

CITY COUNCIL AGENDA
September 16, 2019
7:30p.m.

The meeting convenes 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 – Zoning Code Text Amendments

VI. UNFINISHED BUSINESS

1. Second Reading – RESOLUTION NO. 2019-43
A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR (Ansel)
2. Second Reading – RESOLUTION NO. 2019-44
A RESOLUTION DECLARING IT NECESSARY TO IMPROVE THE STREETScape ALONG LIBERTY STREET FROM MARKET STREET EAST TO THE FIRST ALLEY, THE SOUTHWEST QUAD, THE SOUTHEAST QUAD, AND THE AREA ALONG LIBERTY STREET WEST OF MARKET STREET SOUTHSIDE TO THE FIRST ALLEY AND TO DETERMINE ASSESSMENTS FOR AFFECTED PROPERTY OWNERS, AND DECLARING AN EMERGENCY (Bostancic)

VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2019-17
AN ORDINANCE TO APPROVE AND ADOPT THE RECOMMENDATIONS OF THE PLANNING COMMISSION AND TO AMEND TO THE CODIFIED ORDINANCES IN ACCORDANCE WITH THOSE RECOMMENDATIONS (Sanders)
2. First Reading – ORDINANCE NO. 2019-18
AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL ESTATE AND DECLARING AN EMERGENCY (Jennifer Warden)
3. First Reading – RESOLUTION NO. 2019-047
A RESOLUTION APPOINTING AN ASSESSMENT EQUALIZATION BOARD FOR THE DOWNTOWN STREETScape PHASE-TWO PROJECT AND DECLARING AN EMERGENCY (Bostancic)
4. First Reading – RESOLUTION NO. 2019-048
A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), TO ACCEPT AND APPLY SUCH FUNDS, IF AWARDED, AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY (Silvestri)

Revised 9/13/19 8:20 a.m.

VIII. EXECUTIVE SESSION – ORC. 121.22(G)(1)
Personnel

IX. MISCELLANEOUS

X. ADJOURNMENT

RESOLUTION NO. 2019-043

A RESOLUTION ACCEPTING THE AMOUNTS AND
RATES AS DETERMINED BY THE BUDGET
COMMISSION AND AUTHORIZING THE NECESSARY
TAX LEVIES AND CERTIFYING THEM TO THE COUNTY
AUDITOR

The Council of the City of Wooster, Wayne County met in regular session on the 3rd of September, 2019, at the office of the Wooster City Council Chambers with the following members present:

JON ANSEL
MARK CAVIN
JENNIFER WARDEN
SCOTT MYERS
CRAIG SANDERS
DAVID SILVESTRI
BILL BOSTANCIC

WHEREAS, this Council, in accordance with the provisions of law, has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2020; and

WHEREAS, The Budget Commission of Wayne County, Ohio has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation; therefore be it

RESOLVED, By the Council of the City of Wooster, Wayne County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION,
AND COUNTY AUDITOR'S ESTIMATED TAX RATES**

FUND	Amount to Be Derived from Levies Outside 10 Mill Limitation Column II	Amount Approved by Budget Commission Inside 10 Mill Limitation Column IV	County Auditor's Estimate of Tax Rate to Be Levied	
			Inside 10 Mill Limit V	Outside 10 Mill Limit VI
GENERAL		2,001,700	5.20	
FIREMAN'S FUND		168,900	0.30	
POLICE PENSION		168,900	0.30	
TOTAL		2,339,500	5.80	0.0

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate Authorized to Be Levied	County Auditor's Estimate of Yield of Levy Carry to Schedule A Column II
GENERAL FUND		
	0.0	

WOOSTER

RESOLUTION NO. 2019-044

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE THE STREETScape ALONG LIBERTY STREET FROM MARKET STREET EAST TO THE FIRST ALLEY, THE SOUTHWEST QUAD, THE SOUTHEAST QUAD, AND THE AREA ALONG LIBERTY STREET WEST OF MARKET STREET SOUTHSIDE TO THE FIRST ALLEY AND TO DETERMINE ASSESSMENTS FOR AFFECTED PROPERTY OWNERS, AND DECLARING AN EMERGENCY

WHEREAS, Council previously passed Resolution 2018-17 authorizing design Engineering services for these improvements on February 20, 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO, three-fourths of all members elected or appointed thereto concurring, that:

SECTION 1. It is declared necessary to improve the Streetscape along Liberty Street from Market Street east to the first alley, the Southeast Quad, the Southwest Quad and the area along Liberty Street west of Market Street south side to the first alley and begin the process of determining assessments to affected property owners.

SECTION 2. The plans, specifications, profiles and estimate of cost of the improvement, which the City Engineer has prepared and filed in the office of the Clerk of Council, are hereby approved. The improvement shall be constructed in accordance with the plans, specifications and profiles for the improvement.

SECTION 3. This Council finds and determines that (i) the improvement is conducive to the public health, convenience and welfare of this city and its inhabitants, and (ii) the lots and lands to be assessed as described in Section 4 below are specially benefited by the improvement.

SECTION 4. This Council finds that the costs are budgeted for 2019 and anticipates additional costs to be budgeted for 2020.

SECTION 5. The cost of the improvement shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of damages resulting from the improvement and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing, appropriating, and otherwise acquiring therefore any required real estate or interests therein, expenses of legal services including obtaining legal opinions, cost of labor and material, and interest on securities issued in anticipation of the levy and collection of the special assessments, or, if securities in anticipation of the levy of the special assessments are not issued, interest at a rate not to exceed 6% per year on monies advanced by this City for the cost of the improvement in anticipation of the levy of the special assessments, together with all other necessary expenditures.

SECTION 6. The City Engineer is authorized and directed to prepare and file in the office of the Clerk of Council the estimated special assessments of the cost of the improvement described in this resolution. Those estimated special assessments shall be based upon the estimate of cost now on file in the office of the Clerk of Council and shall be prepared pursuant to the provisions of this resolution. When the estimated special assessments have been so filed, the Clerk of Council shall cause notice of the adoption of this resolution and the filing of the estimated assessments to be served in the manner provided by law on the owners of all lots and lands to be assessed.

SECTION 7. The special assessments to be levied shall be paid according to the following payment schedule: in **fifteen** annual installments, with interest on the unpaid principal amount of each special assessment at the same rate as shall be borne by any securities to be issued in anticipation of the collection of the total of the unpaid special assessments, or, if such securities are not issued, at the rate or rates of interest determined by Council when it passes the assessing ordinance levying those assessments; provided, that the owner of any property assessed may pay the special assessment in cash within 30 days after passage of the assessing ordinance.

SECTION 8. The City presently intends to issue securities in anticipation of the collection of the special assessments in annual installments and in an amount equal to the total of the unpaid special assessments. The remainder of that portion of the cost of the improvement, after application of the special assessments, shall be paid by the issuance of securities in the manner provided by law or from other funds available for that purpose.

SECTION 9. This Council finds and declares that all formal actions concerning and relating to the adoption of this Resolution occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 10. This Resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that this resolution is required to be immediately effective in order to provide for the construction of the improvement, which is necessary to eliminate existing hazards to the traveling public and provide for adequate drainage and utility services to the residents of this City; wherefore, this Resolution shall be in full force and effect from and immediately upon its adoption and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council.

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

Passed: _____, 2019 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2019
Mayor

