

# Chapter 1113: Accessory and Temporary Use Regulations

## 1113.01 Accessory Uses and Structures

### (a) Purpose

This section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this section is to allow a broad range of accessory uses while not creating adverse impacts on surrounding lands.

### (b) General Provisions

- (1) An accessory use or structure shall be incidental to the primary use of the lot, and shall not alter the character of the principal use.
- (2) Accessory uses and structures shall be constructed on the same lot as the principal use that it serves.
- (3) No accessory structure shall be constructed on any lot until the construction of the principal structure has commenced. In cases where the main or principal structure is demolished, an existing accessory structure shall be allowed to remain on the lot or property without the main structure to which it is supposed to be an accessory on the following conditions:
  - A. Up to 12 months consistent with that allowed by [Chapter 1131: Nonconformities](#).
  - B. A zoning certificate and building permit is obtained for the reconstruction of the main or principal structure, the construction of which shall take place within 12 months. Failure to reconstruct the main or principal structure will be an automatic cause for the removal of the accessory structure at the owner's expense.
- (4) Small accessory structures such as doghouses, benches, garden decorations, barbeque equipment, etc. shall be exempt from the provisions of this section provided they do not have a footprint that exceeds 50 square feet.
- (5) Gardens and the raising of crops for the personal use of the residents, tenants, or property owners, may be grown in any yard, without a permit.
- (6) An accessory structure that is attached to the principal building shall be considered an integral part of the principal building and shall comply with the site development standards and all other development standards for the principal building in the applicable zoning district. Any accessory structure shall be considered as an integral part of the principal building if it is connected to the principal building either by common walls or by a breezeway or roof.
- (7) The accessory use regulations of this chapter shall not apply to any public park lands owned by the City, Wayne County, or the State of Ohio.
- (8) **Height Limit**

Unless otherwise stated, the maximum height of a detached accessory structure shall be 20 feet. In no case shall an accessory structure exceed the height of the principal building.

**(9) Number and Size Requirements**

- A. There shall be no more than two accessory buildings located on a single lot of record in a single-family residential district (R-1, R-2, and R-T).
- B. The maximum total area of all accessory buildings and structures identified in Subsection [1113.01\(b\)\(9\)C](#) below, shall be equal to or less than the square footage calculated as 30 percent of the rear yard. Accessory buildings and structures shall also be subject to building and lot coverage standards in [Chapter 1115: Site Development Standards](#).
- C. The following accessory structures shall be considered as part of the maximum lot coverage requirements established in Paragraph [1113.01\(b\)\(9\)B](#), above, and in [Chapter 1115: Site Development Standards](#).
  - i. Detached garages and carports;
  - ii. Detached storage/utility sheds, gazebos, and other similar structures;
  - iii. Porches and decks
  - iv. Ground-mounted solar energy systems;
  - v. Swimming pools;
  - vi. Tennis and other recreational courts; and
  - vii. Other accessory buildings similar in nature to the above-mentioned structures, as determined by the Zoning Administrator.

**(10) Setback and Location Requirements**

- A. Unless otherwise required in this section, all accessory uses and structures shall be set back a minimum of three feet from all lot lines.
- B. Additional setbacks may be required from the principal building, adjacent structures, or streets based on the applicable building or fire code regulations.
- C. No detached accessory structure shall be located less than ten feet from the principal building. If the separation of the accessory and main structure is less than ten feet, the accessory structure shall be protected with a fire-resistant material and shall conform to the same yard requirements as the principal building.

**(c) Prohibited Structures for Accessory Uses**

Except as provided in code, the use of inflatable garages or storage structures, portable carports or garages that are not permanently anchored into a foundation, temporary structures as defined in Section [1113.02](#), portable containers, shipping containers, and semi-tractor trailers used for storage (with or without wheels) shall not be used as permanent accessory structures in any zoning district.

**(d) Permitted Accessory Uses**

The following is an explanation of [Table 1113-1](#).

- (1) The symbols for permitted uses (P), permitted uses with standards (PS), and conditional uses (C) are defined in the same manner as Section [1109.02](#).

**(2) Prohibited Uses**

A "X" in a cell or a blank cell indicates that a use is prohibited in the respective zoning district.

**(3) Yards Permitted**

This column identifies within which yards the use may be permitted. See the use-specific standards for any restrictions related to placement in individual yards.

**(4) Zoning Certificate Required**

A “Yes” in the “Zoning Certificate Required” column shall mean that the applicable accessory structure requires a zoning certificate in order to be constructed.

**(5) Lot Coverage**

A “Yes” in the “Lot Coverage” column shall mean that the footprint of the applicable accessory structure shall be calculated as part of the maximum lot coverage standards established in [Chapter 1115: Site Development Standards](#).

**(6) Use-Specific Standards**

The numbers contained in the “Use-Specific Standards” column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated.

**(7) Use Determination and Unlisted Uses**

- A. The Zoning Administrator shall make the determination if a proposed use is permitted, permitted with standards, a conditional use, or a prohibited use under the provisions of this section.
- B. Section [1109.02\(f\)](#) identifies the procedure the Zoning Administrator will use in addressing uses that are similar to other uses in [Table 1113-1](#) or uses that are unlisted.

**(8) Accessory Uses in the Planned Developments**

- A. The types of accessory uses allowed in a Planned Development (PD) shall be considered as part of the PD review. Generally:
  - i. Accessory uses for residential dwellings shall be those allowed in the R-2 District.
  - ii. Accessory uses for commercial uses shall be those allowed in the C-3 District.
  - iii. Accessory uses for industrial uses shall be those allowed in the I-2 District.
- B. The Planning Commission and City Council may approve alternative accessory uses and structures within a PD if allowed as part of the PD preliminary development plan approval process.

