A detailed zoning map of the City of Wooster, Ohio. The map is divided into numerous colored zones, each labeled with a code. The colors include shades of green, yellow, orange, red, blue, and purple. The zones are distributed across the city, with some areas having multiple overlapping zones. The map also shows major roads, streets, and landmarks. The title "City of Wooster Planning & Zoning Code" is overlaid in the center of the map.

# City of Wooster Planning & Zoning Code

*Effective*  
**June 6, 2018**  
*Amended through November 7, 2019*

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# **Chapter 1101: General Provisions**

## **1101.01 Purpose**

It is the purpose of this, the City of Wooster's Planning and Zoning Code, to promote and protect the public health, safety, comfort, convenience, and general welfare of the people of Wooster through the establishment of minimum regulations governing the development and use of land, buildings, and structures. Furthermore, the intent of this planning and zoning code is:

- (a) To implement the City of Wooster Comprehensive Plan and other policies or plans adopted by the City as it relates to the development and use of land, buildings, and structures;
- (b) To promote the orderly and beneficial development of the City of Wooster in accordance with the City's land use policies;
- (c) To preserve the character and quality of residential neighborhoods and business activity areas;
- (d) To encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses without limiting the potential for the mixture of compatible uses;
- (e) To regulate the location, bulk, height, design, and land coverage of buildings to protect the character and value of the City's residential, business, industrial, institutional, and recreational areas;
- (f) To regulate the area and dimension of lots, yards, setbacks, and other open spaces to provide adequate open spaces for light and air;
- (g) To regulate the density of population, as identified in the comprehensive plan, to prevent overcrowding of the land and excessive concentration of the population;
- (h) To protect private investment into properties and the resulting property values;
- (i) To provide for adequate access to all areas of the City by people of all abilities and by varied modes of transportation;
- (j) To ensure efficient and safe traffic and pedestrian circulation, manage congestion on the streets, and improve public safety by locating buildings and uses adjacent to streets in such a manner that they will cause the least interference with, and be damaged least by, traffic movements;
- (k) To facilitate adequate provisions for public utilities and facilities such as schools, recreation facilities, sewer, water, transportation, and other public necessities;
- (l) To guide the future development of the City so as to bring about the gradual conformity of land and building uses in accordance with the objectives of the Comprehensive Plan of the City;
- (m) To preserve and strengthen the reasonable balance of commercial and industrial activities within the City, so long as they are consistent with the City's comprehensive plan, in order to serve the convenience of the inhabitants of the City and provide a strong economic and tax base to assure the City's ability to provide essential services to its inhabitants;
- (n) To accomplish the specific intents and purposes set forth in the introduction of the respective chapters; and
- (o) To provide regulations, standards and procedures for the administration, amendment and enforcement of the City of Wooster Planning and Zoning Code.



**1101.02 Title**

These rules, regulations, procedures and accompanying maps shall be known, cited and referred to as the “City of Wooster Planning and Zoning Code”, or referred to as the “planning and zoning code” or the “code.” This code may also be referred to as Part 11 of the City of Wooster Codified Ordinances.

**1101.03 Authority**

The authority for the preparation, adoption, and implementation of this code is derived from the City of Wooster Charter and the legislative enactments of the City Council.

**1101.04 Effective Date**

This code and any amendments thereto, shall take effect and be in full force and effect from and after the earliest period allowed by law.

**1101.05 Applicability****(a) General Applicability**

- (1) No structure shall be located, erected, constructed, reconstructed, moved, converted, or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this code and, when required, after the lawful issuance of the certificates or approvals required by this code.
- (2) The design and layout of all subdivisions shall conform to the requirements of this code.
- (3) Existing lots, buildings, structures and uses of land that do not comply with the regulations of this code are subject to the regulations set forth in [Chapter 1131: Nonconformities](#).
- (4) No person shall subdivide or lay out into lots any land within the City or three-mile area except in conformity to this code.
- (5) Within three miles of the corporate limits of the City, the Planning Commission shall have authority for preliminary and final review and approval of major subdivisions and any minor subdivisions within this three-mile limit that it may choose to exercise its authority. The Wayne County Planning Department shall submit written comments for the Planning Commission to consider whenever a subdivision within the three-mile limit is to be reviewed and approved. The developer shall insure that all required plans, plats and/or documents are properly submitted to the Wayne County Planning Department prior to submission to the Planning Commission.

**(b) Essential Services Exempted**

- (1)** The erection, construction, alteration, or maintenance by public utilities or municipal departments, boards, or commissions, of overhead, surface or underground gas, electrical steam, or water, distribution or transmission systems, collection, communications (except for wireless telecommunication facilities as regulated in this code), supply or disposal systems, including mains, sanitary sewers, water lines, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substation, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department, board, or commission or for the public health, safety, or general welfare, shall be exempt from the regulations of this code. Provided, however, that the installation shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.
- (2)** Buildings required in conjunction with an essential service identified in Subsection [\(1\)](#) above shall be subject to the regulations of this code and shall be reviewed in a manner as determined in [Chapter 1109: Principal Use Regulations](#).

**1101.06 Relationship to Plans**

- (a)** The administration, enforcement, and amendment of this code should be consistent with the most recently adopted version of a comprehensive plan for the City of Wooster, as amended and herein referred to as the “comprehensive plan.” Such plan, or references to such plan, shall also include other adopted plans within the City that are related to development including, but not limited to, a thoroughfare plan, parks and recreation plan, etc. Amendments to this code should maintain and enhance the consistency between this code and the comprehensive plan.
- (b)** City Council hereby expresses its intent that neither this code nor any amendment to it may be challenged on the basis of any alleged nonconformity with any adopted planning document.

**1101.07 Interpretation and Conflict**

**(a) Interpretation of Provisions**

The provisions of this code shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, comfort, morals, convenience, and general welfare.

**(b) Conflict with Other Public Laws, Ordinances, Regulations, or Permits**

This code is intended to complement other City, State, and Federal regulations that affect land use and the division of land. This code is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this code are more restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions of this code shall govern.

**(c) Repeal of Conflicting Ordinance**

All ordinances or parts of ordinances in conflict with this code or inconsistent with the provisions of this code are hereby repealed to the extent necessary to give this code full force and effect.

**1101.08 Relationship with Third-Party Agreements**

- (a) This code is not intended to interfere with or abrogate any third party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, where this code proposes a greater restriction or imposes higher standards or requirements than such easement, covenant, or other private third-party agreement, then the provisions of this code shall govern.
- (b) Nothing in this code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this code.
- (c) In no case shall the City be obligated to enforce the provisions of any easements, covenants, or agreements between private parties unless the City is a named party in the agreement.

**1101.09 Severability**

- (a) If any court of competent jurisdiction invalidates any provision of this code, then such judgment shall not affect the validity and continued enforcement of any other provision of this code.
- (b) If any court of competent jurisdiction invalidates the application of any provision of this code to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other property, structure, or situation not specifically included in that judgment.
- (c) If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

**1101.10 Transitional Rules****(a) Purpose**

The purpose of these transitional rules is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, on the effective date of this code, or amendments thereto.

**(b) Violations Continue**

- (1) Any violation that existed at the time this amendment became effective shall continue to be a violation under this code and is subject to penalties and enforcement under [Chapter 1133: Enforcement and Penalties](#) unless the use, structure, development, construction, or other activity complies with the provisions of this code.
- (2) If the use, structure, development, construction, or other activity comes into compliance and is no longer in violation of this code, there shall be no additional enforcement actions taken except that the City may still collect any penalties, or other remedies, assessed for the violations that occurred under the previous code.

**(c) Nonconformities Continue**

- (1) Any legal nonconformity that existed at the time this amendment became effective shall continue to be a legal nonconformity under this code as long as the situation that resulted in the nonconforming status under the previous code continues to exist, and shall be controlled by [Chapter 1131: Nonconformities](#).



- (2) If a legal nonconformity that existed at the time this amendment became effective becomes conforming because of the adoption of this amendment, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.

**(d) Processing of Applications Commenced or Approved Under Previous Regulations**

**(1) Pending Projects**

- A. Any complete application that has been submitted or accepted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this code, shall be reviewed in accordance with the provisions of the regulations in effect on the date the application was deemed complete by the City.
- B. If a complete application is not filed within the required application filing deadlines in effect prior to the adoption of this code, the application shall expire and subsequent applications shall be subject to the requirements of this code.
- C. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.
- D. An applicant with a pending application may waive review available under prior regulations through a written letter to the City and request review under the provisions of this code.

**(2) Approved Projects**

- A. Approved planned developments, development plans, variances, certificates of appropriateness, conditional uses, zoning certificates, certificates of zoning compliance, or other approved plans or permits that are valid on the effective date of this code shall remain valid until their expiration date, where applicable.
- B. Any building or development for which a permit or certificate was granted prior to the effective date of this code shall be permitted to proceed to construction, even if such building or development does not conform to the provisions of this code, as long as the permit or certificate remains valid.
- C. If the development for which the permit or certificate is issued prior to the effective date of this code fails to comply with the time frames for development established for the permit or certificate, the permit or certificate shall expire, and future development shall be subject to the requirements of this code.

**(e) Vested Rights**

The transitional rule provisions of this section are subject to Ohio's vested rights laws.

**1101.11 Restoration of Unsafe Buildings**

Nothing in this code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

**1101.12 Use of Graphics, Illustrations, Figure, and Cross-References**

- (a) Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.

- (b) In some instances, cross-references between chapters, sections, and subsections are provided that include the chapter, section, or subsection number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name shall control.
- (c) A table shall be considered text for the purposes of this code unless specifically identified as a figure.

### **1101.13 Burden of Proof**

The burden of demonstrating that an application or any development subject to this code complies with applicable review and approval standards is on the applicant. The burden is not on the City or other parties to show that the standards have been met by the applicant or person responsible for the development.

# **Chapter 1103: Administration and Decision-Making Authorities**

## **1103.01 Purpose**

The purpose of this chapter is to set forth the powers and duties of the City of Wooster City Council, the Wooster City Planning Commission, the City of Wooster Design and Review Board, the City of Wooster Board of Building and Zoning Appeals, the City of Wooster Zoning Administrator, and the City of Wooster Engineer with respect to the administration and enforcement of the provisions of this code.

## **1103.02 Review Authority Names and/or References**

For the purposes of this code, the formal names of the administration and decision-making authorities identified above may also be referred to abbreviated names as identified below:

- (a) The City of Wooster City Council may be hereafter referred to as “City Council.”
- (b) The Wooster City Planning Commission may be hereafter referred to as the “City Planning Commission,” or “Planning Commission.”
- (c) The City of Wooster Design and Review Board may be hereafter referred to as the “Design and Review Board.”
- (d) The City of Wooster Board of Building and Zoning Appeals may be hereafter referred to as the “Board of Building and Zoning Appeals” or the “BZA.”
- (e) The City of Wooster Zoning Administrator may be hereafter referred to as the “Zoning Administrator.”
- (f) The City of Wooster City Engineer may be hereafter referred to as the “City Engineer.”

## **1103.03 City Council**

In addition to any other authority granted to the City Council by charter, ordinance, or State law, the City Council shall have the following powers and duties, as it relates to this code.

- (a) Initiate, hear, review, and make decisions related to amendments to the text of this code or the [Official Zoning Map](#);
- (b) Review and accept, where appropriate, any proposed dedication of streets, utilities, and other public improvements required by this code;
- (c) Establish fees for development review procedures, certificates, and permits outlined in this code;
- (d) Initiate, hear, review, and make decisions related to the designation of Landmarks and Landmark districts;
- (e) Review and accept, where appropriate, the public dedication of streets that were formerly considered private streets or the vacation of dedicated right-of-way; and
- (f) Perform any other duties related to the administration and enforcement of this code as authorized by the charter, this code, and the ORC.

## **1103.04 Review Boards**

For the purposes of this code, there shall be review boards established for the administration and enforcement of this code including the Planning Commission, the Design and Review Board, and the Board of Building and Zoning Appeals.

**(a) General Rules and Regulations for Review Boards**

The following shall apply to the Planning Commission, Design and Review Board, and Board of Building and Zoning Appeals:

- (1) The Mayor shall appoint all members of the Planning Commission, Design and Review Board, and BZA.
- (2) Members of a board shall serve without compensation.
- (3) All members of the boards shall be residents of the City.
- (4) Each member, of each board, shall serve three-year terms with appointments staggered with no more than three appointments per year. In accordance with §4.06 of the Charter, no member shall serve for more than 12 consecutive years.
- (5) Members of the review boards shall not otherwise be employed or appointed to any other Wooster municipal office.
- (6) Members of a board may be removed for misfeasance, malfeasance, or nonfeasance by City Council.
- (7) A vacancy occurring during the term of any member of the board shall be filled, by appointment from the Mayor, for the unexpired term in a manner authorized for the original appointment.
- (8) The Planning Commission, Design and Review Board, and BZA may, by a majority vote of its entire membership, adopt bylaws or rules for the governance of said board provided they are consistent with State law and with any other ordinances of the City.
- (9) The boards shall keep minutes of their meetings and hearings, which shall be a public record.
- (10) All meetings of the boards shall be open to the public, except as exempted by law.
- (11) Any board member that has a conflict of interest in an issue or owns a property within 300 feet of the outer limits of the area being disturbed as a result of the application under consideration by the board on which they sit, that member shall step down while the issue is being heard, considered and voted upon.
- (12) The departments, divisions and agencies of the City shall cooperate with and assist the boards in implementing the purposes for which it is formed.

**(13) Meetings**

- A. Each board shall hold such meetings as it may require for conducting its business. Prior to the end of each year, the members shall, by motion, determine the dates of its regular meetings for the succeeding year.
- B. The Chairperson of each board may cancel a meeting if there is no pending business to be conducted, after consulting with the Zoning Administrator.
- C. Special meetings may be called by the chairperson or by two members of the individual board upon written request to the Zoning Administrator, or by a vote of the applicable board at its regular meeting.
- D. At the last regular meeting of each year, each board shall elect a Chairperson and Vice-Chairperson who shall serve for one-year terms. These officers shall be elected from among the members of the applicable boards. During the temporary absence of the Chairperson, the Vice-Chairperson shall fulfill the duties of the Chairperson.

**(14) Quorums and Decisions**

- A.** Any combination of four or more regular members of a single board shall constitute a quorum.
- B.** A motion made on a decision shall carry when at least four members of the individual board concur.
- C.** Non-decision items, such as continuance or approval of minutes, shall only require a majority of the quorum of the individual board to concur.
- D.** A member of a board shall not be qualified to vote if that member did not attend the public hearing of the applicable case subject to a decision unless he or she has read or listened to the transcript of the public hearing.

**(b) Planning Commission****(1) Establishment**

The Wooster City Planning Commission was established by Ordinance #1167, adopted by City Council on September 6, 1921.

**(2) Membership**

The Planning Commission shall be composed of seven members, with at least one member appointed from each ward.

**(3) Roles and Powers of the Planning Commission**

The Planning Commission shall have the following roles and powers:

- A.** Prepare, maintain, and amend comprehensive plans for the future physical development and improvement of the City, based primarily upon utility, convenience and beauty, physical needs, density and the social welfare and physical well-being of the people;
- B.** Initiate, hear, review, and make recommendations to City Council related to amendments to the text of this code or the zoning map;
- C.** Hear, review, and make decisions on conditional uses in the respective zoning district;
- D.** Review and make decisions on equivalency provision review applications, when the proposed equivalency provision is not related to a certificate of appropriateness application;
- E.** Review and make decisions on development plan applications;
- F.** Review and make decisions on minor subdivisions when such application is forwarded to the Planning Commission by the Zoning Administrator;
- G.** Review and make decisions on the concept plans, preliminary subdivision plats, and final subdivision plats for major subdivisions;
- H.** Review and make decisions on requests for subdivision modifications;
- I.** Consider, investigate, and report upon any special matter or question coming within the scope of its work as requested by City Council, or the administration; and
- J.** Perform any other duties related to the administration and enforcement of this code as authorized by the charter, this code, by ordinance of City Council, and/or the ORC.



**(c) Design and Review Board****(1) Establishment**

The City of Wooster Design and Review Board is hereby established by City Council pursuant to the Charter of the City of Wooster, Ohio.

**(2) Membership**

The membership of the Design and Review Board shall be as follows:

- A.** The Design and Review Board shall be composed of seven members.
- B.** Members of the Design and Review Board shall all demonstrate special interest, experience or knowledge in history, architecture, historic preservation, or related disciplines. Membership of the Design Review Board should, to the maximum extent feasible, include:
  - i.** Members owning property or possessing/representing an interest in property coming under the jurisdiction of the Design and Review Board; and
  - ii.** A minimum of two members representing the disciplines of architecture, architectural history, history, archeology, planning, or related disciplines that may also meet the requirements of Paragraph (i) above.

**(3) Roles and Powers of the Design and Review Board**

The Design and Review Board shall have the following roles and powers:

- A.** Review and make decisions on certificate of appropriateness applications as defined in Section [1105.08](#);
- B.** Review and make decisions on an equivalency provision review application, when the proposed equivalency provision is related to a certificate of appropriateness application;
- C.** Propose and make recommendations for the designation of Landmarks and areas to be designated as Landmark Districts, in conformance with the provisions of this code;
- D.** Review and provide a recommendation for final development plan applications for exterior building alterations or renovations, building additions, or new construction in the C-4 District in accordance with Section [1105.07](#);
- E.** Review and make decisions on sign permits for permanent signs in the C-4 District in accordance with [Chapter 1127: Signage](#) and Section [1105.12](#);
- F.** Conduct a continuing survey of all areas, places, buildings, structures, works of art or similar objects in the City which the Design and Review Board, on the basis of information available or presented to it, has reason to believe are or will be eligible for designation as Landmarks or Landmark Districts;
- G.** Establish rules and regulations consistent with the provisions of this code and the spirit of its purpose to assist the Design and Review Board in evaluating applications for Landmark designations submitted to it, the manner in which such applications are processed, and the proper and orderly conduct of its business;

- H. Seek professional expertise when considering a National Register nomination and other actions which are normally evaluated by a professional in a specific discipline, and that discipline is not represented on the Design and Review Board;
- I. Work for the continuing education of the residents of the City with respect to the historic and architectural heritage of the City and the Landmarks and Landmark Districts designated under the provisions of this chapter. It shall keep current and public a register of Landmarks and Landmark Districts;
- J. Act as a liaison on behalf of the City to individuals and organizations concerned with historic preservation. The Design and Review Board shall also act in an advisory role to other officials and departments of local government regarding the protection of local cultural resources;
- K. The Design and Review Board members are encouraged to attend training, educational sessions or in-depth consultation with the Ohio Historic Preservation Office (hereinafter referred to as the "OHPO") once a year; and
- L. Perform any other duties related to the administration and enforcement of this code as authorized by the charter, this code, by ordinance of City Council, by mutual agreement with the Ohio Historic Preservation Office (OHPO), and/or the ORC.

**(d) Board of Building and Zoning Appeals (BZA)**

**(1) Establishment**

The Board of Building and Zoning Appeals is hereby established by City Council pursuant to the Charter of the City of Wooster, Ohio.

**(2) Membership**

The BZA shall be composed of seven members, with at least one member appointed from each ward.

**(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. 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](#);
- D. Permit the substitution of one nonconforming use with another nonconforming use in conformance with the provisions of Section [1131.05](#);
- E. 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;

- F. To review any uncertainties or disputes concerning the exact location of zoning district boundaries as identified in Section [1107.03](#); and
- G. Perform any other duties related to the administration and enforcement of this code as authorized by the charter, this code, or the ORC.

**(4) Meetings**

- A. The BZA shall act by motion and shall designate a board member, staff member, or other designee, to keep minutes of its proceedings, showing the vote of each member or if any member is absent or fails to vote, the facts of each application considered by the BZA, and, where applicable, the section of this code, under which the BZA has considered the application, petition or other matter brought before the BZA.
- B. The BZA shall make findings and conclusions which support all of its decisions. The findings and conclusions shall set forth and demonstrate the manner in which the decision recommended carries out and helps to implement the goals and objectives of the comprehensive plan, the purpose of this code, and other official policies and objectives of the City, and that the granting of the request for which application is made will not be unreasonably incompatible with or detrimental to the affected properties and to the general public.
- C. The privilege of cross-examination of witnesses shall be accorded all interested parties or their counsel in accordance with the rules of the BZA.

## **1103.05 Administrative Staff**

**(a) Zoning Administrator**

**(1) Establishment**

The City of Wooster Zoning Administrator shall be established to aid in the administration and enforcement of this code. The Zoning Administrator may be provided with the assistance of such other persons as the City Administrator may direct.

**(2) Roles and Powers of the Zoning Administrator**

The Zoning Administrator shall have the following roles and powers to:

- A. Enforce the provisions of this code. The Zoning Administrator shall have all necessary authority on behalf of the City to administer and enforce the provisions of this Code. Such authority shall include the ability to order, in writing, the remedy of any condition found in violation of this Code and the ability to bring legal action to insure compliance with the provisions including injunction, abatement, or other appropriate action or proceeding. All officials and employees of the City may assist the Zoning Administrator by reporting to the Zoning Administrator any new construction, reconstruction, land uses, or violations that are observed;
- B. Review and provide comments and reports, as needed, for the various procedures where the Planning Commission, Design and Review Board, BZA, or City Council reviews an application;
- C. Review and make decisions on zoning certificates, certificates of zoning compliance, and administrative waiver applications;
- D. Review and make decisions on questions of interpretation related to this code;

- E. Accept, review for completeness, and respond to questions regarding review procedure applications established in this code;
- F. Participate in any pre-application meetings as may be requested by a property owner or potential applicant in accordance with this code;
- G. Coordinate the City's administrative review of applications required by this code, including rezoning applications, development plan review, conditional use applications, and subdivision plats;
- H. Review and make decisions on minor subdivision applications;
- I. Maintain in current status the "Official Zoning District Map" of the City of Wooster;
- J. Refer requests for appeals of decisions to the BZA pursuant to the procedures established in Section [1105.13](#);
- K. Provide such technical and consultation assistance as may be required by the BZA, the Planning Commission, Design and Review Board, and City Council, in the exercise of their duties relating to this code;
- L. Maintain permanent and current records of all applications and the decisions related to those application;
- M. Review, inspect property, and make decisions on compliance with the provisions of this code;
- N. Investigate complaints and issue citations or other forms of enforcement and penalties for any violations and keep adequate records of all violations;
- O. Order discontinuance of any illegal work being done;
- P. Revoke a certificate or approval issued contrary to this code or based on a false statement or misrepresentation on the application; and
- Q. Take any other action authorized by this code to ensure compliance with or to prevent violation(s) of this code.

**(3) Decisions of the Zoning Administrator**

A decision of the Zoning Administrator may be appealed to the BZA in accordance with Section [1105.13](#) unless another appeals board is established by this code.

**(b) City Engineer**

**(1) Establishment**

The City of Wooster City Engineer shall be established to aid in the administration and enforcement of this code. The City Engineer may be provided with the assistance of such other persons as the City Administrator may direct.

**(2) Roles and Powers of the City Engineer**

In addition to any other authority granted to the City Engineer by charter, ordinance, or State law, the City Engineer shall have the following powers and duties related to this code:

- A. Develop and recommend the City of Wooster Construction Standards, engineering requirements, stormwater management standards, and other documents related to subdivision improvement specifications that may be adopted or approved outside of this code;

- B.** Review and make recommendations to the Zoning Administrator on minor subdivision applications and signing of the final conveyance;
- C.** Review and make recommendations to the Planning Commission and City Council on major subdivision applications;
- D.** Review and make decisions on engineering plans and construction drawings for major subdivisions;
- E.** Participate in any pre-application meetings requested by a property owner or potential applicant in accordance with this code;
- F.** Maintain permanent and current records of all public improvements and improvement drawings that are part of major subdivision applications; and
- G.** Inspect, or cause to be inspected, all construction or installation work related to public improvements as required by these regulations.

**(3) Decisions of the City Engineer**

A decision of the City Engineer with regard to this code may be appealed to the BZA in accordance with Section [1105.13](#) unless another appeals board is established by this code.



# Chapter 1105: Review Procedures

## 1105.01 Purpose

The purpose of this chapter is to establish the review procedures that will ensure that the regulations set forth in this code are soundly and consistently applied, and that this code be vigorously administered.

## 1105.02 Common Review Standards

The requirements of this section shall apply to all applications and procedures subject to development review under this code, unless otherwise stated.

### (a) Authority to File Applications

- (1) Unless otherwise specified in this code, development review procedures established in this code may be initiated by:
  - A. An owner of the property that is subject of the application; or
  - B. An agent authorized by the owner, which may include a lessee of the property.
- (2) The Planning Commission or City Council may initiate code text and map amendments under this code with or without written authorization or application from the property owner who may be affected.

### (b) Application Submission Schedule

The schedule for the submission of applications in relation to scheduled meetings and hearings of the review bodies shall be established by the Zoning Administrator, and made available to the public.

### (c) Application Contents

- (1) Applications required under this code shall be submitted in a form, in such numbers, and in a manner (digital or hard copy) as established by the Zoning Administrator, and made available to the public.
- (2) Applications shall be accompanied by a fee as established by City Council pursuant to Section [1105.02\(f\)](#).

### (3) Complete Application Determination

- A. The Zoning Administrator shall only initiate the review and processing of applications submitted under this chapter if such application is determined to be complete.
- B. An application shall be determined to be complete if the applicant has submitted all of the forms, maps, and other submittal requirements required for the specified application, in the numbers required.
- C. The Zoning Administrator shall make a determination of application completeness within 14 calendar days of the application filing.
- D. If the application is determined to be complete, the application shall then be processed according to the procedures and timelines set forth in this code.
- E. If an application is determined to be incomplete, the Zoning Administrator shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected and the Zoning Administrator determines that the application is complete.

- F. The City shall not be required to process an incomplete application, forward an incomplete application to any decision-making body, or be subject to any required timelines of review for incomplete applications.
- G. If the applicant fails to correct all deficiencies and submit a complete application within 90 days of the notice provided by the Zoning Administrator, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. The Zoning Administrator may grant one 60-day extension if just cause is shown.
- H. No reconsideration of an incomplete application shall occur after expiration of the 90-day period, and an applicant in need of further development approval under the code shall, pursuant to all of the original requirements this chapter, submit a new application, and submit a new filing fee.
- I. If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

**(d) Simultaneous Processing of Applications**

- (1) Whenever two or more forms of review and approval are required under this code, the Zoning Administrator shall determine the order and timing of review.
- (2) The Zoning Administrator may authorize a simultaneous review of applications, so long as all applicable requirements are satisfied for all applications.