Introduced by: Bill Bostansic

2

Res
2019-044

Request for Agenda Item

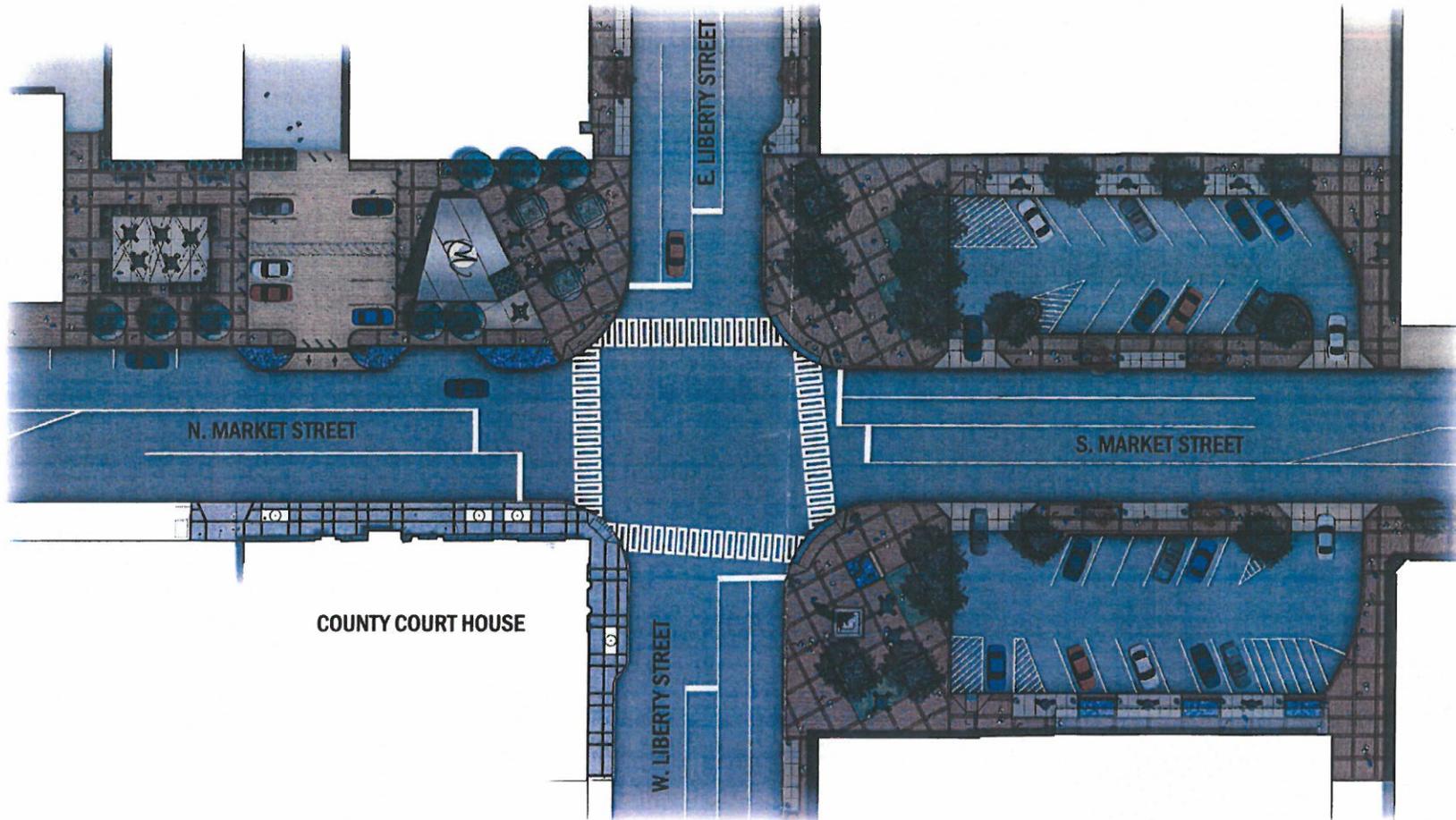
Authorization for Bid

Purchase Capital Item

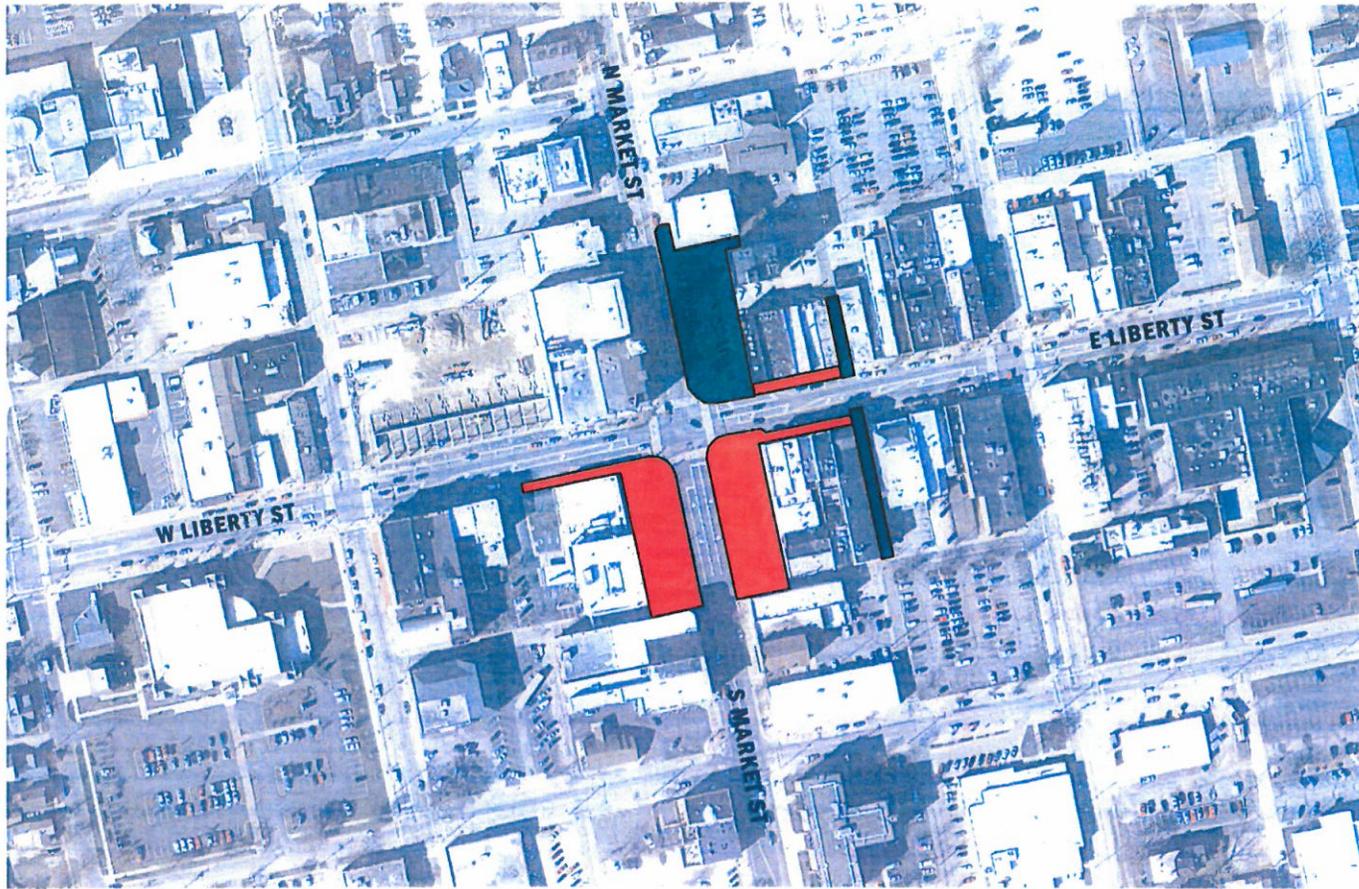
Non-Capital

Division: Engineering	Meeting Date Requested September 3, 2019
Project Name Downtown Streetscape Phase 2 Resolution of Necessity for Improvements	Estimated Total Funds/Costs \$1,800,000 (\$920,000 SE Quad and sidewalks east of Market)(\$762,339 SW Quad and sidewalk west of Market)(\$117,661 Assessments)
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded? Monies are budgeted this year for the SE Quad and sidewalks on Liberty Street. We will be asking for monies for the SW Quad to be budgeted for 2020. The SW Quad and sidewalk will be bid as an alternate with a request for carrying the contractor's price over to 2020. Only budgeted amounts will be awarded in 2019.	
Description of Request This is a request to declare the necessity of improving the Streetscape along Liberty Street from Market Street east to the first alley, the Southeast Quad, the Southwest Quad and the area along Liberty Street west of Market Street south side to the first alley and begin the process of determining assessments to affected property owners.	
Justification / Benefits The design of this project is nearing completion and we would like to bid this project out this year. Drawings, cost estimate and assessment roll are on file with the clerk of council. This project continues the multi-phase, downtown streetscape renewal plans initiated in the comprehensive plan; and detailed in the downtown strategic plan. This project also addresses ADA issues and obligations resulting from the 2014 Lawsuit. Council previously passed Resolution 2018-17 authorizing design Engineering services for these improvements on February 20, 2018.	
Will this Project affect the City's Operating Costs This project should reduce the City's operating budget by reducing ongoing maintenance of the streetscape features.	
What Alternatives Exist and what are the Implications of the Alternatives We do nothing and continue maintenance on the existing streetscape features and not address the safety issues.	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons The assessment process needs to begin as soon as possible to remain on schedule for construction in 2020.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Roger Kobilarcsik	Date: August 29, 2019
Approved for Agenda <input type="checkbox"/> Yes <input type="checkbox"/> No	

PROPOSED SITE PLAN: Overall



CONTEXT PLAN



KEY

-  STREETScape PHASE 1 (CONSTRUCTED)
-  STREETScape PHASE 2

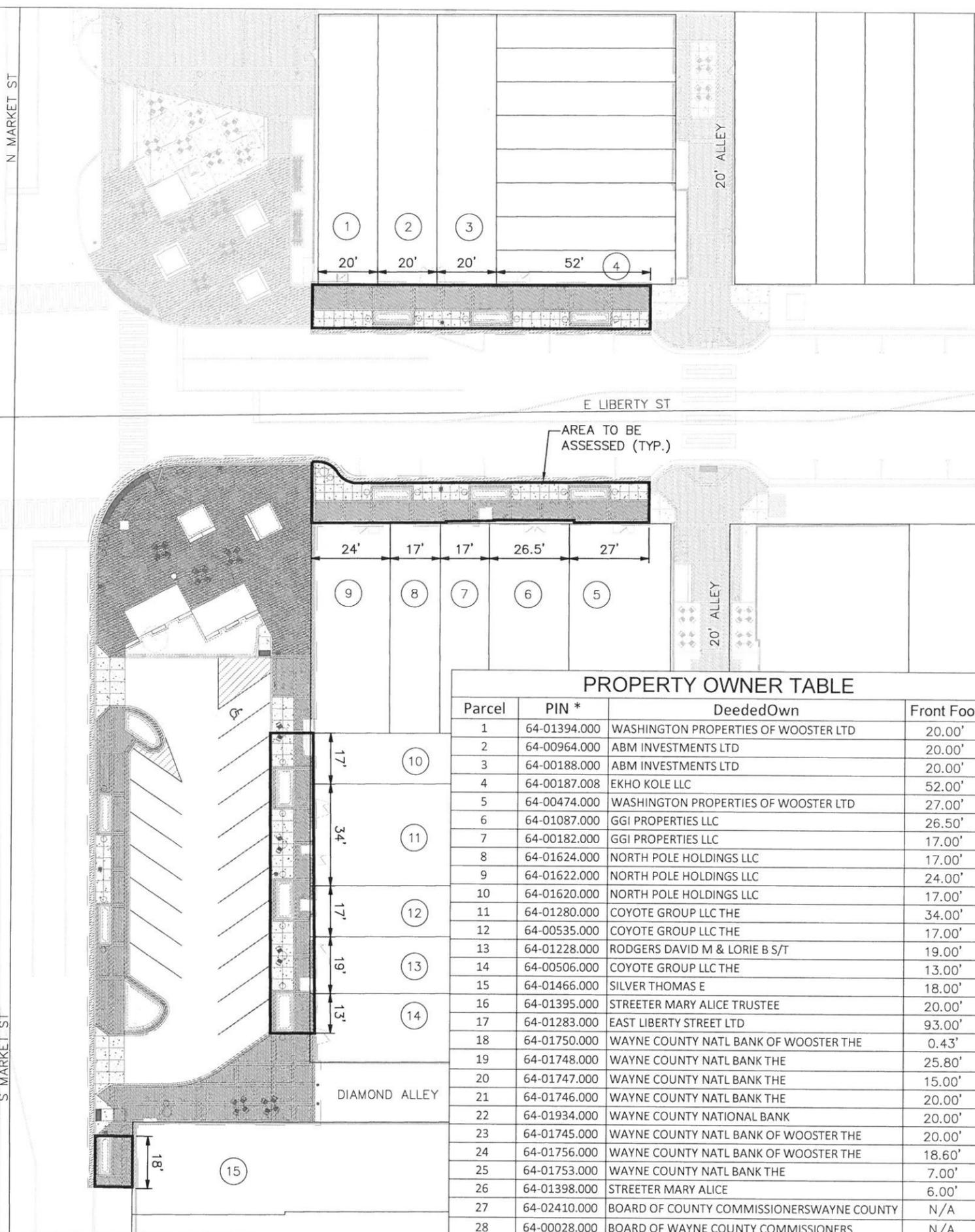
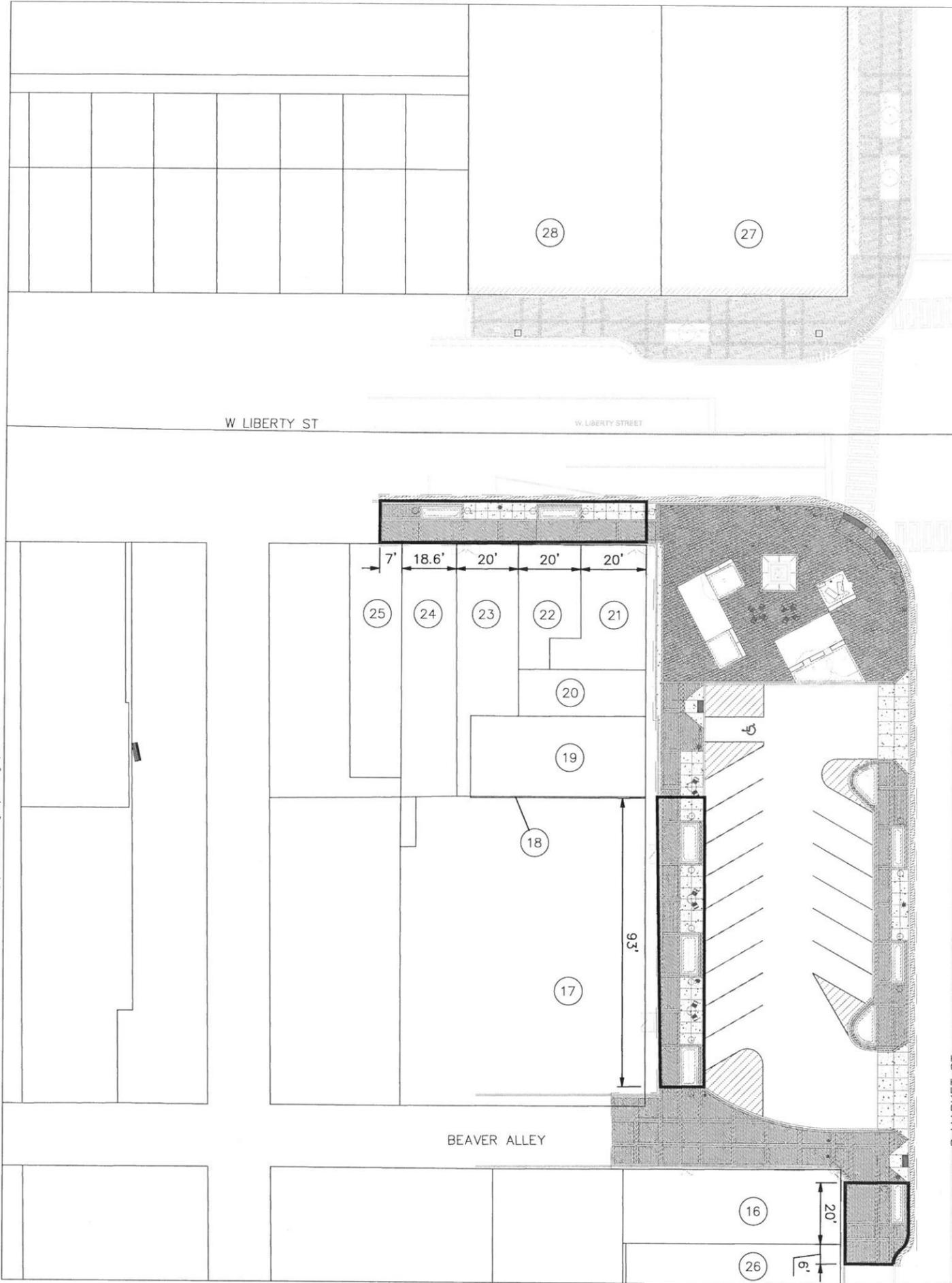