**TABLE 1113-1: PERMITTED ACCESSORY USES AND STRUCTURES**

Use Category and Use Type  P = Permitted Use PS = Permitted Use with Standards C = Conditional Use X=Prohibited Use	AG, R-1, R-2, R-T, R-3, R-4, or R-5	C-1, C-2, C-3, or C-4	I-1, I-2, or I-3	CF	Yards Permitted F = Front S = Side R = Rear	Zoning Certificate Required	Lot Coverage	Use-Specific Standards in Section:
Accessibility Ramps	PS	PS	PS	PS	F, S, or R	No	No	<a href="#">1113.01(e)(1)</a>
Amateur Radio Towers and Antennae	PS	PS	PS	PS	S or R	Yes	No	<a href="#">1113.01(e)(2)</a>
Basketball Hoops	PS	PS	PS	PS	F, S, or R	No	No	<a href="#">1113.01(e)(3)</a>
Bike and Skateboard Ramps	PS	PS	PS	PS	R	Yes	Yes	<a href="#">1113.01(e)(4)</a>
Community Gardens	PS	PS	PS	PS	F, S, or R	Yes	No	<a href="#">1113.01(e)(5)</a>
Detached Garages and Carports and Detached Storage/Utility Sheds, Gazebos, Pool Houses, and other Similar Buildings	PS	PS	PS	PS	S or R	Yes	Yes	<a href="#">1113.01(e)(6)</a>
Drive-Through Facility	X	PS	PS	PS	See Section <a href="#">1113.01(e)(7)</a>	Yes	Yes	<a href="#">1113.01(e)(7)</a>
Fences, Walls, and Hedges	PS	PS	PS	PS	F, S, or R	Yes	No	<a href="#">1113.01(e)(8)</a>
Home Occupations	PS	PS	PS	PS	Not Applicable	Yes	No	<a href="#">1113.01(e)(9)</a>
Nursery Schools or Day Care Centers (Children or Adults)	PS	PS	PS	PS	Not Applicable	Yes	Yes	<a href="#">1113.01(e)(10)</a>
Outdoor Dining	X	PS	X	X	F, S, or R	Yes	Yes	<a href="#">1113.01(e)(11)</a>
Outdoor Displays and Sales	X	PS	X	X	F, S, or R	Yes	Yes	<a href="#">1113.01(e)(12)</a>
Outdoor Storage and Bulk Sales	X	PS	PS	X	S or R	Yes	Yes	<a href="#">1113.01(e)(13)</a>
Outdoor Vending Machines and Drop-Off Boxes	X	PS	PS	PS	F, S, or R	No	Yes	<a href="#">1113.01(e)(14)</a>
Patios (Unenclosed)	PS	PS	PS	PS	F, S, or R	Yes	Yes	<a href="#">1113.01(e)(15)</a>
Porches and Decks	PS	PS	PS	PS	F, S, or R	Yes	Yes	<a href="#">1113.01(e)(16)</a>
Playsets, Treehouses, and Trampolines	P	P	P	P	R	No	No	<a href="#">1113.01(e)(17)</a>
Private Water Towers, Tanks, or Reservoirs	X	C	PS	X	S or R	Yes	Yes	<a href="#">1113.01(e)(18)</a>
Raising of Small Livestock	PS	X	X	X	S or R	No	No	<a href="#">1113.01(e)(19)</a>
Retail Commercial Uses, Service Commercial Uses, and Personal Service Establishments	PS	PS	PS	PS	Not Applicable	No	Yes	<a href="#">1113.01(e)(20)</a>
Satellite Dishes	PS	PS	PS	PS	Not Applicable	No	No	<a href="#">1113.01(e)(21)</a>
Solar Energy Systems	PS	PS	PS	PS	See Section <a href="#">1113.01(e)(22)</a>	Yes	No	<a href="#">1113.01(e)(22)</a>
Swimming Pools (Outdoors)	PS	PS	PS	PS	R	Yes	Yes	<a href="#">1113.01(e)(23)</a>
Tennis and Other Recreational Courts (Outdoor)	PS	PS	PS	PS	R	Yes	Yes	<a href="#">1113.01(e)(24)</a>
Type-B Day Care Home (1-6 Children)	PS	PS	PS	PS	Not Applicable	No	No	<a href="#">1113.01(e)(25)</a>

**(e) Standards for Specific Accessory Uses and Structures**

The following requirements apply to the specific types of accessory uses and structures listed, in addition to the requirements of Section [1113.01\(b\)](#).

**(1) Accessibility Ramps**

Ramps that provide access to buildings for the disabled are permitted in all zoning districts and may encroach in all setbacks but shall not encroach on a public sidewalk, right-of-way, or street.

**(2) Amateur Radio Towers and Antenna**

- A.** No more than one amateur radio tower and/or antenna shall be permitted on each lot.
- B.** Ground-mounted amateur radio towers, antennas, and related guy wire anchors must be located in the rear yard.
- C.** Building-mounted amateur radio towers and antennas must be located to the rear of the centerline of the principal building.
- D.** Such tower shall not exceed 65 feet in height or the maximum height of the applicable zoning district, whichever is greater. The measurement shall be made from the grade directly beneath the tower to the highest point on the antenna or tower, whichever is the tallest point of the structure.
- E.** Antennas and guy wire anchors shall not overhang or otherwise be located within required accessory structure setbacks or on adjacent lots.
- F.** When an amateur radio tower and antenna is no longer being used by an FCC amateur radio license holder for amateur radio service, the tower and antenna must be removed no more than 180 days after cessation of the FCC license or the transfer or property ownership or lease to an individual without an FCC license.
- G.** Amateur radio towers and antennas that do not comply with the provisions of this section shall require a conditional use approval (See Section [1105.04](#)). The application for a conditional use approval for amateur radio towers and antennas must demonstrate that compliance with the provisions of this section would prevent the amateur radio operator from exercising the rights granted to him or her by the FCC or the State of Ohio by license or law. If the Planning Commission determines that expertise beyond that of City staff is necessary to determine compliance with this criterion, then the applicant shall reimburse the City for any expenses necessary for hiring a third-party consultant to make this determination.

**(3) Basketball Hoops**

- A.** Basketball courts shall be subject to the standards of Section [1113.01\(e\)\(24\)](#).
- B.** Movable basketball hoops shall not be located in rights-of-way or be so located as to require play in any right-of-way.

**(4) Bike and Skateboard Ramps**

Bike ramps and skateboard ramps shall be set back at least 15 feet from all lot lines.

**(5) Community Gardens**

- A.** Community gardens that are accessory to another principal use shall be subject to the same rules as established for community gardens in Section [1109.03\(b\)\(2\)](#).