**(e) Pre-application Meetings**

- (1) Prior to filing an application, an applicant may request a meeting with the Zoning Administrator or City Engineer for a pre-application meeting to discuss the proposed application or project.
- (2) The purpose of the pre-application meeting shall be to discuss the proposed application or project, review submittal requirements, and discuss compliance with the provisions of this code and the comprehensive plan prior to the submission of an application.
- (3) The applicant should be prepared to provide all of the application submittal requirements established for the applicable review procedure pursuant to Section [1105.02\(c\)](#).
- (4) Applicants for planned developments or zoning map amendments may request an informal pre-application meeting with the Planning Commission to informally discuss the proposed amendment. However, no action shall be taken at such a meeting.
- (5) No action can be taken by the staff and/or any boards until the applicant submits an actual application and/or plan to the City pursuant to the laws and policies of the City. Therefore, all discussions that occur between the applicant and/or applicant's representative(s) and staff, and/or City boards, that occur prior to the date the applicant submits an actual application and/or plan including, but not limited to, any informal meetings with City staff, boards, any pre-application conferences or meetings, are not binding on the City and do not constitute official assurances or representations by the City or its officials regarding any aspects of the plan or application discussed.

**(f) Fees**

- (1) Any application for development review under this code shall be accompanied by such fee as shall be specified from time to time by ordinance of City Council. There shall be no fee, however, in the case of applications filed by City Council or the Planning Commission.
- (2) The fees shall be in addition to any other fees that may be imposed by the City, State, Wayne County, or other agency having jurisdiction.
- (3) Such fees are adopted to cover the cost to the City for investigations, legal advertising, postage, and other expenses resulting from the administration of the respective zoning activities.
- (4) Unless otherwise identified in the fee schedule adopted by City Council, no application shall be processed or determined to be complete until the established fee has been paid.
- (5) Application fees are not refundable except where the Zoning Administrator determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

**(g) Public Notification for Public Meetings**

- (1) For all public meetings required by this code, the City shall comply with the City of Wooster Codified Ordinances and all applicable State requirements.
- (2) For development plans that are reviewed by Planning Commission (See Section [1105.07](#)), the following shall be the special notice requirement for the applicable public meeting where the Planning Commission will review the application.
  - A. The applicant shall be required to post signs on the property subject to the application a minimum of seven days prior to the Planning Commission's public meeting where they will review the subject application.
    - i. The signs shall contain information on the change proposed and the date, time, and place of the public meeting. Failure to post the signs shall result in the cancellation or continuation of the scheduled meeting.
    - ii. The Zoning Administrator shall determine the number of signs required, however, there shall be at least one sign posted along each public right-of-way abutting the property. At least one sign shall be posted every 300 feet along any single right-of-way. All signs must be clearly visible from the adjacent right-of-way and shall be no larger than 3 feet by 4 feet in size. For properties that lack any public right-of-way, all required signs shall be posted along at least two property lines, as determined by the Zoning Administrator.
    - iii. The Zoning Administrator may also reduce the number of signs required for projects on sites that are five acres or more when the proposed work will only occur on a small portion of the site. In such cases, the Zoning Administrator may define where such signs shall be posted.
    - iv. The applicant shall have the responsibility to determine and provide adequate structural elements necessary to erect the sign on the property.
    - v. All public meeting signs posted shall be removed from the property by the applicant within 2 days after the Planning Commission's public meeting.
    - vi. The temporary absence of any posted sign, due to vandalism or climatic conditions, shall not violate the intent of this section.

- B. If the development requires a preliminary development plan and a final development plan, the sign(s) shall be posted in advance of the meetings to review each development plan.
- C. In addition to the signs, the Zoning Administrator shall post a public notice of the meeting in the main lobby of the Municipal Building. The public notice will be the Planning Commission's agenda on which the development plans to be considered will appear.

**(h) Public Notification for Public Hearings**

- (1) Applications for development approvals that require public hearings shall comply with all applicable State requirements and the public meeting notice requirements established in Section [1105.02\(g\)](#), above.
- (2) The Zoning Administrator shall be responsible for providing the required notice as specified by this subsection.

**(3) Content**

Notices for public hearings, whether by publication or mail (written notice), shall, at a minimum:

- A. Identify the address or location of the property subject to the application and the name of the applicant or the applicant's agent;
- B. Indicate the date, time, and place of the public hearing;
- C. Describe the land involved by street address, Wayne County parcel identification number, or by legal description;
- D. Describe the nature, scope, and purpose of the application or proposal;
- E. Identify the location (e.g., the offices of the Zoning Administrator) where the public may view the application and related documents;
- F. Include a statement that the public may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application; and
- G. Include a statement describing where written comments will be received prior to the public hearing.

**(4) Notice Requirements**

Published and mailed notice for public hearings shall be provided as defined in [Table 1105-1](#).

| TABLE 1105-1: NOTICE REQUIREMENTS  |   |   |
|--|---|---|
| Development Review Procedure   | Published Notice  | Written (Mailed) Notice   |
| Code Text Amendment  | Published notice required a minimum of 10 calendar days before the initial public hearing of Planning Commission and City Council         | No written notice is required for a text amendment.   |
| Zoning Map Amendment and PD Preliminary Development Plans                  |   | Written notice shall be sent to all owners of property within 200 feet from the outermost boundary of all properties subject to the rezoning application. The notice shall be required a minimum of 10 calendar days before the initial public hearing of Planning Commission and City Council. Written notice shall not be required where the application involves more than 10 separate lots. |
| Conditional Use, PD Final Development Plans, and Subdivision Modifications | Published notice required a minimum of 10 calendar days before the applicable public hearing  | Written notice to the applicant and all property owners within 200 feet out the outermost boundaries of the project shall be required a minimum of 10 calendar days prior to the hearing.   |
| Equivalency Provision Reviews  |   |   |
| All Applications Subject to BZA Hearings                                   |   |   |
| Designation of Landmarks and Landmark Districts                            | Published notice required a minimum of 10 calendar days before the initial public hearing of the Design and Review Board and City Council | Written notice to the applicant and all property owners of properties included in the nomination submission shall be required a minimum of 10 calendar days prior to the hearing.   |

**(5) Published Notice**

- A. Published notice shall be provided in a minimum of one newspaper of general circulation.
- B. The content and form of the published notice shall be consistent with the requirements of this section and State law.

**(6) Written (Mailed) Notice**

- A. Written notification of property owners shall apply only to the initial presentation of the application for the public hearing in front of the applicable review board.
- B. Written notice shall be postmarked no later than amount of days specified in [Table 1105-1](#) prior to the hearing date at which the item will be considered.
- C. Notice shall be sent to the address of such owners appearing on the Wayne County Auditor's current tax list or the County Treasurer's mailing list.



**(7) Constructive Notice**

- A.** Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the department having responsibility for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of this code, and such finding shall be made available to the decision-making body prior to final action on the request.
- B.** When the records of the City document the publication, mailing, and/or posting of notices as required by this chapter, it shall be presumed that notice of a public hearing was given as required by this section.

**(8) Incorrect Notice**

If there is an instance where notice is not provided, or is incorrectly provided (excluding minor issues addressed in Subsection [1105.02\(h\)\(7\)](#), above), due to an error outside of the applicant's control, the hearing or meeting shall be rescheduled for the next regularly scheduled meeting or may be rescheduled as a special meeting at the discretion of the applicable review board or City Council.

**(i) Conduct of Public Meetings and Hearings**

**(1) Rights of All Persons**

Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state his or her address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

**(2) Continuance of a Public Meeting or Hearing, or Deferral of Application Review**

- A.** An applicant may request that a review or decision-making body's consideration of an application at a public hearing be deferred by submitting a written request for deferral to the Zoning Administrator prior to the publication of notice as may be required by this code. The Zoning Administrator may grant such requests, in which case, the application will be considered at the next regularly scheduled meeting.
- B.** A request for deferral of consideration of an application received by the Zoning Administrator after publication of notice of the public hearing as required by this code shall be considered as a request for a continuance of the public hearing, and may only be granted by the review or decision-making body.
- C.** The review or decision-making body conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place. No additional notice is required if the fixed date, time, and place is announced at the time of the continuance.

**(3) Tabling or Continuation of Public Meetings or Hearings by a Review Board or City Council**

If any review procedure is tabled or continued by a review board or City Council for a period that exceeds six months, the application shall be deemed as denied and the applicant shall be required to resubmit an application or may appeal the denial.

**(j) Withdrawal of Application**

Any request for withdrawal of an application shall be either submitted in writing to the Zoning Administrator or made through a verbal request by the applicant prior to action by the review or decision-making body.

- (1)** The Zoning Administrator shall approve a request for withdrawal of an application if it has been submitted prior to publication of notice for the public hearing on the application in accordance with this code.
- (2)** If the request for withdrawal of an application is submitted after publication of notice for the public hearing in accordance with this code, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review or decision-making body. Such action shall not be deemed as a decision on the subject application.

**(k) Examination and Copying of Application and Other Documents**

Documents and/or records may be inspected and/or copied as provided for by State law. At a minimum, the documents and/or records shall be available in the office of the Zoning Administrator during the same time that notice is required in [Table 1105-1](#).

**(l) Effect of any Approvals**

- (1)** The issuance of any approval, certificate, or permit under this code shall authorize only the particular development, alteration, construction, or use approved in the subject application.
- (2)** All approvals shall run with the land or use and shall not be affected by change in ownership.

**(m) Amendments of Approved Applications**

**(1) Minor Amendments**

- A.** For any review procedure, the Zoning Administrator is authorized to allow minor changes related to design of an approved application where the change is insignificant and has minimal impact to the overall design of the development or subdivision. This shall not give the Zoning Administrator the authority to vary the requirements of this code or any conditions of approval.
  - B.** In cases where the proposed minor amendment is related to a public improvement or another element that the City Engineer has authority over, the City Engineer shall have the same authority to authorize minor changes.
- (2)** Unless otherwise stated, any approval granted through the provisions of this code may be otherwise be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.

**(n) Reapplication after Denial of an Application**

If an application is denied, the applicant may:

- (1) Appeal the decision in accordance with the applicable appeals procedure established in this code; or
- (2) Make changes to the application that will fully address all issues and findings identified for the denial and resubmit a new application, including any required fees. Any such resubmission must contain evidence that shows how the new application has substantially changed to address each of the findings of the original decision. The Zoning Administrator shall have the authority to determine if the evidence submitted substantially changes the application to address all issues as part of the complete application determination in Section [1105.02\(c\)\(3\)](#). If it does not, the Zoning Administrator shall return the application, with reasons for their determination in writing, along with any paid fees; or
- (3) Submit a new application if the proposed use and design of the site will be entirely different than the denied application.

**(o) Subsequent Development**

- (1) Development authorized by any approval under this section and this code shall not be carried out until the applicant has secured all other approvals required by this code or any other applicable provisions of the City.
- (2) The granting of any approval, certificate, or permit shall not guarantee the approval of any other required certificate, permit, or application.
- (3) The City shall not be responsible for reviewing the application for compliance with any permits, certificates, or other approvals that may be required by the Wayne County, State, or other agencies having jurisdiction.

**(p) Computation of Time**

- (1) In computing any period of time prescribed or allowed by this code, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday as observed by the City of Wooster where the City administrative offices are closed for the entire day.
- (2) When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation (i.e., business days and not calendar days).
- (3) When the City offices are closed to the public for the entire day which constitutes the last day of the period of time, then such application, act, decision, or event may be performed on the next succeeding day which is not a Saturday, a Sunday, or a legal holiday observed by the City of Wooster in which the City administrative offices are closed for the entire day.

## **1105.03 Code Text and Map Amendments**

### **(a) Purpose**

The purpose of the code text and zoning map amendment procedure is to provide a process for amending the zoning map and text of this code.

### **(b) Applicability**

This section shall apply to requests to amend the text of this code or amend the Official Zoning Map of the City of Wooster, Ohio, hereafter referred to as the “zoning map.”

### **(c) Initiation**

- (1) For a zoning map amendment of a specific property, any person who has authority to file an application (See Section [1105.02\(a\)](#).) for such property may initiate an amendment by filing an application with the Zoning Administrator.
- (2) Only City Council or the Planning Commission may initiate code text amendments.
- (3) City Council may initiate a code text or map amendment by the passing of a resolution to make such an amendment.
- (4) The Planning Commission may initiate a code text or map amendment by adopting a motion to make such an amendment.

### **(d) Code Text or Map Amendment Review Procedure**

The review procedure for a code text or map amendment shall be as established in this section. A pre-application meeting (See Section [1105.02\(e\)](#).) with staff and/or the Planning Commission is encouraged, but not mandatory, prior to submission of the application.

#### **(1) Step 1 – Application**

- A. For amendments that are not initiated by the Planning Commission or City Council, the applicant shall submit an application in accordance with Section [1105.02](#), and with the provisions of this section.
- B. Amendments initiated by City Council shall be referred to the Planning Commission for review in accordance with the procedure of this section.

#### **(2) Step 2 – Staff Review and Transmission to the Planning Commission**

- A. Upon determination that a zoning map amendment application is complete, the Zoning Administrator shall distribute the application to all appropriate City departments and professional consultants for review and comment. Any comments or expert opinions shall be returned to the Zoning Administrator for transmission to the Planning Commission.
- B. The Zoning Administrator shall distribute the application and any reports prepared as part of Subsection [1105.03\(d\)\(2\)A](#) above, at least three business days prior to the Planning Commission's meeting where the application is to be reviewed.

#### **(3) Step 3 – Planning Commission Review and Recommendation**

- A. Within 60 days after the application is determined to be complete, the Planning Commission shall hold a public hearing on the code or zoning map amendment application.
- B. Notification of the public hearing shall be provided in accordance with Section [1105.02\(h\)](#).

- C. 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 of this section.
- D. Within 60 days of the close of the public hearing, the Planning Commission shall make a recommendation to City Council on the application. In making its recommendation, the Planning Commission may recommend approval, approval with some modification, or denial of the application. If the Planning Commission fails to make a recommendation within the established timeframe, the application will move forward to [Section 1105.03\(d\)\(4\)](#) with a recommendation of denial.
- E. All recommendations shall also be forwarded to the applicant, as applicable.

**(4) Step 4 – City Council Review and Decision**

- A. Within 45 days after the Planning Commission makes a recommendation (Step 3), the application shall be placed on City Council's agenda and City Council shall set a time for a public hearing on the proposed amendment.
- B. Notification of the public hearing shall be provided in accordance with Section [1105.02\(h\)](#).
- C. City Council shall hold a public hearing regarding the text or zoning map amendment application.
- D. In reviewing the application, City Council shall at a minimum, consider the reports and opinions transmitted by the Zoning Administrator, the recommendation from Planning Commission, and the review criteria of this section.
- E. City Council shall adopt, adopt with some modification, or deny the recommendation of the Planning Commission with the concurrence of a simple majority of City Council.
  - i. When the Planning Commission recommends approval, or approval with some modification, of a proposed amendment, then no such amendment shall be adopted unless approved by a majority vote of the membership of City Council.
  - ii. When the Planning Commission recommends denial of a proposed amendment then no such amendment shall be adopted unless approved by a majority vote of the membership of Council.
- F. Any such application may be amended prior to the voting thereon by Council without further notice or postponement if such amendment to the proposal is germane to the subject matter thereof and is in accordance with the recommendation of the Planning Commission.
- G. If a proposed amendment is not adopted by City Council within 120 days after City Council's first meeting following Planning Commission's recommendation, such proposed amendment shall be deemed to have been defeated and denied and shall not thereafter be passed without a resubmission of an application.
- H. The effective date of any amendment shall be 30 days following final action by City Council unless subject to a referendum in accordance with the Ohio Revised Code.

**(e) Review Criteria**

**(1) Zoning Map Amendments**

Recommendations and decisions on zoning map amendment applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

- A.** The proposed amendment is consistent with the comprehensive plan, other adopted City plans, and the stated purposes of this code;
- B.** The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;
- C.** The proposed amendment will promote the public health, safety, and general welfare;
- D.** The uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity;
- E.** The proposed amendment follows lot lines or the centerlines of streets, railroads, or other rights-of-way;
- F.** Adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified;
- G.** The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
- H.** The proposed amendment will not constitute an instance where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances;
- I.** The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract; and
- J.** The proposed amendment would correct an error in the application of this Planning and Zoning Code as applied to the subject property.

**(2) Planning and Zoning Code Text Amendments**

Recommendations and decisions on planning and zoning code amendment applications shall be based on consideration of the following review criteria:

- A.** The proposed amendment is consistent with the comprehensive plan, other adopted City plans, and the stated purposes of this code;
- B.** The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;
- C.** The proposed amendment will promote the public health, safety, and general welfare; and
- D.** The proposed amendment would correct an error in the application of this Planning and Zoning Code as applied to the subject property.

## **1105.04 Conditional Use Review**

### **(a) Purpose**

The purpose of a conditional use procedure is to allow consideration for certain uses that due to the use's unique and special nature relative to location, design, size, operations, circulation, and general impact on the community, need to be evaluated on a case-by-case basis.

### **(b) Applicability**

- (1)** This section shall apply to all applications for establishment of a new conditional use.
- (2)** This section shall also apply to any proposed change, modification, enlargement, or alteration of an approved conditional use, or the site development conditions, or operations of an approved conditional use unless the Zoning Administrator determines that the alteration is minor in nature, in which case, the alteration can be reviewed through the zoning certificate application.

### **(c) Existing Used Deemed a Conditional Use**

Any lawfully existing use that, at the time of its establishment, was not classified as a conditional use, but which now, because of the passage of an amendment to this code, is listed as a conditional use in the district in which it is located, shall be deemed without further action to be an approved conditional use.

### **(d) Conditional Use Review Procedure**

The review procedure for a conditional use review shall be as established in this section. A pre-application meeting (See Section [1105.02\(e\)](#)) is encouraged, but not mandatory, prior to submission of the application.

#### **(1) Step 1 – Application**

The applicant shall submit an application in accordance with Section [1105.02](#), and with the provisions of this section.

#### **(2) Step 2 – Staff Review and Transmission to the Planning Commission**

- A.** Upon determination that a conditional use application is complete, the Zoning Administrator shall distribute the application to all appropriate City departments and professional consultants for review and comment. Any comments or expert opinions shall be returned to the Zoning Administrator for transmission to the Planning Commission.
- B.** The Zoning Administrator shall distribute the application and any reports prepared as part of Subsection [1105.04\(d\)\(2\)A](#) prior to the Planning Commission's meeting where the application is to be reviewed.

#### **(3) Step 3 – Planning Commission Review and Decision**

- A.** Within 60 days after the application is determined to be complete, the Planning Commission shall hold a public hearing on the conditional use application.
- 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 of this section.
- C.** Notification of the public hearing shall be provided in accordance with Section [1105.02\(h\)](#).



- D. In making its decision, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application.
- E. If the Planning Commission fails to act within 60 days from the date of the initial public hearing, or an extended period as may be agreed upon by the Planning Commission and applicant, then the application shall be considered denied.

**(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 1109: Principal Use Regulations](#).

- (1) The proposed conditional use is established as an allowed conditional use in the applicable zoning district;
- (2) The proposed use and design is consistent with the spirit, purpose and intent of the comprehensive plan and the general purpose of this code;
- (3) The proposed use complies with any use-specific standards as may be established for the use;
- (4) Any building or structure constructed, reconstructed, or altered as part of a conditional use in a residential zoning district shall, to the maximum extent feasible, have an exterior appearance that the Planning Commission deems compatible with surrounding residential buildings in scale, height, and building materials.
- (5) The conditional use shall have suitable landscaping, screening, and fencing wherever deemed necessary by the Planning Commission to protect surrounding uses;
- (6) The proposed use will comply with all applicable development standards;
- (7) The proposed use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area;
- (8) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- (9) The circulation on and access to the property shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
- (10) The design of the buildings, structures, and site will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance;
- (11) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district; and
- (12) Wherever no specific areas, frontage, height, or setback requirements are specified in the requirements for a specific conditional use, then such use shall be subject to the site development standards for the applicable zoning district.

**(f) Additional Criteria and Conditions**

- (1) The Planning Commission shall be authorized to waive or modify requirements that apply to the conditional use as may be necessary to achieve compatible development with adjacent land areas and use as well as in the interest of the community in general where the Planning Commission finds that such waiver or modification will further the protection of the general welfare, protect individual property rights, and ensure that the conditional use will meet the intent and purposes of this code.
- (2) The Planning Commission may also impose additional conditions, guarantees, and safeguards as it deems necessary to protect the general welfare and individual property rights, and to ensure that the conditional use will meet the intent and purposes of this code.
- (3) All activities, programs and other events proposed on plans shall be directly related to the conditional use so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.

**(g) Revocation of a Conditional Use Approval**

The breach of any condition, safeguard, or requirement shall automatically invalidate the conditional use approval, and shall constitute a violation of this code. Such violation shall be punishable as specified in [Chapter 1133: Enforcement and Penalties](#).

**(h) Existing Use Reclassified as a Conditional Use**

In the event an existing use that was permitted by right at the time the use was established is thereafter reclassified as a conditional use in the applicable district due to a zoning text amendment, such use shall be considered to be an approved conditional use without any further action. However, any subsequent change to such use shall require review and approval by the Planning Commission in accordance with this section. Such use, provided it is conditionally permitted in the applicable district, shall not be considered a nonconforming use.

**(i) Time Limit**

- (1) A conditional use approval shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than one year.
- (2) The applicant shall 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.
- (3) Upon expiration of a conditional use approval, a new application, including all applicable fees, shall be required before a conditional use application will be reviewed.
- (4) Upon written request, one extension of six months may be granted by the Zoning Administrator if the applicant can show good cause for a delay.
- (5) As part of the conditional use approval, the Planning Commission may authorize alternative time limits for zoning certificate issuance based on the scale of the proposed development.

**(j) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall have the right to appeal the decision to the BZA as established in Section [1105.13](#).

**1105.05 Minor Subdivisions**

**(a) Purpose**

The purpose of the minor subdivision process is to allow for small subdivisions of land, consolidation of lots, or transfer of a portion of a lot to an adjacent lot where there will not be the creation of a new street, dedication of right-of-way (unless specifically allowed herein), or a need for any public improvements.

**(b) Applicability**

- (1)** For the purposes of these regulations, a minor subdivision is a lot split, lot consolidation, or transfer of land between adjacent property owners that complies with all of the following requirements:
  - A.** The proposed subdivision is located along an existing public street and involves no opening of any new street or the widening or extension of an existing street or the installation of any other public improvements;
  - B.** The subdivision shall not result in or create more than five lots after the original parcels have been completely subdivided;
  - C.** The subdivision shall be in compliance with all applicable site development standards in this code or with any approved variance from such standards;
  - D.** The subdivision shall not require the installation or modification of any public improvements;
  - E.** The subdivision shall not require the dedication of rights-of-way except in cases where all other applicability requirements of this section are met and:
    - i. The lots were not originally platted within the City of Wooster but includes a right-of-way easement; or
    - ii. When a minor right-of-way dedication is required by the City Engineer but there are no related public improvements.
  - F.** The property has been surveyed and a survey sheet or record plan, in the form provided for in this code, and a full legal description of the changes resulting from the split, are submitted with the application; and
  - G.** No landlocking of parcels shall occur as a result of the minor subdivision.
- (2)** A minor subdivision also includes the recombination of land, consolidation of lots, transfer of property from one lot to an adjacent lot, and for the dedication of additional land for the widening of existing streets, where no new lots are created.
- (3)** The use of panhandle (flag) lots in any application shall require approval by the Planning Commission through a major subdivision review.

**(c) Sale of Land in Subdivisions, Start of Construction, and Permitting**

- (1)** No owner, or authorized agent, of any land located within a subdivision shall transfer, sell, agree to sell or negotiate to sell any land by reference to, by exhibition of, or by the use of, a plan or plat of a subdivision, nor proceed with any construction work before such plan or plat has been approved and recorded in the manner prescribed in these regulations.
- (2)** Any sale or transfer contrary to the provisions of this section is void. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.
- (3)** The Zoning Administrator shall not issue zoning certificates for any structure or activity on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed in these regulations.
- (4)** No owner or agent of the owner of any land shall be entitled to a permit for the installation of wells and septic tanks upon any lots in a subdivision for which a plat has not been approved, certified, and recorded in the manner prescribed in Chapter in this section.

**(d) Minor Subdivision Review Procedure**

The review procedure for a minor subdivision shall be as established in this section.

**(1) Step 1 – Application**

- A.** The applicant shall submit an application in accordance with Section [1105.02](#), and with the provisions of this section.
- B.** If the minor subdivision involves the transfer of land area from one lot to an adjacent lot, both property owners shall be required to authorize the application and deeds or other instruments of conveyance shall be submitted for both lots.

**(2) Step 2 – Review and Comment by Applicable Agencies**

- A.** Upon determination that the application for a minor subdivision is complete, the Zoning Administrator may transmit copies of the application for review by applicable agencies including, but not limited to, the City Engineer and any other agencies having authority over streets, water, sewer, gas, or other utilities and other public improvements.
- B.** Such agencies may supply comments, recommendations, and approvals as applicable, to the Zoning Administrator for consideration prior to the Zoning Administrator's decision (Step 3).

**(3) Step 3 – Review and Decision by the Zoning Administrator**

- A.** Within 30 days of the determination that the application (Step 1) is complete, the Zoning Administrator shall review the application and approve, approve with modifications that will bring the application into compliance with codes, or deny the application for a minor subdivision based on the review criteria established below. An extension on the decision may be granted with approval from the applicant.
- B.** In reviewing the minor subdivision, the Zoning Administrator, on recommendation of the City Engineer, may require the addition of easements and/or setbacks as part of a transfer of land area between two lots.

- C. If the application is approved with modifications, the applicant shall be required to revise all documents prior to final signing and recording.
- D. If the Zoning Administrator denies an application for a minor subdivision, the Zoning Administrator shall provide the applicant with written finding for the denial.

**(e) Review Criteria**

In order to approve a minor subdivision, the Zoning Administrator shall determine the following:

- (1) That the minor subdivision complies with all applicable provisions of this code;
- (2) That the minor subdivision complies with all other applicable regulations and plans of the City; and
- (3) That the City Engineer and any other applicable review agencies have no objections that cannot be resolved by the applicant.

**(f) Recording**

- (1) When the application is approved, the Zoning Administrator and City Engineer shall sign and date the plat.
- (2) The subdivider shall then be responsible for submitting the signed conveyance with the Wayne County Auditor for the transfer of property and to the Wayne County Recorder for the recording of the lots as legal lots of record and providing a copy of said minor subdivision/plat to the Zoning Administrator after recording.
- (3) In the case of a transfer of land between two adjacent lots, the recording of the revised lots shall take place simultaneously.