WOOSTER DOWNTOWN STREETScape PHASE 2
FINAL DESIGN 8.21.19

OHM ADVISORS

2

M:\Engineering\PROJECTS\2018\Projects\Downtown\Sheet\phase 2 #182005.dwg - Layout1 - Aug 28, 2019 - 10:08am



PROPERTY OWNER TABLE			
Parcel	PIN *	DeededOwn	Front Foot
1	64-01394.000	WASHINGTON PROPERTIES OF WOOSTER LTD	20.00'
2	64-00964.000	ABM INVESTMENTS LTD	20.00'
3	64-00188.000	ABM INVESTMENTS LTD	20.00'
4	64-00187.008	EKHO KOLE LLC	52.00'
5	64-00474.000	WASHINGTON PROPERTIES OF WOOSTER LTD	27.00'
6	64-01087.000	GGI PROPERTIES LLC	26.50'
7	64-00182.000	GGI PROPERTIES LLC	17.00'
8	64-01624.000	NORTH POLE HOLDINGS LLC	17.00'
9	64-01622.000	NORTH POLE HOLDINGS LLC	24.00'
10	64-01620.000	NORTH POLE HOLDINGS LLC	17.00'
11	64-01280.000	COYOTE GROUP LLC THE	34.00'
12	64-00535.000	COYOTE GROUP LLC THE	17.00'
13	64-01228.000	RODGERS DAVID M & LORIE B S/T	19.00'
14	64-00506.000	COYOTE GROUP LLC THE	13.00'
15	64-01466.000	SILVER THOMAS E	18.00'
16	64-01395.000	STREETER MARY ALICE TRUSTEE	20.00'
17	64-01283.000	EAST LIBERTY STREET LTD	93.00'
18	64-01750.000	WAYNE COUNTY NATL BANK OF WOOSTER THE	0.43'
19	64-01748.000	WAYNE COUNTY NATL BANK THE	25.80'
20	64-01747.000	WAYNE COUNTY NATL BANK THE	15.00'
21	64-01746.000	WAYNE COUNTY NATL BANK THE	20.00'
22	64-01934.000	WAYNE COUNTY NATIONAL BANK	20.00'
23	64-01745.000	WAYNE COUNTY NATL BANK OF WOOSTER THE	20.00'
24	64-01756.000	WAYNE COUNTY NATL BANK OF WOOSTER THE	18.60'
25	64-01753.000	WAYNE COUNTY NATL BANK THE	7.00'
26	64-01398.000	STREETER MARY ALICE	6.00'
27	64-02410.000	BOARD OF COUNTY COMMISSIONERSWAYNE COUNTY	N/A
28	64-00028.000	BOARD OF WAYNE COUNTY COMMISSIONERS	N/A

Downtown Streetscape phase 2
SOUTH QUADS
PROPERTY MAP

DRWN BY	CHKD BY	APPROV BY
AMG	JAR	RVK
DATE	DATE	SCALE
08/19	08/19	N/A

CITY OF WOOSTER
DIVISION OF ENGINEERING
308 N. MARKET ST.
WOOSTER, OH 44691
PH: (330) 262-5511
FAX: (330) 262-5352
www.cityofwooster.com

REVISED
1 8/21/2019
2
3
4
5
6
7
8
9
10
SHEET
1 of 1

Downtown Streetscape Assessment Roll													
No.	Parcel	Owner	Service Address	City State Zip	Mailing Address	Front Foot	Cost per Front Foot	Preliminary Assessments	Final Assessments	Signed for	Objection Received	Annual Amount	Total if Placed on Tax Duplicate
		SIDEWALKS											
1	64-01394.000	Washington Properties of Wooster LTD	114 E. Liberty Street	Wooster, Ohio 44691		20	\$209.42	\$4,188.40					
2	64-00964.000	ABM Investments LTD	116 E. Liberty Street	Wooster, Ohio 44691		20	\$209.42	\$4,188.40					
3	64-00188.000	ABM Investments LTD	116 E. Liberty Street	Wooster, Ohio 44691		20	\$209.42	\$4,188.40					
4	64-00187.008	EKHO Kole LLC	124 E. Liberty Street	Wooster, Ohio 44691		52	\$209.42	\$10,889.84					
5	64-00474.000	Washington Properties of Wooster LTD	127 E. Liberty Street	Wooster, Ohio 44691		27	\$209.42	\$5,654.34					
6	64-01087.000	GGI Properties LLC	123 E. Liberty Street	Wooster, Ohio 44691		27	\$209.42	\$5,654.34					
7	64-00182.000	GGI Properties LLC	119 E. Liberty Street	Wooster, Ohio 44691		17	\$209.42	\$3,560.14					
8	64-01624.000	North Pole Holdings LLC	105 E. Liberty Street	Wooster, Ohio 44691		17	\$209.42	\$3,560.14					
9	64-01622.000	North Pole Holdings LLC	105 E. Liberty Street	Wooster, Ohio 44691		24	\$209.42	\$5,026.08					
21	64-01746.000	Wayne County Natl Bank The	112 W. Liberty Street	Wooster, Ohio 44691		20	\$209.42	\$4,188.40					
22	64-01934.000	Wayne County Natl Bank The	112 W. Liberty Street	Wooster, Ohio 44691		20	\$209.42	\$4,188.40					
23	64-01745.000	Wayne County Natl Bank of Wooster The	112 W. Liberty Street	Wooster, Ohio 44691		20	\$209.42	\$4,188.40					
24	64-01756.000	Wayne County Natl Bank of Wooster The	112 W. Liberty Street	Wooster, Ohio 44691		18.6	\$209.42	\$3,895.21					
25	64-01753.000	Wayne County Natl Bank The	112 W. Liberty Street	Wooster, Ohio 44691		7	\$209.42	\$1,465.94					
15	64-01466.000	Sliver Thomas E	138 S. Market Street	Wooster, Ohio 44691		18	\$209.42	\$3,769.56					
16	64-01395.000	Streeter Mary Alice Trustee	133 S. Market Street	Wooster, Ohio 44691		20	\$209.42	\$4,188.40					
26	64-01398.000	Streeter Mary Alice Trustee	133 S. Market Street	Wooster, Ohio 44691		6	\$209.42	\$1,256.52					
		SE/SW QUADS											
9	64-01622.000	North Pole Holdings LLC	105 E. Liberty Street	Wooster, Ohio 44691		0	\$225.96	\$0.00					
10	64-01620.000	North Pole Holdings LLC	102 S. Market Street	Wooster, Ohio 44691		17	\$225.96	\$3,841.32					
11	64-01280.000	Coyote Group LLC The	116/120 S. Market Street	Wooster, Ohio 44691		34	\$225.96	\$7,682.64					
12	64-00535.000	Coyote Group LLC The	122/124 S. Market Street	Wooster, Ohio 44691		17	\$225.96	\$3,841.32					
13	64-01228.000	Rodgers David M & Lorie B S/T	126 S. Market Street	Wooster, Ohio 44691		19	\$225.96	\$4,293.24					
14	64-00506.000	Coyote Group LLC The	128 S. Market Street	Wooster, Ohio 44691		13	\$225.96	\$2,937.48					
17	64-01283.000	East Liberty Street LTD	115 S. Market Street	Wooster, Ohio 44691		93	\$225.96	\$21,014.28					
18	64-01750.000	Wayne County Natl Bank of Wooster The	112 W. Liberty Street	Wooster, Ohio 44691		0	\$225.96	\$0.00					
19	64-01748.000	Wayne County Natl Bank The	112 W. Liberty Street	Wooster, Ohio 44691		0	\$225.96	\$0.00					
20	64-01747.000	Wayne County Natl Bank The	112 W. Liberty Street	Wooster, Ohio 44691		0	\$225.96	\$0.00					
								\$117,661.19					

ORDINANCE NO. 2019-17

AN ORDINANCE TO APPROVE AND ADOPT THE
RECOMMENDATIONS OF THE PLANNING
COMMISSION AND TO AMEND TO THE CODIFIED
ORDINANCES IN ACCORDANCE WITH THOSE
RECOMMENDATIONS

WHEREAS, the Planning Commission held a public hearing for the proposed amendments on August 28, 2019, and voted unanimously to recommend approval of the amendments to City Council; and

WHEREAS, the proposed amendments will improve the application of the Planning and Zoning Code by incorporating corrections, clarifications and relatively minor adjustments; and

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

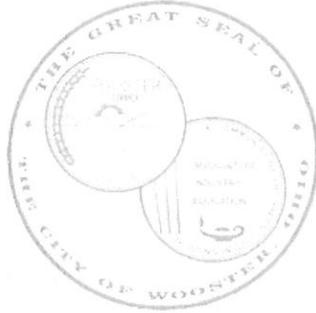
NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Wooster, Ohio:

SECTION 1. That the ordinances of the City of Wooster, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2018 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

SECTION 2. That the following sections are hereby amended, enacted or repealed as respectively indicated in accordance with the recommendations of the Planning Commission and as more fully described in the documents attached to this ordinance:

Miscellaneous Planning and Zoning Code Text amendments to Chapters 1103 (Administration and Decision-Making Authorities), 1105 (Review Procedures), 1109 (Principal Use Regulations), 1113 (Accessory and Temporary Use Regulations), 1115 (Site Development Standards), 1117 (General Development Standards), 1121 (Open Space Standards), 1123 (Landscaping and Buffering), 1125 (Parking, Access, and Mobility), 1127 (Signage), and 1135 (Definitions).

SECTION 3. The complete text of the sections of the Codified Ordinances listed above are set forth in full in the documents attached to this ordinance as Exhibit A. As provided in Section 2.19 of the Charter, notice of the proposed revision of the Codified Ordinances shall be published one time in a newspaper of general circulation in the City at least seven days prior to its final approval and no other publication thereof shall be required.



