Officer in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements (as hereinafter defined and described) on the Principal Payment Dates in principal amounts as shall be determined by the Fiscal Officer, subject to subsection (c) of this Section, in the Certificate of Award, consistent with the Fiscal Officer's determination of the best interest of and financial advantages to the City.

Consistent with the foregoing and in accordance with the Fiscal Officer's determination of the best interest of and financial advantages to the City, the Fiscal Officer shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date, and (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (Mandatory Redemption Dates) and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, shall be such that (i) the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other such fiscal year and (ii) the true interest cost of the Bonds does not exceed 6%.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the principal corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Fiscal Officer, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those dates, for which provision is made in the Certificate of Award (such dates and amounts being the Mandatory Sinking Fund Redemption Requirements).

The aggregate of the money to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that date the principal amount of Term Bonds payable on that date pursuant to Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Fiscal Officer, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Fiscal Officer, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Fiscal Officer, also shall be received by the City for any Term Bonds which prior thereto have been

redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Fiscal Officer, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities, if any, specified in the Certificate of Award shall be subject to redemption by and at the sole option of the City, in whole or in part in integral multiples of \$1,000, on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Fiscal Officer in the Certificate of Award; provided that (i) the earliest optional redemption date shall not be more than 10½ years after the Closing Date and (ii) the redemption price for the earliest optional redemption date shall not be greater than 102%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Fiscal Officer to the Bond Registrar, given upon the direction of this Council through a resolution or an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities selected by the City. If fewer than all of the Bonds of a single maturity are to be redeemed, the selection of Bonds of that maturity to be redeemed, or portions thereof in amounts of \$1,000 or any integral multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$1,000 are then outstanding, each \$1,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$1,000. If it is determined that one or more, but not all, of the \$1,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$1,000 unit or units, the registered owner of

that Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the \$1,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to Section 7, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, provided that any interest earned on the money so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

Section 4: Execution and Authentication of Bonds; Appointment of Bond Registrar.

The Bonds shall be signed by the Mayor and the Fiscal Officer, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Fiscal Officer, shall be numbered as determined by the Fiscal Officer in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to the provisions of Chapter 133 of the Revised Code and this Ordinance.

The Huntington National Bank is appointed to act as the initial Bond Registrar; provided, however, that the Fiscal Officer is authorized to appoint a different Bond Registrar in the Certificate of Award after determining that such bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. The Fiscal Officer shall sign and deliver, in the name and on behalf of the City, the Bond Registrar Agreement between the City and the Bond Registrar, in substantially the form as is now on file with the Clerk of Council. The Bond Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Registrar Agreement or amendments thereto. The Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Bond Registrar Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Fiscal Officer on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 5: Registration; Transfer and Exchange; Book Entry System.

(a) Bond Registrar. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at the office satisfactory to the Fiscal Officer and the Bond Registrar. Subject to the provisions of Section 6, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge

the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the principal corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Fiscal Officer determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section.

The Bonds may be issued to a Depository for use in a book entry system and, if and so long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent which may be the Bond Registrar; (ii) the book entry interest owners of Bonds in book entry form shall not have any right to receive Bonds in the form of physical securities or certificates; (iii) ownership of book entry interests in Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and

transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Fiscal Officer may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Fiscal Officer does not or is unable to do so, the Fiscal Officer, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form to be authenticated by the Bond Registrar and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Fiscal Officer is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with a book entry system for the Bonds.

Section 6: Award and Sale of the Bonds.

(a) Original Purchaser Designated in Certificate of Award. The Bonds shall be sold to the Original Purchaser at a purchase price, not less than 97% of their aggregate principal amount, to be determined by the Fiscal Officer in the Certificate of Award, plus accrued interest on the Bonds from their date to the Closing Date, and shall be awarded by the Fiscal Officer with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law and the provisions of this Ordinance. The Fiscal Officer is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Fiscal Officer shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The Mayor, the Fiscal Officer, the Director of Law, the Clerk of Council and other City officials, as appropriate, each are authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

(b) Primary Offering Disclosure – Official Statement. The Mayor and the Fiscal Officer, on behalf of the City and in their official capacities, are authorized to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, an official statement in connection with the original issuance of the Bonds, (ii) determine, and to certify

or otherwise represent, when the official statement is to be “deemed final” (except for permitted omissions) by the City or is a final official statement for purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (iii) use and distribute, or authorize the use and distribution of, that official statement and any supplements thereto in connection with the original issuance of the Bonds and (iv) complete and sign that official statement as so approved together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of that official statement as they deem necessary or appropriate.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The Fiscal Officer is authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement.