**(g) Administrative Waivers and Variances**

If a deviation from the minimum site development standards (e.g., lot area, lot width, etc.) is required, the applicant will be required to receive all variance and/or administrative waiver approvals (See Section [1105.11](#) or Section [1105.12\(f\)](#).) prior to approval of the minor subdivision.

**(h) Time Limit**

If the 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.

**(i) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Zoning Administrator shall have the right to appeal the decision to the BZA as established in Section [1105.13](#).

## **1105.06 Major Subdivisions**

**(a) Purpose**

The purpose of the major subdivision process is to provide a method of review for any subdivision that exceeds the scope of a minor subdivision and which includes multiple lots, the creation or expansion of new streets, and/or the installation of public improvements.

**(b) Applicability**

- (1) Any subdivision of land or replat of an existing subdivision that does not meet the applicability requirements of a minor subdivision in Section [1105.05\(b\)](#) shall be subject to the requirements of this section and require the submission and approval of a concept plan, preliminary subdivision plat, and a final subdivision plat.
- (2) The requirement to submit a concept plan or preliminary subdivision may be waived by the Zoning Administrator after a pre-application meeting with the applicant if the Zoning Administrator finds that the subdivision is of a size and scope that does not warrant concept plan or preliminary subdivision review.
- (3) Whenever a single parcel is proposed for development and the installation of public improvements is required, such development shall require the approval of a final subdivision plat.

**(4) Planned Developments**

In order to provide efficient review of planned developments, it is the intent of this section that subdivision review be carried out simultaneously with the review of development plans for planned developments, as noted below:

- A. Preliminary development plan approval and preliminary subdivision plat approval may proceed simultaneously.
- B. Final development plan approval and final subdivision plat approval shall proceed simultaneously, unless a final subdivision plat is not required for completion of the project.

**(c) Sale of Land in Subdivisions, Start of Construction, and Permitting**

- (1) No owner, or authorized agent, of any land located within a subdivision shall transfer, sell, agree to sell or negotiate to sell any land by reference to, by exhibition of, or by the use of, a plan or plat of a subdivision, nor proceed with any construction work before such plan or plat has been approved and recorded in the manner prescribed in these regulations.
- (2) Any sale or transfer contrary to the provisions of this section is void. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.
- (3) The Zoning Administrator shall not issue zoning certificates for any structure or activity on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed in these regulations.
- (4) No owner or agent of the owner of any land shall be entitled to a permit for the installation of wells and septic tanks upon any lots in a subdivision for which a plat has not been approved, certified, and recorded in the manner prescribed in Chapter in this section.

**(d) Major Subdivision Review Procedure**

The review procedure for a major subdivision shall be as established in this section. A pre-application meeting (See Section [1105.02\(e\)](#)) is encouraged, but not mandatory, prior to submission of the application for any of the required plans.

**(1) Step 1 – Application and Filling of the Concept Plan**

The concept plan is intended to outline the basic scope, character, and nature of a proposed project, enable the applicant to discuss the location of proposed streets, parkways, parks, playgrounds, school sites, and planned developments, and to familiarize the applicant with the comprehensive plan, other adopted plans applicable to the site, the requirements of this code, and the drainage, sewerage and water systems for the City. The review is to provide input in the formative stages of design.

- A. The applicant shall submit an application in accordance with Section [1105.02](#), and with the provisions of this section.
- B. Upon determination by the Zoning Administrator that the application is complete, the concept plan shall be accepted as being officially filed.

**(2) Step 2 – Staff Review and Transmission to the Planning Commission**

- A. Upon determination that the application for a concept plan is complete, the Zoning Administrator may transmit copies of the application for review by applicable agencies including, but not limited to, the City Engineer and any other agencies having authority over streets, water, sewer, gas, or other utilities and other public improvements.
- B. During the course of its review, the staff may meet with the applicant to review its evaluation, and the applicant may revise the concept plan in response to staff's comments.
- C. Any comments or expert opinions shall be returned to the Zoning Administrator.
- D. Within 30 days of the application being determined to be complete, or an extended time period agreed upon by the applicant, the Zoning Administrator shall distribute the application and any reports prepared as part of Subsection [1105.06\(d\)\(2\)A](#), above, to the Planning Commission.

**(3) Step 3 – Review and Decision on the Concept Plan by the Planning Commission**

- A. Within 60 days after the application is determined to be complete, the Planning Commission shall review the concept plan application.
- B. In making its decision, the Planning Commission shall approve, approve with modifications, or deny the concept plan. The Planning Commission may also continue the meeting if questions regarding the concept plan are not satisfactorily addressed by the applicant.
- C. If the Planning Commission fails to act within 60 days from the date of the initial meeting regarding the concept plan application, or an extended period as may be agreed upon by the Planning Commission and applicant, then the application shall be considered denied.



- D. If the Planning Commission finds that the land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor or inadequate drainage, topography, inadequate water or sanitary sewer service, traffic circulation systems, or other such conditions that may endanger health, life or property; and, if from investigations conducted by the public agencies concerned, it is determined that in the best interest of the public, the land should not be developed for the proposed purpose, the Planning Commission shall deny the approval of the concept plan unless adequate methods are advanced by the applicant for solving the problems that will be created by the development of the land.
  - E. If the Planning Commission denies the concept plan, the applicant shall not move forward in the review process until a concept plan is approved by the Planning Commission.
  - F. In the event the Planning Commission denies the concept plan or approves with modifications, the Zoning Administrator, on behalf of the Planning Commission, shall provide the subdivider with a statement in writing setting forth the reasons for the deny or the conditions of approval. In the case of approval with modifications, the applicant shall be required to revise the concept plan to address the conditions of approval and submit them to the Zoning Administrator prior to submitting the preliminary subdivision plat application.
  - G. Approval of the concept plan by the Planning Commission does not constitute approval of the subdivision, but is merely an authorization to proceed with the preparation of the preliminary subdivision plat.
  - H. The applicant shall be required to submit a complete preliminary subdivision plat application within 12 months after the date of approval of the concept plan, otherwise the concept plan approval shall be considered void unless an extension is requested by the developer and granted by the Planning Commission in writing. If the concept plan is voided, any new request to subdivide the land shall require a new concept plan application in accordance with the provisions of this section.
- (4) Step 4 – Application, Filing, and Staff Review of the Preliminary Subdivision Plat**
- A. An application for a preliminary subdivision plat review shall be submitted in the same manner as the concept plan. See Section [1105.06\(d\)\(1\)](#).
  - B. Preliminary subdivision plats are required to be prepared, signed, and sealed by an engineer or surveyor licensed in the State of Ohio.
  - C. The staff review and distribution of the application for a preliminary subdivision plat shall be accomplished in the same manner as established for a concept plan in Section [1105.06\(d\)\(2\)](#).
  - D. Within 30 days of the application being determined to be complete, or an extended time period agreed upon by the applicant, the Zoning Administrator shall distribute the application and any reports prepared as part of Subsection [1105.06\(d\)\(4\)A](#), to the Planning Commission.

**(5) Step 5 – Review and Decision on the Preliminary Subdivision Plat by the Planning Commission**

- A.** Within 60 days after the application is determined to be complete, the Planning Commission shall review the preliminary subdivision plat application.
- B.** In its review of an application, the Planning Commission may request additional information it deems necessary to adequately review and evaluate the proposed subdivision, and/or may request the applicant to revise elements of the application. When this occurs, the Planning Commission may table the application.
- C.** In making its decision, the Planning Commission shall approve, approve with modifications, or deny the preliminary subdivision plat and its supporting document. The Planning Commission may also continue the meeting if questions regarding the preliminary subdivision plat are not satisfactorily addressed by the applicant.
- D.** If the Planning Commission fails to act within 60 days from the date of the initial meeting regarding the preliminary plat application, or an extended period as may be agreed upon by the Planning Commission and applicant, then the application shall be considered denied.
- E.** The Planning Commission may require a reduction in the number of lots proposed in a subdivision when it is determined necessary in order for the preliminary subdivision plat to comply with the requirements of all applicable City codes.
- F.** If the Planning Commission denies the preliminary subdivision plat, the applicant shall not move forward in the review process until a preliminary subdivision plat is approved by the Planning Commission.
- G.** In the event the Planning Commission denies the preliminary subdivision plat or approves with modifications, the Zoning Administrator, on behalf of the Planning Commission, shall provide the subdivider with a statement in writing setting forth the reasons for the denial or the conditions of approval. In the case of approval with modifications, the applicant shall be required to revise the preliminary subdivision plat to address the conditions of approval and submit them to the Zoning Administrator prior to submitting the final subdivision plat application.
- H.** Approval of the preliminary subdivision plat by the Planning Commission does not constitute approval of the subdivision, but is merely an authorization to proceed with the preparation of the final subdivision plat.
- I.** One record of the approved preliminary subdivision plat shall be retained.
- J.** Approval of the preliminary subdivision plat is authorization for the subdivider to proceed with the preparation of detailed plans and specifications for the minimum improvements required in the subdivision regulations, and with the preparation of the final subdivision plat.
- K.** The applicant shall be required to submit a complete final subdivision plat application with 12 months after the date of approval of the preliminary subdivision plat, otherwise the preliminary subdivision plat approval shall be considered void unless an extension is requested by the developer and granted by the Planning Commission in writing. If the preliminary subdivision plat is voided, any new request to subdivide the land shall require a new preliminary subdivision plat application in accordance with the provisions of this section.

**(6) Step 6 – Application, Filing, and Staff Review of the Final Subdivision Plat**

- A.** An application for a final subdivision plat review shall be submitted in the same manner as the concept plan. See Section [1105.06\(d\)\(1\)](#).
- B.** Final subdivision plats are required to be prepared, signed, and sealed by an engineer or surveyor licensed in the State of Ohio.
- C.** If a preliminary subdivision plat has been previously approved, the final subdivision plat shall have incorporated all changes in the preliminary subdivision plat approval.
- D.** The staff review and distribution of the application for a final subdivision plat shall be accomplished in the same manner as established for a concept plan in Section [1105.06\(d\)\(2\)](#).
- E.** Within 30 days of the application being determined to be complete, or an extended time period agreed upon by the applicant, the Zoning Administrator shall distribute the application and any reports prepared as part of Subsection [1105.06\(d\)\(6\)A](#), to the Planning Commission.
- F. Submission of Engineering Plans and Construction Drawings for Public Improvements**
  - i.** The applicant shall submit all detailed plans and specifications for all public improvements as required in Section [1105.02\(c\)](#) shall be submitted to the City Engineer.
  - ii.** Review of the engineering plans and construction drawings shall occur simultaneously with or prior to the review of the final subdivision plat.
  - iii.** The City Engineer shall review the engineering plans and construction drawings as well as the final subdivision plat. If the City Engineer determines that the engineering plans and construction drawings comply with the City's construction and material specifications and that the final subdivision plat includes all of the necessary right-of-way and easement dedications, the City Engineer shall grant preliminary approval of the construction drawings.
  - iv.** Other approvals from the Ohio Environmental Protection Agency or other regulatory agencies shall be obtained after the City Engineer's preliminary approval, when applicable.

**(7) Step 7 – Review and Decision on the Final Subdivision Plat by the Planning Commission**

- A.** Within 60 days after the application is determined to be complete, the Planning Commission shall review the final subdivision plat application.
- B.** As part of the submission, a copy of the property owners or homeowners' association covenants and restrictions shall be submitted for review.
- C.** The Planning Commission shall approve, approve with conditions, or deny the final subdivision plat. The Planning Commission may also continue the meeting if questions regarding the plat are not satisfactorily addressed by the applicant.
- D.** The Planning Commission shall make a decision within 60 days of the filing of the final subdivision plat, engineering plans, and construction drawings unless the Planning Commission has continued the meeting or if the Planning Commission and subdivider agree to an extension of this time frame. If the Planning Commission fails to act within this timeframe, or an approved extension, then the application shall be considered denied.

- E. If the Planning Commission denies the final subdivision plat, the applicant shall not move forward in the review process until a final subdivision plat is approved by the Planning Commission.
  - F. In the event the Planning Commission denies the final subdivision plat application the Planning Commission shall provide the subdivider with a statement in writing setting forth the reasons for the denial.
  - G. Approval of the final subdivision plat, engineering plans, and construction drawings by the Planning Commission shall not be an acceptance by the public of the offer of dedication of any street, or other public ways or open space on the final subdivision plat unless they are accepted by the City Council in the form of the adoption of an ordinance.
- (8) Step 8 – Review and Decision on the Engineering Plans and Construction Drawings by the City Engineer**
- A. Following approval of the final subdivision plat, the subdivider shall resubmit the engineering plans and construction drawings revised as necessary to coincide with the approved final subdivision plat.
  - B. The City Engineer shall review the engineering plans and constructions drawings and if found to be in total compliance with the approved final subdivision plat and applicable engineering policies and construction standards shall grant final approval to the engineering plans and construction drawings.
  - C. Upon approval of the final subdivision plat by the Planning Commission and approval of the engineering plans and construction drawings by the City Engineer, the subdivider may secure the necessary permits to proceed with construction of the required street, sanitary, water, drainage or other public improvements or provide a financial guarantee as authorized by this code.
- (9) Step 9 - Completion of Improvements or Provision of Financial Guarantees**
- A. When the subdivider has completed the construction of the public improvements and all utilities including, but not limited to, the streets, signs, public/private utilities, drainage facilities, and traffic control signs.
  - B. The specifications of the City shall in all respects govern all construction work. The work shall be done under City supervision and inspection. The subdivider shall pay the cost of City inspection, and an amount of money estimated by the City Engineer for such purpose shall be deposited in advance with the City or otherwise provided for in the construction agreement and financial guarantee requirements as required in [Section 1129.04\(g\)](#).
  - C. If the City Engineer determines that the improvements are complete and have been constructed in compliance with these regulations, that all conditions of the subdivision approval have been fulfilled and that all required payments, including any payment in lieu of parkland dedication or open space fee, have been made, the City Engineer shall issue a letter to the applicant stating that the improvements are completed and acceptable for City maintenance.

**(10) Step 10 – Certification and Recording of the Final Subdivision Plat**

- A.** Once the City Engineer determines the improvements are complete, determined unnecessary prior to recording, or the applicant has provided the financial guarantees required by this code, the Zoning Administrator and City Engineer shall certify or sign the final subdivision plat. After the final subdivision plat is certified, the final subdivision plat and all associated covenants and restrictions shall be recorded in the office of the Wayne County Recorder within one year of the date of signing.
- B.** No plat of any subdivision shall be entitled to record in the office of the Wayne County Recorder or have any validity until the Planning Commission shall have approved it, and it shall have been certified by the City Engineer and the Zoning Administrator. In the event any such unapproved plat is recorded, it shall be considered invalid and the City shall institute proceedings to have the plat stricken from the records of Wayne County.

**(e) Review Criteria**

**(1) Concept Plan Review Criteria**

Decisions on concept plan applications shall be based on consideration of the following criteria:

- A.** That the proposed subdivision complies with any established standards or requirements in the approved comprehensive plan or thoroughfare plan;
- B.** That the proposed subdivision general complies with the purpose of this code and with the general rules and standards for subdivisions as established in this code;
- C.** That the proposed subdivision will not result in an isolated subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels;
- D.** That the subdivider has allowed sufficient area to meet the requirements for open space, if applicable; and
- E.** That the subdivider has taken every effort to ensure that the public health, safety, and welfare are perpetuated by the proposed subdivision.

**(2) Preliminary Plat Review Criteria**

Decisions on preliminary applications shall be based on consideration of the following criteria:

- A.** That the subdivision plat complies with all applicable provisions of this code;
- B.** That the subdivision plat does not conflict with other regulations, the comprehensive plan, or other adopted plans and policies of the City;
- C.** That applicable review agencies have no objections that cannot be resolved by the applicant;
- D.** That public facilities, including but not limited to streets, water, sanitary and storm sewers will be adequate to support and service the area of the proposed subdivision, and that definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;

- E. That all areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or that require special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions, or the areas have been designated as “No Build” Zone, or “No Disturb” Zone. See Section [1117.02\(c\)](#).
- F. That the proposed subdivision will not result in an isolated subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels;
- G. That the subdivider has allowed sufficient area to meet the requirements for open space, if applicable;
- H. That the subdivider has taken every effort to ensure that the public health, safety, and welfare are perpetuated by the proposed subdivision; and
- I. That the subdivider has incorporated in the proposed subdivision the recommendations described in the approved traffic impact study, when such study is required, that are determined necessary by the Planning Commission or the City Engineer.

**(3) Final Plat Review Criteria**

Decisions final applications shall be based on consideration of the following criteria:

- A. That where a concept plan or preliminary subdivision plat is not required, the proposed subdivision complies with the preliminary subdivision plat review criteria established in Section [1105.06\(e\)\(2\)](#);
- B. That the final subdivision plat complies with all applicable provisions of this code;
- C. That the final subdivision plat, engineering plans, and construction drawings substantially comply with all specific requirements, the purposes, intent and basic objectives of the preliminary subdivision plat, and any commitments made or conditions agreed to with approval of the preliminary subdivision plat, and any applicable regulations in this code.
- D. That applicable review agencies have no objections that cannot be resolved by the applicant; and
- E. That the final subdivision plat is in full compliance with the approved preliminary subdivision plat, where applicable.

**(f) Amendments and Withdrawal of Application**

- (1) No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after final approval has been given by the Planning Commission and an endorsement is made in writing on the plat, unless the plat is first resubmitted and the changes approved by the Planning Commission or unless otherwise authorized under this section.
- (2) If the applicant finds, in the process of preparing improvement drawings, that the approved preliminary subdivision plat, if submitted, is not workable and changes in layout are required, the applicant shall inform the Zoning Administrator and City Engineer. The Zoning Administrator may require that a revised preliminary subdivision plat be submitted for re-approval following the review procedure in Section [1105.06\(d\)](#), above if the changes significantly alter the design of the subdivision.

- (3) During the final subdivision plat process, the Zoning Administrator and City Engineer are authorized to allow minor changes related to the public improvements or design where there is minimal impact to the overall design of the subdivision. This shall not give the Zoning Administrator or City Engineer the authority to vary the requirements of this code.
- (4) Before approval of the final subdivision plat, the submitted plat may be withdrawn or modified. If modified, the review process shall be repeated. If the application is withdrawn, any application fees shall be forfeited.
- (5) If during the course of construction, any changes or modifications are encountered that are not in conformance with the original approved engineering plans or construction drawings, the subdivider shall submit the modified engineering plans or construction drawings to the City Engineer, who, if in agreement with such modifications, shall affix their signature to these drawings indicating approval of the modifications.

**(g) Dedication of Improvements for Public Use**

If the final subdivision plat indicates land for public use, such land shall be considered dedicated to the City of Wooster after the final subdivision plat has been signed by the City Engineer and the Zoning Administrator and recorded in the office of the Wayne County Recorder.

**(h) Subdivision Modifications**

**(1) Purpose**

The purpose of a subdivision modification is to provide limited relief from standards that apply to the subdivision of land including standards for improvements. Subdivision modifications are intended for those cases where strict application of a particular requirement will create a practical difficulty or extraordinary hardship prohibiting the use of land in a manner otherwise allowed under these regulations. It is not intended that modifications be approved merely to remove inconveniences or financial burdens that the requirements of these regulations may impose on property owners or subdividers in general.

**(2) Applicability**

- A. If the proposed subdivision requires a deviation from the minimum site development standards (e.g., lot area, lot width, etc.) or other standards identified in [Chapter 1115: Site Development Standards](#), the applicant will be required to apply for and receive all the necessary variance (See Section [1105.11](#).) or administrative waiver (See Section [1105.12\(f\)](#).) approvals prior to approval of a preliminary subdivision plat.
- B. If the applicant seeks a modification of standards required by [Chapter 1129: Subdivision Design](#), then the request for a modification shall be accomplished through the procedure outlined in this section.

**(3) Subdivision Modification Review**

- A. A request for a subdivision modification shall be reviewed as part of the preliminary subdivision plat review procedure but a public hearing will be required with notice provided in accordance with Section [1105.02\(h\)](#).
- B. The Planning Commission shall review the request and may approve, approve with conditions, or deny the request to modify any or all of the modifications.



- C. In approving a modification, the Planning Commission may impose conditions on the approval as it determines are required to ensure compliance with the provisions and purpose of these regulations.
- D. If the preliminary subdivision plat is denied or if the approval of the preliminary subdivision plat expires, so does the approval of the subdivision modification. Any future request for preliminary subdivision plat approval that includes the same modifications shall require a new review and decision on the request for modifications.

**(4) Review Criteria**

The review criteria for a subdivision modification shall be the same as those for a variance as established in Section [1105.11\(c\)](#).

**(i) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall have the right to appeal the decision to the BZA as established in Section [1105.13](#).

## **1105.07 Development Plan Review**

**(a) Purpose**

The purpose of the development plan review procedure is to ensure that intense residential development and all nonresidential developments comply with the development and design standards of this code. Zoning certificates for any building, structure, expansions, or use of land subject to this section, shall not be issued without an approved final development plan.

**(b) Applicability and Review Authority**

- (1) Unless specifically exempted in [1105.07\(c\)](#), no construction, expansion, or demolition of a building or structure, or use of land, buildings, or structures, shall be permitted without the review and approval of a development plan pursuant to this section.
- (2) The following activities require a minor development plan that shall be reviewed by the Zoning Administrator as part of the zoning certificate review procedure of Section [1105.12](#). In such cases, the application shall be subject to the review criteria for both minor development plans and zoning certificates, as established in the respective sections.
  - A. All nonresidential developments or expansions containing up to 10,000 square feet in gross floor area, provided the development is not adjacent to a single-family residential district;
  - B. All off-street surface parking lots;
  - C. Alterations to site conditions including, but not limited to, alterations to landscaping areas, required buffers, and the location or relocation of trash collection areas, if the area of such site condition is 24,000 square feet or smaller in area;
  - D. Multi-family dwellings with four or fewer dwelling units;
  - E. Demolition of buildings; and
  - F. Whenever expressly required by any other part of this code.

- (3) The Zoning Administrator shall have the authority to forward an application for any development or use in Subsection [1105.07\(b\)\(2\)](#), above to the Planning Commission for review pursuant to this section if the Zoning Administrator finds:
  - A. That the proposed use or development could potentially create significant impacts on an adjacent property based on the intensity or proximity of the proposed use or development; or
  - B. There is difficulty in interpreting the application of a standard or regulation as it pertains to the subject site.
- (4) All other development and activities not identified in Section [1105.07\(b\)\(2\)](#), including the following, shall be subject to a preliminary and final development plan review by the Planning Commission in accordance with this section:
  - A. New construction, structural alterations, and site improvements of all permitted uses in the CF, R-3, R-4, R-5, C-1, C-2, C-3, I-1, I-2, and I-3 Districts;
  - B. New construction, structural alterations, and site improvements of all permitted nonresidential uses in the R-1, R-2, and R-T Districts;
  - C. New construction, structural alterations, and site improvements of all conditional uses unless determined to be a minor alteration or improvement by the Zoning Administrator that can be reviewed through the zoning certificate procedure per Section [1105.12](#);
  - D. Any existing or previously approved development meeting the criteria of subsections (A) and (B) above that proposes to alter, reconstruct, or otherwise modify a use or site including expanding the floor area of the permitted use; increasing the number of dwelling units in a multi-family development; or changing the use which requires an increase in the amount of parking or a change in the site's circulation.
  - E. All development plan applications subject to review by the Planning Commission shall submit a preliminary and final development plan in accordance with this section unless the Zoning Administrator finds that the development or activity is of a size and/or scope that does not warrant a preliminary development plan review, in which case, only a final development plan review shall be required.
- (5) For any development plan application that is within the C-4 District, the Design and Review Board shall review and provide a recommendation on the application prior to the final development plan decision.

**(c) Exemptions**

The following shall be exempted from development plan review:

- (1) Single-family dwellings;
- (2) Re-occupancy of an existing building or the internal construction or change in floor area of a building or structure that does not increase gross floor area, increase the intensity of use, or affect parking or landscaping requirements on a site that meets all of the development standards of this code; and
- (3) Accessory and temporary uses as established in [Chapter 1113: Accessory and Temporary Use Regulations](#).

**(d) Development Plan Review Procedure**

The review procedure for a development plan review shall be as established in this section. A pre-application meeting (See Section [1105.02\(e\)](#).) is encouraged, but not mandatory, prior to submission of the application.

**(1) Step 1 – Application for a Preliminary Development Plan**

The applicant shall submit an application in accordance with Section [1105.02](#), and with the provisions of this section.

**(2) Step 2 – Staff Review and Transmission to the Planning Commission**

- A.** Upon determination that a preliminary development plan application is complete, the Zoning Administrator shall distribute the application to all appropriate City departments and professional consultants for review and comment. Any comments or expert opinions shall be returned to the Zoning Administrator for transmission to the Planning Commission.
- B.** The Zoning Administrator shall distribute the application and any reports prepared as part of Subsection [1105.07\(d\)\(2\)A](#), prior to the Planning Commission's meeting where the application is to be reviewed.

**(3) Step 3 –Review and Decision on the Preliminary Development Plan by the Planning Commission**

- A.** Within 60 days after the application is determined to be complete, the Planning Commission shall review the preliminary development plan application.
- 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 development plans as established in this section.
- C.** Notification of the public meeting shall be provided in accordance with Section [1105.02\(g\)](#).
- D.** In their review of an application, the Planning Commission may request that the applicant supply additional information that the Planning Commission deems necessary to adequately review and evaluate the proposed development.
- E.** In making its decision, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application.
- F.** If the Planning Commission denies the application, they shall provide findings for denial in writing to the applicant upon the applicant's request.
- G.** If the Planning Commission fails to act within 60 days from the date of the initial meeting regarding the preliminary development plan application, or an extended period as may be agreed upon by the Planning Commission and applicant, then the application shall be considered denied.
- H.** Approval of the preliminary development by the Planning Commission does not constitute approval of the development, but is merely an authorization to proceed with the preparation of the final development plan.