WOOSTER CITY COUNCIL
538 N. Market Street * P.O. Box 1128
Wooster, Ohio 44691-7082
Phone 330-263-5200 * www.woosteroh.com

PUBLIC HEARING

The Wooster City Council will hold a public hearing on a request initiated by the Planning Commission for Planning and Zoning Code Text amendments to Chapters 1103 (Administration and Decision-Making Authorities), 1105 (Review Procedures), 1109 (Principal use Regulations), 1113 (Accessory and Temporary use Regulations), 1115 (Site Development Standards), 1117 (General Development Standards), 1121 (Open Space Standards), 1123 (landscaping and Buffering), 1125 (Parking, Access, and Mobility), 1127 (Signage), and 1135 (Definitions).

The hearing will be held on Monday, September 16, 2019 at 7:30 p.m., at City Hall, in Council Chambers at 538 North Market Street, Wooster, Ohio. All interested parties are welcome to attend and will be given the opportunity to be heard by City Council and submit evidence and written comments with respect to the proposed amendment.

Special auxiliary aids for handicapped persons are available upon request with appropriate notice. For further information, to submit written comments prior to the meeting or to request special auxiliary aids, contact the Clerk of Council at (330) 263-5242 or at ldepaulo@woosteroh.com.

Lynne DePaulo
Clerk of Council

Publish: Thursday, September 5, 2019

9/14/19

#1

2019-17

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Planning and Zoning	Meeting Date Requested 9/16/19
Project Name Miscellaneous Planning & Zoning Code Amendments	Estimated Total Funds/Costs \$0
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded?	
Description of Request Miscellaneous Planning and Zoning Code Text amendments to Chapters 1103 (Administration and Decision-Making Authorities), 1105 (Review Procedures), 1109 (Principal Use Regulations), 1113 (Accessory and Temporary Use Regulations), 1115 (Site Development Standards), 1117 (General Development Standards), 1121 (Open Space Standards), 1123 (Landscaping and Buffering), 1125 (Parking, Access, and Mobility), 1127 (Signage), and 1135 (Definitions). A full description of the proposed amendments can be found in the attached memo and the "Proposed Planning and Zoning Code Amendments" document. The Planning Commission held a public hearing for the proposed amendments on 8/28/19 and voted unanimously (7-0) to recommend approval of the amendments to City Council. The application will also require a public hearing before City Council.	
Justification / Benefits The proposed amendments will improve the application of the Planning and Zoning Code by incorporating corrections, clarifications and relatively minor adjustments.	
Will this Project affect the City's Operating Costs No	
What Alternatives Exist and what are the Implications of the Alternatives The Planning and Zoning Code will continue to include miscellaneous sections which incorporate minor errors and do not contain ideal language.	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Note Reasons	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Andrew Dutton	Date: 8/30/19
Approved for Agenda <input type="checkbox"/> Yes <input type="checkbox"/> No	



CITY OF WOOSTER

Planning and Zoning Division

538 North Market Street Wooster, OH 44691
Phone: 330-263-5235 Fax: 330-263-5274

MEMORANDUM

DATE: August 30, 2019

TO: City Council

FROM: Andrew Dutton, Planning and Zoning Manager

RE: Amendments to Miscellaneous Sections of the Planning and Zoning Code

In June of 2018, an amendment updating the city's entire Planning and Zoning Code and Zoning Map was adopted by City Council based on a recommendation to adopt by the Planning Commission. The 313-page Code incorporated many substantive and organizational changes from the previous code. Since June of 2018, there has been one amendment to the Planning and Zoning Code which addressed fencing style, materials and color.

The need for numerous amendments to the effective Planning and Zoning Code was recently communicated to the Planning Commission. Per the procedural requirements of Section 1105.03(d), the Commission unanimously voted to initiate miscellaneous amendments of the Code on July 24th. The amendments were then drafted and after a public hearing on August 28th, the Planning Commission voted unanimously (7-0) to recommend approval of the amendments to City Council.

The attached "Proposed Planning and Zoning Code Amendments" document includes amendments addressing a number of aspects of the Code including corrections, clarifications and relatively minor adjustments as recommended for approval by the Planning Commission. Each proposed amendment includes a description of the change prior to the text proposed to be amended.

Please let me know if you have any questions regarding the proposed amendments to the Planning and Zoning Code.



**PLANNING COMMISSION
APPLICATION INFORMATION SHEET**

Application Number

PC-19-20

Scheduled Meeting Date

08-28-2019

Application Type

Zoning Amendment - Text

Applicant

City of Wooster

Applicant's Project Description

Miscellaneous amendments to the Planning and Zoning Code

Agenda Text

The City of Wooster requesting an approval recommendation from the Planning Commission to City Council for Planning and Zoning Code Text amendments to Chapters 1103 (Administration and Decision-Making Authorities), 1105 (Review Procedures), 1109 (Principal Use Regulations), 1113 (Accessory and Temporary Use Regulations), 1115 (Site Development Standards), 1117 (General Development Standards), 1121 (Open Space Standards), 1123 (Landscaping and Buffering), 1125 (Parking, Access, and Mobility), 1127 (Signage), and 1135 (Definitions)



CITY OF WOOSTER
Planning and Zoning Division
538 North Market Street Wooster, OH 44691
Phone: 330-263-5238

August 29, 2019

Dear City of Wooster,

At the 08-28-2019 meeting of the City of Wooster Planning Commission, a motion was made to recommend approval of application PC-19-20, The City of Wooster requesting an approval recommendation from the Planning Commission to City Council for Planning and Zoning Code Text amendments to Chapters 1103 (Administration and Decision-Making Authorities), 1105 (Review Procedures), 1109 (Principal Use Regulations), 1113 (Accessory and Temporary Use Regulations), 1115 (Site Development Standards), 1117 (General Development Standards), 1121 (Open Space Standards), 1123 (Landscaping and Buffering), 1125 (Parking, Access, and Mobility), 1127 (Signage), and 1135 (Definitions), to City Council as presented with additional amendments to Section 1125.04(d)(1) changing "Figure 1125-B" to "Figure 1125-A", Section 1125.04(e)(4) changing "Figure 1125-C" to "Figure 1125-B", and Section 1125.09(b)(2) "Figure 1125-D" to "Figure 1125-C"

The motion received the necessary votes and the application will be forwarded to City Council with a recommendation of approval from the Planning Commission.

Please feel free to contact me at (330) 263-5238 or adutton@woosteroh.com if you have any questions or need any further information.

Sincerely,

Andrew Dutton
Planning and Zoning Manager



CITY OF WOOSTER

Planning and Zoning Division

538 North Market Street Wooster, OH 44691

Phone: 330-263-5235 Fax: 330-263-5274

August 14, 2019

DAILY RECORD

PLEASE PUBLISH August 18, 2019

The City of Wooster Planning Commission will hold their Regular Meeting at 5:30 pm on Wednesday, August 28th, 2019. The meeting will be held at City Hall, 1st floor Council Chambers, 538 North Market Street, Wooster, Ohio. At the meeting, the Commission will hold a public hearing for the following application:

PC-19-20. The City of Wooster requesting an approval recommendation from the Planning Commission to City Council for Planning and Zoning Code Text amendments to Chapters 1103 (Administration and Decision-Making Authorities), 1105 (Review Procedures), 1109 (Principal Use Regulations), 1113 (Accessory and Temporary Use Regulations), 1115 (Site Development Standards), 1117 (General Development Standards), 1121 (Open Space Standards), 1123 (Landscaping and Buffering), 1125 (Parking, Access, and Mobility), 1127 (Signage), and 1135 (Definitions).

All interested parties are welcome to attend and will be given the opportunity to address the Commission during the public hearing portion of the meeting and submit evidence and written comments with respect to the applications. Special auxiliary aids for disabled persons are available upon request with at least five days notice prior to the meeting. For further information, to submit written comments prior to the meeting, or to request special auxiliary aids please contact Andrew Dutton, Planning and Zoning Manager, at adutton@woosteroh.com, (330) 263-5238 or 538 North Market Street, Wooster, Ohio.

Proposed Planning and Zoning Code Amendments

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1. Board of Building and Zoning Appeals (BZA) Review Correction

Description: The review of all home occupations was shifted to the Zoning Administrator in the most recent Planning and Zoning Code Update and is no longer found in Section 1113.01. The proposed amendment addresses an error in Section 1103.04(d)(3) by removing subsection C. To note, the last home occupation reviewed by the BZA was in 1990.

1103.04 Review Boards

d) Board of Building and Zoning Appeals (BZA)

(3) Roles and Powers of the BZA

The BZA shall have the following roles and powers to:

- A. Hear, review, and decide on appeals of any administrative decision where it is alleged there is an error in any administrative order, requirement, decision, or determination made by the Zoning Administrator, Planning Commission, Design and Review Board, City Engineer, or other staff member authorized to make such decisions or orders, unless another appeals board is established by this code;
- B. Hear, review, and decide on variance requests in accordance with the applicable provisions of this code;
- ~~C. Hear, review, and decide on certain home occupation applications pursuant to Section 1113.01;~~
- ~~D.~~ Resolve any disputes with respect to the precise location of a zoning district boundary, using, where applicable, the standards and criteria of Section 1107.03;
- ~~E.~~ Permit the substitution of one nonconforming use with another use in conformance with the provisions of Section 1131.05;
- ~~F.~~ To hear appeals for any and all matters within the jurisdiction of the Division of Building Standards concerning the Ohio Residential Building Code and the Minimum Housing Standards and Property Maintenance Code;
- ~~G.~~ To review any uncertainties or disputes concerning the exact location of zoning district boundaries as identified in Section 1107.03; and
- ~~H.~~ Perform any other duties related to the administration and enforcement of this code as authorized by the charter, this code, or the ORC.

2. Conditional Use Code Reference Correction

Description: The proposed amendment addresses an incorrect code section reference.

1105.04 Conditional Use Review

(e) Review Criteria

Decisions on a conditional use application shall be based on consideration of the following review criteria. All conditional uses shall be subject to review under the criteria of this section, as applicable, and may be subject to additional use-specific standards established in ~~Chapter 1107: Zoning Districts~~ **Chapter 1109: Principal Use Regulations**.

3. Clarification on the Expiration of Board and Commission Applications

Description: Many applications to the Planning Commission, Board of Building and Zoning Appeals and Design and Review Board require the submission of a zoning certificate application within one year of approval. However, the Planning and Zoning Code does not address expiration if the zoning certificate is not approved or if the project is not completed within the zoning certificate time limits.

The proposed amendment indicates a zoning certificate must be approved within a year of the application's approval and the project must be completed per zoning certificates time limits.

1105.04 Conditional Use Review

(i) Time Limit

- (2) The applicant shall ~~submit a completed application for~~ **receive approval of** a zoning certificate within one year of the date the conditional use was approved **and comply with the time limits of the approved zoning certificate** or the approval shall expire.

1105.05 Minor Subdivisions

(h) Time Limit

If the ~~subdivision~~ **subdivider** does not record the minor subdivision within 90 days of signed approval, the minor subdivision approval will be void. After a minor subdivision approval is voided, any new subdivision will require a new application and related fees in accordance with this code.

1105.07: Development Plan Review

(g) Time Limit

- (1) The applicant shall ~~submit a completed application for~~ **receive approval of** a zoning certificate within one year of the date the **final** development plan was approved **and comply with the time limits of the approved zoning certificate** or the approval shall expire.

1105.08: Certificate of Appropriateness (COA)

(f) Time Limit

- (1) The applicant shall ~~submit a completed application for~~ **receive approval of** a zoning certificate **or sign permit, as applicable**, within one year of the date the COA was approved **and comply with the time limits of the approved zoning certificate or sign permit** or the approval shall expire. The date of approval shall be the date the Zoning Administrator issues the COA.