The Fiscal Officer is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Fiscal Officer shall consult with and obtain legal advice from, as appropriate, the Director of Law and/or bond or other qualified independent special counsel selected by the City. The Fiscal Officer, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Financial Advisor; Application for Rating or Bond Insurance; Financing Costs. If, in the judgment of the Fiscal Officer, the (i) engagement of the services of a financial advisor or (ii) filing of an application for (A) a rating on the Bonds by one or more nationally-recognized rating agencies, or (B) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the Fiscal Officer is authorized to engage a financial advisor and prepare and to submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the fees of a financial advisor or the cost of obtaining each such rating or policy from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or to be appropriated for that purpose. The Fiscal Officer is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with the engagement of a financial advisor or of obtaining that bond insurance.

The expenditure of the amounts necessary to engage a financial advisor and/or secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Bonds, to the extent not paid by the Original Purchaser, is authorized and approved, and the Fiscal Officer is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 7: Provisions for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due. In each year, to the extent the income from the sanitary sewerage system is available for the payment of the debt charges on the Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of the income so available and appropriated. Nothing in this section in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Bonds.

Section 8: Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Section 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code), or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest thereon will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purposes of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Fiscal Officer, or any other officer of the City having responsibility for the issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Bonds as "qualified tax-exempt obligations"), choice, consent,

approval or waiver on behalf of the City with respect to the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

Section 9: Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance and a signed copy of the Certificate of Award to the Wayne County Auditor.

Section 10: Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Bonds and the rendering of the necessary legal opinion upon the delivery of the Bonds. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Fiscal Officer is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 11: Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 7) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

FISCAL OFFICER'S CERTIFICATE

TO THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

As fiscal officer of the City of Wooster, Ohio, I certify in connection with your proposed issue of bonds in the maximum principal amount of \$4,800,000 (the Bonds) for the purpose of paying costs of improving the City's Wastewater Treatment Plant and acquiring, constructing and installing related wastewater treatment facilities and equipment, together with the necessary appurtenances thereto (the improvement), that:

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 40 years.

Dated: September 15, 2014



Director of Finance
City of Wooster, Ohio

**REQUEST FOR AGENDA ITEM
AUTHORIZATION FOR CONTRACT**

Division: **Administration**

Meeting Date Requested: **September, 15**

Project Name: **Property & Casualty Insurance** Approved for Agenda:

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1. Estimated Total Cost: **Not to exceed budgeted amount. Estimated, total premium is \$194,458 for 2015, and capped at a 3% increase for 2016 and 2017.**

2. Is the full amount budgeted? **YES** or NO. If no, how is the purchase to be funded? **Funds are available and will be budgeted in each City fund having property covered by the policy, i.e. Water, Sewer, General, etc.**

3. Description of Purchase: **Request to renew the City's property and casualty insurance contract with Whitaker-Myers for insurance coverage under the Ohio Plan. This request is to enter into a three year contract.**

4. Justification\Benefits: **The City of Wooster has been contracting with Whitaker-Myers, and the Ohio Plan, for the last 6 years, with little or no increase in premiums other than those related to increases in exposure. We are also currently working with the Risk Management service provided with the insurance contract relative to City-wide building safety improvements, City-wide ADA compliance, policy reviews, and safety training. It would be difficult to switch carriers in the middle of these projects.**

Please see the attached summary documents for additional information.

In addition, Whitaker-Myers is locally owned and operated, and has provided excellent service. The Ohio Plan is one of the largest group insurance programs in the State of Ohio, providing comprehensive liability and property coverage, as well as risk management services, to over 700 public entities.

5. Will this project affect the city's operating costs? **This should have little effect on the City's operating costs, and with active Risk management, should help reduce future claims.**

6. What alternatives exist and what are the implications of the alternatives. **We could solicit quotes again after only two years of service, but it would take at least a month to perform this. Our current contract expires on October 15th.**

7. Is this a sole source request? **YES** If yes, explain the circumstances: **See above justification and attached documents.**

8. Are you requesting suspension of the rules and passage on one reading? If yes, note reasons. **No. However the current contract expires on October 15th, therefore passage would be required prior to that date.**

Joel Montgomery
Director of Administration

Date: September 11, 2014

City of Wooster Property & Liability Insurance

- Reasons why City of Wooster joined the Ohio Plan
 - Program Stability
 - Other Pool Programs
 - Conventional Carriers
 - Risk Management and Resources
 - Travis Thompson
 - Lexipol Partnership (Law Enforcement and Fire)
 - Claims Handling
 - Coverage
 - Cost Stability and Cost Savings
 - Premium History
 - Ohio *Advantage* Plan Discount
 - Lexipol Reimbursement Program
 - Whitaker Myers'/Local Expertise
- Renewal Proposal
 - 3 year policy
 - Flat Rate 2014
 - Rate guarantee for year 2 and three
 - No more than a 3% rate increase each year
 - Must stay within certain loss ratio guidelines
 - No natural, man-made, or financial catastrophes or disasters that adversely affect the reinsurance market
- Present Ohio Plan Renewal for 2014-2015
 - Reasons for increase in premium
 - Total Cost of Ohio Plan Membership