- I. The applicant shall be required to submit a complete final development plan application within 12 months after the date of approval of the preliminary development plan, otherwise the preliminary development plan approval shall be considered void unless an extension is requested by the applicant and granted by the Planning Commission in writing. If the preliminary development plan is voided, any new request to for development approval shall require a new preliminary development plan application in accordance with the provisions of this section.
- (4) Step 4 – Application, Filing, Staff Review, and Design and Review Board Review of the Final Development Plan**
- A. An application for a final development review shall be submitted in the same manner as the preliminary development plan. See Section [1105.07\(d\)\(1\)](#).
  - B. Upon determination that a final development plan application is complete, the Zoning Administrator shall distribute the application to all appropriate City departments and professional consultants for review and comment. Any comments or expert opinions shall be returned to the Zoning Administrator for transmission to the Planning Commission.
  - C. **Design and Review Board Review and Recommendation**
    - i. If an application is required to be reviewed by the Design Review Board, the Zoning Administrator shall distribute the application to the Design and Review Board after the application is determined to be complete but prior to the Planning Commission's review.
    - ii. Within 45 days after the application is determined to be complete, the Design and Review Board shall review the final development plan application and make a recommendation to the Planning Commission.
    - iii. If the Planning Commission fails to act within 45 days from the date of the initial meeting regarding the final development plan application, or an extended period as may be agreed upon by the Design and Review Board and applicant, then the recommendation shall be considered a denial.
  - D. The Zoning Administrator shall distribute the application and any reports prepared as part of Subsection [1105.07\(d\)\(2\)A](#) prior to the Planning Commission's meeting where the application is to be reviewed.
- (5) Step 5 –Review and Decision on the Final Development Plan by the Planning Commission**
- A. Within 60 days after the application is determined to be complete, the Planning Commission shall review the final development plan application. If a recommendation from the Design and Review Board is required, then the Planning Commission shall review the final development plan within 60 days from the date the recommendation is received from the Design and Review Board.
  - 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 final development plans as established in this section.
  - C. Notification of the public meeting shall be provided in accordance with Section [1105.02\(g\)](#).

- D. In their review of an application, the Planning Commission may request that the applicant supply additional information that the Planning Commission deems necessary to adequately review and evaluate the proposed development.
- E. In making its decision, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application.
- F. If the Planning Commission denies the application, they shall provide findings for denial in writing to the applicant upon the applicant's request.
- G. If the Planning Commission fails to act within 60 days from the date of the initial meeting regarding the final development plan application, or an extended period as may be agreed upon by the Planning Commission and applicant, then the application shall be considered denied.
- H. Upon approval of the final development plan, the applicant shall be authorized to submit an application for a zoning certificate.

**(e) Review Criteria**

**(1) Preliminary Development Plan Review Criteria**

Decisions on preliminary development plan review applications shall be based on consideration of the following criteria:

- A. That the proposed development complies with any established standards or requirements in the approved comprehensive plan or thoroughfare plan;
- B. The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property;
- C. The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this code; and
- D. Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.

**(2) Minor or Final Development Plan Review Criteria**

Decisions on minor or final development plan review applications shall be based on consideration of the following criteria:

- A. That the proposed development is consistent with all the requirements of this code, and other related codes and ordinances enforced by the City;
- B. That the proposed development is in compliance with the applicable zoning district regulations;
- C. That the proposed development complies with any established standards or requirements in the approved comprehensive plan or thoroughfare plan;
- D. That the proposed development meets all the requirements or conditions of any applicable development approvals (e.g., previously approved planned developments, conditional use approvals, variance approvals, etc.);
- E. The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property;

- F.** The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this code;
- G.** Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
- H.** The development will provide adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas;
- I.** Upon review and recommendation of the City Engineer, points of ingress/egress to the development shall be controlled and designed in such manner as to minimize conflicts with adjacent properties and developments;
- J.** Adequate provision is made for emergency vehicle access and circulation; and
- K.** If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing criteria are complied with at the completion of each stage.

**(f) Significance of an Approved Plan**

- (1)** An approved development plan shall become, for the proposed development, a binding commitment of the specific elements approved for development. The approved development plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. Such a transfer shall occur only upon approval of the Zoning Administrator. A request for such a transfer or change of ownership shall be presented to the Zoning Administrator and granted only if the new ownership entity satisfies the administrative, financial, legal and all other financial guarantees approved with the original development plan.
- (2)** All construction and development under any building permit shall be in accordance with the approved development plan. Any departure from such plan shall be cause for revocation of the zoning certificate and/or building permit, and the property owner or other responsible parties are subject to penalties as prescribed by this code.

**(g) Time Limit**

- (1)** The applicant shall 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.
- (2)** Upon expiration of a development plan approval, a new application, including all applicable fees, shall be required before a new development plan will be reviewed.
- (3)** Upon written request, one extension of six months may be granted by the Zoning Administrator if the applicant can show good cause for a delay.
- (4)** The Planning Commission may authorize alternative time limits for zoning certificate issuance, as part of their approval, based on the scale of the proposed development.

**(h) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall have the right to appeal the decision to the BZA as established in Section [1105.13](#).

## **1105.08 Certificate of Appropriateness (COA)**

### **(a) Purpose**

The purpose of the COA is to provide a procedure by which to review construction, renovation, expansion, and demolition projects within a locally or nationally designated historic district or for locally or nationally designated historic properties. In an effort to preserve the character of these properties and districts, the City has established reasonable development standards and design guidelines for buildings and structures and this procedure allows for a comprehensive review of the activities against the adopted standards and guidelines.

### **(b) Applicability**

- (1)** No construction, reconstruction, demolition, relocation, or other exterior alteration to any structure or site element designated as, or upon, a Landmark or located within a Landmark District shall occur until a COA has been applied for, and issued by, the Design and Review Board in accordance with this code.
- (2)** No zoning certificate or certificate of zoning compliance and/or other appropriate permits shall be issued by the Zoning Administrator for any construction, reconstruction, demolition, relocation, or other exterior alteration to a structure or site element designated as, or upon, a Landmark or located within a Landmark District unless a COA has been issued.
- (3)** All permanent signs in the C-4 District shall require a COA approval prior to the Zoning Administrator making a decision on a zoning certificate.
- (4)** Projects and activities that are exempt from the COA review procedure include:
  - A.** Painting or general maintenance of a structure that does not alter exterior colors or architectural features;
  - B.** Changes in occupancy not involving structural or exterior work; and
  - C.** Any interior renovations which will not alter and/or affect the exterior elevations and facade of the building or structure or any architectural features that are visible from the outside.

### **(c) COA Review Procedure**

#### **(1) Step 1 - Application**

- A.** The applicant shall submit an application in accordance with Section [1105.02](#), and with the provisions of this section.
- B.** In making application, the Zoning Administrator or the Design and Review Board may request that the applicant provide exhibits, sketches, examples of materials, renderings, or other documentation to assist in their decision.

#### **(2) Step 2 – Staff Review and Transmission to the Design and Review Board**

- A.** Upon determination that a COA application is complete, the Zoning Administrator shall distribute the application to all appropriate City departments and professional consultants for review and comment. Any comments or expert opinions shall be returned to the Zoning Administrator for transmission to the Design and Review Board.



- B. The Zoning Administrator shall distribute the application and any reports prepared as part of Subsection [1105.08\(c\)\(2\)A](#) prior to the Design and Review Board's meeting where the application is to be reviewed.

**(3) Step 3 – Design and Review Board Review and Decision**

- A. Within 60 days after the application is determined to be complete, the Design and Review Board shall review the COA application.
- B. In reviewing the application, the Design and Review Board shall at a minimum, consider the reports and opinions transmitted by the Zoning Administrator and the review criteria of this section.
- C. The Design and Review Board may review any related equivalency provision review applications simultaneously with the COA application.
- D. In making its decision, the Design and Review Board may approve, approve with modifications or supplementary conditions, or deny the application.
- E. If the Design and Review Board fails to act within 60 days from the date of the initial meeting regarding the COA application, or an extended period as may be agreed upon by the Design and Review Board and applicant, then the application shall be considered denied.
- F. If a zoning certificate is required for the subject work, the applicant may proceed with applying for the zoning certificate following approval of the COA. Such zoning certificate applications shall comply with the COA approval and any related modifications or special conditions.

**(d) Guidelines**

The Design and Review Board shall utilize the *City of Wooster Design Guidelines for Landmarks and Landmark Districts* when considering construction, expansion, or demolition (partial or complete) of all new or existing buildings and structures subject to COA review.

**(e) Review Criteria**

Decisions on a COA application shall be based on consideration of the following criteria:

- (1) The proposed development is in compliance with all the requirements of this code and other related codes and ordinances enforced by the City;
- (2) The proposed development incorporates any applicable guidelines (See Section [1105.08\(d\)](#)), to the maximum extent feasible;
- (3) The application is appropriate to the preservation of the environmental, architectural, or the historic character of the structure and property pursuant to the design criteria found in Section [1119.06](#) and the City of Wooster Design Guidelines;
- (4) The application is consistent with the spirit and purposes of this code and the "Standards for Rehabilitation" adopted by the U.S. Secretary of the Interior, as found in Title 36 of the Code of Federal Regulations, Part 1208;
- (5) The application is in concert with the Archaeological Guidelines as prepared by the OHPO;
- (6) The proposed development meets all the requirements or conditions of any applicable development approvals (e.g., planned development approvals, conditional use approvals, variance approvals, etc.); and
- (7) That the application, if related to the demolition of a structure, is in accordance with the above criteria as well as the following considerations:

- A. The demolition of the structure will not be detrimental to the character of the area and City and will be an improvement to existing conditions; and
- B. The applicant has adequately documented the existing structure for the purpose of historical records.

**(f) Time Limit**

- (1) The applicant shall 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.
- (2) Upon expiration of a COA, a new application, including all applicable fees, shall be required before a new application will be reviewed.
- (3) Upon written request, one extension of six months may be granted by the Zoning Administrator if the applicant can show good cause for a delay.
- (4) The Design and Review Board may authorize alternative time limits for zoning certificate issuance based on the scale of the proposed development.

**(g) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Design and Review Board shall have the right to appeal the decision to the BZA as established in Section [1105.13](#).

## **1105.09 Designation of Landmarks and Landmark Districts**

**(a) Purpose**

The purpose of this designation procedure is to provide a clear method by which certain sites, buildings, and larger districts are considered for formal designation as a Landmark or Landmark District within the City of Wooster, subject to elevate review to ensure that the sites, buildings, or districts retain their historic significance.

**(b) Landmark and Landmark District Designation Procedure**

The review procedure for the designation of a Landmark or Landmark District shall be as established in this section.

**(1) Step 1 – Nomination**

Any area, property, structure, landscape, site element or object in the City may be nominated for Landmark or Landmark District designation by any of the following with written consent from all property owners specified in the nomination:

- A. The owner of any property included in the nomination;
- B. One or more Design and Review Board members;
- C. One or more City Council members;
- D. The City Administrator; or
- E. An organization or individual with a stated interest.

**(2) Step 2 – Consideration**

In determining whether or not a nomination should be designated a Landmark or Landmark District, the Design and Review Board and City Council shall consider the following criteria:

- A. Its character, interest or value as part of the development, heritage, archeological, or cultural characteristics of the City of Wooster, State of Ohio, or the United States;
- B. Its location as a site of a significant historic event;
- C. Its identification with a person or persons who significantly contributed to the culture and development of the City;
- D. Its exemplification of the cultural, economic, social or historic heritage of the City;
- E. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
- F. Its embodiment of a distinguishing characteristic of an architectural type or specimen;
- G. Its identification as the work of an architect or master builder whose individual work has influenced the development of the City;
- H. Its embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation;
- I. Its relationship to other distinctive areas which are eligible for preservation according to a plan based on a historic, cultural or architectural motif;
- J. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community or the City; and
- K. Such other individual characteristics as shall be relevant to its designation as a Landmark or Landmark District.

**(3) Step 3 – Design and Review Board Review and Recommendation**

- A. Within 60 days after the application is determined to be complete, the Design and Review Board shall hold a public hearing on the nomination to designate a Landmark or Landmark District.
- B. Notification of the public hearing shall be provided in accordance with Section [1105.02\(h\)](#).
- C. Within 60 days of the close of the public hearing, the Design and Review Board shall make a recommendation to City Council on the nomination. In making its recommendation, the Design and Review Board may recommend approval, approval with some modification, or denial of the application. If the Design and Review Board fails to make a recommendation within the established timeframe, the application will move forward to Section [1105.09\(b\)\(4\)](#) with a recommendation of denial.

**(4) Step 4 – City Council Review and Decision**

- A. Within 45 days after the Design and Review Board makes a recommendation (Step 3), the application shall be placed on City Council's agenda and City Council shall set a time for a public hearing on the proposed designation of a Landmark or Landmark District.

- B. Notification of the public hearing shall be provided in accordance with Section [1105.02\(h\)](#).
- C. At the conclusion of the public hearing, City Council shall make a decision to approve the recommendation of the Design and Review Board, approve the recommendation of the Design and Review Board with modifications, or deny the recommendation of the Design and Review Board.
- D. A majority vote of the full membership of City Council shall be necessary for the adoption of a Landmark or Landmark District.
- E. If the recommendation for a nominated Landmark or Landmark District is not adopted by City Council within 120 days after the most recent recommendation from the Design and Board, such proposed recommendation shall be deemed to have been defeated and denied.

## **1105.10 Equivalency Provision Review**

### **(a) Purpose**

The equivalency provision review is a procedure that allows applicants to propose unique design options as an alternative to a development standard established in this code provided it meets or exceeds the intent of the design-related provisions of this code. It is not a variance, waiver, or weakening of regulations; rather, this procedure permits a site-specific plan that is equal to or better than the strict application of a design standard specified in this code. An equivalency provision review approval shall apply only to the specific site for which it is requested and does not establish a precedent for assured approval of other requests.

### **(b) Applicability**

The equivalency provision review procedure shall be available only for the following sections of this code:

- (1) Section [1117.03: Exterior Lighting](#);
- (2) [Chapter 1119: Architectural and Historic Preservation Standards](#);
- (3) [Chapter 1123: Landscaping and Buffering](#);
- (4) [Chapter 1125: Parking, Access, and Mobility](#); and
- (5) Any design standards or guidelines that apply to a Landmark or Landmark District.

### **(c) Review Board**

- (1) Any equivalency provision review application related to a design standard or guideline that applies to a Landmark or Landmark District shall be reviewed by the Design Review Board.
- (2) All other equivalency provision review applications shall be reviewed by the Planning Commission.

### **(d) Review Timing**

A request for equivalency provision review shall be made concurrently with a zoning certificate, development plan, or a COA application, whichever is applicable.

### **(e) Equivalency Provision Review Procedure**

The review procedure for any equivalency provision review application shall be as follows:

**(1) Step 1 – Application**

The applicant shall submit an application in accordance with Section [1105.02](#), and with the provisions of this section.

**(2) Step 2 – Staff Review and Transmission to the Planning Commission or Design Review Board**

- A. Upon determination that an equivalency provision review application is complete, the Zoning Administrator shall distribute the application to all appropriate City departments and professional consultants for review and comment. Any comments or expert opinions shall be returned to the Zoning Administrator for transmission to the Planning Commission or Design Review Board, as applicable.
- B. The Zoning Administrator shall distribute the application and any reports prepared as part of Subsection [1105.10\(e\)\(2\)A](#), prior to the Planning Commission or Design Review Board's meeting, as applicable, where the application is to be reviewed.

**(3) Step 3 – Board Review and Decision**

- A. Within 60 days after the application is determined to be complete, the Planning Commission or Design Review Board, as applicable, shall review the equivalency review application.
- B. In reviewing the application, the Planning Commission or Design and Review Board, as applicable, shall at a minimum, consider the reports and opinions transmitted by the Zoning Administrator and the review criteria of this section.
- C. Notification of the public hearing shall be provided in accordance with Section [1105.02\(h\)](#).
- D. The Planning Commission or Design Review Board, as applicable, shall make a decision on the application. In making its decision, the Planning Commission or Design Review Board, as applicable, may approve, approve with modifications or supplementary conditions, or deny the application.
- E. If the Planning Commission or Design and Review Board, as applicable, fails to act within 60 days from the date of the initial meeting regarding the equivalency provision review application, or an extended period as may be agreed upon by the Planning Commission or Design and Review Board, as applicable, and the applicant, then the application shall be considered denied.
- F. If approved, any zoning certificate, development plan, COA, or other related applications shall demonstrate compliance with the equivalency provision review approval.

**(f) Review Criteria**

Decisions on an equivalency provision review application shall be based on consideration of the following criteria:

- (1) That the proposed alternative achieves the intent of the subject design or development standard to the same or better degree than the subject standard;
- (2) That the proposed alternative achieves the goals and policies of the comprehensive plan to the same or better degree than the subject standard;
- (3) That the proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject standard; and

- (4) That the proposed alternative imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this code.

**(g) Conditions**

The Planning Commission or the Design and Review Board, as applicable, may impose conditions on an approval for an equivalency provision review provided such conditions are related to ensuring the performance of the equivalency provision review to meet or exceed the subject standard. Such conditions may include required timeframes, amendments or revisions to the proposal, or the ability to revoke an approval for an equivalency provision review.

**(h) Decisions**

Any decision on an equivalency provision review application shall not be binding on the City related to future applications requesting an alternative to any of the applicable standards. Each case shall be review and decided upon based on the individual circumstances.

**(i) Time Limit**

- (1) An approval of an equivalency provision review application shall expire if the zoning certificate or certificate of appropriateness, as applicable, expires.
- (2) Upon expiration of an equivalency provision review approval, a new application, including all applicable fees, shall be required before a new application will be reviewed.

**(j) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission or the Design and Review Board, as applicable, shall have the right to appeal the decision to the BZA as established in Section [1105.13](#).

## **1105.11 Variances**

**(a) Purpose**

The purpose of a variance is to provide limited relief from the requirements of this code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this code. It is not intended that a variance be granted merely to remove inconveniences or financial burdens that the requirements of this code may impose of property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

**(b) Variance Review Procedure**

The review procedure for a variance shall be as established in this section. A pre-application meeting (See Section [1105.02\(e\)](#).) is encouraged, but not mandatory, prior to submission of the application.

**(1) Step 1 – Application**

The applicant shall submit an application in accordance with Section [1105.02](#), and with the provisions of this section.

**(2) Step 2 – Staff Review and Transmission to the Planning Commission**

- A.** Upon determination that a variance application is complete, the Zoning Administrator shall distribute the application to all appropriate City departments and professional consultants for review and comment. Any comments or expert opinions shall be returned to the Zoning Administrator for transmission to the BZA.
- B.** The Zoning Administrator shall distribute the application and any reports prepared as part of Subsection [1105.11\(b\)\(2\)A](#), prior to the BZA's meeting, as applicable, where the application is to be reviewed.

**(3) Step 3 – BZA Review and Decision**

- A.** Within 60 days after the application is determined to be complete, BZA shall hold a public hearing on the variance application.
- B.** The BZA shall review the variance application during a public hearing.
- C.** Notification of the public hearing shall be provided in accordance with Section [1105.02\(h\)](#).
- D.** In reviewing the application, the BZA shall at a minimum, consider the reports and opinions transmitted by the Zoning Administrator and the review criteria of this section.
- E.** The BZA may request that the applicant supply additional information that the Board deems necessary to review and evaluate the request for a variance.
- F.** In making its decision, the BZA may approve, approve with modifications or supplementary conditions, or deny the application.
- G.** In making its decision, the BZA shall make specific findings of fact based directly on the particular evidence presented that the reasons set forth in the application and as presented by the applicant during the public hearing, justify the approval, approval with modifications or supplementary conditions, or denial of the variance application that will make possible a reasonable use of the land, building, or structure.
- H.** If the BZA fails to act within 60 days from the date of the initial public hearing, or an extended period as may be agreed upon by the BZA and applicant, then the application shall be considered denied.
- I.** The decision of the BZA shall become effective immediately.
- J.** In approving a variance, the BZA may impose conditions on the approval, the proposed use, and the premises to be developed or used pursuant to such approval as it determines are required to be ensure compliance with the standards of this section and the purpose of this code. Any conditions established by the BZA shall relate directly to the requested variance.
- K.** Any violation of the conditions of approval shall be a violation of this code, subject to the enforcement and penalties of [Chapter 1133: Enforcement and Penalties](#).



**(c) Review Criteria**

**(1) Area or Dimensional Variance**

Where an applicant is seeking an area or dimensional variance, the following factors shall be considered and weighed by the BZA to determine if a practical difficulty exists that would justify approval of the variance. However, no single factor listed below may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

- A.** Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity; narrowness, shallowness or steepness of the lot; or proximity to non-conforming and inharmonious uses, structures or conditions;
- B.** Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- C.** Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
- D.** Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- E.** Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
- F.** Whether special conditions or circumstances exist as a result of actions of the owner, not including purchase or acquisition of the property;
- G.** Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- H.** Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance;
- I.** Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district; and
- J.** Whether a literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code.

**(2) Use Variance**

In order to grant a use variance, the BZA shall determine that strict compliance with the terms of this code will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:

- A.** The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;
- B.** The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- C.** The hardship condition is not created by actions of the applicant (actions of the applicant shall not include the purchase or acquisition of the property);

- D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- E. If there is an existing building on the lot, that such building, due to its design, cannot be reasonably reused for a permitted use in the district;
- F. The granting of the variance will not adversely affect the public health, safety or general welfare;
- G. The variance will be consistent with the general spirit and intent of this code; and
- H. The variance sought is the minimum that will afford relief to the applicant.

**(d) Time Limit**

- (1) The applicant 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.
- (2) Upon expiration of a variance approval, a new application, including all applicable fees, shall be required before a new variance will be reviewed.

**(e) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the BZA shall have the right to appeal the decision the court of common pleas as provided in ORC Chapters 2505 and 2506.

## **1105.12 Zoning Certificate**

**(a) Purpose**

A zoning certificate shall be required in accordance with the provisions of this section in order to ensure that proposed development and uses comply with the standards of this code, and to otherwise protect the public health, safety, and general welfare of the citizens of the City of Wooster.

**(b) Terminology**

For the purposes of this code, the zoning certificate review shall be an administrative review that may be applied to permits or certificates of other names (e.g., sign permits, temporary use permits, etc.) if so stated in this code. In such cases, the procedure of Section [1105.12\(d\)](#), below, shall still apply, including the applicability of administrative waiver requests.

**(c) Applicability**

- (1) No building or other structure shall be erected, moved, structurally altered, or added to, in whole or in part, nor shall any building, structure, or land be used or changed in use without a zoning certificate issued by the Zoning Administrator. A change in tenancy or ownership of a residential dwelling unit shall be exempt from the zoning certificate requirement unless such change in tenancy changes the classification of the use.
- (2) A zoning certificate may be required for the establishment of certain temporary or accessory use as established in [Chapter 1113: Accessory and Temporary Use Regulations](#).

- (3) A zoning certificate shall be required for any changes to any site element, vehicular use area, patio, or other improvements to land as may be established under the applicability sections of individual sections or chapters in this code.
- (4) The establishment of a use of vacant land shall require the issuance of a zoning certificate.
- (5) Unless otherwise specifically exempted in [Chapter 1127: Signage](#), signs shall require a zoning certificate.
- (6) Zoning certificates shall be issued only in conformity with the provisions of this code unless the application is subject to an approval by the BZA or Planning Commission providing for additional standards, conditions, or modifications, in which case, the zoning certificate shall be issued in conformity with the provisions of those approvals, as applicable.
- (7) Failure to obtain a zoning certificate shall be a violation of this code subject to the provisions of [Chapter 1133: Enforcement and Penalties](#).
- (8) After completion of work allowed under an approved zoning certificate, the applicant shall also be required to obtain a certificate of zoning compliance demonstrating that all work was completed under the provision of the approvals and this code.

**(d) Zoning Certificate Review Procedure**

The review procedure for a zoning certificate shall be as follows:

**(1) Step 1 – Application**

The applicant shall submit an application in accordance with Section [1105.02](#), and with the provisions of this section.

**(2) Step 2 – Zoning Administrator Review and Decision on a Zoning Certificate**

- A. The Zoning Administrator may distribute the application to other staff members and other City departments to solicit comment on the zoning certificate application.
- B. Within 30 days after the application is determined to be complete, the Zoning Administrator shall make a decision on the zoning certificate application. In making its decision, the Zoning Administrator may approve or deny the application. The Zoning Administrator may also approve with modifications or supplementary conditions necessary to ensure the proposed activity will be in full compliance with this code. If the application is for a sign permit in the C-4 District, requiring a COA approval, this timeline shall be extended to 75 days to allow for such review.
- C. Prior to making a decision, the Zoning Administrator shall have the authority to provide comments to the applicant regarding necessary revisions to bring the application into full compliance.
- D. If the Zoning Administrator fails to act within 30 days, or 75 days if applicable, from the date the application is determined to be complete, or an extended period as may be agreed upon by the Zoning Administrator and applicant, then the application shall be considered denied.
- E. Where revisions are necessary for approval, the application shall not be deemed formally approved until the applicant makes all of the appropriate changes and submits all necessary revised forms, maps, and documents to the Zoning Administrator.

**F.** When the Zoning Administrator denies an application, the Zoning Administrator shall inform the applicant of the reason for the denial, including the regulation(s) which would be violated by the proposed use or development.

**G. Public Improvements Required**

If the installation of public improvements is required, the following requirements shall apply regardless if the development is part of a subdivision application or not:

- i. A zoning certificate shall not be issued until an agreement is provided to the City to construct the required improvements.
- ii. The applicant shall be required to provide a financial guarantee (See Section [1129.04\(g\)](#).) in the amount of the estimated cost of the required public improvements as determined by the City Engineer.
- iii. The agreement and the financial guarantee shall provide for completion of all work within a time specified to be determined by the City Engineer or before occupancy is allowed in any structure, whichever shall occur first.
- iv. The approval of the site design plan or the installation of public improvements as required by this code shall not obligate the City to accept improvements for maintenance, repair or operation. Acceptance shall be subject to local or state regulations where applicable, concerning the acceptance of each type of improvement.

**H.** Upon issuance of a zoning certificate, the applicant may proceed with the approved work.

**(3) Step 3 – Zoning Administrator Review and Decision on a Certificate of Zoning Compliance**

- A.** Upon completion of the work, change in occupancy, or other development approved under a zoning certificate, the applicant shall submit a request for a certificate of zoning compliance.
- B.** The Zoning Administrator shall confirm that all changes or work was completed in accordance with the zoning certificate and make a decision to approve the certificate of zoning compliance or require additional changes to bring the work into compliance with the approved zoning certificate.
- C.** No building or use may be occupied until a certificate of zoning compliance has been approved by the Zoning Administrator.

**(e) Review Criteria for a Zoning Certificate**

In order to approve any zoning certificate, the Zoning Administrator shall determine the following:

- (1)** The application complies with all applicable provisions of this code and the applicable zoning district; and
- (2)** The application complies with all approved plans, conditions, or other development approvals issued pursuant to the rules of this code (e.g., variances, administrative waivers, conditional uses, equivalency provision reviews, Design and Review Board decision on sign permits in the C-4 District, etc.).