1105.11 Variances

(d) Time Limit

- (1) The applicant shall ~~submit a completed application for~~ **receive approval of** a zoning certificate **or sign permit, as applicable**, within one year of the date the variance was approved **and comply with the time limits of the approved zoning certificate or sign permit** or the approval shall expire unless an alternative schedule was approved by the BZA in its approval.

4. Commission Final Development Plan Review Reference Correction

Description: The Final Development Plan review criteria incorrectly indicate that Preliminary Development Plan review criteria should be used. The proposed amendment corrects the section to reference Final Development Plan review criteria.

1105.07 Development Plan Review

(d) Development Plan Review Procedure

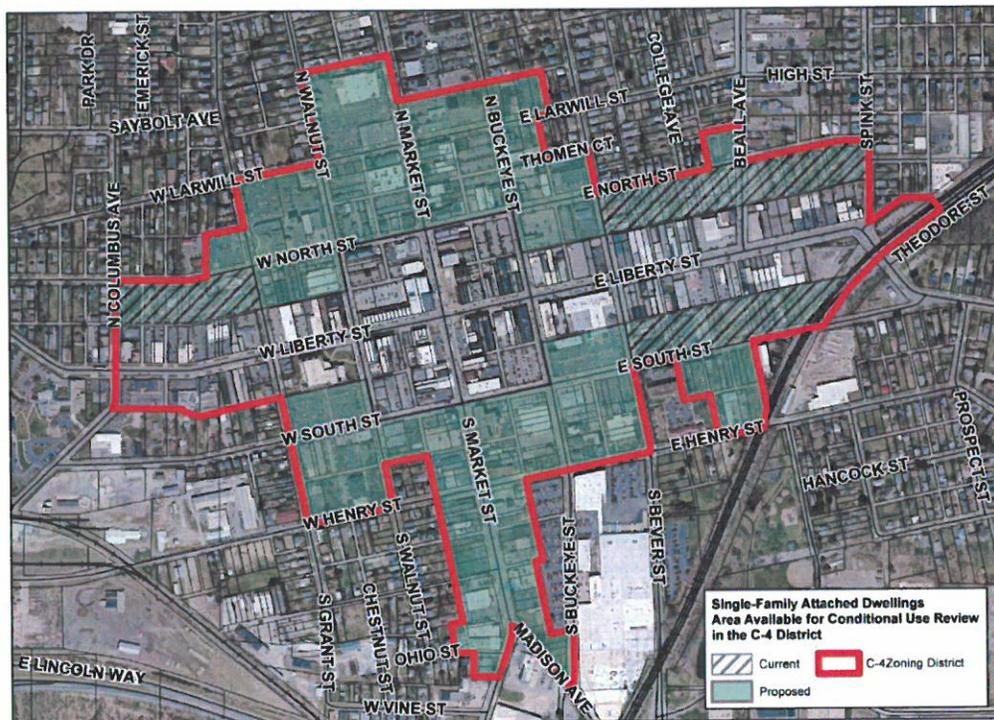
(5) Step 5 –Review and Decision on the Final Development Plan by the Planning Commission

- B. In reviewing the application, the Planning Commission shall at a minimum, consider the reports and opinions transmitted by the Zoning Administrator and the review criteria for ~~preliminary~~ **final** development plans as established in this section.

5. Expansion of the Area Considered for Single-Family Attached Dwellings as a Conditional Use in the C-4

Description: The Planning and Zoning Map comprehensive amendment in 2018 expanded the area of the C-4 zoning district. Single-family attached residential dwellings, such as rowhouses or townhouses, are a conditional use in certain areas of the C-4. The proposed amendment expands the area where single-family attached dwellings may be conserved by the Planning Commission as a Conditional Use in the C-4 district, such as the former Horn Nursing Home site on North Market Street. In addition, the proposed amendment clarifies that single-family attached dwellings are only available for conditional use consideration in the designated locations.

The following map is provided to illustrate the proposed amendment:



1109.03 Use-Specific Standards

c) Residential Uses

(3) Dwellings, Single-Family Attached

- A. In the C-4 District, single-family attached dwellings shall only be ~~permitted~~ **considered for conditional use review** in the following locations:
- i. ~~South side of North Street, west of Grant Street and east of Bever Street; and~~ **Properties north of North Street or south of South Street;**
 - ii. ~~North side of South Street, east of Bever Street.~~ **Properties on the south side of North Street located west of North Walnut Street or east of North Buckeye Street; and**
 - iii. **Properties on the north side of South Street located west of South Walnut Street or east of South Buckeye Street.**
- B. In the R-T District, single-family attached dwellings shall only be ~~permitted~~ **considered for conditional use review** in the following locations:
- i. West side of Grant Street, between Larwill Street and Henry Street;
 - ii. North side of North Street, between Spink Street and Columbus Avenue;
 - iii. West side of Columbus Avenue, between North Street and Liberty Street;
 - iv. Henry Street, between the north/south alley west of Grant Street and Market Street;
 - v. East side of Walnut Street, between South Street and Ohio Street;
 - vi. South side of Ohio Street, between Spruce Street and Walnut Street;
 - vii. South side of South Street, between Bever Street and railroad tracks; and,
 - viii. East side of Spink Street, between North St and Liberty Street.

6. Relocate Incorrect Temporary Uses and Structures Sections

Description: The proposed amendment addresses an incorrect location of four sections. The sections apply to all Temporary Outdoor Sales, not only Itinerant Vendors. The amendment relocates the sections without substantive changes.

1113.02 Temporary Uses and Structures

(d) Specific Regulations for Certain Temporary Uses and Structures

The following are regulations that apply to the specific temporary uses established within this section of the code.

(5) Temporary Outdoor Sales

- A. Temporary outdoor merchandising activities directed at the general public may be allowed as an accessory use in nonresidential districts and on the premises of permitted and conditional uses subject to the requirements of this section. It is the intent of this section to provide for temporary outdoor sales which are distinguished from permanent outside business activities that are permitted or conditional uses in a zoning district.
- B. The following shall apply to all proposed temporary outdoor sales activities allowed by this section in addition to other applicable building and safety code requirements as determined by the Building Standards Manager, Fire Department and/or City Engineer.
- i. Sidewalk sales, inventory reduction sales, liquidation sales, damaged goods sales, and transient produce merchant sales shall not exceed a maximum of seven consecutive calendar days, per event. Two such outdoor sales activities per calendar year shall be permitted, per property and shall be allowed in a C-2, C-3, or C-4 District.

- ii. Seasonal merchandise sales shall not exceed a total of 120 calendar days per year, per property. Only 4 seasonal sales activities per calendar year, per property, shall be permitted. Seasonal merchandise sales shall be permitted in a C-2, C-3, or C-4 District. Bagged seasonal merchandise, such as mulch, peat moss, soil, fertilizer, decorative stones, lime, sale and other similar goods as well as landscape timbers, railroad ties, bicycles, lawn mowers, tractors, wheel barrows, snow blowers, leaf blowers and other large lawn equipment items which are stored, displayed and/or sold outdoors shall be subject to Section 1113.01(e)(12).
- iii. All sales activities, including any temporary structures, tents, and stands, shall not be located within a required building setback or public right-of-way, must be in an area that is paved, shall not interfere with parking, sight distance, traffic circulation or emergency vehicle access on-site or upon a public street, alley, sidewalk or other public area within the City, and shall not reduce the required number of parking spaces required to serve the principal use on the site.
- iv. Temporary sales on unpaved, landscaped areas is prohibited.
- v. Temporary outdoor sales activities within all temporary structures, tents, stands, under canopies or awnings and in all unroofed areas shall be limited to 10% of the enclosed gross floor area of the principal building on the lot associated with the temporary outdoor sales activity. Existing fenced-in outdoor storage areas and permanent accessory structures shall be excluded from the 10% calculation.
- vi. **The temporary outdoor sales activity shall be clearly accessory to the permitted or conditional use(s) approved for the site. Only merchandise which is normally sold, or stocked by the occupant(s) on the subject premises shall be sold, provided that seasonal merchandise, licensed transient produce merchant activities and itinerant vendors as defined by this Chapter or Chapter 1103 may be allowed.**
- vii. **With the exception of itinerant vendors, tents, stands and other similar temporary structures may be utilized, provided that they will not impair the parking capacity, emergency access or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.**
- viii. **The required number of off-street parking spaces for the principal use(s) shall be provided for the duration of the sale. Determination of compliance with this requirement shall be made by the Zoning Administrator.**
- ix. **All temporary sales activities in the C-4 District may be permitted on sidewalks located in the public right-of-way if approved by the Mayor or the Mayor's designee.**
- x. **Additional Standards for Itinerant Vendors.**
Itinerant Vendors are permitted provided these vendors comply with the regulations set forth below:
 - a. No itinerant vendor shall block or impede the ingress or egress of the public into any business.
 - b. No itinerant vendor shall unreasonably disturb the peace and quiet of the City and shall not shout, cry out, blow any horn, ring any bell, utilize any amplification system, or use any device to attract the attention of the public.
 - c. No itinerant vendor shall park or stand within 200 feet of a school or school playground while the school is in session.
 - d. No sales shall be made from 10:00 PM to 7:00 AM.

- e. Itinerant vendors shall obtain all other required permits, such as permits required from the Wayne County Health Department or any other permits required by the City of Wooster.
- f. All itinerant vendors shall provide at least one trash receptacle upon the site of business for customer use. The site of business shall be cleared of all debris, trash, litter, and trash containers at the conclusion of each day's business activities.
- g. An itinerant vendor shall not be located on any property within the corporation limits of the City of Wooster for more than seven consecutive days or more than 30 total days in a single calendar year.
- ~~h. The temporary outdoor sales activity shall be clearly accessory to the permitted or conditional use(s) approved for the site. Only merchandise which is normally sold, or stocked by the occupant(s) on the subject premises shall be sold, provided that seasonal merchandise, licensed transient produce merchant activities and itinerant vendors as defined by this Chapter or Chapter 1103 may be allowed.~~
- ~~i. With the exception of itinerant vendors, tents, stands and other similar temporary structures may be utilized, provided that they will not impair the parking capacity, emergency access or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.~~
- ~~j. The required number of off-street parking spaces for the principal use(s) shall be provided for the duration of the sale. Determination of compliance with this requirement shall be made by the Zoning Administrator.~~
- ~~k. All temporary sales activities in the C-4 District may be permitted on sidewalks located in the public right-of-way if approved by the Mayor or the Mayor's designee.~~

7. Incorporation of a Multi-Family Building Separation Requirement

Description: Table 1115-2 includes development standards such as lot area, setbacks, lot coverage, etc. for multi-family residential zoning districts. The previous Planning and Zoning Code included a minimum building separation for multi-family buildings, which is a common requirement to avoid the dense clustering of multi-family buildings. The proposed amendment includes a minimum building separation of 20 ft., which appears to have been unintentionally omitted.

1115.03 Site Development Standards for Residential Zoning Districts

TABLE 1115-2: SITE DEVELOPMENT STANDARDS FOR MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS		
	R-3	R-4
Minimum Lot Area (Acres)	1	2
Minimum Lot Frontage (Feet)	100	125
Maximum Residential Density (Units per Acre) [1]	8	15
Minimum Front Yard Building Setback (Feet)	25	40
Minimum Side and Rear Yard Building Setbacks from an R-1, R-2, or R-T District (Feet)	40	50
Minimum Side and Rear Yard Building Setbacks from all Other Districts (Feet)	20	
Maximum Lot Coverage by Buildings [2]	25%	25%
Total Maximum Lot Coverage [2]	45%	45%
Maximum Building Height (Feet)	35	35
Minimum Building Separation (Feet)	20	
NOTES:		
[1] The total number of dwelling units permitted shall be calculated by multiplying the total project area, exclusive of public rights-of-way existing at the time the development plan is submitted, by the number of dwelling units permitted per acre.		
[2] See Section 1113.01 for building coverage of accessory uses.		