- B. Community gardens shall only serve as an accessory use to nonresidential uses.
- (6) **Detached Garages and Carports and Detached Storage/Utility Sheds, Gazebos, Pool Houses, and other Similar Buildings**
- A. Attached and detached garages and carports shall be served by a paved driveway.
  - B. The use shall comply with the following setbacks:
    - i. In R-1, R-2, and R-T Districts, there shall be a minimum setback of five feet from all side and rear lot lines.
    - ii. In the R-3 and R-4 Districts, the structure shall comply with the parking area setbacks established in Section [1125.03\(b\)](#).
    - iii. In all other zoning districts:
      - a. Any structure that has a gross floor area of 200 square feet or less shall comply with the parking setbacks set forth in Section [1125.03\(b\)](#).
      - b. Any structure that is over 200 square feet shall comply with the building setback requirements of [Chapter 1115: Site Development Standards](#), but in no case shall the structure be set back less than five feet from any adjacent lot.

(7) **Drive-Through Facilities**

The following standards shall apply to businesses that contain a drive-through facility regardless if the drive-through is part of another use (e.g., restaurant or financial institution) or if it is a stand-alone use (e.g., automatic teller machine).

**A. General Standards**

- i. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 250 feet of any residential dwelling unit.
- ii. All drive-through areas, including but not limited to drive-through signs, waiting lanes, trash receptacles, audio equipment, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.
- iii. If the drive-through window, drive-through signage (See Section [1127.10\(f\)](#)), or any audio equipment are located in the front yard, they shall be screened with an opaque, landscaped screen of with a height that will fully screen the window, signage, or audio equipment. Such screening shall not be required for waiting spaces that are located in a front yard.

**B. Waiting Space and Lane Requirements**

Drive-through facilities shall be required to include vehicle waiting spaces as established in Section [1125.05](#).

**(8) Fences, Walls, and Hedges**

**A. Zoning Certificate Required**

- i. No person shall construct or erect a fence or wall without first obtaining an approved zoning certificate from the Zoning Administrator and/or a building permit, if applicable. Certificates are not required for repairs of existing fences, for replacement of a fence for which the original certificate can be produced, or for invisible fences.
- ii. A zoning certificate shall not be required for vegetative hedges or invisible fences but they shall be subject to any applicable requirements of this section.

**B. General Requirements**

- i. All fences, walls, and hedges shall be subject to the visibility at intersection requirements of Section [1115.02\(d\)](#).
- ii. Small portions of fences, such as decorative fencing used for landscaping, that are not longer than 20 feet in length or more than three feet in height, but which comply with the yard and maintenance requirements set forth in this subsection, shall not require a zoning certificate.
- iii. All fences, walls, hedges and invisible fences, and any related supporting structures or appurtenances, shall be contained within the lot lines of the applicable lot and shall not encroach into adjoining or abutting lots and/or rights-of-way. Property owners, with written permission from abutting property owners, may connect to fences on adjoining properties.
- iv. The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced. If a fence has two similarly finished sides, either side may face the adjacent property.
- v. All fences, walls, and hedges shall be maintained in a neat and orderly manner.
- vi. Walls shall be prohibited within all utility easements. Fences that are placed in utility easements are subject to removal without notice by utility companies or the City when work is being done in the utility easements. Replacement of the fence shall be at the property owner's expense.
- vii. Fences, walls, and hedges shall not impede, inhibit, or obstruct culverts, drains, natural watercourses, or storm water drainage in any zoning district.
- viii. It shall be the duty of each lot owner and contractor, or an agent thereof, to determine lot lines and to ascertain that the fence or wall does not deviate from the plans as approved by the Zoning Administrator issuing the zoning certificate, and that the fence does not encroach on another lot or existing easement. The issuance of the certificate and any inspection by the City shall not be construed to mean that the City has determined the fence is not encroaching on another lot, nor shall it relieve the property owner of the duty imposed on him or her herein.

**C. Additional Location Requirements**

- i. The following additional locational requirements shall apply to fences and walls in all nonresidential zoning district.

- ii. In order to maintain clear vision lanes for vehicles and pedestrians, no opaque fences shall be permitted within 10 feet, in any direction, of the following points:
  - a. At the intersection of a driveway and sidewalk (or front property line if there is no sidewalk);
  - b. At the intersection of a driveway and public right-of-way; or
  - c. At the intersection of any two driveways.

**D. Materials and Design**

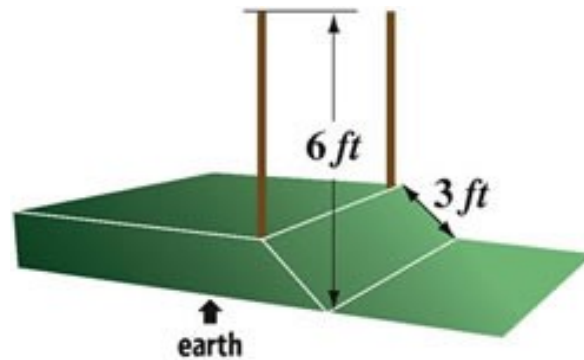
- i. No fence shall be composed of scrap materials, tires, canvas, cardboard, asphalt-style shingles, or corrugated metal, welded rolled wire, chicken wire, or sheet metal, with the following exceptions:
  - a. Metal, welded and woven wire shall be allowed in the AG District to fence in farm animals and protect crops.
  - b. Wire mesh, chicken wire, and welded wire shall be allowed as a backing material for split-rail fences.
- ii. All fences on a single property shall have a unified color.
- iii. Fencing that is electrically charged shall only be permitted for the containment of livestock on lots used for agricultural purposes in the AG District. Such fencing shall be set back a minimum of 50 feet from all adjacent lot lines of lots used for residential purposes.
- iv. Fencing that includes barbed wire, razor wire, or other sharp-pointed material shall be prohibited except in the I-1, I-2, or I-3 Districts where they may be permitted, for security purposes. Such fencing shall:
  - a. Only be allowed in the side and rear yards;
  - b. Shall be mounted on the opposite side of the fence from any adjacent public right-of-way or sidewalk;
  - c. Be located a minimum of eight feet off the finished grade;
  - d. Shall be set back a minimum of 20 feet from any lot line adjacent to a residential zoning district; and
  - e. Contain no more than 18 inches of razor wire or barbed wire.
- v. All latches, hinges and hardware shall be made of non-rusting materials.
- vi. **Materials for Fences and Walls in Business and Special Districts**
  - a. Fences and walls shall be constructed of stone, brick, finished wood, iron, metal, or synthetic look-alike products.
  - b. In the I-1, I-2, and I-3 Districts, the above material requirements shall only apply when the fences or walls are visible from a public right-of-way or a residential zoning district. As an alternative, fences visible from a public right-of-way or residential zoning district shall be visually softened and reasonably screened from the street or adjacent residential district with the appropriate landscaping as follows:



1. One shade or evergreen tree shall be provided for every 40 linear feet of fence or wall length or fraction thereof, not including gates or other fence openings. Each tree at the time of installation shall have a minimum caliper of two inches and a clear trunk height of at least six feet;
  2. The landscaping may be flexible in its arrangement by appropriately aggregating the required plant materials.
- c. In the CF District, chain link fences shall be permitted when not located in the required building 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 1105: Review Procedures](#).