**(f) Administrative Waiver Requests**

**(1) Applicability**

- A. The Zoning Administrator may grant administrative waivers for any area or dimensional regulation that does not exceed 10 percent of the applicable minimum or maximum regulation. Area and dimensional regulations include, but are not limited to, minimum front, side, and rear yard setbacks; maximum height of structures; maximum sign height; maximum sign area, etc.
- B. An administrative waiver for a minimum lot area or lot width requirement is prohibited.
- C. The applicant shall be required to apply for a variance for any waiver request that exceeds 10 percent or other variations from the code that do not qualify for administrative waivers.

**(2) Administrative Waiver Review Procedure and Decision**

- A. Administrative waivers shall be reviewed as part of the zoning certificate review procedure.
- B. In making a decision on the administrative waiver, the Zoning Administrator shall approve or deny the application.
- C. In approving an administrative waiver, the Zoning Administrator may impose conditions on the approval, the proposed use, and the premises to be developed or used pursuant to such approval as he or she determines are required to ensure compliance with the standards of this section and the purpose of this code. Any conditions established by the Zoning Administrator shall relate directly to the requested administrative waiver.

**(3) Review Criteria for Administrative Waivers**

Decisions on an administrative waiver shall be based on consideration of the following criteria:

- A. The waiver will allow the proposed development to reflect the predominant development character of surrounding similar uses and properties (e.g., similar setbacks, similar sign areas, etc.).
- B. Special circumstances exist that make the precise compliance with the subject standards impractical or unreasonable;
- C. The waiver request is minor in nature;
- D. The waiver request does not substantially alter characteristics found in the development character of the surrounding properties; and
- E. The waiver request does not deviate from the overall purpose of this code or the intent and objective of the original regulation.

**(g) Time Limits**

- (1) The applicant shall obtain an approved building permit, where required, and have initiated work within six months of the approval of a zoning certificate or the approval shall be revoked. The initiation of work shall be when the ground has been broken, construction on site improvements has begun, or construction of structures has begun.

- (2) All work authorized by a zoning certificate shall have been completed and the certificate of zoning compliance issued within two years of the approval of a zoning certificate.
- (3) Time limits for permitted temporary uses and structures shall be as authorized in Section [1113.02](#). An approval of a zoning certificate for a temporary use shall include the approved start and end dates for the proposed temporary use.
- (4) If construction activities for which a zoning certificate has been issued is abandoned or suspended for a period of six months after the time of commencing the work, the zoning certificate approval shall be revoked. Abandonment shall be defined as the lack of building activity or progress towards achieving the scope of work defined in the zoning certificate.
- (5) Upon written request, up to two extensions of six months may be granted by the Zoning Administrator if the applicant can show good cause for a delay.
- (6) The Zoning Administrator shall notify the application of the revocation of a zoning certificate including notice that further work as described in the canceled permit shall not proceed unless and until a new zoning certificate has been obtained or extension granted.
- (7) Upon revocation of a zoning certificate approval, a new application, including all applicable fees, shall be required before a new zoning certificate application will be reviewed.
- (8) The above time limits shall not apply if alternative time limits that have been approved by the Zoning Administrator, Planning Commission, Design and Review Board, or BZA, in accordance with the applicable review procedure.

**(h) Revoking a Zoning Certificate**

A zoning certificate shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and certificate granted thereon or the decision to approve the zoning certificate was based on false or misleading information provided by the applicant. In the event of the revocation of a certificate, an appeal may be taken to the BZA in accordance with Section [1105.13](#), of this code.

**(i) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Zoning Administrator shall have the right to appeal the decision to the BZA as established in Section [1105.13](#).

## **1105.13 Appeals**

**(a) Purpose**

This section sets out the procedures to follow when a person claims to have been aggrieved or affected by an administrative decision made in the administration or enforcement of this code.

**(b) Applicability**

- (1) An appeal may be made regarding any administrative decision made in the administration and enforcement of this code including administrative decisions by the Planning Commission, Design and Review Board, Zoning Administrator, City Engineer, or any other administrative staff given the authority to make a decision as authorized by this code.

- (2) An appeal may not be made to the BZA when the Planning Commission is making a recommendation to City Council as part of a legislative action such as a code text or map amendment.

**(c) Initiation**

Appeals shall be initiated by the person aggrieved or affected by any order, decision, determination, or interpretation made by the authority having jurisdiction who is charged with the administration or enforcement of this code.

**(d) Appeals Review Procedure**

The review procedure for appeals shall be as follows:

**(1) Step 1 – Submission of Appeal**

Within 20 days of the administrative order, decision, determination, or interpretation, the person appealing the decision or their authorized agent shall submit all required information in accordance Section [1105.02](#).

**(2) Step 2 – Forwarding of the Record to the BZA**

Upon receiving the written appeal of an administrative decision or determination, the Zoning Administrator or other staff member responsible for maintaining the related records, shall transmit the written appeal with all papers, documents, and other materials related to the appealed decision or determination to the BZA. This material shall constitute the record of the appeal.

**(3) Step 3 – BZA Review and Decision**

- A. The BZA shall hold a public hearing within 45 days of the filing of the appeal provided adequate notification is provided pursuant to Section [1105.02\(h\)](#).
- B. To aid in their review, the BZA may transmit the application to appropriate administrative departments and professional consultants for review and comment. Any reports, comments or expert opinions shall be compiled by the Zoning Administrator and transmitted to the BZA prior to the time of the BZA's hearing related to the appeal.
- C. Any person affected by the appeal may appear at the public hearing and testify in person, or by attorney or agent.
- D. Within 30 days of the close of the public hearing, the BZA shall render a decision on the appeal. The Zoning Administrator shall notify the appellant in writing of the decision of the BZA. An extended timeframe may be authorized if agreed upon by the BZA and applicant.
- E. The decision of the BZA shall become effective immediately.

**(e) Review Criteria**

A decision or determination shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the decision or determination fails to comply with either the procedural or substantive requirements of this code.



**(f) Stay**

A properly submitted appeal shall stay all administrative proceedings by the City in furtherance of the action appealed, unless the Zoning Administrator certifies to the BZA that a stay would cause imminent peril to life or property, in which case the administrative proceedings shall not be stayed unless a restraining order is granted by the BZA or by a court of competent jurisdiction, for good cause shown.

**(g) Appeals of BZA Decisions**

Any person or entity claiming to be injured or aggrieved by any final action of the BZA shall have the right to appeal the decision the court of common pleas as provided in ORC Chapters 2505 and 2506.

**1105.14 Interpretation of the Code**

It is the intent of this code that all questions of interpretation related to the administration and enforcement of this code shall be first presented to the Zoning Administrator, and that such questions shall be presented to the BZA only on appeal from the decision of the Zoning Administrator. Such appeals shall be in accordance with Section [1105.13: Appeals](#).

# Chapter 1107: Zoning Districts

## 1107.01 Establishment of Zoning Districts

### (a) Districts Established

In order to carry out the purpose of this code, the City is hereby divided into the zoning districts established in [Table 1107-1](#), all of which are designated on the Official Zoning Map by boundaries, symbols, and abbreviations.

| TABLE 1107-1: ZONING DISTRICTS         |   |
|--|---|
| Abbreviation                           | District Name                               |
| <b>Residential Zoning Districts</b>    |   |
| R-1                                    | Suburban Single-Family Residential District |
| R-2                                    | Single-Family Residential District          |
| R-T                                    | Traditional Residential District            |
| R-3                                    | Attached Residential District               |
| R-4                                    | Multi-Family Residential District           |
| R-5                                    | Manufactured Home Park District             |
| <b>Nonresidential Zoning Districts</b> |   |
| C-1                                    | Office/Institutional District               |
| C-2                                    | Community Commercial District               |
| C-3                                    | General Commercial District                 |
| C-4                                    | Central Business District                   |
| I-1                                    | Office/Limited Industrial District          |
| I-2                                    | General Industrial District                 |
| I-3                                    | Urban Industrial District                   |
| <b>Special Zoning Districts</b>        |   |
| AG                                     | Agricultural District                       |
| CF                                     | Community Facilities District               |
| PD                                     | Planned Development District                |

**(b) References to Previous Zoning Districts**

Some of the district classification and names established within this code differ from previous versions of this code. In instances where there may be references to the previous zoning district nomenclature, [Table 1107-2](#) identifies how each of the previous district classifications were renamed for this code. This section shall only be used for comparison purposes.

| <b>TABLE 1107-2: DISTRICT TRANSITION TABLE</b>                                      |   |  |  |
|---|---|--|--|
| <b>Zoning Districts in the Planning and Zoning Code Effective Prior to &lt;&gt;</b> |   | <b>Zoning Districts in the Planning and Zoning Code Effective After &lt;&gt;</b> |  |
| <b>Abbrev.</b>  | <b>District Name</b>                            | <b>Abbrev.</b>   | <b>District Name</b>                           |
| <b>Residential Zoning Districts</b>   |   |  |  |
| R-1   | Suburban Single-Family Residential District     | R-1  | Suburban Single-Family Residential District    |
| R-2   | Single-Family Residential District              | R-2  | Single-Family Residential District             |
| R-T   | Traditional Residential District                | R-T  | Traditional Residential District               |
| R-3   | Attached Single-Family/Townhouse District       | R-3  | Attached Residential District                  |
| R-4   | Multi-Family Residential District               | R-4  | Multi-Family Residential District              |
| R-5   | Manufactured Home Park District                 | R-5  | Manufactured Home Park District (Discontinued) |
| <b>Nonresidential Zoning Districts</b>  |   |  |  |
| C-1   | Office/Institutional District                   | C-1  | Office/Institutional District                  |
| C-2   | Neighborhood Commercial District                | C-2  | Community Commercial District                  |
| C-3   | Community Commercial District                   |  |  |
| C-4   | Central Business District                       | C-4  | Central Business District                      |
| C-5   | General Commercial District                     | C-3  | General Commercial District                    |
| CPRO  | Campus, Professional, Research, Office District | District Eliminated  |  |
| M-1   | Office/Limited Manufacturing District           | I-1  | Office/Limited Industrial District             |
| M-2   | General Manufacturing District                  | I-2  | General Industrial District                    |
| M-4   | Open Space/Heavy Manufacturing District         |  |  |
| M-3   | Urban Manufacturing District                    | I-3  | Urban Industrial District                      |
| <b>Special Zoning Districts</b>   |   |  |  |
| AG  | Agricultural District                           | AG   | Agricultural District                          |
| CF  | Community Facilities District                   | CF   | Community Facilities District                  |
| PDOD  | Planned Development Overlay District            | PD   | Planned Development District                   |

**1107.02 Official Zoning Map and District Boundaries**

- (a)** The boundaries of the zoning districts are shown upon the map designated as the Official Zoning Map. The Official Zoning Map and all of the notations, references, and other information shown thereon, are established as a part of this code and have the same force and effect as if the Official Zoning Map and all the notations, references, and other information shown thereon were all fully set forth or described herein, the original of which is properly attested to and is on file with the Zoning Administrator.
- (b)** No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this code.

- (c) In the event that the Official Zoning Map becomes damaged, destroyed, or lost, City Council may, by ordinance, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map.

### **1107.03 Interpretation of Zoning District Boundaries**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following rules shall apply:

- (a) Where the designation of a boundary line on the zoning map coincides with the location of a street or alley, the centerline of such street or alley shall be construed to be the boundary of such district.
- (b) Where the district boundaries do not coincide with the location of streets or alleys, but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.
- (c) Where the district boundaries do not coincide with the location of streets, alleys, or lot lines, the district boundaries shall be determined by the use of the scale shown on the Official Zoning Map described in [Section 1107.02](#).
- (d) All streets, alleys, public ways, waterways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zoning district as the property immediately abutting upon such streets, alleys, public ways, waterways, and railroad rights-of-way.
- (e) Where the centerline of a street, alley, public way, waterway, or railroad right-of-way serves as a zoning district boundary, the zoning district of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to the centerline.
- (f) Whenever any street, alley, or other public way is vacated by official action as provided by law, the zoning district adjoining each side of such public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended.
- (g) All uncertainties and disputes concerning the exact location of zoning district boundaries shall be resolved by the BZA according to the rules and regulations that it may adopt.

### **1107.04 Annexation**

- (a) Unless otherwise stated in the conditions of annexation, territory annexed to or otherwise becoming a part of the City shall be zoned by City Council upon recommendation of the Planning Commission as per [Section 9](#). The Planning Commission shall recommend a zoning classification to City Council prior to the time City Council accepts an annexation.
- (b) The Clerk of Council shall notify the Planning Commission immediately upon receiving a certified transcript of the proceedings for an annexation from the Board of County Commissioners.
- (c) If City Council does not simultaneously accept an annexation and designate a zoning district, the territory annexed shall become an R-1 Suburban Single-Family Residential District until otherwise classified.

## **1107.05 District-Specific Purpose Statements and Regulations**

### **(a) General Requirements**

The following subsection establishes the purpose statement for each of the base zoning districts as well as any district specific requirements.

- (1) The purpose statement and district-specific standards for Planned Development (PD) Districts are located in [Chapter 1111: Planned Developments](#).
- (2) In addition to all standards established within this chapter, development within the zoning districts shall also be subject to any other applicable standards of this code including, but not limited to, site development standards, architectural standards, open space requirements, landscaping, parking, signs, etc.

### **(b) Single-Family Residential Zoning Districts (R-1, R-2, and R-T)**

The single-family residential zoning districts are established in order to achieve, among other things, the following purposes:

- (1) To regulate the bulk and location of dwellings, accessory buildings and other structures to obtain proper privacy and useable open spaces on each lot appropriate for the various districts;
- (2) To regulate the density and distribution of population to avoid congestion and the overburdening of existing and proposed community facilities and public services;
- (3) To foster a variety of residential living unit types while protecting the character of the City;
- (4) To provide for proper location of dwellings in relationship to multi-family, commercial and industrial uses so as to increase the general convenience, safety and amenities within the community and to protect residents from nuisances;
- (5) To provide for limited small-scale community facilities when such uses are designed and located to be compatible with the residential neighborhood;
- (6) To provide proper spacing between buildings to ensure adequate access for fire and other emergency vehicles and equipment;
- (7) To protect the desirable characteristics and promote the stability of existing residential development;
- (8) To promote the most desirable and beneficial use of the land in accordance with the objectives of the City of Wooster's Comprehensive Plan; and
- (9) To carry out the following specific district purposes:
  - A. The R-1 Suburban Single-Family Residential District is established to encourage the creation and preservation of low-density single-family residential neighborhoods and to limit the establishment of nonresidential uses to those that are compatible with the intended low-density neighborhood character. The stipulated density is intended to provide for areas of suburban character in the community. Suburban areas are typically located at the outer periphery of the city and are characterized by curvilinear streets, cul-de-sacs, and attached garages.
  - B. The R-2 Single-Family Residential District is established to promote, preserve and protect medium-low density predominantly single-family neighborhoods in the City. Two-family dwellings are restricted to locations where they are designed and located in a manner that is compatible with the existing or proposed residential neighborhood.

- C. The R-T Traditional Residential District is established to preserve and protect neighborhoods with traditional urban character. Traditional residential areas are the oldest, close-to-downtown residential areas in the City. Small, dense lots were generally developed before 1940 in a regular grid street pattern, with houses constructed with detached garages. As set forth in the Wooster Comprehensive Plan, traditional residential development will encourage historic preservation and construction/reconstruction that is similar in nature to the established pattern and character of development with a focus on single-family development and conversions of multi-family dwellings back to the original single-family uses.

**(c) Multi-Family Residential Zoning Districts (R-3 and R-4)**

The multi-family residential zoning districts regulations are established in order to achieve, among other things, the following purposes:

- (1) To regulate the bulk and location of dwellings to obtain proper privacy and useable open spaces appropriate for the various districts;
- (2) To regulate the density and distribution of population to avoid congestion and the overburdening of existing and proposed community facilities and public services;
- (3) To preserve the character of differing neighborhoods by providing different districts with different densities and development standards;
- (4) To enable the development of attached single-family and multi-family dwellings in appropriate locations and with a minimum project size to ensure the creation of sustainable higher density neighborhoods;
- (5) To promote the most desirable and beneficial use of the land in accordance with the objectives of the City of Wooster's Comprehensive Plan; and
- (6) To carry out the following specific purposes:
  - A. The R-3 Attached Residential District is established to provide, preserve and protect medium density residential areas for small-scale attached dwellings arranged to provide good building site design and effective open space in areas adequately served by City sewer, water and streets.
  - B. The R-4 Multi-Family Residential District is established to provide, preserve and protect locations for high density apartment development in areas with appropriate levels of service.

**(d) Manufactured Home Park District (R-5)**

**(1) Purpose**

The Manufactured Home Park District and its regulations are established in order to achieve the following purposes:

- A. To provide for orderly growth and development in the City of Wooster;
- B. To preserve the character of differing neighborhoods by providing for the location of mobile homes and manufactured homes in manufactured home communities;
- C. To regulate the bulk and location of dwellings to maintain privacy, safety and open spaces for each unit appropriate for the district; and
- D. To provide certainty to property owners, developers and neighbors about the limits of what is allowed in a manufactured home park zoning district.

**(2) Discontinued District**

The R-5 District is a discontinued district and is maintained in this code to minimize the creation of nonconformities. Applications for amendments to the zoning map to create additional R-5 Districts shall be prohibited after the effective date of this code, or amendment thereto.

**(3) R-5 District Standards**

While new R-5 Districts may not be established after the effective date of this code, existing manufactured home parks may continue without being subject to the nonconformity standards of [Chapter 1131: Nonconformities](#) provided the existing uses comply with the following standards:

- A.** All manufactured homes, mobile homes, or accessory buildings shall be set back a minimum of 50 feet from any lot or right-of-way line bounding the manufactured home community. See Section [1115.01](#) for permitted obstructions within required setbacks.
- B.** The existing number of lots within any manufactured home park may be maintained unless a reduction is required by Wayne County or State of Ohio officials for the purposes of health and safety.
- C.** Existing manufactured homes or mobile homes may be replaced with new homes provided such homes comply with any applicable standard of this section. Such replacement shall require a zoning certificate approval.
- D.** Streets may be maintained but new streets or drives, other than driveways accessing individual lots, may not be created within a manufactured home park.
- E.** Existing permitted commercial, office, and recreational accessory uses may be maintained provided the uses and buildings are designed and located to protect the character of the district and surrounding residential uses. Such facilities shall be screened and landscaped so as to be compatible with adjoining manufactured home lots.
- F.** A minimum of 15 percent of the total number of required parking spaces for any manufactured home park shall be maintained for guest parking.
- G.** All existing open spaces and recreational areas shall be maintained for such uses as long as the manufactured home park continues to operate.
- H.** All individual home lots/pads shall continue to maintain a minimum area of 3,600 square feet and a minimum width of 35 feet. Such width shall be increased to 50 feet for any individual home lots that are classified as corner lots.
- I.** There shall be a minimum clearance of 20 feet between individual manufactured or mobile homes.
- J.** All principal buildings shall have a maximum height of 35 feet. Any accessory structure shall be subject to the standards of Section [1113.01](#).
- K.** All manufactured and mobile homes shall meet or exceed federal and state manufactured and mobile home codes, including OAC Ch-3701-27 inclusive, Ohio Sanitary Code, and any amendments or changes thereof.
- L.** All mobile homes within the park shall be served by the City water supply system and City sanitary sewer system. These utilities shall conform to all City, County, and State Health Department requirements.



- M.** Each manufactured or mobile home shall be securely skirted, entirely enclosing the bottom section at the time of occupancy. The skirting shall be of an impervious material and consistent with the characteristics of the manufactured home.
- N.** The outer boundaries of the manufactured home park shall contain a buffer zone planted and maintained by the park operator. The buffer zone shall be composed of a green strip, not less than 10 feet in width, planted and maintained with a continuous, evergreen hedge of densely planted evergreen trees and shrubs not less than six feet in height, located along all park boundaries, including the boundaries abutting a public right-of-way. This densely planted buffer zone shall completely obscure the manufactured home parking community within two years of its planting.
- O.** All uses and operations, except off-street parking, shall be performed wholly within enclosed buildings, unless specifically permitted otherwise.

**(e) Commercial Zoning Districts (C-1, C-2, C-3, and C-4)**

The commercial zoning district regulations are established in order to achieve, among other things, the following purposes:

- (1)** To provide in appropriate and convenient locations of sufficient size for the exchange of goods and services;
- (2)** To protect residential neighborhoods adjacent to business uses by regulating the types of establishments, particularly at the common boundaries, that would create congestion, noise or other objectionable influences;
- (3)** To promote the most desirable and beneficial use of the land in accordance with the objectives of the City of Wooster's Comprehensive Plan; and
- (4)** To carry out the following specific purposes:
  - A.** The C-1 Office/Institutional District is established to create an environment conducive to well-located and designed office building sites and to accommodate primarily office uses. This district may also provide a land use buffer zone to some residential districts, thus providing protection from more intense business uses or major thoroughfares.
  - B.** The C-2 Community Commercial District is established to create a district that permits a wide variety of retail and service establishments with development standards that ensure that development is compatible with adjacent land uses that create a more pedestrian-oriented environment.
  - C.** The C-3 General Commercial District is established to accommodate a broad range of commercial services and activities in locations adequately served by major streets and other facilities and to provide a wide range of goods and services to a large consumer population from the larger regional area.
  - D.** The C-4 Central Business District is established to provide a central business district that preserves, maintains and promotes Downtown Wooster as a core area for retail sales and to promote and enhance the existing historic, compact pedestrian orientation of the downtown by permitting buildings to be close to the street and to one another.

**(f) Industrial Zoning Districts (I-1, I-2, and I-3)**

The industrial zoning districts are established in order to achieve, among other things, the following purposes:

- (1) To promote the most desirable and beneficial use of the land and structures in accordance with the objectives of the City of Wooster Comprehensive Plan;
- (2) To provide appropriate and convenient districts of sufficient size to carry on research, manufacturing processes, and distribution activities to serve the community, thereby promoting employment and strengthening the economy of the community;
- (3) To improve the manufacturing environment by discouraging unrelated and incompatible uses in such areas, thereby making land more readily available for industry;
- (4) To protect adjacent residential districts by restricting types of manufacturing uses nearby to only those which will not create objectionable influences beyond their district boundaries and will be properly buffered and screened;
- (5) To protect manufacturing and related development against congestion by requiring setbacks and limiting the bulk and density of development in relation to adjacent buildings and available land and by requiring sufficient off-street parking and loading facilities; and
- (6) To carry out the following specific purposes:
  - A. The I-1 Office/Limited Industrial District is established to provide for office and industrial uses in areas suitable for such development by reason of location, topography, soil conditions and the availability of adequate utilities and transportation systems. The intent is to permit office and other uses such as limited light industrial and warehouse activities that are office-like in physical appearance, service requirements, and operational characteristics; uses that can be carried on wholly within enclosed buildings and subject to those regulations necessary to reduce congestion and for the protection of adjacent residential and business activities. This district also permits accessory retail and service uses to serve as support services for the adjacent office/industrial uses. The uses allowed are those that because of their normally unobjectionable characteristics can be operated in relatively close proximity to residential districts.
  - B. The purpose of the I-2 General Industrial District is to provide for industrial and other uses that by virtue of their external effects, noise, glare, fumes, smoke, dust, odors, truck and/or rail traffic, should be isolated from residential and commercial uses. These uses perform essential functions for the City, including employment, and should be provided for in areas that are best suited for industrial development by reason of location, utilities and transportation systems.
  - C. The purpose of the I-3 Urban Industrial District is to provide for the continuation and reasonable expansion of existing industries located in proximity to downtown, and to enable the establishment of new industries within the existing industrial area which can locate in the area in compliance with performance and development standards, in ways that are compatible with the existing urban nature of the downtown area.

**(g) Agricultural District (AG)**

The purpose of this district is to protect active farmland from development, to provide areas for recreation and conservation purposes, to furnish areas for public and semi-public uses, to protect watersheds, to guide growth and development of the community, and to hold land from development of more intensive land uses until such time as adequate public facilities and services can be provided.

**(h) Community Facilities District (CF)****(1) Purpose**

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

- A.** Provides for the proper location and development of community facilities;
- B.** Ensures that such community facilities are compatible with surrounding single-family neighborhoods by requiring development plan review and conditional use approval, as necessary, for proposed development;
- C.** Provides for the appropriate location of governmental, civic, educational, recreational, and other institutional uses throughout the city which may be utilized to provide a transition between zoning districts; and
- D.** Ensures that institutional uses comply with these objectives by establishing review requirements to ensure that all phases of a development are consistent with the regulations of this Planning and Zoning Code.

**(2) CF District Standards**

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

- A.** Buildings, structures and landscaping should be designed and located on the site and be of a scale and massing to:
  - i. Enhance and protect the character of the surrounding area, especially adjoining residential areas; and
  - ii. Minimize any adverse influences.
- B.** Adequate screening, buffering, and landscaping shall be provided to limit the view of the proposed use, reduce the noise between incompatible land uses, and ease the transition from one zoning district to another.
- C.** Natural features, especially mature trees, shall be preserved and supplemented with landscaping to buffer and screen adjacent residential districts. The Planning Commission shall consider the setbacks, building mass and type when determining the extent of landscaping required.
- D.** When the proposed use abuts or is across the street from a residential zoning district boundary, a buffer yard shall be required in accordance with [Chapter 1123: Landscaping and Buffering](#).
- E.** Delivery areas and loading zones shall not face a public street and shall comply with the screening requirements found in [Section 1123.07](#).

- F.** All power plants, storage or maintenance buildings, which are visible from a public street, shall have a buffer yard of 20 feet. This buffer yard shall contain one major tree for every 30 lineal feet of frontage or as appropriate to provide a tree canopy over the landscaped area. In addition, four-foot-high shrubs are required per 30 lineal feet of frontage. Ground cover plants must fully cover the remainder of the landscaped area.
  - G.** To provide connectivity, sidewalks shall be provided from facilities, which are meant for use by the general public like parks and playgrounds, to the sidewalks in the public rights-of-way.
  - H.** All outdoor lighting shall be subject to the requirements of Section [1117.03](#).
  - I.** Overnight parking and/or the outdoor storage of commercial motor vehicles, fleet vehicles, commercial motor vehicles, or buses shall be prohibited.
  - J. Design of Vehicular Use Areas**

    - i. Ambulance and emergency areas shall not abut a single-family residential district. If an ambulance or emergency area is visible from a public street, it shall have a buffer yard of 20 feet. This buffer yard shall include screening per the requirements found in [Chapter 1123: Landscaping and Buffering](#).
    - ii. The layout of parking areas, service areas, entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the character of residential areas adjacent to the development.
    - iii. Access from public streets to parking areas, service areas, and pedestrian walkways within the development shall be designed to minimize traffic hazards or congestion.
    - iv. Pedestrian connections from the community facilities development to adjacent parcels should minimize adverse intrusions into residential neighborhoods.
- (i) Planned Development District (PD)**
- The purpose, procedures, and regulations for planned developments is located in [Chapter 1111: Planned Developments](#).