8. Corrections to Commercial and Industrial Development Standards Notes

Description: Tables 1115-3 and 1115-4 include development standards such as lot area, setbacks, lot coverage, etc. Notations in the tables reference incorrect requirements. The proposed amendment corrects the table's references.

1115.04 Site Development Standards for Business and Special Zoning Districts

TABLE 1115-3: SITE DEVELOPMENT STANDARDS FOR COMMERCIAL ZONING DISTRICTS				
	C-1	C-2	C-3	C-4
Minimum Lot Area (Square Feet)	7,500	10,000	20,000	None
Minimum Lot Width at the Building Line (Feet)	60	60	100	0
Minimum Front Yard Building Setback (Feet) [1]	10	20	30	None
Maximum Front Yard Setback (Feet)	20 [2]	40	None	10
Minimum Side and Rear Yard Building Setbacks from any Nonresidential Zoning District (Feet) [3]	8	8	10	None
Minimum Side Yard Building Setback from any Residential Zoning District (Feet) [21]	10	25	50	25
Minimum Rear Yard Building Setback from any Residential Zoning District (Feet) [21]	25	35	50	25
Maximum Lot Coverage by Buildings	40%	40%	30%	None
Maximum Building Height (Feet)	45	45	45	60
NOTES:				
[1] Additional setback requirements may also be required to accommodate landscaping and buffers as may be required by Chapter 1123: Landscaping and Buffering.				
[2] The maximum front yard building setback in the C-1 District shall only apply to lots with frontage along North Market Street.				
[3] No rear or side yard building setback shall be required if buildings share a common wall.				

TABLE 1115-4: SITE DEVELOPMENT STANDARDS FOR INDUSTRIAL AND SPECIAL ZONING DISTRICTS					
	I-1	I-2	I-3	AG	CF
Minimum Lot Area (Acres)	1	2	1	5	None
Minimum Lot Width at the Building Line (Feet)	125	200	125	500	100
Minimum Front Yard Building Setback (Feet) [1]	40	40	10	25	35
Minimum Side and Rear Yard Building Setbacks from any Nonresidential Zoning District (Feet)	30	30	15	40	20
Minimum Side and Rear Yard Building Setbacks from any Residential Zoning District (Feet) [1]	50	75	25	40	50
Maximum Lot Coverage by Buildings	40%	50%	70%	None	None
Maximum Building Height (Feet)	45	60	60	35	60
NOTES: [1] Additional setback requirements may also be required to accommodate landscaping and buffers as may be required by Chapter 1123: Landscaping and Buffering.					

9. Requirements for Screening Large Waste Receptacles

Description: The proposed amendment changes a reference from “Containers and dumpsters” to “Large waste receptacles”. Large waste receptacles are included in the Planning and Zoning Code definition section. The proposed amendment also provides relief from large waste receptacles setback requirements in the C-4 District, as the location of is often difficult, and clarifies what is intended as a “paved surface”.

1117.01 Performance Standards

(k) Solid and Liquid Waste

(2) ~~Containers and dumpsters~~ **Large waste receptacles** shall be:

- A.** ~~Located in a side or rear yard on a paved surface~~ in compliance with the minimum parking setbacks established in Section 1125.03(b) ~~and~~. **This requirement may be waived in the C-4 District if the Zoning Administrator determines that compliance is infeasible due to the property’s size, configuration, access, or other relevant factor;**
- B.** **Placed on a hard surface suitable for off-street vehicular use areas established in Section 1125.03(h)(3); and**
- C.** **In compliance with** the screening requirements set forth in Chapter 1123: Landscaping and Buffering.

10. Development Type Correction

Description: The proposed amended corrects an incorrect development type reference. The table was meant to reference “Cluster Residential Developments”. “Conservation Residential Developments” are not a type of development in the current Planning and Zoning Code.

1121.03 Open Space Requirement

(a) Amount of Open Space Required

Table 1121-1 identifies the minimum amount of open space that must be established for certain types of developments allowed by this code.

Table 1121-1: Open Space Requirements	
Development Type Minimum	Percentage of Open Space
Any Conservation Cluster Residential Developments	20%
Multi-Family Dwellings	20%
Any Planned Development District with Residential Dwelling Units	30% based on the areas of the development to be used solely for residential uses
Any Other Subdivision with 150 or more lots	10%

11. Clarification of Application of Landscaping Requirements

Description: The proposed amendment clarifies when landscaping requirements are applied to new developments and substantial expansions. The amendment does not alter the substance of the Section and only provides clarification.

1123.02 Applicability

- (a) The provisions of this Chapter shall apply to:
- (1) All new development on vacant land that requires the submission of a development plan ~~and issuance of~~ or a zoning certificate ~~or building permit~~. The required landscaping shall be so indicated on plans submitted as part of the application.
 - (2) The entire site of existing development, **with the exception of existing parking lots or vehicle use areas indicated in Section 1123.02(a)(3)**, when substantial expansion is conducted. An expansion of an existing property is substantial when **any of the following apply:**
 - A. The expansion of the square footage of an existing building exceeds 50 percent of the gross floor area of the building as it existed prior to the effective date of this code-;
 - B. The expansion of the square footage of the vehicular use area exceeds 50 percent of the total existing vehicular use area-; **or**
 - C. The land area of the development site is increased by 50 percent or more.
 - (3) Any existing parking lots or vehicular uses areas that are not being removed or otherwise changed as part of any expansion or reconstruction shall not be required to comply with the applicable parking lot landscaping requirements of this chapter.
 - (4) The portion of a developed site devoted to the expansion of an existing building, structure or expansion/alteration of a vehicular use area when such site is not governed by Subsection 1123.02(a)(2). The minimum landscaping and screening required by this chapter shall be provided to the extent of the alteration or expansion, but not for the entire property of which the alteration or expansion is a part.

12. Stormwater Control Reference

Description: The proposed amendments address incorrect code section references regarding storm drainage.

1123.02 Applicability

- (d) All requirements of Chapter ~~907~~ **925** of the Codified Ordinances, ~~Erosion and Stormwater Runoff Controls~~ **Storm Drainage**, shall be applicable.

1125.03 General Standards

The following standards shall apply to all vehicular use areas regulated by this chapter unless specifically noted.

- (h) Grading, Surface, and Maintenance
- (2) All requirements of Chapter ~~907, Erosion and Storm Water Runoff Control, of the Codified Ordinances~~ **925 of the Codified Ordinances, Storm Drainage**, shall be applicable. The City Engineer shall approve plans before construction may begin.

12. Parking for Single-Family and Two-Family Dwellings

Description: The intent of the section is to provide requirements for the location of off-street parking in single-family residential zoning. The amendment aims to clarify the requirements and reduce the parking setback from 20 ft. or 25 ft., depending on the zoning district, to 10 ft.

In addition, though graphics are often helpful in Planning and Zoning Codes, the included Figure 1125-A has been removed as it has not proven useful in clarifying regulations.

1125.03 General Standards

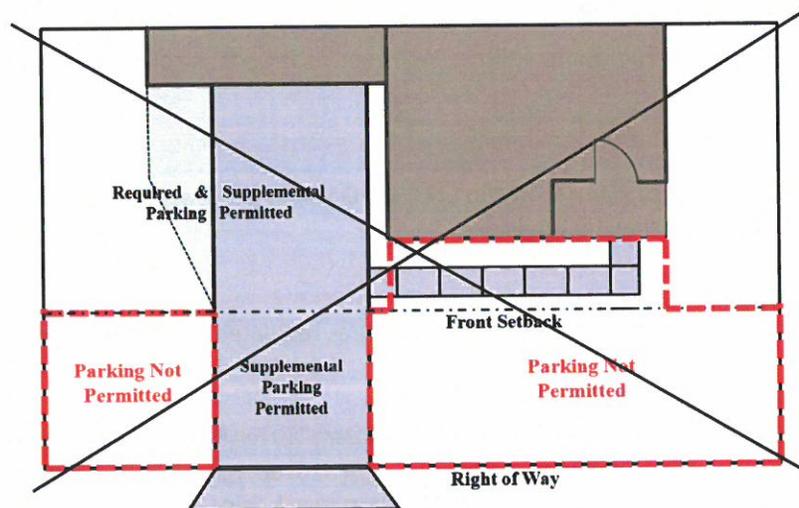
(b) Location

(4) Parking and Driveways in AG, R-1, R-2 and R-T Districts

A. For single-family and two-family dwellings, driveways and parking shall comply with the following standards, ~~as illustrated in Figure 1125-A:~~

- i. Driveways ~~and parking~~ shall be set back a minimum of three feet from all lot lines except where the driveway ~~curb~~ intersects with the street;
- ii. ~~Driveways located outside of the front building setback may accommodate required and supplemental parking~~ **Parking shall be set back a minimum of three feet from all lot lines and 10 feet from the right-of-way except where the driveway intersects the street;**
- iii. Driveways located within ~~the front building setback~~ **10 feet of the right-of-way** shall have a maximum width of 25 feet, **though the Zoning Administrator may make exceptions to this requirement for the tapering of drives** ~~and shall accommodate only supplemental parking;~~ and
- iv. Parking shall not be permitted directly between living space of a residence and the right of way unless authorized by the Zoning Administrator due the irregular shape or configuration of the residence or lot.

B. All other uses shall comply with parking setbacks of the R-3 District. See Table 1125-1.



~~Figure 1125-A: Illustration of permitted parking locations in the R-1, R-2, and R-T Districts.~~

1125.04 Off-Street Parking Requirements

(d) Alternative Parking Solutions

The total amount of parking spaces required in Section 1125.04 may be reduced by 50 percent utilizing one or more of the following alternative parking solutions.

(1) Deferred Construction of Required Spaces

If the number of parking spaces required in Table 1125-2 is substantially larger than the number anticipated by the applicant and the applicant provides sufficient evidence that supports the reduced parking needs, an application may be approved with an allowance for the construction of a lesser number of parking spaces provided that:

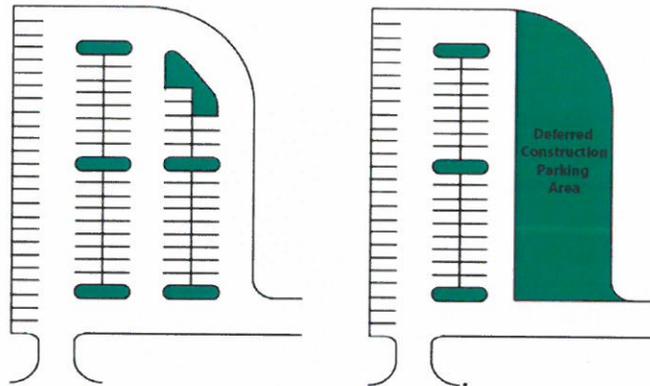


Figure 1125-B A: The parking lot shown on the left is a traditional parking lot with interior parking islands while the parking lot on the right illustrates where an area is unimproved but is designated for future parking spaces if the demand arises.

(e) Design of Off-Street Parking Areas

Off-street parking areas shall be designed and constructed in accordance with the following requirements.

(4) Parking Space Dimensions

Each parking space shall have direct and unrestricted access to an aisle of the minimum width set out in Table 1125-3 and illustrated in Figure 1125-C B.