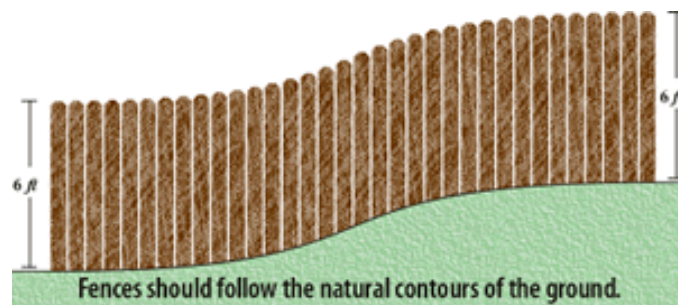
**E. Measurement**

- i. The maximum fence or wall height shall be measured from the lowest point within three feet on either side of the fence to the top most portion of the fence between posts. See [Figure 1113-A](#). The structure posts may exceed the maximum height allowed in this section by up to six inches including any decorative features.



*Figure 1113-A: Fencing shall be measured from the lowest point within three feet on either side of the fence.*

- ii. Fencing or walls should follow the natural contour of the land on which it is located. See [Figure 1113-B](#).



*Figure 1113-B: This illustrates how fencing is measured along a natural contour.*

- iii. A fence may be erected on top of a wall but the combined height of the fence and wall shall not exceed the heights specified within this section for a fence or wall. Fences or walls located on top of a retaining wall shall be measured from the top of the finished grade at the top of the retaining wall.

**F. Retaining Walls**

- i. Retaining walls shall be measured from the top of the footing to the top of the wall.
- ii. Retaining walls that exceed six feet in height shall be benched so that no individual retaining wall exceeds a height of six feet except where the Zoning Administrator determines that topography requires a wall of greater height, and each bench is a minimum width of 36 inches. See [Figure 1113-C](#).
- iii. Retaining walls over six feet shall be approved by the City Engineer in addition to the Zoning Administrator. Plans for such retaining wall shall be prepared by a professional engineer.
- iv. Retaining walls should substantially follow or preserve the existing grade or contour of land.



*Figure 1113-C: This image illustrates a retaining wall that has been benched so that there is not a single, excessively tall, retaining wall.*

**G. Fences, Walls, and Hedges in Front Yards**

The following shall apply to fencing, walls, and hedges in front yards:

- i. Fences, walls, and hedges shall not exceed 48 inches in the required front yard building setback or along any lot line that is adjacent to a street, including corner lots. Such requirement shall not apply to lot lines that run parallel and adjacent to an alley.
- ii. At least 50 percent of the vertical surface of a fence or wall located in a required front yard building setback, or along any line that is adjacent to a street, including corner lots, shall be open. This requirement shall not apply to fences or walls that run parallel and adjacent to a public alley right-of-way.

- iii. For double frontage lots, fencing in the yard that is deemed the rear yard for accessory use purposes (See Section [1115.01\(d\)](#).) may exceed 48 inches and 50 percent openness requirement if the fencing is set back a minimum distance from the right-of-way equal to the front yard building setback in the applicable district but in no case shall it exceed the height allowed in rear yards for the applicable zoning district. See Section [1113.01\(e\)\(8\)](#). This setback shall not apply if the entire block face contains double frontage lots with the rear façade of the buildings facing the same street.

#### **H. Fences, Walls, and Hedges in Side and Rear Yards**

The following shall apply to fencing, walls, and hedges in side and rear yards:

- i. There shall not be a height requirement for hedges in side and rear yards.
- ii. Fences and walls shall not exceed six feet in any side or rear yard within any residential zoning district.
- iii. Fences and walls shall not exceed eight feet in any side or rear yard within any nonresidential zoning district.

#### **I. Temporary Fences**

Temporary fences such as construction site fences and snow fences shall be allowed subject to Building Code requirements and the following conditions:

- i. Fences around construction sites shall be allowed for the duration of the construction work, and snow fences shall be allowed for a period not to exceed five months in any calendar year.
- ii. A zoning certificate shall not be required for temporary fences.

### **(9) Home Occupations**

The following standards for home occupations are intended to provide reasonable opportunities for employment within the home, while avoiding changes to the residential character of a dwelling that accommodates a home occupation, or the surrounding neighborhood, where allowed by this section.

- A.** The home occupation shall be clearly secondary to the full-time use of the property as a residence.
- B.** Any home occupation that provides services where members of the public visit or enter the premises may be permitted if designed to accommodate one customer at a time and which meets all other applicable requirements for home occupations.
- C. Permitted Home Occupations**

The following uses, and other uses determined by the Zoning Administrator to be similar in nature and impact, may be approved as a home occupation when in compliance with this section:

- i. Art and craft work including, but not limited to ceramics, painting, photography, dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, and sculpting;
- ii. Office-only uses, including, but not limited to, an office for an architect, financial advisor, attorney, consultant, counselor, insurance agent, planner, tutor, or writer;

- iii. Personal service establishments including, but not limited to, fitness/health facilities, beauty parlors, barber shops, animal grooming (no overnight boarding), or licensed massage or physical therapy;
- iv. Mail order, online businesses, or direct sale product distribution (e.g., Amway, Avon, Creative Memories, Pampered Chef, etc.) may be allowed where there is no stock-in-trade on the site; and
- v. Other similar uses as determined by the Zoning Administrator.

**D. Prohibited Home Occupations**

The following are business activities that are prohibited as home occupations:

- i. Animal hospitals and boarding facilities;
- ii. Automotive and other vehicle repair and service, except when such repair or service is within an attached garage and the vehicle is owned or leased by the occupant of the dwelling units.
- iii. Construction, landscaping, or similar contractor facilities and storage (an office-only use is allowed in compliance with the above section) and other outdoor storage;
- iv. Fitness/health facilities that provide group activities or services;
- v. Medical clinics, laboratories, or doctor's offices;
- vi. Parking on, or dispatching from the site, any vehicle used in conjunction with the home occupation (e.g., landscaping services, taxi services, construction, etc.) with the exception of a vehicle owned and operated by the home owner or tenant;
- vii. Uses that require explosives or highly combustible or toxic materials;
- viii. Welding and machine shop operations;
- ix. Retail uses where there is stock-in-trade on site;
- x. Wood cutting businesses; or
- xi. Other similar uses as determined by the Zoning Administrator.