# Chapter 1109: Principal Use Regulations

## 1109.01 Purpose and General Provisions

The purpose of this chapter is to establish the list of principal uses permitted within each of the established zoning districts as well as identify any use-specific standards that apply to the principal uses separate from any standard that applies to development within the applicable zoning district.

## 1109.02 Explanation of the Table of Permitted Uses

This section provides an explanation of all the symbols and information contained within [Table 1109-1](#), which identifies where and how uses are principally permitted within the City of Wooster, Ohio.

### (a) Permitted Uses

- (1) A “P” in a cell indicates that a use type is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable standards of this code.
- (2) Permitted uses are approved administratively by the Zoning Administrator through the zoning certificate procedure unless subject to a development plan review (See [Section 1105.07](#).) or additional reviews (e.g., certificate of appropriateness, variance, etc.).
- (3) Any use-specific standards established for the applicable use in the last column of [Table 1109-1](#) shall not apply to “P” permitted uses.

### (b) Permitted Uses with Standards

- (1) A “PS” in a cell indicates that a use type is allowed by-right in the respective zoning district if it meets the additional standards as identified in the last column of [Table 1109-1](#). Permitted uses with standards are subject to all other standards of this code.
- (2) Uses permitted with standards are approved administratively by the Zoning Administrator through the zoning certificate procedure unless subject to a development plan review (See [Section 1105.07](#).) or additional reviews (e.g., certificate of appropriateness, variance, etc.).

### (c) Conditional Uses

- (1) A “C” in a cell indicates that a use may be permitted if approved by the Planning Commission through the conditional use review procedure (See [Section 1105.04](#)). Conditional uses may be subject to use-specific standards as identified in the last column of [Table 1109-1](#). Conditional uses are subject to all other applicable standards of this code.
- (2) The existence or lack of additional use-specific standards in this code shall not be implied to be the only standards the use is required to meet. Any conditional use listed in the table shall be subject to the general review standards for all conditional uses established in [Section 1105.04\(e\)](#).

### (d) Prohibited Uses

- (1) A “X” in a cell or a blank cell indicates that a use is prohibited in the respective zoning district.

- (2) Any use not specifically listed as permitted, permitted with standards, or permitted as a conditional use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this code and/or the zoning map as provided in Section [1105.03](#), or upon a finding by the Zoning Administrator that a use is substantially similar to a specified permitted, permitted with standards, or permitted as a conditional use, as provided for in Section [1109.02\(f\)](#), below.

**(e) 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 for uses that are permitted with standards or require a conditional use approval, unless otherwise expressly stated.

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

- (1) 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 chapter. In making the decision, the Zoning Administrator may consider the scale and operational activities of the proposed use or activity to determine its classification. For example, a small-scale retail oriented dry cleaning or laundry service may be classified as a “service commercial use”, whereas, a large-scale or wholesale dry-cleaning or laundry operation, with no direct public service, may be classified as “manufacturing and production (indoors).”
- (2) The Zoning Administrator may determine that a proposed use is substantially similar to a use that is permitted, permitted with standards, a conditional use, or a prohibited use established in [Table 1109-1](#) based on the proposed use activities, character of the business, similarity to existing uses within the City, or information on the use as may be available from third-party land use resources such as documentation from the American Planning Association, Urban Land Institute, or similar organizations. If the Zoning Administrator finds that the proposed use is substantially similar to a use established in [Table 1109-1](#), the application shall be processed in the same manner as the similar use.
- (3) In finding that a proposed use is similar to a use established in [Table 1109-1](#), the Zoning Administrator shall make a note of the similar use in the approved application form.
- (4) If the Zoning Administrator makes the determination that a use is prohibited, the application shall be processed and considered denied.
- (5) If the applicant disagrees with the Zoning Administrator’s determination regarding the proposed use, the applicant may choose to take one of the following actions:
- A. The applicant may appeal the determination of the Zoning Administrator to the BZA pursuant to Section [1105.13: Appeals](#); or
  - B. The applicant may present their case to the Planning Commission and/or City Council to request that the City initiate a text amendment to address the proposed use and any applicable standards.

| TABLE 1109-1: PERMITTED PRINCIPAL USES                         |   |                               |     |     |     |     |     |                     |     |     |     |                |     |    |        |                               |
|--|---|-------------------------------|-----|-----|-----|-----|-----|---------------------|-----|-----|-----|----------------|-----|----|--------|-------------------------------|
| P = Permitted  |   | PS = Permitted with Standards |     |     |     |     |     | C = Conditional Use |     |     |     | X = Prohibited |     |    |        |                               |
| Use Type   | R-1                                       | R-2                           | R-1 | R-3 | R-4 | R-5 | C-1 | C-2                 | C-3 | C-4 | I-1 | I-2            | I-3 | AG | CF [1] | Use-Specific Standards        |
| <b>Agricultural Uses</b>                                       |   |                               |     |     |     |     |     |                     |     |     |     |                |     |    |        |                               |
| Agriculture (Raising of Crops)                                 | P   | P                             | P   | P   | P   | P   | P   | P                   | P   | P   | P   | P              | P   | P  | P      |                               |
| Agriculture (Livestock)  | X   | X                             | X   | X   | X   | X   | X   | X                   | X   | X   | X   | X              | X   | PS | X      | <a href="#">1109.03(b)(1)</a> |
| Community Gardens  | PS  | PS                            | PS  | PS  | PS  | PS  | PS  | PS                  | PS  | PS  | PS  | PS             | PS  | PS | PS     | <a href="#">1109.03(b)(2)</a> |
| Greenhouses and Nurseries                                      | X   | X                             | X   | X   | X   | X   | X   | X                   | X   | X   | P   | P              | X   | C  | X      |                               |
| <b>Residential Uses</b>  |   |                               |     |     |     |     |     |                     |     |     |     |                |     |    |        |                               |
| Cluster Residential Development                                | PS  | PS                            | X   | X   | X   | X   | X   | X                   | X   | X   | X   | X              | X   | X  | X      | <a href="#">1109.03(c)(1)</a> |
| Convent, Monastery, or Other Housing for Places of Worship     | X   | X                             | X   | X   | X   | X   | X   | X                   | X   | X   | X   | X              | X   | X  | C      |                               |
| Dormitories  | X   | X                             | X   | X   | X   | X   | X   | X                   | X   | X   | X   | X              | X   | X  | C      |                               |
| Dwellings, Multi-Family  | X   | X                             | X   | X   | P   | X   | X   | C                   | C   | C   | X   | X              | X   | X  | X      | <a href="#">1109.03(c)(2)</a> |
| Dwellings, Single-Family Attached                              | X   | X                             | C   | P   | P   | X   | X   | X                   | X   | C   | X   | X              | X   | X  | X      | <a href="#">1109.03(c)(3)</a> |
| Dwellings, Single-Family Detached                              | P   | P                             | P   | X   | X   | X   | X   | X                   | X   | X   | X   | X              | X   | X  | X      |                               |
| Dwellings, Two-Family  | X   | C                             | X   | P   | P   | X   | X   | X                   | X   | X   | X   | X              | X   | X  | X      | <a href="#">1109.03(c)(4)</a> |
| Dwellings, Two-Family Conversion from a Single-Family Dwelling | X   | X                             | X   | PS  | PS  | X   | X   | X                   | X   | X   | X   | X              | X   | X  | X      | <a href="#">1109.03(c)(5)</a> |
| Fraternities and Sororities                                    | X   | X                             | X   | X   | X   | X   | X   | X                   | X   | X   | X   | X              | X   | X  | C      |                               |
| Group Homes or Residential Facilities                          | See Section <a href="#">1109.03(c)(6)</a> |                               |     |     |     |     |     |                     |     |     | X   | X              | X   | X  | X      | <a href="#">1109.03(c)(6)</a> |
| Manufactured Home  | X   | X                             | X   | X   | X   | P   | X   | X                   | X   | X   | X   | X              | X   | X  | X      |                               |
| Mobile Home  | X   | X                             | X   | X   | X   | P   | X   | X                   | X   | X   | X   | X              | X   | X  | X      |                               |
| Skilled Nursing or Personal Care Facilities                    | X   | X                             | X   | C   | C   | X   | C   | C                   | PS  | X   | X   | X              | X   | X  | C      | <a href="#">1109.03(c)(7)</a> |
| Transitional Housing   | X   | X                             | X   | C   | C   | X   | X   | X                   | C   | X   | X   | X              | X   | X  | X      | <a href="#">1109.03(c)(8)</a> |
| <b>Commercial and Offices Uses</b>                             |   |                               |     |     |     |     |     |                     |     |     |     |                |     |    |        |                               |
| Adult Uses   | X   | X                             | X   | X   | X   | X   | X   | X                   | X   | X   | X   | C              | X   | X  | X      | <a href="#">1109.03(d)(1)</a> |
| Agriculture/Farm Supplies and Sales                            | X   | X                             | X   | X   | X   | X   | X   | X                   | X   | X   | X   | P              | X   | X  | X      |                               |



| TABLE 1109-1: PERMITTED PRINCIPAL USES                    |               |     |     |                               |     |     |     |                     |     |     |     |                |     |    |        |                                |
|---|---------------|-----|-----|-------------------------------|-----|-----|-----|---------------------|-----|-----|-----|----------------|-----|----|--------|--------------------------------|
|   | P = Permitted |     |     | PS = Permitted with Standards |     |     |     | C = Conditional Use |     |     |     | X = Prohibited |     |    |        |                                |
| Use Type  | R-1           | R-2 | R-T | R-3                           | R-4 | R-5 | C-1 | C-2                 | C-3 | C-4 | I-1 | I-2            | I-3 | AG | CF [1] | Use-Specific Standards         |
| Animal Day Care/Animal Grooming                           | X             | X   | X   | X                             | X   | X   | X   | P                   | P   | P   | X   | X              | X   | X  | X      |                                |
| Assembly Halls, Membership Clubs, and Conference Centers  | X             | X   | X   | X                             | X   | X   | C   | PS                  | PS  | C   | X   | X              | X   | X  | X      | <a href="#">1109.03(d)(2)</a>  |
| Automated Teller Machine (Stand-Alone)                    | X             | X   | X   | X                             | X   | X   | X   | C                   | C   | X   | X   | X              | X   | X  | X      | <a href="#">1109.03(d)(3)</a>  |
| Automotive Fuel Sales                                     | X             | X   | X   | X                             | X   | X   | X   | C                   | P   | C   | C   | P              | X   | X  | X      | <a href="#">1109.03(d)(4)</a>  |
| Automotive Repair (Heavy)                                 | X             | X   | X   | X                             | X   | X   | X   | X                   | C   | X   | PS  | PS             | PS  | X  | X      | <a href="#">1109.03(d)(5)</a>  |
| Automotive Sales and Leasing                              | X             | X   | X   | X                             | X   | X   | X   | X                   | C   | X   | X   | C              | X   | X  | X      | <a href="#">1109.03(d)(6)</a>  |
| Automotive Service Station and Parts Sales                | X             | X   | X   | X                             | X   | X   | X   | C                   | PS  | C   | PS  | PS             | PS  | X  | X      | <a href="#">1109.03(d)(4)</a>  |
| Bars and Taverns  | X             | X   | X   | X                             | X   | X   | X   | P                   | P   | P   | C   | X              | C   | X  | X      |                                |
| Bed and Breakfast Establishments                          | X             | C   | C   | X                             | X   | X   | C   | C                   | X   | C   | X   | X              | X   | X  | X      | <a href="#">1109.03(d)(7)</a>  |
| Business and Professional Offices                         | X             | X   | X   | X                             | X   | X   | P   | P                   | P   | P   | P   | X              | P   | X  | X      |                                |
| Business Service Establishments                           | X             | X   | X   | X                             | X   | X   | C   | P                   | P   | P   | P   | P              | P   | X  | X      |                                |
| Campgrounds   | X             | X   | X   | X                             | X   | X   | X   | X                   | X   | X   | X   | C              | X   | X  | X      |                                |
| Financial Institutions                                    | X             | X   | X   | X                             | X   | X   | C   | P                   | P   | P   | X   | X              | X   | X  | X      | <a href="#">1109.03(d)(8)</a>  |
| Funeral Homes and Mortuaries                              | X             | X   | X   | X                             | X   | X   | P   | P                   | P   | P   | X   | X              | X   | X  | X      |                                |
| Hotels or Motels  | X             | X   | X   | X                             | X   | X   | X   | P                   | P   | P   | X   | X              | X   | X  | X      |                                |
| Kennels/Animal Boarding                                   | X             | X   | X   | X                             | X   | X   | X   | X                   | PS  | X   | C   | C              | X   | C  | X      | <a href="#">1109.03(d)(9)</a>  |
| Live/Work Units   | X             | X   | X   | X                             | X   | X   | C   | PS                  | PS  | PS  | X   | X              | X   | X  | X      | <a href="#">1109.03(d)(10)</a> |
| Medical or Dental Clinics/Offices and 24-Hour Urgent Care | X             | X   | X   | X                             | X   | X   | P   | P                   | P   | P   | X   | X              | X   | X  | X      |                                |
| Medical Marijuana Dispensaries                            | X             | X   | X   | X                             | X   | X   | X   | X                   | C   | X   | X   | X              | X   | X  | X      |                                |
| Microbrewery, Microdistillery, or Microwinery             | X             | X   | X   | X                             | X   | X   | X   | X                   | P   | P   | X   | X              | X   | X  | X      |                                |
| Mixed Use Building (with Residential Uses)                | X             | X   | X   | X                             | X   | X   | X   | P                   | P   | P   | X   | X              | X   | X  | X      |                                |

| TABLE 1109-1: PERMITTED PRINCIPAL USES  |   |     |     |     |     |     |     |     |     |     |     |     |     |    |        |                                |
|---|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|--------|--------------------------------|
| Use Type  | P = Permitted      PS = Permitted with Standards      C = Conditional Use      X = Prohibited |     |     |     |     |     |     |     |     |     |     |     |     |    |        |                                |
|   | R-1   | R-2 | R-T | R-3 | R-4 | R-5 | C-1 | C-2 | C-3 | C-4 | I-1 | I-2 | I-3 | AG | CF [1] | Use-Specific Standards         |
| Mobile Home, Commercial Truck, and Recreational Vehicle Sales, Leasing, Service, or Storage | X   | X   | X   | X   | X   | X   | X   | X   | X   | X   | X   | C   | X   | X  | X      |                                |
| Parking Garages   | X   | X   | X   | X   | X   | X   | X   | X   | X   | C   | X   | X   | X   | X  | C      | <a href="#">1109.03(d)(11)</a> |
| Parking Lots (Principal Use)  | X   | X   | X   | X   | X   | X   | C   | C   | X   | C   | X   | C   | X   | X  | C      | <a href="#">1109.03(d)(11)</a> |
| Personal Service Establishments   | X   | X   | X   | X   | X   | X   | C   | P   | P   | P   | X   | X   | X   | X  | X      |                                |
| Recreation Facilities   | X   | X   | X   | X   | X   | X   | X   | X   | C   | X   | C   | C   | X   | X  | C      | <a href="#">1109.03(d)(12)</a> |
| Restaurants   | X   | X   | X   | X   | X   | X   | X   | P   | P   | P   | X   | X   | X   | X  | X      |                                |
| Retail Commercial Uses  | X   | X   | X   | X   | X   | X   | X   | PS  | P   | P   | X   | X   | X   | X  | X      | <a href="#">1109.03(d)(13)</a> |
| Service Commercial Uses   | X   | X   | X   | X   | X   | X   | C   | P   | P   | P   | X   | X   | X   | X  | X      |                                |
| Theaters  | X   | X   | X   | X   | X   | X   | X   | X   | PS  | C   | X   | X   | X   | X  | C      | <a href="#">1109.03(d)(12)</a> |
| Vehicle Washing Establishment   | X   | X   | X   | X   | X   | X   | X   | X   | PS  | X   | C   | X   | X   | X  | X      |                                |
| Veterinarian Offices/Animal Hospital  | X   | X   | X   | X   | X   | X   | X   | X   | P   | X   | P   | P   | X   | C  | C      |                                |
| Industrial Uses   |   |     |     |     |     |     |     |     |     |     |     |     |     |    |        |                                |
| Bulk Storage of Liquids or Grain  | X   | X   | X   | X   | X   | X   | X   | X   | X   | X   | X   | P   | X   | X  | X      |                                |
| Contractor Offices  | X   | X   | X   | X   | X   | X   | X   | X   | X   | X   | P   | P   | P   | X  | X      |                                |
| Crematorium   | X   | X   | X   | X   | X   | X   | X   | X   | X   | X   | X   | PS  | X   | X  | X      | <a href="#">1109.03(e)(1)</a>  |
| Data Center   | X   | X   | X   | X   | X   | X   | X   | X   | X   | X   | P   | P   | X   | X  | X      | <a href="#">1109.03(e)(2)</a>  |
| Machinery and Heavy Equipment Sales, Leasing, and Storage                                   | X   | X   | X   | X   | X   | X   | X   | X   | X   | X   | X   | C   | X   | X  | X      |                                |
| Manufacturing and Production (Heavy or Outdoors)  | X   | X   | X   | X   | X   | X   | X   | X   | X   | X   | X   | C   | X   | X  | X      |                                |
| Manufacturing and Production (Indoors)  | X   | X   | X   | X   | X   | X   | X   | X   | X   | X   | P   | P   | P   | X  | X      |                                |
| Medical Marijuana Testing and Processing  | X   | X   | X   | X   | X   | X   | X   | X   | X   | X   | C   | P   | X   | X  | X      |                                |
| Outdoor Storage and Bulk Sales  | X   | X   | X   | X   | X   | X   | X   | X   | X   | X   | X   | C   | X   | X  | X      | <a href="#">1109.03(e)(2)</a>  |
| Printing and Publishing   | X   | X   | X   | X   | X   | X   | X   | X   | X   | X   | P   | P   | P   | X  | X      |                                |

| TABLE 1109-1: PERMITTED PRINCIPAL USES                   |   |     |     |     |     |     |                               |     |     |     |                     |     |     |    |                |                               |
|--|---|-----|-----|-----|-----|-----|-------------------------------|-----|-----|-----|---------------------|-----|-----|----|----------------|-------------------------------|
|  | P = Permitted                                   |     |     |     |     |     | PS = Permitted with Standards |     |     |     | C = Conditional Use |     |     |    | X = Prohibited |                               |
| Use Type   | R-1   | R-2 | R-T | R-3 | R-4 | R-5 | C-1                           | C-2 | C-3 | C-4 | I-1                 | I-2 | I-3 | AG | CF [1]         | Use-Specific Standards        |
| Radio and Television Stations                            | X   | X   | X   | X   | X   | X   | X                             | X   | X   | X   | X                   | P   | X   | X  | X              |                               |
| Recycling Collection/Processing Facilities               | X   | X   | X   | X   | X   | X   | X                             | X   | X   | X   | X                   | C   | X   | X  | X              | <a href="#">1109.03(e)(3)</a> |
| Research and Development Facilities                      | X   | X   | X   | X   | X   | X   | X                             | X   | X   | X   | P                   | P   | P   | X  | X              |                               |
| Self-Storage Facilities                                  | X   | X   | X   | X   | X   | X   | X                             | X   | X   | X   | C                   | C   | X   | X  | X              | <a href="#">1109.03(e)(4)</a> |
| Soil and Mineral Extraction Activities                   | X   | X   | X   | X   | X   | X   | X                             | X   | X   | X   | X                   | C   | X   | X  | X              | <a href="#">1109.03(e)(5)</a> |
| Warehouses   | X   | X   | X   | X   | X   | X   | X                             | X   | X   | X   | P                   | P   | P   | X  | X              |                               |
| Wholesale Sales and Distribution Centers (Indoors)       | X   | X   | X   | X   | X   | X   | X                             | X   | X   | X   | P                   | P   | P   | X  | X              |                               |
| Wholesale Sales and Distribution Centers (Outdoors)      | X   | X   | X   | X   | X   | X   | X                             | X   | X   | X   | X                   | P   | X   | X  | X              |                               |
| Public and Institutional Uses                            |   |     |     |     |     |     |                               |     |     |     |                     |     |     |    |                |                               |
| Active Recreational Uses                                 | C   | C   | C   | P   | P   | P   | P                             | P   | P   | C   | P                   | P   | P   | C  | C              | <a href="#">1109.03(f)(1)</a> |
| Cemeteries   | C   | X   | X   | X   | X   | X   | X                             | X   | X   | X   | X                   | X   | X   | C  | PS             | <a href="#">1109.03(f)(2)</a> |
| Colleges and Higher Educational Institutions             | X   | X   | X   | X   | X   | X   | C                             | C   | C   | C   | PS                  | X   | PS  | X  | C              | <a href="#">1109.03(f)(3)</a> |
| Community Recreation Facility                            | C   | C   | X   | C   | C   | X   | X                             | X   | X   | X   | X                   | X   | X   | X  | X              | <a href="#">1109.03(f)(4)</a> |
| Cultural Facilities and Structures                       | C   | C   | C   | C   | C   | X   | C                             | PS  | PS  | C   | X                   | X   | X   | C  | PS             | <a href="#">1109.03(f)(5)</a> |
| Educational Institutions (K-12)                          | C   | C   | C   | C   | C   | X   | C                             | P   | P   | P   | X                   | X   | X   | C  | C              | <a href="#">1109.03(f)(6)</a> |
| Essential Services                                       | Exempt per Section <a href="#">1101.05(b)</a> . |     |     |     |     |     |                               |     |     |     |                     |     |     |    |                |                               |
| Government Facilities                                    | C   | C   | C   | C   | C   | C   | C                             | C   | P   | C   | P                   | P   | P   | C  | P              | <a href="#">1109.03(f)(7)</a> |
| Government Offices                                       | C   | C   | C   | C   | C   | C   | P                             | P   | P   | P   | P                   | P   | P   | C  | P              | <a href="#">1109.03(f)(7)</a> |
| Hospitals  | X   | X   | X   | X   | X   | X   | X                             | C   | C   | X   | C                   | X   | X   | X  | C              | <a href="#">1109.03(f)(8)</a> |
| Nursery Schools or Day Care Centers (Children or Adults) | C   | C   | C   | C   | C   | C   | C                             | P   | P   | C   | X                   | X   | X   | X  | C              |                               |
| Passive Parks, Open Space, and Natural Areas             | P   | P   | P   | P   | P   | P   | P                             | P   | P   | P   | P                   | P   | P   | P  | P              |                               |
| Places of Worship  | C   | C   | C   | C   | C   | C   | C                             | PS  | PS  | PS  | PS                  | X   | PS  | C  | PS             | <a href="#">1109.03(f)(5)</a> |

| TABLE 1109-1: PERMITTED PRINCIPAL USES   |  |                               |     |     |     |     |                     |     |     |     |                |     |     |    |        |                               |
|--|--|-------------------------------|-----|-----|-----|-----|---------------------|-----|-----|-----|----------------|-----|-----|----|--------|-------------------------------|
| P = Permitted  |  | PS = Permitted with Standards |     |     |     |     | C = Conditional Use |     |     |     | X = Prohibited |     |     |    |        |                               |
| Use Type   | R-1  | R-2                           | R-T | R-3 | R-4 | R-5 | C-1                 | C-2 | C-3 | C-4 | I-1            | I-2 | I-3 | AG | CF [1] | Use-Specific Standards        |
| Utility Facilities and Buildings   | C  | C                             | C   | C   | C   | C   | C                   | C   | P   | C   | P              | P   | P   | C  | P      | <a href="#">1109.03(f)(7)</a> |
| Wireless Telecommunication Facilities  | See Section <a href="#">1109.03(f)(10)</a> . |                               |     |     |     |     |                     |     |     |     |                |     |     |    |        |                               |
| NOTE:  |  |                               |     |     |     |     |                     |     |     |     |                |     |     |    |        |                               |
| [1] In the CF District, if the proposed site of a use is a minimum of 300 feet from any adjacent residentially zoned lot, a conditionally permitted use shall become a permitted use (P), or where use-specific standards exist, the use shall become permitted with standards (PS). |  |                               |     |     |     |     |                     |     |     |     |                |     |     |    |        |                               |

### **1109.03 Use-Specific Standards**

#### **(a) Purpose and Applicability**

- (1) This section provides site planning, development, and/or operating standards for certain land uses that are permitted with standards or conditionally permitted in [Table 1109-1](#).
- (2) The land uses and activities covered by this section shall comply with the applicable standards for the specific use in all districts unless otherwise specified, in addition to all other applicable provisions of this code including, but not limited to, parking, signs, landscaping, open space, etc.
- (3) Where site development standards for a specific use are not listed, such use shall comply with the site development standards for the applicable zoning district. See [Chapter 1115: Site Development Standards](#).

#### **(b) Agricultural Uses**

##### **(1) Agriculture (Livestock)**

- A. The minimum lot area for the use shall be five acres.
- B. All structures designed to house livestock, either permanently or temporarily, shall be set back a minimum of 200 feet from all lot lines. All other structures related to the agricultural use of the property shall be set back a minimum of 50 feet from all lot lines with the exception of fences or walls.

##### **(2) Community Gardens**

Community gardens are subject to the following standards:

- A. Community gardens are permitted in any yard.
- B. The owner of the property shall have an established set of operating rules addressing the governance structure of the garden; hours of operation; maintenance and security requirements and responsibilities; and distribution of garden plots.
- C. The name and telephone number of the owner and any person designated as the person in-charge of the garden coordination along with a copy of the operating rules shall be kept on file with the Zoning Administrator.
- D. The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent properties.
- E. There shall be no retail sales on site, except for produce grown on the site.
- F. Benches, bike racks, raised/accessible planting beds, picnic tables, garden art, and rain barrel systems are permitted.
- G. The community garden may include one storage shed and one farm market per lot (not per individual garden plot) for the purposes of communal storage and/or communal sales of produce that is grown on-site.
- H. Fences and walls shall be subject to the provisions of Section [1113.01](#).