TABLE 1125-1: PARKING STALL AND AISLE DIMENSIONS				
Parking Angle/Type	A		B	C
	Aisle Width			
	One-Way	Two-Way		
0°/Parallel	12 ft.	20 ft.	9	23
45°	13 ft.	20 ft.	10	19
60°	18 ft.	22 ft.	10	19
90°	22 ft.	24 ft.	9	18

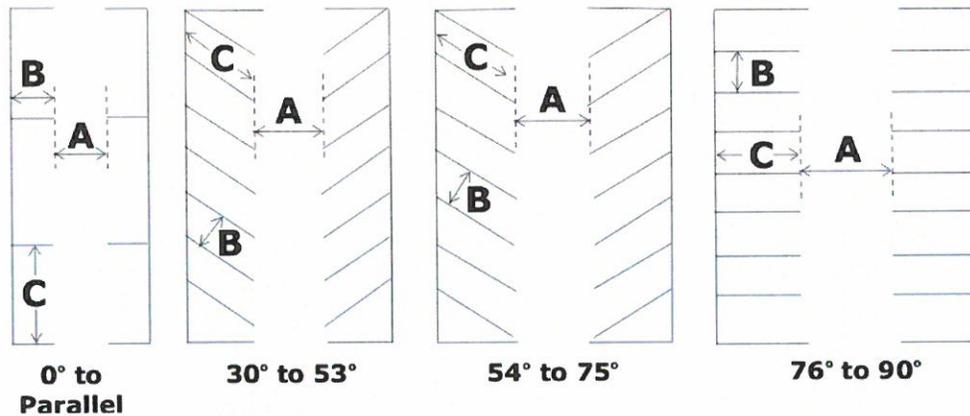


Figure 1125-C B: Illustration of parking angles and related dimensional references.

1125.09 Sidewalks, Walkways, Trails, and Bikeways

(b) Internal Pedestrian Access

- (1) Where a sidewalk exists in a public right-of-way adjacent to the site, or is required to be constructed as part of the development approval, a paved pedestrian connection shall be constructed from the sidewalk to the entrance of the building.
- (2) The pedestrian connection shall have a minimum width of four feet with a minimum of 30 inches of vehicle clearance on either side of the sidewalk.

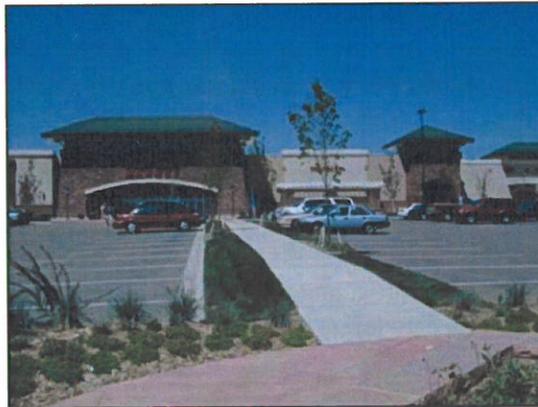


Figure 1125-D C: This photograph illustrates how a sidewalk connecting the public sidewalk to the business can be integrated into the required landscaping.

- (3) All pedestrian walkways located within a site (internal pedestrian circulation) shall be physically separated from the drive lanes and driveways. Additionally, all sidewalks and crosswalks shall be constructed of an impervious surface and shall be visually distinct from the driving surface by use of pavers, color, bricks, scored concrete, or other material approved by the Zoning Administrator. See Figure 1125-D C.

14. Parking Recreational Vehicles in the Right-of-Way

Description: The section indirectly indicates that parking recreational vehicles in the right-of-way is prohibited. The amendment clarifies that such parking is prohibited.

1125.03 General Standards

(l) Parking and Usage of Recreational Vehicles, Trailers and Motor Vehicles

In addition to the requirements of Section 1125.03(b), 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) Recreational vehicles and related trailers, and noncommercial trailers may be parked or stored outdoors in the side or rear yard of a lot used for residential purposes, provided that:
 - A. The vehicles and/or trailers are set back a minimum of 10 feet from all lot lines; and
 - B. The parking area shall meet the surface requirement as specified in Section 1125.03(h).
Alternative hard surface brick or interlocking paver material may be used.
- (2) Recreational vehicles, related trailers, and noncommercial trailers may be parked for a period of up to 72 consecutive hours, up to 10 times a year, on other surfaced areas of a lot used for residential purposes for the loading and unloading of guests and supplies provided the vehicle or trailer does not encroach into a right-of-way.
- (3) Commercial trailers shall not be parked or stored outdoors in any residential zoning district.
- (4) Recreational vehicles, related trailers, noncommercial trailers, and commercial trailers may be parked or stored outdoors on a lot in nonresidential zoning districts if allowed subject to the regulations for outdoor storage and displays.
- (5) Recreational vehicles, related trailers, noncommercial trailers, and commercial trailers may be parked or stored, in any condition, within a fully enclosed garage that is located in accordance with Section 1113.01.
- (6) The vehicle or trailer shall be properly licensed and registered for highway use as required by the State, and the vehicle shall be maintained in good condition so that it can be readily transported (wheels shall not be removed; tires shall not be flat; and the vehicle shall not be fixed to the ground).
- (7) The parking or outdoor storage of recreational vehicles and trailers is prohibited in any right-of-way.**

15. Traffic Impact Study Adjustment

Explanation: The section indicates requirements in which a development is required to submit a Traffic Impact Study (TIS). The proposed amendment clarifies what applications require a TIS and allows the Planning Commission to waive the requirement based on the City Engineer's recommendation.

1125.08 Access Management

(c) Traffic Impact Studies

- (1) A Traffic Impact Study (TIS) shall be required whenever a ~~subdivision, development, or rezoning request~~ **Major Subdivision or Development Plan application** meets **any of** the development intensity thresholds listed below. **The Planning Commission may waive this requirement based on a recommendation from the City Engineer.**
 - A. Generates or has the potential to generate traffic volumes equal to or exceeding 100 vehicle trip ends (total of entering and exiting vehicles for the proposed development at full 20-year build out and occupancy) during the highest peak hour of the development or land use;
 - B. A turn-lane warrant analysis may be required by a development or land use generating less than 100 vehicle trip ends in the peak hour; or
 - C. Proposed access within a location identified by the City Engineer as a safety problem or accident location.
- (2) The City Engineer shall maintain a list of submission requirements for a TIS.
- (3) The TIS shall outline recommended mitigation measures, including but not limited to roadway widening, turn lane geometries, changes to signalization, elimination or combination of access points, or reduction in the proposed intensity of use, demonstrate any changes to the level of service achieved by these measures, and describe any alternatives or suggested phasing of improvements. The responsibility for construction and timing of roadway improvements shall be described.

(d) Turn Lanes

Turn lanes shall be provided on all existing arterial and collector streets adjacent to a proposed major subdivision. The Planning Commission may waive this requirement based on a recommendation from the City Engineer.

16. Modification to Wall Sign Area Bonuses

Description: The current sign area calculation for the amount of permitted wall sign area is appropriate. However, an area bonus for buildings with large setback is also available, which often results in a very large amount of permitted building sign area for wide buildings with a large setback. For example, the Marc’s/Ollie’s building on Portage Road is currently permitted 1,236 sq. ft. of building signage for the front of the entire building due to the available sign area bonus.

The proposed amendment reduces the building sign area bonus for large building setbacks.

1127.10 Permanent Signs in Nonresidential Districts

(c) Building Signs

Building signs are permitted on all principal structures in accordance with the following:

(6) Size

- A. Table 1127-1 establishes the maximum amount of sign area for all building signs permitted on the primary facade of a building based on the district, building, and/or use that they serve.

TABLE 1127-1: MAXIMUM BUILDING SIGN AREA ALLOWANCE PER FACADE		
Building Type/Occupancy	CF, C-1, and C-4 Districts	C-2, C-3, I-1, I-2, and I-3 Districts
Single-Tenant or Multi-Tenant Buildings [1]	1.5 square foot of sign area per lineal foot of façade width	2.0 square foot of sign area per lineal foot of façade width
Large-Scale Nonresidential Buildings with a Single Tenant [2]	Not Applicable	The sign area shall not exceed 5 percent of the total facade area and shall not exceed 35 percent of the height of the facade, as measured from the bottom most point of the message to the top most point of the message. [3]
<p>Notes:</p> <p>[1] For buildings with multiple tenants, the ratio shall be applied to each lineal foot of building facade width assigned to each individual tenant.</p> <p>[2] Large-scale nonresidential buildings shall be defined as a building with a single tenant that exceeds 200,000 square feet of gross floor area.</p> <p>[3] Signs shall be limited to wall signs only. If the owner wants to utilize other building sign types, the maximum sign allowance shall be the same for single-tenant or multi-tenant buildings.</p>		

(7) Sign Bonuses for Large Building Setbacks

The maximum allowable area for a building signs may be increased by ~~25~~ **10** percent for each 100 feet or fraction thereof of building setback when the principal building is located more than 100 feet from the principal street on which the building is located and the building is visible from the street, not to exceed ~~50~~ **20** percent of the maximum allowable.

17. Modification to Additional Freestanding Signs on Larger Lots

Description: The current sign area calculation for the amount of permitted freestanding sign area is appropriate. In addition, the code provides a substantial freestanding sign area bonus to lots with width greater than 200 feet. This section allows such wide lots, which may have small or no buildings, a considerable amount of freestanding sign area. The proposed amendment limits the freestanding sign area bonus to lots with medium to large buildings.

1127.10 Permanent Signs in Nonresidential Districts

(d) Permanent Freestanding Signs

Permanent freestanding signs permitted in nonresidential districts shall comply with the following regulations:

(2) Such freestanding signs shall comply with Table 1127-2.

TABLE 1127-2: PERMANENT FREESTANDING SIGNS				
District	Maximum Sign Area (Square Feet)	Maximum Sign Height (Feet)	Minimum Setback from a ROW	Minimum Setback from Side Lot Line [4]
CF, C-1, or C-4 Districts [1]	30 [2]	6 Feet	3 feet	10 Feet
C-2 District	40 [3]	12 Feet	3 feet	10 Feet
C-3 District	55 [3]	15 Feet	3 feet	10 Feet
I-1, I-2, or I-3 Districts	40 [3]	8 Feet	3 feet	10 Feet

[1] Not permitted on the site when the building is setback less than 10 feet from the street right-of-way.
 [2] **When all buildings on a lot have a combined floor area greater than 10,000 square feet,** the maximum sign area may be increased by one square foot for every 7 feet of lot frontage that exceeds 200 feet. In no case shall the sign area exceed 200 square feet.
 [3] **When all buildings on a lot have a combined floor area greater than 10,000 square feet,** the maximum sign area may be increased by one square foot for every 5 feet of lot frontage that exceeds 200 feet. In no case shall the sign area exceed 200 square feet.
 [4] When the lot line is located adjacent to a residential zoning district, the minimum setback shall be 30 feet.

18. Lot Width Clarification

Description: Two sections of the code include a definition of “Lot Width”. The proposed amendment makes the two sections consistent and clarifies that “setback” refers to the district’s building setback, not parking setback.

1115.01 Measurements, Computations, and Exceptions

(c) Lot Width Measurements

Lot width is the ~~distance between the side lot lines measured along the building line.~~ **horizontal distance between the side lot lines, measured at right angles to the lot depth at the front yard building setback line.**

1135.02 General Definitions

Lot Width

The horizontal distance between the side lot lines, measured at right angles to the lot depth at the front **yard building** setback line.

19. Building Line Definition Clarification

Description: There are instances where a lot is created without a building. By the current definition, the “Building Line” is determined by the location of the building. The proposed amendment clarifies that in the absence of a building, the “Building Line” defaults to the applicable minimum front yard building setback.