**E. Operating Standards**

- i. Permitted home occupations shall not create an adverse effect on the residential character of the zoning district or interfere with the reasonable enjoyment of adjoining properties.
- ii. No retail or wholesale goods except that which are produced or processed on the premises shall be exchanged on the property.
- iii. No equipment shall be used which will create any dust, noise, odors, glare, vibrations or electrical disturbances beyond the lot.
- iv. All storage of materials, goods, supplies or equipment related to the operation of a home occupation shall be inside the structure.
- v. The residential building shall not be altered in any manner that is intended to change the residential appearance of the dwelling to a building with a commercial appearance. There shall be no separate entrance created solely for the home occupation.
- vi. At least one resident of the dwelling shall operate the home occupation and there may be up to one employee on-site who does not reside at the dwelling.

- vii. The operator of a home occupation in a rental unit shall be able to demonstrate that the property owner has authorized the use of the unit for a home occupation.
- viii. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupations. Such space for a home occupation shall only be located in the principal dwelling and is prohibited from being located in any accessory building or structure.
- ix. No additional off-street parking or loading facilities shall be provided beyond that traditionally used for residential uses. No additional driveways shall be established for the use of the home occupation.
- x. There shall be no signs other than the wall signs allowed on a dwelling in Section [1127.09\(a\)](#).
- xi. Traffic shall not be generated by such home occupation in significantly greater volume than would normally be expected in the residential neighborhood.
- xii. There shall be no window display or outdoor storage or display of equipment, materials, or supplies associated with the home occupation.
- xiii. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.
- xiv. When any home occupation results in an undesirable condition interfering with the general welfare of the surrounding residential area, such home occupation may be terminated by the Zoning Administrator.

**(10) Nursery Schools or Day Care Centers (Children or Adults)**

Nursery schools or day care centers may only be permitted as accessory uses to permitted and conforming nonresidential uses. Such use shall be located within the principal building.

**(11) Outdoor Dining**

- A. Outdoor dining areas shall be located along a sidewalk adjacent to the principal building the dining is connected with or between the principal building the dining is connected with and an adjacent parking area. Outdoor cafes and food service areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the café/food service area and the principal building.
- B. Outdoor dining areas shall meet the parking area setbacks established in Section [1125.03\(b\)](#), with the exception of the C-4 District, where there shall be no minimum setback.
- C. Outdoor dining shall not be located within 10 feet of fire hydrants, Fire Department standpipe connections, fire escapes, bus stops, loading zones, mail boxes, or traffic signal stanchions.
- D. The seating capacity of the outdoor seating areas shall not exceed the seating capacity of the indoor seating area.
- E. If no grade separation is provided between vehicular traffic and the outdoor dining area, permanent railings or fencing shall be provided around the dining area. If the outdoor dining area is adjacent to a street or area that is closed to vehicular traffic, no railing or fencing shall be required.

- F. Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital or any other individual, group or mechanical device shall not be permitted in any outside dining facility if the noise from such entertainment is of such a volume so as to cause a disturbance to abutting property owners. See also Section [1117.01](#).
- G. If the outdoor dining area is located on a sidewalk, the area shall be designed so there is a minimum of six feet of clearance adjacent to the dining area to allow for safe pedestrian circulation. Such areas shall also not block any areas of ingress or egress from the principal building.
- H. All applicable Health Department sanitation requirements shall be followed and permits obtained for outdoor food handling. The permittee shall be responsible for posting the outdoor seating area as to any special Health Department requirements.
- I. Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions. Such umbrellas shall not contain signage but awnings may include signage in compliance with [Chapter 1127: Signage](#).
- J. Enclosing outdoor dining areas either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a new zoning certificate.
- K. Requirements for Outdoor Dining in the Public Right-of-Way**

Outdoor dining shall be permitted on public sidewalks provided that:

  - i. An Outdoor Dining Permit shall be obtained from the Zoning Administrator prior to placing tables, chairs, or any other equipment (including fences, planters, light posts, etc.) on any public sidewalk. Permits issued hereunder shall be valid from the date of approval and each year thereafter until such time as the outdoor dining facility ceases operations.
  - ii. The type, style and color of outside tables, chairs and furnishings, for outdoor dining areas in the Public Square Landmark District, must be approved by the Design and Review Board.
  - iii. All sidewalks encompassed by the Outdoor Dining Permit shall be maintained, by the permittee, in a sanitary manner at all times. Food scraps and containers shall be disposed of in appropriate refuse containers on a regular basis during the day by the permittee. Sweeping of refuse or food scraps into tree grates is not permitted.
  - iv. The proposed use shall not unreasonably interfere with pedestrian or vehicular traffic or with access to parked vehicles, and in no event, shall the uses permitted by an Outdoor Dining Permit reduce the open portion of any sidewalk to less than six feet in width. Sidewalks that include a tree and/or any other permanently affixed objects shall be measured from the building side of the object.

- v. Permittees shall see that the public areas encompassed by their Outdoor Dining Permit are kept clean throughout the day and at the end of each business day, so as not to have any food, scraps or drink leftovers remaining which would pose an attraction to animals or insects. Each permit holder shall wash, as needed, the public area to remove any food or drink residue that may attract animals and/or create a pedestrian slip hazard.
- vi. No tables, chairs or other equipment shall be attached or affixed to the sidewalk, poles or any other public facilities, without first obtaining permission from the Director of Administration. Outdoor dining, subject to this section, may only occur between 7:00 a.m. and 12:00 a.m. from April 1 to October 31 each year.
- vii. The applicant for an Outdoor Dining Permit shall provide at its sole cost and expense and shall maintain in effect during the entire period of the permit, insurance in the following manner:
  - a. Worker's Compensation insurance in at least the required statutory limits;
  - b. Comprehensive general liability insurance, including owner's protective liability insurance and contractual liability insurance covering claims for personal injury and property damage with limits of at least one million dollars (\$1,000,000) per occurrence, and one million dollars (\$1,000,000) for any single injury; and
  - c. Prior to issuance of an Outdoor Dining Permit, the permittee shall provide the City with copies of the certificates of insurance for the required policies for each type of insurance naming the City as an additional insured party.
  - d. The required insurance policies shall each provide that they shall not be changed or canceled during the life of the Outdoor Dining Permit until thirty days after written notice of such change has been delivered to the City.
- viii. The permittee shall hold harmless, indemnify, and defend the City of Wooster from and against any and all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses, consequential or otherwise, including reasonable attorneys' fees, which may in any way arise out of or be connected with the granting of an Outdoor Dining Permit which may in any way result therefrom, or from any act or failure to act by the permittee, its agents or employees.
- ix. The City shall have the right and power, acting through the Director of Administration to prohibit the operation of an outdoor dining area at any time because of anticipated or actual problems and conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events or parades or marches, or repairs to the street or sidewalk, or from demonstrations or emergencies occurring in the area.