**(c) Residential Uses**

**(1) Cluster Residential Developments**

**A. Purpose**

Cluster Residential Developments (CRD) are intended to encourage and accommodate creative and imaginative CRDs that provide alternative housing types and the preservation of open space in a unified project. In compliance with the following regulations, it is intended that CRDs will utilize innovations in the technology of land development that are in the best interests of the City. These regulations are designed to achieve, among others, the following objectives:

- i. To promote economical and efficient use of land and reduce infrastructure costs through unified development;
- ii. To permit the flexible spacing of lots and buildings in order to encourage the separation of pedestrian and vehicular circulation; the provision of readily accessible open space and recreation areas; and the creation of functional and interesting residential areas;
- iii. To minimize the impact of new development by reducing curb cuts onto major thoroughfares and collector streets;
- iv. To ensure that CRDs are compatible with surrounding single-family neighborhoods and comply with these objectives by requiring the submission of development plans and establishing a review process to ensure that all developments are consistent with these regulations; and
- v. To be designed and developed to provide alternative housing types and the preservation of open space through the flexible arrangement of buildings in a unified development.

**B. Development Review**

- i. Approval of a CRD shall be required, subject to the development plan review procedure of [Chapter 1105: Review Procedures](#).
- ii. In addition to the general review procedures and review criteria for development plans in Section [1105.07](#), the Planning Commission shall review a proposed CRD to ensure that:
  - a. The proposed buildings and uses are located so as to reduce any substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare;
  - b. Significant buffer zones with adequate landscaping are provided between the proposed development and adjacent residential areas;
  - c. The bulk and height of buildings within the proposed development are compatible with the surrounding development;
  - d. Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development are designed to have access to public streets in a manner that minimizes traffic hazards, or congestion;

- e. The layout of parking areas, service areas, entrances, exits, signs, lighting, noise sources or other potentially adverse influences are designed and located to protect the residential character of areas adjacent to the development and to minimize alteration of the natural site features to be preserved, such as, but not limited to, ravines, stream beds, lakes, significant stands of trees, individual trees of significant size, and rock outcroppings;
  - f. The proposed development will be constructed, arranged and operated so as not to interfere with the development and use of neighboring property, in accordance with the applicable district regulations;
  - g. Irreplaceable, significant natural features located in the project area, such as but not limited to ravines, stream beds, lakes, significant stands of trees, individual trees of significant size and rock outcroppings shall be protected;
  - h. That common open space intended for a recreation or public use will be easily accessible to pedestrians, which accessibility shall meet the needs of persons with disabilities and the elderly; and
  - i. The proposed cluster development will be served adequately by spaces, police and fire protection, drainage structures, refuse disposal, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
- iii. Once a development plan review for a CRD has been approved, the applicant may proceed with the subdivision process.

**C. Minimum Project Area**

The area proposed to be developed as a CRD shall be in one ownership, or if in several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed CRD boundaries. The minimum gross area of a tract of land in a CRD shall be 15 acres in an R-1 District and 10 acres in an R-2 District.

**D. Dwelling Types**

- i. Both single-family detached dwellings on individual lots and cluster single-family detached dwellings are permitted in a CRD. Upon approval of a CRD, the applicant or builder may submit applications for zoning certificates for each individual dwelling.
- ii. Single-family attached dwellings may be permitted in a CRD with a conditional use approval (See Section [1105.04.](#)) and provided that there shall be a maximum of three dwelling units attached in any single structure.

**E. Density Regulations**

- i. The gross density of a CRD shall not exceed:
  - a. 5.0 dwelling units per acre in an R-1 District; and
  - b. 6.0 dwelling units per acre in an R-2 District.
- ii. The maximum number of dwelling units allowed for a particular site shall be calculated by multiplying the maximum gross density allowed by Subsection [1109.03\(c\)\(1\)E.i](#) above, by the total project area minus:



- a. Any public right-of-way within the project boundary existing at the time the development plan is submitted; and
- b. The area of land that is within a floodway, designated wetland or existing water body that exceeds the minimum acreage required for restricted open space as set forth in [Chapter 1121: Open Space Standards](#). Where floodways, wetlands, and/or water bodies overlap, they shall be counted only once.

**F. Open Space Requirements**

In the R-1 and R-2 Districts, a portion of the total project area shall be devoted to restricted open space in compliance with the minimum requirement set forth below in [Chapter 1121: Open Space Standards](#).

**G. Development and Planning Standards**

The following specific development standards shall be adhered to in the design and layout of any CRD.

- i. All buildings, structures and parking areas shall comply with the minimum setbacks set forth in [Table 1109-2](#) below.
- ii. In order to ensure reasonable privacy and separation, individual buildings including terraces, decks and patios shall be separated by the minimum spacing set forth in [Table 1109-2](#). These distances may be reduced when the Planning Commission finds that adequate landscaping and screening is provided to ensure privacy between units.
- iii. The maximum lot coverage of lots in a CRD shall be 45 percent.
- iv. See Section [1115.01](#) for permitted obstructions with required setbacks and related open spaces.

| TABLE 1109-2: MINIMUM SETBACK AND SPACING REQUIREMENTS    |         |         |
|---|---------|---------|
|   | R-1     | R-2     |
| Setback from existing public street right-of-way          | 25 feet | 25 feet |
| Setback from project boundary, other than a public street | 30 feet | 25 feet |
| Setback from interior street                              |         |         |
| Public right-of-way                                       | 25 feet | 20 feet |
| Private street pavement                                   | 20 feet | 20 feet |
| Spacing between buildings                                 |         |         |
| Side to side  | 10 feet | 10 feet |
| Side to rear  | 25 feet | 25 feet |
| Rear to rear  | 40 feet | 40 feet |

- v. Interior streets shall be located a minimum of 20 feet from a CRD boundary, except as necessary to traverse this required setback to provide access to an existing public street right-of-way.

**vi. Lot Requirements**

- a. Dwelling units are not required to be on individual lots. However, when lots for standard detached single-family dwelling units or sublots for single-family cluster or attached dwelling units are included as part of a CRD, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this Section.
  - b. The applicant shall depict on the development plan the maximum parameters, or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building location will be in compliance with the spacing requirements of this Section.
- vii. When attached single-family dwellings are proposed and such uses will be located adjacent to single-family detached dwellings, a buffer area with a minimum width of 20 feet shall be located within the required setbacks from the project boundary specified in [Table 1109-2](#) and shall be landscaped in accordance with [Chapter 1123: Landscaping and Buffering](#).

**H. Street Design and General Circulation**

- i. A street shall be required to be a public, dedicated street when such street:
  - a. Provides access to detached single-family dwellings on subdivided lots;
  - b. Is a major street that connects two existing public streets and which is intended to provide a future continuing street system beyond the project boundaries, or is expected to accommodate pass-through traffic going to and from adjacent developments; or
  - c. Otherwise required by this code to be a public street.
- ii. Streets that are not otherwise required to be public streets pursuant to Subsection [1109.03\(c\)\(1\)H.i](#), above, may be approved as private streets. The Planning Commission may approve private streets when all of the following requirements are met:
  - a. A private street shall not be planned or be expected to extend to serve property outside the CRD and shall be subject to Section [1129.07](#);
  - b. Right-of-ways shall not be required for private streets; however, utility easement(s) may be required along the length of the private street; and
  - c. The design and layout of the private street(s) shall provide adequate and safe access to the intended units, as determined by the Wooster Police and Fire Departments.

- iii. All elements of a private street that are to be provided in a CRD shall be constructed in accordance with the standards set forth for public streets in [Chapter 1125: Parking, Access, and Mobility](#) and [Chapter 1129: Subdivision Design](#). However, when the Planning Commission determines that certain elements of a public street do not or should not specifically apply to a private street due to the circumstances of a particular project or portion of a project, the Planning Commission may waive or permit a modification to the installation of any such element(s) to the extent deemed just and proper provided such relief may be granted without detriment to the public good and is consistent with the purpose of this chapter and the CRD. This provision also applies to waiving the requirement for curbs and storm sewers when the applicant demonstrates to the satisfaction of the City Engineer and the Planning Commission that, based on the topography of the site, open space, density and other environmental considerations, the proposed open natural drainage system will equally satisfy the drainage requirements.
- iv. If a common drive is proposed instead of a public or private street, such common drive shall comply with Section [1129.07\(f\)\(5\)](#).
- v. A pedestrian circulation system shall be included in the CRD. The system shall provide convenient pedestrian access throughout the CRD and from the CRD to other areas of the community. Walkways shall be constructed of concrete or asphalt unless otherwise permitted by the Planning Commission.

**I. Supplemental Requirements**

Additional development requirements formulated to achieve the objectives of this Chapter may be established at the time the CRD development plan is reviewed. Any such development requirements adopted with such plan shall become binding land use requirements for the proposed CRD.

**J. Homeowners Associations**

As part of a CRD, a homeowners' association, community association, condominium association or similar legal entity shall be created in compliance with Section [1121.06](#) so that such association is responsible for the maintenance and control of common areas, including the required open space, open space easements, private streets and common drives.

**K. Phased Development**

If development is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, and other public improvements to serve the development in accordance with the applicable criteria set forth above. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property.

**(2) Dwellings, Multi-Family**

- A. Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance.

- B. Vehicular entrances to the multi-family development shall be minimized and designed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any adjacent residential neighborhood.
- C. Multi-family dwellings in the C-2 District shall meet all requirements of the R-3 District and all other sections of this code applicable to multi-family dwellings.
- D. Multi-family dwellings in the C-3 District shall meet all requirements of the R-4 District and all other sections of this code applicable to multi-family dwellings.
- E. Multi-family dwellings in the C-4 District shall meet all requirements of the C-4 District and all other sections of this code applicable to multi-family dwellings. The maximum density shall be 15 units per acre.

**(3) Dwellings, Single-Family Attached**

- A. In the C-4 District, single-family attached dwellings shall only be considered for conditional use review in the following locations:
  - i. Properties north of North Street or south of South Street;
  - ii. 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 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.

**C. General Requirements**

Unless otherwise specified, the following requirements shall apply to all single-family attached dwellings in the C-4 and R-T Districts.

- i. There shall be no more than six attached units within a single residential structure.
- ii. Proposals for facades and treatment of external materials shall be submitted as a part of development plan approval. The design, scale, and building materials shall be single-family residential in character.
- iii. If the development is located within an established residential neighborhood, the newly constructed units shall be compatible with the surrounding residential properties in terms of height, bulk, building materials, window shape and arrangement, and roof pitch. No more than three dwelling units shall be attached.
- iv. Front setbacks for adjacent units should vary a minimum of 3 feet and a maximum of 8 feet.

- v. The principal orientation of the attached single-family units shall be the public street on which the lot has frontage. There shall be at least one entrance, of each unit, facing the public street, and the principal windows of the attached single-family units shall also face this street.
- vi. Vehicular entrances to the attached single-family development shall be minimized and designed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any adjacent residential neighborhood. If an alley is present, parking should be accessed from the alley and all parking spaces shall be located behind the front building line, provided an exception to these requirements may be granted due to depth of the lot, the location of mature trees, or other similar factors.
- vii. Attached single-family dwelling developments shall comply with the site development standards specified below in [Table 1109-3](#). Setbacks shall be measured from the street right-of-way or project boundary line as indicated in the table.
- viii. The minimum lot area shall be 10,000 square feet with a minimum lot width of 70 feet.

| <b>TABLE 1109-3: SITE DEVELOPMENT STANDARDS FOR SINGLE-FAMILY ATTACHED DWELLINGS</b> |  |
|--|--|
| Maximum building setback from public street right-of-way                             | 12 feet in C-4 Only<br>Not applicable to R-T |
| Minimum building setback from:   |  |
| Project boundary lines abutting an R-1, R-2 or R-T District                          | 20 feet                                      |
| Project boundary line abutting all other districts                                   | 10 feet                                      |
| Minimum parking setback from:  |  |
| Project boundary lines abutting an R-1, R-2 or R-T District                          | 20 feet                                      |
| Project boundary line abutting all other districts                                   | 5 feet                                       |
| Public Street  | Behind front building line                   |
| Minimum building separation  | 15 feet                                      |
| Maximum dwelling units per acre  | 8  |

- ix. A subdivision plat shall be submitted with the conditional use application, where individual attached units are to be constructed on individual lots.
- x. Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance.

#### **(4) Dwellings, Two-Family**

- A. The minimum lot area in the R-2 District shall be 8,700 square feet with a minimum lot width of 70 feet. All parking areas shall be set back a minimum of five feet from the front and rear lot lines. No parking shall be permitted in the front yard unless on a paved driveway.
- B. The following standards shall apply to all new two-family dwellings:
  - i. Units shall only be constructed side-by-side. One dwelling unit on top of another dwelling unit shall be prohibited.

- ii. The principal orientation of each residential unit shall be parallel to the public street it faces or its tangent if the street is curved. If the unit is located on a corner, the residential unit shall be parallel to that street which was designated as the front at the time a zoning certificate was requested.
- iii. The public street elevation of each residential unit shall have at least one street-oriented entrance and contain the principal windows of the unit.
- iv. All parking spaces shall be located behind the front building line. An exception to this requirement may be granted, where necessary due to special characteristics of the site such as lot depth, or due to the location of existing mature trees, such location is impracticable. Shared driveways are permitted, with the recordation of perpetual easements to provide for the use and maintenance of the shared driveway.

**(5) Dwellings, Two-Family Conversion from a Single-Family Dwelling**

An existing single-family dwelling may be converted to a two-family dwelling provided the conversion complies with the following:

- A. A minimum gross floor area in the dwelling before conversion, exclusive of cellar or basement, of 2,000 square feet.
- B. A minimum of 1,000 square feet of gross floor area provided for each dwelling unit after conversion.
- C. Compliance with all lot size, bulk and other regulations imposed by the applicable zoning district for two-family uses.
- D. Units shall only be constructed side-by-side. One dwelling unit on top of another dwelling unit is prohibited.
- E. After conversion, the converted dwelling shall retain the appearance of a single-family dwelling with no major structural alterations to the exterior of the building other than to provide required means of egress from dwelling units. All fire escapes or stairways leading to a second floor shall be completely enclosed within the converted building and shall not be visible from a public street, with the exception of corner lots.
- F. The public street elevation of each residential unit shall have at least one street-oriented entrance and contain the principal windows of the unit.

**(6) Group Homes or Residential Facilities**

- A. Where a person may operate a group home or residential facility, as defined in the ORC, which is of a size that is required to be allowed where single-family dwellings are permitted, such use shall be deemed a permitted use in the R-1, R-2, R-T, R-3, and R-4 districts. Such facilities must comply with the standards of [Chapter 1115: Site Development Standards](#), [Chapter 1119: Architectural and Historic Preservation Standards](#), and any other standards that apply to single-family dwellings in the applicable district.
- B. Where a person may operate a group home or residential facility, as defined in the ORC, that is of a size that is required to be allowed where multi-family dwellings are permitted, such use shall be deemed a conditional use (See Section in [1105.04](#).) in any the R-4 and R-5 districts. Such facilities must comply with the standards of [Chapter 1115: Site Development Standards](#), [Chapter 1119: Architectural and Historic Preservation Standards](#), and any other standards that apply to multi-family dwellings in the applicable district.

**(7) Skilled Nursing or Personal Care Facilities**

- A.** The building shall be set back a minimum of 40 feet from all side and rear lot lines.
- B.** All parking areas shall be set back a minimum of 10 feet from all side and rear lot lines.
- C.** All other site development standards of the applicable zoning district shall apply to the site. See [Chapter 1115: Site Development Standards](#).
- D.** New uses shall be on a lot with primary vehicular access on an arterial or collector street without going through a residential neighborhood to minimize the impact on less intense residential uses.

**(8) Transitional Housing**

- A.** No exterior alteration of the structure shall be made which departs from the residential character of the building. All new structures prepared shall be of compatible residential design with the surrounding neighborhood, to the maximum extent possible.
- B.** The applicant shall demonstrate that adequate qualified supervision will exist in the home on a 24-hour per day basis. All activities, programs and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.
- C.** Parking for visitors and employees shall be located behind the front building line. An exception to this requirement may be granted due to the shallow depth of the parcel, the location of mature trees, or other similar factors.
- D.** In order to prevent the concentration of such facilities, no transitional housing shall be located within 1,000 feet of any other transitional housing or group home. Such distances shall be measured along a straight line from the corner of the building containing one facility to the nearest corner of the building containing the second facility.
- E.** Prior to the issuance of a certificate of zoning compliance, the operator or agency shall provide evidence that a valid license has been issued or is obtainable for this proposed use on the subject property. If licensing is not available, a verified affidavit so stating shall be presented. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the facility's conditional use approval.

**F. Findings by the Planning Commission**

In its review of each proposed facility, the Planning Commission shall make specific findings of fact relative to the following criteria. The proposed facility:

- i.** Is licensed by the appropriate authority to provide such service within the State (and the City). If such licensing is not available, a certified affidavit so stating has been presented to document this statement;
- ii.** Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the surrounding uses so that such use will not change the essential character of the same area;



- iii. Will not be hazardous or disturbing to existing or planned future neighboring uses from the standpoint of noise, lights, congestion or traffic generation which would be incompatible with the neighborhood environment;
- iv. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- v. Will not involve uses, activities and conditions of operation that will be detrimental to any persons, property, or the general welfare; and
- vi. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets.

**(d) Commercial and Office Uses**

**(1) Adult Uses**

**A. Purpose and Intent**

The City of Wooster has determined that permitting adult uses, as defined in this code, in proximity to residential, institutional, and non-adult oriented retail uses would have a detrimental effect on such adjacent uses. It has been demonstrated that adult uses, as defined in this code, have been known to cause undesirable secondary effects on residential and institutional uses, particularly those where children are present, as well as adjacent non-adult retail uses. The provisions of this section do not have the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Further, it is not the intent of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material. Therefore, in order to prevent potential deterioration in Wooster's retail areas; and to avoid potential adverse impacts on residential and institutional uses particularly those where children are present, and thereby protecting the public health, safety and welfare, adult uses, as defined in this code, shall be permitted only in the I-2 District subject to the regulations of this chapter.

**B. Findings**

The City Council has received substantial evidence concerning the adverse secondary effects of adult uses on the community in findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), and on studies in other communities, including, but not limited to, Phoenix, Arizona; Tucson, Arizona; Garden Grove, California; Los Angeles, California; Whittier, California; Indianapolis, Indiana; Oklahoma City, Oklahoma; Amarillo, Texas; Austin, Texas; Beaumont, Texas; Houston, Texas; and Seattle, Washington.

**C. Location of Adult Uses**

- i. An adult use shall not be operated or located on any parcel within 1,000 feet of:
  - a. Places of worship;
  - b. Educational institutions (K-12);
  - c. Active recreational uses;
  - d. Passive parks, open space, and natural areas that are open and accessible to the public;
  - e. Cultural institutions;
  - f. A boundary of any residential zoning district; and
  - g. Another adult use.
- ii. No such adult use shall be located on any parcel or operated within 500 feet of any Landmark or Landmark District.
- iii. No advertisements, displays, or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
- iv. All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
- v. No screens, loudspeakers or sound equipment shall be used for adult motion pictures theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
- vi. For the purposes of this section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult use is conducted, to the nearest property line of the premises of a church or school, or to the nearest boundary of an affected public park, or residential district.
- vii. For the purposes of this section, the distance between any two adult uses shall be measured in a straight line, without regard to intervening structures or objects from the closest exterior wall of the structure in which each adult use is located.
- viii. No person shall establish, operate or cause the establishment or operation of any adult use in violation of the provisions of this section. Nothing in this section shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film or video material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.

- ix. Any adult use lawfully operating on the effective date of this code that is in violation of this section shall be deemed a nonconforming use. An adult use lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of any use or zoning district identified in Section [1109.03\(d\)\(1\)C.i](#), within 1,000 feet, or a landmark or historic district within 500 feet, of the adult use. When a nonconforming adult use of a structure or premises is voluntarily discontinued or abandoned for more than six months, the structure, building, or premises shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located.

**(2) Assembly Halls, Membership Clubs, Conference Centers**

- A. The proposed use shall not generate excessive noise beyond the premises. In order to minimize any effects of the above, the Planning Commission may require additional noise reduction measures to assure that the level of noise is in compliance with Section [1117.01](#), and any other applicable noise regulations.
- B. In order to minimize any effects of the above uses, the Planning Commission may require additional noise reduction measures to assure that the level of noise is no more than the prevailing noise levels of permitted uses in the District. In addition, the Planning Commission may limit the hours/days of operation to ensure that the use is compatible with surrounding land uses.

**(3) Automated Teller Machine (Stand-Alone)**

- A. Such facilities shall be located on an arterial or collector street in an area least disruptive to pedestrian and vehicular traffic.
- B. Any proposed loudspeaker system shall be approved as part of the development plan and shall be located as far from residential dwellings as feasible.
- C. All access drives shall be located as far as practicable from an existing intersection in order to minimize congestion and constricted turning movements.

**(4) Automotive Fuel Sales and Automotive Service Station and Parts Sales**

- A. Gasoline pumps and canopies shall be set back the minimum distance required for a parking area setback in the applicable zoning district. Gasoline pumps shall also be set back a minimum of 50 feet from any adjacent lots used for residential purposes.
- B. Except while being serviced at a fuel pump island, no vehicle shall be parked between the fuel pumps and the front property line.
- C. When an establishment with automotive fuel sales is located on a corner lot, the following shall apply:
  - i. The lot shall have a minimum of 100 feet of lot frontage on each of the two intersecting streets;
  - ii. The location of access drives shall be placed as far as possible from the intersection; and
  - iii. Shall be limited to no more than one access drive or driveway per street frontage.

- D. All hydraulic hoists, oil pits, and all lubricants, greasing, vehicle washing and repair equipment shall be enclosed entirely within a building. No outdoor disassembly or repair of motor vehicles shall be permitted.
  - E. Activities shall be limited to:
    - i. The sale of fuel;
    - ii. The servicing of motor vehicles with minor repair work;
    - iii. Automatic or hand washing of vehicles within an enclosed building;
    - iv. The retail sale of vehicle parts and products relating to minor repair work such as, but not limited to, oil, grease, antifreeze, batteries, windshield wipers, etc.
  - F. Any major repair work, including automobile body repair and painting, work on vehicles over a three-ton weight, automobile glass work, automobile transmission work, automobile engine overhaul and repair, and radiator repair work shall be classified as “automotive repair (heavy)” and shall be subject to Section [1109.03\(d\)\(5\)](#).
  - G. Vehicles being serviced or awaiting same shall be stored for no longer than 14 days on the site if in unenclosed areas.
  - H. Any removal of pumps or tanks shall be undertaken in accordance with safe accepted practices as prescribed by the National Fire Protection Association and filling depressions to the grade level of the lot.
  - I. The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable federal, State, and local requirements.
  - J. No junk, inoperative, or unlicensed vehicle will be permitted to remain outdoors.
- (5) Automotive Repair (Heavy)**
- A. A heavy automotive repair or towing services establishment shall be subject to the same requirements as an automotive service station as established in Section [1109.03\(d\)\(4\)](#).
  - B. There shall be no wrecking or salvaging of parts from vehicles on the site.
  - C. The storage of non-operational and/or disassembled vehicles for longer than a 24-hour period shall be permitted if stored in the rear yard and screened by a solid wall or fence with a minimum height of six feet. No such vehicle shall be stored on-site for more than one month.
  - D. The principal building shall be set back a minimum of 100 feet from any adjacent lot used for residential purposes. Parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 50 feet from any adjacent lot used for residential purposes.
- (6) Automotive Sales and Leasing**
- A. Such facilities shall be located on an arterial or collector street in an area least disruptive to pedestrian and vehicular traffic.
  - B. An automotive service station, leasing department, or other activities customarily incidental to automotive vehicle sales or leasing establishments shall be permitted as accessory to the sale or rental of vehicles provided these activities are conducted in a wholly enclosed building.

- C. Only repair of automobiles customarily associated with automotive sales and leasing establishment shall be permitted and shall be conducted inside a suitable, enclosed building.
- D. All vehicles displayed for sale or leasing shall be parked on a hard surface and shall comply with the minimum parking setbacks for the applicable district as established in Section [1125.03\(b\)](#).
- E. No junk, inoperative, or unlicensed vehicle will be permitted to remain outdoors.

**(7) Bed and Breakfast Establishments**

- A. To the maximum extent feasible, deliveries of food and other items shall be made at the rear of the building.
- B. In the R-2 and R-T Districts, bed and breakfast establishments shall comply with the following:
  - i. The use shall only be permitted in an existing structure that is currently used, or has previously been used, for residential purposes.
  - ii. Such use shall comply with all of the site development standards of the applicable zoning district. See [Chapter 1115: Site Development Standards](#).
  - iii. All bedrooms shall be located in the principal building and there shall be a maximum of three guest bedrooms.
  - iv. Meals shall be provided only to guests or boarders taking lodging in the facility.
  - v. Guestrooms shall not contain cooking facilities.
  - vi. A common lounge area may be provided for guests.
  - vii. The building owner shall reside on the premises.
- C. In all nonresidential districts where the bed and breakfast establishments are permitted, the uses shall comply with the following:
  - i. There shall be a maximum of 12 guest sleeping rooms.
  - ii. Such use shall comply with all of the site development standards of the applicable zoning district. See [Chapter 1115: Site Development Standards](#).

**(8) Financial Institutions**

- A. Exterior lighting shall be compatible with the surrounding neighborhood.
- B. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhood.
- C. Loading areas shall be sited in such a way so as to minimize the impact on any surrounding residentially zoned property.

**(9) Kennels/Animal Boarding**

- A. Care and boarding of animals shall be limited to small animals and may not include cattle, horses, swine, or other similarly sized animals.
- B. All activities other than off-street parking and loading/unloading shall be conducted within a fully enclosed structure except where outdoor runs are permitted.
- C. Outdoor runs are prohibited in the C-3 District.

- D. Outdoor runs shall be set back a minimum of 200 feet from any residential or C-1 zoning district and shall only be permitted in the side or rear yard.
- E. Outdoor run areas shall not exceed 25 percent of the total floor area of the principal use.
- F. Structures shall be designed and maintained in a manner to prevent the development of unsanitary conditions that could result in unpleasant odor or vermin nuisance.
- G. Rooms intended to accommodate animals shall be insulated, or otherwise soundproofed and vented so that animal noises will not be audible at any point on the perimeter of the property.
- H. A solid wood fence or masonry wall with a minimum height of six feet shall be constructed where a kennel or animal board facility is located adjacent to a residential zoning district.

**(10) Live/Work Units**

- A. The majority of the floor area of the unit shall be designated for the nonresidential use.
- B. Any nonresidential use permitted in the applicable zoning district is permitted in the live/work unit.
- C. A minimum of 50 percent of a structure's street front façade, at street level, shall be occupied by nonresidential uses.
- D. The unit must be constructed with a complete dwelling unit but residential occupancy of the unit is not required (i.e., the living space could be used as an extension of the nonresidential use area) but where there will be occupancy, the occupant shall be the owner or employee of the nonresidential use.
- E. Parking shall be prohibited in front of the building unless located on an approved driveway.