Risk Management Services

- Departmental Policy Assessments
 - Maintenance and Streets
 - Parks & Recreation
 - Police
 - Fire
 - Water
 - Wastewater
 - Administration
- Departmental Updates and Reviews
 - Maintenance
 - Street inspection process & procedures
 - Pothole repair and liability
 - Vehicle & equipment inspections & documentation
 - Parks inspection documentation and signage
 - Recreation
 - Recreation program participation agreements and use agreements
 - Playground inspection plans and liability
 - Administration
 - City Hall Security policies and facilities
 - Utilities
 - Sewer back-up claim reviews
 - Police
 - Lexipol policies
 - Firing range policies
 - Use of Force policies
 - Fire
 - Lexipol policies
 - Human Resources
 - Employee Manual review
 - Safety Manual review
 - Safety Training
 - PERRP Review
- ADA Lawsuit risk management
 - Review City facilities
 - Review settlement documents
 - Recommend response and improvements

2014 City of Wooster Insurance Renewal

Exposure Changes

Property

Increased buildings and business personal property values by \$2,355,495 for inflation

Auto

Replaced and added Vehicles
Value of autos increase by \$605,270

Scheduled Equipment

Changes made resulted in a decrease in total value of items by \$109,386

General Liability

Total ratable expenditures increased by \$5,846,884

2014 City of Wooster Insurance Renewal

Cost of Insurance

Package Policy Premium	\$206,153
Ohio Plan <i>Advantage</i> Credit	(\$ 8,470)
Adjusted Annual Premium	\$197,683
Lexipol Subscription Reimbursement 2014 (Police)	\$ 1,387
Lexipol Subscription Reimbursement 2014 (Fire)	\$ 1,838
Total Cost of Insurance for 2014-2015	\$194,458

2014 City of Wooster Insurance Renewal

Insurance Premium History

<u>Year</u>		<u>Package Policy Premium</u>	<u>Claims</u>	<u>Premium Change</u>
2008	(Public Entities Pool)	\$268,100		
2009	(Ohio Plan)	\$193,900	\$25,450	-27.7%
2010		\$198,400	\$140,400	2.3%
2011		\$208,600	\$64,500	5.0%
2012		\$175,800	\$72,700	-15.7%
2013		\$184,700	\$59,400	5.0%
2014	(Proposed)	\$194,458		5.3%

Information to Note since 2009 (Last 5 years):

1. Property values have increased \$18,000,000 (primarily due to inflation and capture of property not covered prior to 2009)
2. Inland Marine Equipment Values have increased \$620,500
3. Fleet vehicle value increased \$2,612,500 (primarily inflation and newer vehicles)
4. EDP Equipment values increased \$520,900
5. Most of the premium changes have been due to claims and property exposure changes

RESOLUTION NO. 2014-60

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH URS OF COLUMBUS, OHIO FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE CONSTRUCTION OF IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT

WHEREAS, it is necessary to construct certain upgrades to the wastewater treatment plant, and the engineer has recommended that a consulting engineer be retained to provide construction management and inspection services in relation thereto, and this project is included in the capital plan for 2014; and

WHEREAS, URS of Columbus, Ohio possesses the professional expertise to provide such engineering services.

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

SECTION 1. That the Director of Administration is hereby authorized to enter into a professional services contract with URS of Columbus, Ohio for engineering services related to the construction of upgrades to the wastewater treatment plant.

SECTION 2. The cost of such contract will not exceed the amount budgeted.

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

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

Introduced: _____ Passed: _____ Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2014
Mayor

Introduced by: Craig Sanders

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

Division /Utilities	Meeting Date Requested September 15, 2014
Project Name WPCP Improvements Construction Services	Approved for Agenda
Estimated Total Cost \$189,500	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
<p>Description Of Purchase: This is a request to enter into a contract with URS for limited construction management and inspection of the upgrades to the WPCP. The construction administration will be on a limited basis with the Engineering Division providing additional onsite inspection and management.</p> <p>Industry standards for Construction Administration and Construction Inspection services are 2.0% and 3.5%, respectively, for projects of this size and type, which would equate to over \$240,000.</p>	
<p>Justification / Benefits The benefits to having URS do some limited construction administration and inspection is that they are familiar with the plans, specifications and operations of the plant. They also performed the stress test on the plant and are knowledgeable of the plant's process and goals for the improvements.</p>	
Will This Project Effect the City's Operating Costs	
<p>What Alternatives Exist and What Are The Implications of The Alternatives This contract will make sure the construction follows the approved set of construction plans. One alternative would be to contract out 100% of the construction phase engineering services, and pay at least \$50,000 more.</p>	
Is This A Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<p>If Yes, Explain The Circumstances: URS designed the plans and therefore are the best company to oversee the improvements on a limited basis. They are also ranked within the top 3 in the City engineering services registration list.</p>	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<p>If Yes, Note Reasons Yes, bids will be opened on September 18, 2014 and a contractor will be chosen shortly after that date.</p>	
Division Manager Roger Kobilarcsik	Date September 11, 2014

Res #60