## **(12) Outdoor Displays and Sales**

Seasonal and permanent facilities for outdoor display and sales (e.g., garden supply sales, news and flower stands, and similar uses) that are accessory to another principal use may be permitted upon compliance with the following:

- A. Such uses shall not be placed within the street right-of-way, within an interior drive, or in a location which will interfere with the vision clearance requirements.
  - B. Outdoor displays and sales shall be related to the principal use of the site and shall clearly be accessory and incidental to the principal use. Outdoor displays and sales shall be prohibited when the principal building is vacant.
  - C. Outdoor displays and sales areas shall not cover an area more than 25 percent of the ground floor area of the principal building.
  - D. Outdoor displays and sales areas shall be shown on the plan approved as part of the applicable zoning certificate application.
  - E. Outdoor display and sales areas may be permitted in the front yard provided that the merchandise is displayed along the private sidewalk or walkway adjacent to the building. Outdoor display and sales areas may also be permitted in the side or rear yard without being located adjacent to the building. In all cases, the displays and sales areas shall be spaced a sufficient distance from the building, as dictated by the City Fire Chief, to satisfy all fire safety requirements.
  - F. At a minimum, outdoor displays and sales areas shall comply with the parking area setbacks established in Section [1125.03\(b\)](#).
  - G. In all cases, any areas designated for outdoor display or sales shall be set back a minimum of 25 feet from any adjacent lot lines of lots used for residential purposes.
  - H. The placement of the merchandise shall not interfere with pedestrian movement on any sidewalk or walkway. A minimum of five feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.
  - I. The outdoor display and sales areas shall be maintained in good order and appearance.
  - J. The outdoor display and sale of goods and products shall be limited to those goods and products that a customer can pick up and carry into the building for purchase. Larger items may be displayed for sale if in compliance with the outdoor storage requirements of Section [1113.01\(e\)\(13\)](#).
- (13) Outdoor Storage and Bulk Sales**
- A. Outdoor storage and bulk sales shall comply with the standards for principal uses as established in Section [1109.03\(e\)\(2\)](#).
  - B. Accessory outdoor storage and bulk sales in a parking lot shall be prohibited unless allowed as a temporary use pursuant to Section [1113.02](#).
  - C. At a minimum, outdoor storage and bulk sales areas shall comply with the parking area setbacks established in Section [1125.03\(b\)](#).
  - D. The area of the lot devoted to outdoor storage of goods and merchandise shall not exceed 15 percent of the ground floor area of the principal building except in the I-1, I-2, and I-3 Districts where the area shall not exceed 30 percent of the ground floor area of the principal building.
  - E. Outdoor storage and bulk sales areas shall be shown on the plan approved as part of the applicable zoning certificate application.
  - F. Areas devoted to outdoor storage shall be paved with asphalt or concrete and free of dust.



- G.** Areas devoted to outdoor storage or bulk sales shall be located behind the front building line. The enclosed area shall be setback 25 feet from any lot line adjacent to a single-family residential district and in no case shall the side and rear setback of the enclosed area be less than 10 feet.
- H.** If the wall or fence needs to exceed eight feet in height to conceal the storage of materials, such wall or fence shall be constructed of materials similar to the principal building so that it appears to be an extension of the principal structure.
- I. Outdoor Storage of Vehicles and Equipment**

The accessory outdoor storage of vehicles and equipment shall be an accessory use associated with a permitted use in those zoning districts where permitted pursuant to [Table 1113-1](#) and shall comply with the provisions of Paragraphs [A](#) through [H](#) above as well as the following:

- i. All stored vehicles or equipment shall be necessary to and customarily associated with the principal use.
- ii. All vehicles or equipment shall be in an operable state. In no case shall inoperable vehicles be stored.
- iii. All outdoor storage of vehicles and equipment shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at the grade level of an abutting residential district line. However, in no case shall the height of the fence or wall be less than six feet. The solid wall or fence and the associated gates shall be maintained in good condition.
- iv. All materials shall be stored in such a fashion as to be accessible to firefighting equipment at all times.
- v. These standards shall not apply to the outdoor storage of vehicles and equipment when the storage or parking of such vehicles or equipment is a principal use of the lot (e.g., vehicles sales and leasing).

**(14) Outdoor Vending Machines and Drop-Off-Boxes**

Outdoor vending machines and drop-off boxes for recycled goods, books, donations, etc., may be permitted when they comply with the following regulations:

- A.** No such use or facility shall be placed within the street right-of-way, within an interior drive, or in a location that will interfere with required site vision clearance requirements in Section [1115.02\(d\)](#).
- B.** The facility or equipment shall be maintained in good operating order and appearance.
- C.** Vending machines and drop-off boxes shall only be permitted in the C-2, C-3, I-1, and I-2 Districts.
- D.** Vending machines shall only be placed along the façade of the principal building with a maximum of one machine for every 50 feet of building frontage. See [Figure 1113-D](#).



*Figure 1113-D: The above is an image of a vending machine that is appropriately located along the façade of the building.*

- E. Drop-off boxes shall only be permitted in the side or rear yard.
- F. The container shall be emptied at least once every week. Containers that result in the overflow of donated goods shall be declared a nuisance and shall be removed immediately upon notification by the Zoning Administrator at the expense of the property owner or business owner.
- G. The City shall have the authority to place more than one drop-off box on a single lot when providing recycling services to the general public.

**(15) Patios (Unenclosed)**

- A. Unenclosed patios are permitted in any yard. Such patios may extend up to ten feet into the minimum front yard requirement and may be located in any side or rear yard provided they are set back a minimum of three feet from all lot lines.
- B. Patios in the rear yard may have built-in grills or kitchen areas provided such use complies with any applicable building code requirements.