1135.02 General Definitions

Building Line

An imaginary linear extension of the building parallel or substantially parallel to the street right-of-way line defining the limits of the front yard. In the case of a corner lot, the building line would apply to the two sides of the building facing streets. **If no building exists on a lot, the building line shall be equal to the lot’s applicable front yard building setback line.**

20. Duplicate Service Use Definition

Description: The current definitions for “Business Service Establishments” and “Service Commercial Uses” are similar. Though both uses are permitted in commercial zoning districts, “Business Service Establishments” uses are slightly more intense and are also permitted in industrial districts. The proposed amendment removes duplications in their definitions.

1135.02 General Definitions

Business Service Establishments

Establishments primarily engaged in rendering services to office, business, or industrial establishments on a fee or contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, office equipment rental and leasing, commercial research, development and testing, photo finishing, machine repair, and personal supply services.

Service Commercial Uses

An establishment providing services to business establishments on a fee or contract basis, including, but not limited to, ~~advertising and mailing services, employment services,~~ business equipment and furniture sales or rental, educational services (not classified as an “educational institution (K-12)” or “collect and higher educational institution”), instructional services, photocopy services, protective services, or similar services.

21. Frontage Clarification

Description: The current definition for “Frontage, Street or Lot” includes references to both the front setback and front lot line to determine the frontage. The proposed amendment clarifies the frontage of a lot is measured along the front lot line, which is typically used to determine frontage.

1135.02 General Definitions

Frontage, Street or Lot

The distance between the side lot lines measured along the ~~required~~ front ~~setback~~ lot line. In the case of a corner lot, frontage shall be measured along the shortest front lot line. Property lines which abut limited access roads shall not be construed to be included within any calculation of frontage. See Figure 1135-E.

ORDINANCE NO. 2019-18

AN ORDINANCE AUTHORIZING THE PURCHASE OF
REAL ESTATE AND DECLARING AN EMERGENCY

WHEREAS, this City Council, acting upon the recommendation of the Mayor, has determined that it is in the best interests of the municipal government to purchase a certain parcel of real estate located at 228 E. Henry Street, Wooster, Ohio (Wayne County Parcel 64-01434.000); and

WHEREAS, prompt action is necessary in order to take advantage of pending purchase proposals.

WHEREAS, the purchase price for this property is included in the 2019 budget.

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

SECTION 1. That the Mayor is authorized to purchase, in the name of the City of Wooster, the following parcel of real estate, and that he is authorized to execute any necessary documents in connection with such purchase:

PPN: 64-01434.000, located at 228 E. Henry Street, Wooster, Ohio 44691

SECTION 2. The amount of such purchase will not exceed the budgeted amount and such amount is payable from the Capital Improvements Fund.

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

SECTION 4. This Ordinance is 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 authorize the purchase in order to secure the site for the construction of future development; 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.

Introduced: _____ Passed: _____ Vote: _____

Passed: _____, 2019 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2019
Mayor

Introduced by: Jennifer Warden



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



Jonathan S. Millea, AICP
Development Coordinator
Phone : (330) 263-5250
Fax: (330) 263-5247
Email: jmillea@woosteroh.com

MEMO

To: Wooster City Council, City Administration
From: Jonathan Millea, Development Coordinator
CC: Mr. Tim Monea – Division of Building Standards, Mr. Jeff Battig – Community Services,
Ms. Sandra Hull, Main Street Wooster
Date: 9/5/2019
Re: **Follow-Up on Acquisition of 228 E. Henry Street**

Following up on our previous memo concerning the City's proposed \$60,000 acquisition of 228 E. Henry Street, a duplex home adjacent to the Community Center, staff obtained an appraisal from Powers Group on the subject property. The appraisal advised a sales comparison approach value of \$55,000 and defined an income approach valuation of \$94,500.

Due to relatively costly repairs required to bring the property up to code along with other property maintenance concerns, the City will move to have the structure demolished in the short-term, which is estimated to cost \$15,000 in addition to costs for environmental remediation. Staff will be ready to connect current tenants with area housing resources when a notice to vacate the structure is provided.

Staff recommendation is to proceed with acquisition at \$60,000 and enable a closing before the end of the month and potentially save costs on demolition.

Sincerely,

Jonathan Millea, AICP

Development Coordinator

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2019-18

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Development	Meeting Date Requested 16 September 2019
Project Name Acquisition of 228 E. Henry St.	Estimated Total Funds/Costs \$80,000
Is Full Amount Budgeted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded? Capital Improvement Fund	
Description of Request Requested is Council's authorization in the City's acquisition of the property known as 228 E. Henry Street, Wooster, Ohio 44691 (Wayne County Parcel 64-01434.000) for \$60,000. The City entered into an agreement to purchase the property after the current owner listed the site for sale. The duplex building is adjacent the Community Center, sitting at the northwest corner of a heavily utilized alley and E. Henry Street. Demolition of the structure (estimated at \$15,000 in addition to an estimated \$5,000 in environmental remediation), would improve visibility for vehicles departing the Community Center onto E. Henry Street and resolve property maintenance concerns.	
Justification / Benefits Acquisition and eventual demolition would allow for increased safety and visibility at the Community Center's exit onto Henry Street. This is a unique opportunity for the City to acquire neighboring property at a fair price point.	
Will this Project affect the City's Operating Costs \$60,000 for acquisition, \$15,000 for demolition, \$5,000 for environmental remediation.	
What Alternatives Exist and what are the Implications of the Alternatives The City may forgo the acquisition at the risk of ongoing visibility issues for traffic exiting Community Center and also ongoing property maintenance concerns.	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons Offer requires closing in September. Early decision may provide demo cost-savings.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Jonathan Millea	Date: 9/4/2019

Approved for Agenda Yes No

RESOLUTION NO. 2019-047

A RESOLUTION APPOINTING AN ASSESSMENT EQUALIZATION BOARD FOR THE DOWNTOWN STREETScape PHASE-TWO PROJECT, AND DECLARING AN EMERGENCY

WHEREAS, the City of Wooster, by action of this Council, has declared in Resolution No. 2019-044 adopted September 16, 2019, the necessity to construct certain improvements to the locations detailed and described in that resolution, and a portion of the cost thereof will be assessed to benefited properties as set forth therein; and

WHEREAS, Ohio law provides that owners of property to be assessed for such improvements may make timely objections and have their objections heard by an assessment equalization board;

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

SECTION 1. Jennifer Reynolds, Robert Metze, Jr. and Steve Webster, three disinterested freeholders of the City of Wooster, are appointed to act as an assessment equalization board to hear and determine all written objections filed in accordance with law to the estimated special assessments filed with the Clerk of this Council pursuant to Resolution No. 2019-044 adopted by this Council on September 16, 2019. The board is directed to equalize such assessments as it deems proper to conform to the standards prescribed by law and that resolution.

SECTION 2. The assessment equalization board shall meet in the City Council Chambers of the Municipal Building, 538 North Market Street, Wooster, Ohio, for the purposes aforesaid, and on completion of the hearing and any adjournments thereof, shall report its recommendations, including any changes which should be made in the estimated special assessments, to this Council.

SECTION 3. The Clerk of Council is directed to notify by certified mail, return receipt requested, each person who has timely filed a written objection to the estimated special assessments of the time and place of the meeting of the assessment equalization board. Such notices shall be mailed at least five (5) days prior to the date of the first meeting.

SECTION 4. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5. This resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City, and for the further reason that prompt action by the assessment equalization board is necessary in order to ensure that affected property owners will be afforded a mechanism by which to have their objections heard in a timely manner; wherefore, this resolution shall be in full force and effect immediately upon its adoption and approval by the Mayor, provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Passed: _____, 2019 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2019
Mayor

Introduced by: Bill Bostancic

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2019-047

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division: Engineering	Meeting Date Requested September 16, 2019
Project Name Downtown Streetscape Phase 2 Resolution to Appoint Assessment Equalization Board	Estimated Total Funds/Costs \$1,800,000 (\$920,000 SE Quad and sidewalks east of Market)(\$762,339 SW Quad and sidewalk west of Market)(\$117,661 Assessments)
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded?	
Description of Request This is a request to appoint an Assessment Equalization Board to hear objections to the Downtown Streetscape Phase 2 Assessments if necessary and to schedule a meeting.	
Justification / Benefits This is required by the Ohio Revised Code, section 727.16. The proposed members are Bob Metze, Steve Webster, and Jennifer Reynolds.	
Will this Project affect the City's Operating Costs N/A	
What Alternatives Exist and what are the Implications of the Alternatives N/A	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons The assessment process needs to begin as soon as possible to remain on schedule for construction in 2020.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Roger Kobilarcsik	Date: September 10, 2019
Approved for Agenda <input type="checkbox"/> Yes <input type="checkbox"/> No	

RESOLUTION NO. 2019-048

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), TO ACCEPT AND APPLY SUCH FUNDS, IF AWARDED, AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Public Works Commission ("OPWC"), through the State Capital Improvement Program, provides financial assistance to political subdivisions for capital improvements to public infrastructure; and

WHEREAS, the City of Wooster is planning to make capital improvements (waterline replacement) to the water lines serving W. Henry Street, Washington Street, and McKinley Street, with the total cost of the projects estimated to be \$1,100,000.00, of which the OPWC would fund approximately \$400,000.00; and

WHEREAS, the infrastructure improvement project hereinabove described is considered to be a priority need for the community and is a qualified project under the OPWC programs

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

SECTION 1. That the Mayor, is hereby authorized to apply to the OPWC for grant monies as described above, and if such funds are awarded, to appropriate and apply the funds as indicated.

SECTION 2. The City, by its Mayor, is further authorized to execute any necessary documents in connection therewith for obtaining this financial assistance.

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

SECTION 4. This Resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that time is of the essence in making a timely application for the funds described above; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Passed: _____, 2019 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2019
Mayor

Introduced by: David Silvestri

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division: Engineering	Meeting Date Requested September 16, 2019
Project Name W. Henry, Washington and McKinley Waterline Project- OPWC Participation	Estimated Total Funds/Costs \$1,100,000. If approved, the Ohio Public Works Commission would fund \$400,000 of the project costs with grant funds.
Is Full Amount Budgeted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded? This application would be for construction in 2020 with the City's portion budgeted in FY 2020.	
Description of Request This is a request to authorize application for and acceptance of \$400,000 in grant money from the Ohio Public Works Commission for waterline replacement on Washington Street and McKinley Street from Bowman to University and W. Henry Street from Grant to Columbus. This project will install over 5,500 linear feet of 8" ductile iron waterline, new water services and fire hydrants including all appurtenances.	
Justification / Benefits This project will replace existing waterlines that are beyond their useful life and have a substantial break history. There have been 13 breaks on the W. Henry line and 10 breaks each for the lines on Washington and McKinley. The proposed OPWC funding will cover almost 40% of the project costs.	
Will this Project affect the City's Operating Costs Yes, this project will actually reduce the City's operating costs since maintenance costs will be reduced.	
What Alternatives Exist and what are the Implications of the Alternatives We can do nothing, and turn down the grant funds. We could postpone the project, which will push other projects further into the future, will cost more as construction costs increase, and have no guarantee of future grant funding. We could proceed with the project using interest accruing financing methods.	
Is this a Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Explain The Circumstances: OPWC is the only agency offering grant funding at this time.	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons OPWC funding application is being prepared for submission and final approval depends on this legislation being passed as soon as possible.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Roger Kobilarcsik	Date: September 12, 2018
Approved for Agenda <input type="checkbox"/> Yes <input type="checkbox"/> No	