**(16) Porches and Decks**

Porches or decks that are enclosed (with walls made of screening or other materials), have a roof, are physically attached to the principal structure (enclosed or unenclosed), or have floors that extend more than three feet above the average grade (enclosed or unenclosed), shall meet the minimum building setback requirements for principal buildings in the applicable zoning district.

**(17) Playsets, Treehouses, and Trampolines**

If a playset, treehouse, or trampoline has more than 200 square feet of enclosed play area, the use shall be reviewed in the same manner as a “detached storage/utility sheds, gazebos, pool houses, and other similar building.”

**(18) Private Water Towers, Tanks, or Reservoirs**

- A. The use shall be set back from all lot lines a minimum of one foot for every foot in height;
- B. The use shall be a pedisphere, fluted column, or standpipe design only. Multi-leg designs are prohibited;
- C. Any signage on the tower, tank, or reservoir shall be calculated as part of the allowable building signs pursuant to Section [1127.10\(c\)](#);
- D. The use shall not artificially lighted or marked, except as required by law;

- E. The use shall be galvanized and/or painted with rust preventive white paint in its entirety and shall be maintained in accordance with the requirements of this code.

**(19) Raising of Small Livestock**

- A. Property owners are permitted to raise and keep livestock on all properties in districts other than the AG District, as an accessory use, in accordance with the provisions of this section.
- B. The raising of small livestock shall include the keeping of up to six chickens, rabbits, or other small livestock as approved by the Zoning provided that:
  - i. The principal use of the lot is a single-family dwelling;
  - ii. No person shall keep any rooster;
  - iii. The livestock shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced yard at all times; and
  - iv. No enclosure shall be located closer than 25 feet to any residential structure on an adjacent lot.

**(20) Retail Commercial Uses, Service Commercial Uses, and Personal Service Establishments**

- A. Retail commercial uses, service commercial uses, and personal service establishments are permitted in all zoning districts where such uses are not principally permitted provided:
  - i. Such uses are an accessory use;
  - ii. The uses are located completely within a principal building of a nonresidential use; and
  - iii. The total floor area of accessory uses shall not exceed 15 percent of the total gross floor area of the principal building.
- B. In the R-5 District, such uses may be permitted within the manufactured home park provided the use is limited to services for the residents of the manufactured home park and not open to the general public (e.g., snack kiosk, park office, etc.).

**(21) Satellite Dishes**

- A. Satellite dishes of one meter in diameter or less shall be exempt from the provisions of this section and shall not require a zoning certificate.
- B. To the maximum extent feasible, the dish should be located in the side or rear yard.
- C. Satellite dishes larger than one meter in diameter may be permitted if approved by the Planning Commission as a conditional use.

**(22) Solar Energy Systems**

**A. Ground-Mounted Solar Energy Systems**

- i. Ground-mounted solar energy systems shall only be permitted in the side or rear yard and shall be set back a minimum of 10 feet from all lot lines.
- ii. No ground-mounted system shall exceed eight feet in height as measured from the average grade at the base of the system.
- iii. Ground-mounted solar energy systems shall be screened from any adjacent lot lines of lots used for residential purposes by complying with the screening requirements of Section [1123.07](#).

**B. Roof-Mounted Solar Energy Systems**

- i. Roof-mounted solar panels that are integrated with the surface layer of the roof structure or are mounted flush with the roof structure may be permitted on any roof surface of a principal building or accessory building.
- ii. Roof-mounted solar panels that are mounted at an angle to the roof structure shall only be permitted on roof surfaces that face the side or rear lot.
- iii. Solar panels may be mounted on flat roofs provided there is a parapet wall or other architectural feature that screens the view of the panels. Such panels may be mounted on an angle provided they do not extend more than five feet above the roof surface.

**(23) Swimming Pools (Outdoors)**

**A. Private Outdoor Swimming Pools**

A private outdoor swimming pool shall be allowed in any zoning district, unless otherwise specifically prohibited, and shall comply with the following additional requirements:

- i. The pool is intended and is to be used solely by the occupants and guests of the principal use of the property on which it is located;
- ii. Portable or temporary pools with a maximum width of 12 feet and which is less than 100 square feet in area shall only be permitted in the residential zoning districts and shall comply with all other requirements for private swimming pools in this section.
- iii. The pool shall be set back a minimum of 10 feet from all lot lines.
- iv. The pool, or the entire property on which it is located, shall be so walled or fenced so as to prevent uncontrolled access from the street or from adjacent properties. Such fences or wall shall be at least 48 inches in height and maintained in good condition, with a gate and automatic lock.
- v. Proper drainage shall be provided to ensure that pool overflow does not affect adjacent properties.
- vi. The construction and operation of a pool shall meet all other applicable City and County regulations.
- vii. The Zoning Administrator shall have the power to make exceptions to and modifications of the above requirement for fences surrounding swimming pools in cases in which, in the Administrator's opinion, such requirements are not essential to safety because the applicant will provide an alternative means of secure access to the swimming pool from the street or from adjacent properties.

**B. Public, Community, or Club Swimming Pool**

A public, community or club swimming pool is any pool constructed by the City, an association of property owners, or by a private club for use by the general public or by members of the association or club and their families. Public, community, and club swimming pools are permitted in all districts, but shall comply with the following conditions and requirements:

- i. The pool is intended solely for the use of the general public or the members and families and guests of members of the association of club under whose ownership or jurisdiction the pool is operated;

- ii. The pool and accessory structures thereto, including the unenclosed areas used by the bathers, shall not be closer than 100 feet to any property line of the property on which it is located;
- iii. The pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties. Such fence or wall shall be six feet in height and maintained in good condition, with a gate and automatic lock.
- iv. Proper drainage shall be provided to ensure that pool overflow does not affect adjacent properties.
- v. The construction and operation of a pool shall meet all other applicable City and County regulations.

**(24) Tennis and Other Recreational Courts**

Outdoor tennis courts and courts for other sports, including basketball and racquetball, that are accessory to a residential or nonresidential use shall comply with the following requirements:

- A. Tennis courts or other full size recreational courts shall only be permitted on lots with a minimum lot area of one acre.
- B. The court shall be set back a minimum of 10 feet from all lot lines.
- C. Fencing located adjacent to the court can have a maximum height of up to 12 feet, regardless of the maximum fence height allowed in Section [1113.01\(e\)\(8\)](#). The fencing may be a chain link fence. Any fencing that exceeds the maximum height allowed in Section [1113.01\(e\)\(8\)](#), shall be limited to the area that encloses the court.
- D. If the fencing surrounding the court exceeds six feet in height, it shall be planted with a continuous row of large shrubs or hedges with a minimum, mature growth height of three feet that will screen and/or soften the appearance of the tall fencing and court. Such landscaping may only be broken by gates or doors that access the court.
- E. Any lighting for the court shall not exceed 20 feet in height and shall be directed downward and only illuminate the court. All outdoor lighting shall comply with Section [1117.03](#).

**(25) Type B Family Day Care Home (1-6 Children)**

Type B Family Day Care Homes are permitted when accessory to any residential dwelling unit, regardless of the applicable residential zoning district.

## **1113.02 Temporary Uses and Structures**

**(a) Purpose**

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses or structures do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

**(b) General Standards for Temporary Uses and Structures**

Temporary uses or structures shall:

- (1) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- (2) Be compatible with the principal uses taking place on the site;
- (3) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
- (4) Not include permanent alterations to the site;
- (5) Not maintain temporary signs associated with the use or structure after the activity ends;
- (6) Not violate the applicable conditions of approval that apply to a site or use on the site;
- (7) Not interfere with the normal operations of any permanent use located on the property; and
- (8) Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement.

**(c) Table of Allowed Temporary Uses and Structures**

[Table 1113-2](#) summarizes allowed temporary uses and structures and any general or specific standards that apply. Temporary uses or structures not listed in the table are prohibited.

<b>TABLE 1113-2: TEMPORARY USES AND STRUCTURES</b>				
Temporary Use or Structure	Districts	Allowable Duration (per site)	Zoning Certificate Required	Additional Requirements
Construction Structures	All Districts	18 months	Yes	<a href="#">1113.02(d)(1)</a>
Garage/Yard Sales	All Residential Zoning Districts	Maximum of 3 consecutive days, 4 times per calendar year	No	<a href="#">1113.02(d)(2)</a>
Gravel Surface Parking Lots	All Districts	Until issuance of a certificate of zoning compliance	Yes	<a href="#">1113.02(d)(3)</a>
Real Estate Sales/Model Homes	All Districts	See Section <a href="#">1113.02(d)(4)</a> .	Yes	<a href="#">1113.02(d)(4)</a>
Temporary Outdoor Sales	All Nonresidential Zoning Districts	See Section <a href="#">1113.02(d)(5)</a> .	Yes	<a href="#">1113.02(d)(5)</a>
Temporary Dwelling	All Residential Zoning Districts	9 Months	Yes	<a href="#">1113.02(d)(6)</a>
Temporary Storage in a Portable Container	All Districts	Maximum of 14 consecutive days, 2 times per calendar year	Yes	<a href="#">1113.02(d)(7)</a>

**(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.

**(1) Construction Structures**

Temporary structures for construction operations may be permitted in any district if such structures are deemed necessary, provided:

- A. The use of such structures shall be limited to offices; buildings for the storage of lumber, equipment, and other building material, and construction dumpsters.
  - B. All temporary structures shall be set back a minimum of 25 feet from the nearest occupied residential dwelling.
  - C. A temporary structure for the construction office may be placed on the site no sooner than two weeks before the start of grading or construction.
  - D. The structure shall not be located within a floodplain or in a location that will obstruct drainage flow.
  - E. The structure shall not block or prevent access to any fire hydrant.
  - F. All temporary structures for construction operations shall be removed within thirty days after the completion of work on the premises for which a certificate has been issued or if construction is not pursued diligently. In no instance, shall the zoning certificate for the construction structure allow for its placement for longer than 18 months.
- (2) Garage/Yard Sales**
- A. Garage or yards sales on any single property are permitted only once within any three-month period.
  - B. Signs shall be subject to the requirements of [Chapter 1127: Signage](#).
  - C. Balloons, streamers, special lighting, noise making devices or other similar advertising displays or notices are prohibited.
- (3) Gravel Surface Parking Lot**
- A. A gravel surface parking lot may be permitted while a site is under construction but shall only be permitted in areas for parking as established in the approved plans associated with the zoning certificate.
  - B. The gravel parking area must be paved in accordance with Section [1125.03\(h\)](#) or the approved plans prior to the issuance of the certificate of zoning compliance. The applicant may also remove the temporary gravel surface parking lot as an alternative to paving but in such case, the area that was used as a gravel lot shall be returned to its previous state or as a landscaped area.
  - C. A solid surface or gravel driveway shall be provided so vehicles may access the parking lot from a public street.
- (4) Real Estate Sales Office/Model Home**
- One temporary real estate sales office or model dwelling unit per builder or developer shall be permitted in a section or phase of a new residential or nonresidential development, provided that the use:
- A. Complies with all of the applicable standards of this code for the final residential use regardless of the temporary use as a sales or leasing office;
  - B. Is operated by a developer or builder active in the same phase or section where the use is located; and
  - C. Is removed or the model home is converted into a permanent residential use upon completion of construction and issuance of the last certificate of zoning compliance or within two years of the issuance of the zoning certificate for the temporary office or model home, whichever is less.

**(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.

**(6) Temporary Dwelling**

- A. A temporary home may be any form of a temporary dwelling including a mobile home or manufactured home provided it complies with all applicable health and building codes.
- B. A temporary dwelling shall be allowed only on a lot where a single-family detached dwelling is permitted by the provisions of this code.
- C. A temporary dwelling shall be allowed only in a case where a single-family dwelling has been destroyed or damaged by fire or other disaster to the extent which makes such dwelling uninhabitable and only when such dwelling is to be rebuilt or replaced.
- D. Occupancy of the temporary dwelling shall terminate immediately upon completion of the dwelling on the same lot; but in no event shall the time exceed the limit set forth in this section.
- E. Additional conditions and requirements may be deemed necessary by the Zoning Administrator upon review of a particular application for a temporary dwelling and such temporary permit shall be subject to all such conditions and requirements.

**(7) Temporary Storage in a Portable Container**

Temporary storage containers may be placed on a property for the purpose of loading or unloading the container under the following conditions:

- A.** Temporary storage in a portable container is permitted only once within any six-month period.
- B.** The container shall be placed on a paved area, existing driveway, or existing parking area and shall not block a public street or sidewalk.
- C.** The portable containers shall not be placed in any right-of-way.
- D.** Only one container shall be placed at any property at one time.