**(11) Parking Lots and Garages**

- A. Parking lots and garages shall be subject to the design standards in [Chapter 1125: Parking, Access, and Mobility](#). Parking garages shall also be subject to the standards in this subsection.
- B. Parking lots shall comply with the setback requirements of Section [1125.03\(b\)](#). shall be no closer than 5 feet from the right-of-way in the C-1 and C-4 Districts.
- C. Landscaping and screening of surface parking lots shall meet the requirements of [Chapter 1123: Landscaping and Buffering](#).
- D. Below-grade parking garages are encouraged over above-grade.
- E. Above grade parking garages or decks are subject to the following architectural standards except if they are not visible from a public right-of-way:
  - i. Parking garages shall meet the architectural standards established for the applicable zoning district.
  - ii. Parking garages shall be constructed of materials of similar quality to the principal buildings on the site.
  - iii. The facades of parking garages that face public streets and are not occupied by commercial, office, institutional, public uses, or civic uses shall be articulated through the use of three or more of the following architectural features to make the parking garage appear similar in character to an occupied building:

- a. Windows or window-shaped openings with decorative mesh or similar features as approved by the City;
  - b. Masonry columns;
  - c. Decorative wall insets or projections;
  - d. Awnings;
  - e. Changes in color or texture of materials;
  - f. Approved public art;
  - g. Integrated landscape planters; or
  - h. Other similar features approved by the City.
- iv. Vehicle entries to off-street parking garages shall be integrated into the placement and design of adjacent buildings or oriented away from the primary street frontage. At a minimum, parking garages shall have user vehicles access from locations that minimize conflicts with pedestrian circulation.

**(12) Recreational Facilities (Indoors), Recreational Facilities (Outdoors) and Theaters**

- A. The proposed use shall not generate excessive noise beyond the premises.
- B. In order to minimize any effects of the above, the Planning Commission may require additional noise reduction measures to assure that the level of noise is no more than the prevailing noise levels of permitted uses in the District.
- C. Buildings in which outdoor entertainment is provided shall be located a minimum of 250 feet from an adjacent residential district or be oriented to sufficiently direct sound away from an adjacent residential district.
- D. The Planning Commission may limit the hours of operation to ensure that the proposed use is compatible with the surrounding uses.
- E. In the C-4 District, such establishments shall be located so as to minimize the amount of space located in a retail setting that is inactive during normal business hours. Such facilities are encouraged to have associated retail uses located in the first-floor space nearest the street or sidewalk to contribute to the retail environment of the zoning district.
- F. Theaters that receive more than 50 percent of attendance for the screening of motion pictures are prohibited in the CF District.

**(13) Retail Commercial Uses**

In the C-2 District, the maximum square footage of retail commercial uses in any individual building, regardless of the number of tenants, shall be 50,000 square feet.

**(14) Vehicle Washing Establishment**

- A. Such facilities shall be located on an arterial or collector street in an area least disruptive to pedestrian and vehicular traffic.
- B. Any proposed loudspeaker system shall be approved as part of the conditional use application.
- C. All access drives shall be located as far as practicable from existing intersections in order to minimize congestion and constricted turning movements.
- D. Alleys or driveways abutting residentially zoned parcels shall not be used for the circulation of customer traffic.



**(e) Industrial Uses**

**(1) Crematorium**

Crematoriums shall set back a minimum of 150 feet from any adjacent lot used for residential purposes.

**(2) Outdoor Storage and Bulk Sales**

**A.** Outdoor storage and bulk sales shall comply with the standards of accessory outdoor storage and bulk sales unless otherwise modified by this section. See Section [1113.01\(e\)\(13\)](#).

**B.** Areas devoted to outdoor storage shall be paved with asphalt or concrete and free of dust.

**C. Screening**

i. All aspects of outdoor storage and bulks sales of goods and materials shall be screened in accordance with Section [1123.07](#).

ii. 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 rigid materials.

iii. All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.

**(3) Recycling Collection/Processing Facility**

**A.** The facility shall be sited or constructed so as to minimize the potential impacts such as noise and odor on neighboring properties.

**B.** Buildings shall not have operable windows or doors, other than required fire exits, within 50 feet of any residential zoning district boundary.

**C.** All activities associated with the use shall take place within wholly enclosed buildings, with the exception of accessory off-street parking facilities.

**(4) Self-Storage Facilities**

**A.** The leases for all self-storage units shall include clauses prohibiting the following:

i. The storage of flammable liquids or radioactive, highly combustible, explosive or hazardous materials; and

ii. The use of property for uses other than dead storage.

**B.** There shall be no retail sales on the property with the exception that the owner or their designee may hold an auction on the site up to four times a year for the purpose of selling goods stored in units.

**C.** The Wooster Fire Department shall be provided with 24-hour access to the grounds. A lockbox shall be provided for its use.

**D.** The maximum size of individual storage compartments shall be 500 square feet.

**(5) Soil and Mineral Extraction Activities**

**A.** All aspects of the use shall conform to applicable State and federal regulations.

- B. There shall be a minimum setback of 2,000 feet from the nearest edge of the excavation area or quarry to any residential zoning district boundary existing at the start of operations. All other aspects of operations related to soil or mineral excavation, quarry operations, or concrete mixing shall maintain a minimum setback of 1,000 feet from residential zoning district boundaries.
- C. Truck routes shall be established for movement into and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
- D. Truck parking areas, maneuvering lanes, and access ways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on, and adjacent to, the site and shall be built or treated to prevent the creation of dust and drainage problems.
- E. Processing equipment shall be located at the site in such a way that will minimize adverse noise impact on surrounding dwellings.
- F. Existing natural or manmade barriers at the site shall be provided as protection and screening against noise, dust and visual protection for all operations.
- G. Any area being excavated shall be enclosed by a fence having a minimum height of 7 feet for the entire periphery of the excavated area. Fences shall be adequate to prevent trespass and shall be placed no closer than 50 feet to the top or bottom of any slope.
- H. No sand or gravel shall be removed or stored, or overburden stored within 100 feet of any lot line not owned or controlled by the operator of said business.
- I. All work conducted in connection with such operations shall be done between the hours of 7:30 AM and 9:00 PM.
- J. No rehabilitated slope shall exceed an angle of 45 degrees.
- K. All equipment and structures shall be removed from the mined area when all mining has been completed.

**(f) Public and Institutional Uses**

**(1) Active Recreational Uses**

- A. The Planning Commission may require active recreation areas to be enclosed by a fence having a minimum height of six feet.
- B. The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Planning Commission may require all applicable surface areas to be paved, and impose additional noise reduction measures, including mounding, landscaping and sound barriers, to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the District.
- C. Rifle ranges, skeet shooting ranges, pistol ranges, and other activities involving the discharge of firearms shall not be permitted in accordance with the City of Wooster Codified Ordinances.
- D. Vehicular approaches to the property shall be designed so as not to create an interference with traffic on surrounding public streets or roads.
- E. The Planning Commission may limit the hours of operation to ensure that the proposed use is compatible with the surrounding uses.

- F. In addition to the general requirements for swimming pools in Section [1113.01](#), all swimming pools and their enclosures shall be set back a minimum of 50 feet from the front lot line and 30 feet from all side and rear lot lines.
- G. Golf courses, including tees, fairways, greens, and golf driving ranges shall be designed and landscaped in such a manner as to reasonably prevent a misfired ball from landing out of the golf course. Such uses are prohibited in the R-T District.
- H. In residential zoning districts:
  - i. Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted and shall include such uses as souvenir stands and concession stands. Such facility shall be provided for the convenience of customers attending the recreation facility and no sign advertising the retail use shall be permitted.
  - ii. There shall be a minimum setback of 50 feet between buildings and adjacent lots used for residential purposes.
  - iii. Parking areas shall be set back 20 feet from all lot lines.

**(2) Cemetery**

- A. The minimum lot area shall be five acres with a minimum lot width of 400 feet.
- B. All structures and gravesites shall be set back a minimum of 30 feet from all lot lines.
- C. All parking areas shall be set back a minimum of 10 feet from all lot lines.

**(3) Colleges and Higher Educational Institutions**

- A. Points of ingress and egress to the site shall be minimized and placed in such a way as to maximum safety, maximize efficient traffic circulation, and minimize the impact on the surrounding area.
- B. The building and roof shall be designed to be compatible with surrounding development. Considerations include design elements that break up long, monotonous building or rooflines and any other design elements that are compatible with the desired character of the District.
- C. The materials used for buildings, roofs, fences and other structures shall be compatible with the surrounding built environment and/or the desired character of the district.
- D. The design and layout of the street side of the site shall provide a varied and interesting facade. Considerations include the use of setbacks, building placement, roof design, variations in materials and building walls as well as other structural elements.
- E. The landscaping on the site shall provide appropriate transition from commercial to residential districts; separates and buffers the buildings from other uses especially abutting residential districts; and provides visual relief from stark, linear building walls.

**(4) Community Recreation Facility**

- A. The minimum lot area shall be five acres with a minimum lot width of 400 feet.
- B. The building and related uses shall be set back a minimum of 30 feet from all side and rear lot lines.

- C. Parking areas are prohibited in the front yard and shall be set back a minimum of 10 feet from all side and rear lot lines.
- D. Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance.
- E. The Planning Commission may require active recreational areas to be enclosed by a fence, which complies with the requirements for fences in the applicable zoning district, having a minimum height of five feet.
- F. The Planning Commission may limit the hours of operation to ensure that the proposed use is compatible with the surrounding uses.
- G. In addition to the general requirements for swimming pools in Section [1113.01](#), all swimming pools and their enclosures shall be set back a minimum of 50 feet from the front lot line and 30 feet from all side and rear lot lines.

**(5) Cultural Facilities and Structures, and Places of Worship**

- A. The Planning Commission may require all outdoor children's activity areas to be enclosed by a fence or wall having a height of at least five feet but not exceeding six feet. An entry gate shall be securely fastened.
- B. In order to minimize any effects of the uses, the Planning Commission may require additional noise reduction measures to assure that the level of noise is no more than the prevailing noise levels of permitted uses in the same zoning district.
- C. In all residential zoning districts:
  - i. The minimum lot area shall be two acres with a minimum lot width of 200 feet.
  - ii. The building and related uses shall be set back a minimum of 30 feet from all side and rear lot lines.
  - iii. Parking areas are prohibited in the front yard and shall be set back a minimum of 10 feet from all side and rear lot lines unless a larger setback is required by Section [1125.03\(b\)](#).
  - iv. New uses shall be on a lot with primary vehicular access on an arterial or collector street without going through a residential neighborhood to minimize the impact on less intense residential uses.
  - v. All access drives shall be located as far as practicable from an existing intersection in order to maximize traffic safety and minimize congestion and constricted turning movements.
- D. In the R-1, R-2, and R-T districts, the maximum lot coverage shall be 45 percent.

**(6) Educational Institutions (K-12)**

- A. Such uses should be located on an arterial or collector street or have direct access to an arterial or collector street to minimize impacts on local streets and residential neighborhoods, with the exception of elementary schools. Elementary schools may be located on local streets provided documentation is supplied that indicates a majority of students are within walking distance of the elementary school.

- B. All access drives shall be located as far as practicable from existing intersections in order to maximize traffic safety and minimize congestion and constricted turning movements.
- C. The maximum lot coverage shall be 50 percent in all residential zoning districts.
- D. In all residential zoning districts:
  - i. The minimum lot area shall be two acres with a minimum lot width of 200 feet.
  - ii. The building and related uses shall be set back a minimum of 30 feet from all side and rear lot lines.
  - iii. Parking areas are prohibited in the front yard and shall be set back a minimum of 10 feet from all side and rear lot lines unless a larger setback is required by Section [1125.03\(b\)](#).
  - iv. New uses shall be on a lot with primary vehicular access on an arterial or collector street without going through a residential neighborhood to minimize the impact on less intense residential uses.
  - v. All access drives shall be located as far as practicable from an existing intersection in order to maximize traffic safety and minimize congestion and constricted turning movements.

**(7) Government Facilities, Government Offices, and Utility Facilities and Buildings**

- A. Any outdoor areas devoted to the outdoor storage of fleet vehicles shall be enclosed with a fence having a minimum height of six feet and shall be located in a side or rear yard.
- B. Storage of materials shall be within a completely enclosed building.
- C. Substations, as measured from the outermost edge of the facility, shall be set back a minimum of 50 feet from any lot line of lots used for residential purposes.
- D. In residential zoning districts:
  - i. Facilities shall be limited to structures that are essential for the distribution of services to the local area.
  - ii. There shall be a minimum setback of 30 feet between any building and adjacent lot lines of lots used for residential purposes.
  - iii. Parking shall be prohibited in the front yard and all parking areas shall be set back a minimum of 10 feet from all lot lines

**(8) Hospitals**

- A. New uses shall be on a lot with primary vehicular access on an arterial or collector street without going through a residential neighborhood to minimize the impact on less intense residential uses.
- B. Outdoor storage of ambulances and other vehicles used in the operation of the principal use may be permitted provided such storage areas are located in the side or rear yard in off-street parking areas.
- C. The areas devoted to the outdoor storage of such vehicles shall be enclosed with a fence having a minimum height of six feet.

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

- A.** A fence or wall having a height of at least five feet shall enclose all outdoor activity areas. An entry gate shall be securely fastened.
- B.** The site shall include a drop-off/pick-up location that will not impede traffic on or off the site to ensure the safety of the children and adults.
- C.** The location and design of the facility shall provide for the protection of the children and adults from the traffic, noise, and other hazards of the area and/or the arterial street location.
- D.** A day care center for children shall comply with the following:
  - i. An outdoor play area equal in area to the ground floor area of the day care facility is required. The required outdoor activity area shall be set back a minimum of 40 feet from any adjacent lot lines of lots used for residential purposes.
  - ii. Play structures and other similar apparatus shall be set back a minimum of 50 feet from any adjacent residential lot lines of lots used for residential purposes.
- E.** In the R-3, R-4, and R-5 Districts:
  - i. The minimum lot area shall be two acres with a minimum lot width of 200 feet.
  - ii. The building and related uses shall be set back a minimum of 20 feet from all side and rear lot lines.
  - iii. Parking areas are prohibited in the front yard and shall be set back a minimum of 10 feet from all side and rear lot lines.

**(10) Wireless Telecommunication Facilities**

**A. Purpose**

These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities as permitted uses and conditional uses depending on the specific land areas of the City in which they are proposed to be located. The purpose of these regulations is to balance the competing interests created by the federal Telecommunications Act of 1996, Public Law 104-104, and the interests of the City in regulating wireless telecommunication towers and related facilities. Specifically, these regulations are intended to achieve the following purposes:

- i. To protect property values;
- ii. To regulate a commercial use so as to provide for orderly and safe development within the City;
- iii. To provide for and protect the health, safety and general welfare of the residents of the City;
- iv. To minimize any adverse effects on residential properties, parks, open spaces, and the non-intensive commercial zoning districts;
- v. To promote collocation of wireless telecommunication facilities in order to decrease the number of towers in the City;
- vi. To maintain the aesthetic appearance of the City; and
- vii. To maintain, where possible, the integrity of this code.

**B. Permitted Locations**

A wireless telecommunications tower or facility is permitted in the following areas when in compliance with these regulations and approved by the Planning Commission according to the procedures set forth in Section [1105.07](#). Efforts shall be made to locate in the order of priority listed below. If a location other than the most preferred location is proposed, the applicant shall demonstrate to the Planning Commission that a technically suitable, higher priority location is not available and that the proposed location is needed to meet the reasonable service requirements of the applicant.

- i. In all zoning districts, new wireless antennas may collocate on existing telecommunication towers or on existing structures, which have been constructed for other purposes, such as but not limited to water towers, church towers, electric transmission towers, chimneys, and cooling towers.
- ii. A wireless telecommunication tower or facility may be located in the I-1 or I-2 zoning districts when located a distance at least two times the height of the tower from a residential district.
- iii. A wireless telecommunication tower or facility may be located within a recorded electric high-tension power line easement, provided that the tower shall not exceed the height of the existing high-tension power line towers by more than 10 feet and the wireless telecommunication tower shall be located within 40 feet of such existing high-tension power line towers.
- iv. A wireless telecommunications tower or facility that is proposed to be located in a right-of-way shall be subject to Chapter 949 of the City of Wooster Codified Ordinances.

**C. Locations Requiring Conditional Use Approval**

A wireless telecommunications tower or facility may be considered in the following areas as a conditional use when approved by the Planning Commission according to the procedures set forth in Section [1105.04](#). When considering an application, the Planning Commission shall determine that the applicant demonstrates compliance with the standards set forth in Section [1105.04\(e\)](#); with the Section [1105.07\(e\)](#); and has demonstrated that more preferred locations are not technically suitable. Efforts shall be made to locate the towers in the order of priority listed below:

- i. In a C-3 or CF zoning district when located at least twice the height of the tower from a residential dwelling.
- ii. On a property with a public or institutional use (See [Table 1109-1](#).) when located on a property not indicated in Section [1109.03\(f\)\(10\)B](#) or Section [1109.03\(f\)\(10\)C.i](#). In applying for a permit, the applicant must present substantial evidence as to why it is not technically feasible to locate in a more appropriate zoning district or location as indicated in Section [1109.03\(f\)\(10\)B](#) or Section [1109.03\(f\)\(10\)C.i](#).
- iii. On a designated Landmark, or within a Landmark District, on a location specified as a permitted or conditional use in Section [1109.03\(f\)\(10\)B](#) or Section [1109.03\(f\)\(10\)C](#).



**D. Application Timing**

- i. An application for a wireless telecommunication facility shall be reviewed by the Zoning Administrator for completeness and if the application is incomplete, the Administrator shall notify the applicant within 30 days of the filing of the application with the City of the deficiencies which make the application incomplete.
- ii. A final decision on an application for a collocation on an existing tower or structure shall be made by the applicable City decision maker within 90 days of a complete application therefor being submitted to the City.
- iii. A final decision on an application for a new facility shall be made by the applicable City decision maker within 150 days of a complete application therefor being submitted to the City.
- iv. Final decisions by the City decision maker shall be provided to the applicant in writing and any denial of an application or any approval with conditions shall be supported by substantial evidence in writing (if the denial and reasons are not in the same document, both must be provided to the applicant at the same time).

**E. Standards Applicable for Conditional Use Applications**

A wireless telecommunication facility that is proposed in a location that requires conditional use approval shall comply with the following:

- i. A wireless telecommunication facility shall be permitted in a location set forth in Section [1109.03\(f\)\(10\)C](#), only to the extent that a technically suitable location is not available in an area identified in Section [1109.03\(f\)\(10\)B](#). The applicant shall demonstrate that a technically suitable location in an area identified in Section [1109.03\(f\)\(10\)B](#) is not available and:
  - a. The applicant shall provide documentation that supports the applicant's claim that no such technically suitable location exists; or
  - b. If another tower, building, or structure set forth in Section [1109.03\(f\)\(10\)B](#), is technically suitable, then the applicant must show that reasonable efforts have been made to:
    1. Request collocation on the existing tower(s), building(s) or structure(s) and that each collocation request was rejected by the owner of the tower, building or structure; or
    2. Request of all owners of properties determined to be locations that are technically suitable to permit construction of a wireless telecommunication tower, within reasonable terms, and demonstrate that each request was rejected.

- ii. As a condition of approving the conditional use permit to construct and operate a wireless telecommunication tower in the City, the owner/operator of the wireless telecommunication tower shall be required to allow colocation until said tower has reached full antenna capacity. In no event shall the owner/operator agree to allow fewer than two additional antenna platforms. Agreement to this provision shall be included in the applicant's lease with the landowner, if different from the owner/operator of such tower. Written documentation shall be presented to the Planning Commission showing that the owner of the property on which such tower is to be located has agreed to the terms of this subsection as well as all other applicable requirements, regulations and standards set forth in this chapter.
- iii. Any wireless telecommunication tower proposed as a conditional use shall be located a minimum of one-half mile from any other wireless telecommunication tower proposed or previously approved as a conditional use.

**F. Standards Applicable to all Wireless Telecommunication Facilities**

All wireless telecommunication towers and facilities shall comply with the following standards and conditions:

- i. Towers should be of monopole design with no guy wires. A lattice-type structure may be approved when the applicant demonstrates that such a structure provides greater ability to collocate additional antenna. Towers and antennas shall be designed to meet all applicable building code requirements.
- ii. All wireless telecommunication towers should be constructed with "stealth" design technology. Examples of stealth technology include architecturally screened roof mounted antennas, antennas integrated into architectural elements, the design of the tower to look like a light pole or power pole, increased setbacks from the right-of-way, integration into natural vegetation, establishment of a tower height similar to surrounding buildings, or other methods that will allow the tower to blend in with the surrounding area.
- iii. Unless otherwise provided for in this section, a wireless telecommunication facility shall comply with the setback and yard requirements applicable to buildings in the underlying zone in which it is located. A wireless telecommunication tower shall be placed upon the lot in such a way as to minimize the visual impact on adjoining roads and properties. In no event shall any portion of a wireless telecommunication facility be located in front of the principal use or building on the lot.
- iv. Recognizing that the Federal Aviation Administration (FAA) may impose greater restrictions, a wireless telecommunication tower shall in no event be more than 200 feet in height as measured from the average ground level at the base of the tower. The applicant of a proposed tower shall demonstrate that the proposed tower is the minimum height necessary to accommodate the antenna and is no higher than existing towers housing similar antenna.
- v. Any accessory structure related to the wireless telecommunication facility shall comply with the zoning district regulations in which the tower is located.

- vi. The base of the tower and all related facilities shall be completely enclosed with a secure fence having a minimum height of eight feet. Such fence shall be equipped with a locked gate.
- vii. A wireless telecommunications tower or facility on a designated Landmark or within a Landmark District shall be concealed so as to be substantially invisible and the views of, and vistas from, such structures, districts, and corridors shall not be impaired or diminished by the placement of telecommunications towers and facilities. Such wireless telecommunications tower or facility shall also receive Certificate of Appropriateness approval from the Design and Review Board per Section [1105.08](#).
- viii. A landscaped buffer area of not less than 15 feet in depth shall be located around the required fence. The buffer area shall be continuously maintained and promptly restored when necessary and shall consist of at least one of the following:
  - a. A row of hardy evergreen trees tightly spaced and deciduous trees planted 12 feet on center with a 2.5-inch caliper. The initial evergreen plantings shall be no less than six feet tall and planted a maximum of five feet on center.
  - b. Existing vegetation, inclusive of trees and shrubs, shall be preserved to the maximum extent possible.
  - c. Other appropriate landscaping that achieves the screening objective, as approved by the Planning Commission.
- ix. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or the FAA.
- x. All utility lines from the utility source to the wireless telecommunication facility shall be underground.

**G. Abandoned Telecommunications Facilities**

- i. In the event the use of a wireless telecommunications tower ceases for a period of six months, whether the tower has had no antenna mounted upon it or the antenna(s) mounted thereon is not operated, the facility shall be considered abandoned. The owner/operator shall agree to remove the nonfunctioning facility within 180 days after receipt of a notice from the Zoning Administrator to do so.
- ii. In the event that more than one wireless telecommunication service provider is using a wireless telecommunications tower, the tower shall not be considered abandoned until all such users cease using the tower, as provided in this section.
- iii. The site shall be restored to its original state within six months following the date that the wireless telecommunications tower or facility is no longer operational.

**H. Approval Required**

- i. All wireless telecommunications towers and facilities shall comply with the procedures for development plan review set forth in Section [1105.07](#).

- ii. Prior to the issuance of a zoning certificate, the applicant shall post a financial guarantee, the amount of which is determined by the Zoning Administrator. The guarantee shall be for the purpose of insuring that an abandoned, obsolete, or destroyed wireless telecommunication facility shall be removed in compliance with Section [1109.03\(f\)\(10\)G](#). Any successor-in-interest or assignee of the applicant shall be required to additionally execute such bond.
- iii. Prior to receiving approval for a new tower, the applicant shall demonstrate to the City that such facility is needed to meet the reasonable service requirements of the applicant. This assessment shall include consideration of alternative sites and the operational implications of such alternatives with respect to, but not limited to, height, opportunities for co-location, impact on residents and impact on service levels. The City may retain consultants to review the information, with the reasonable costs for such consultation being borne by the applicant.
- iv. After issuance of a building permit to construct a wireless telecommunication facility, the applicant shall commence construction within six months and shall complete construction within one year or the permit shall expire.

**I. Exemption of Certain City Property**

On any property owned or controlled by the City, wireless telecommunications towers or facilities shall be permitted and shall be exempt from the regulations set forth in this section and any other provisions of this code provided that City Council has first held a public hearing and approved the location of such tower or facility by a majority vote. Such tower or facility shall be constructed, erected, maintained, extended and removed under such conditions, standards and regulations as may be required by the City Council.

- i. Notice of the public hearing regarding a wireless telecommunication tower or facility on a City owned or controlled property shall be given by Council according to the following:
  - a. Notice of the hearing shall be published at least 14 calendar days prior to the date of the required public hearing, in one or more newspapers of general circulation in the City.
  - b. Written notice of the required hearing shall be mailed by the Clerk of Council by first class mail at least 14 calendar days prior to the date of the required public hearing to all owners of property within 200 feet from the subject property to the address of such owners appearing on the County Auditor's current tax list or the County Treasurer's mailing list. The failure to deliver the notification as provided in this section shall not invalidate any decision made by City Council regarding the location of a wireless telecommunications tower or facility.
  - c. Notices shall include the time and place of the public hearing, a summary of the proposed placement of the tower or facility and a statement that the opportunity to be heard will be afforded to any person interested.

- ii. City Council may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.
- iii. During the 14 days prior to the public hearing, all materials relevant to the proposed tower or facility placement shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by City Council.

# Chapter 1111: Planned Developments

## 1111.01 Purpose

The purpose of the Planned Development (PD) District regulations is to encourage innovative land planning and design in situations where a better development and mixture of uses may be accomplished through a uniform planning and design process that offers more flexibility than may traditionally be found in the strict application of the subdivision regulations and standards from a traditional zoning district. Furthermore, it is the intent of these regulations to:

- (a) Provide an opportunity for a mix of land uses otherwise not permitted within the standard municipal zoning district classifications;
- (b) Allow the creation of development standards that respect the unique characteristics, natural quality and beauty of the site and the immediate vicinity and protect the community's natural resources by avoiding development on, and destruction of, sensitive environmental areas;
- (c) Enable greater review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development;
- (d) Assure compatibility between proposed land uses within and around the PD District through appropriate development controls;
- (e) Pursue the housing and economic development goals of the City;
- (f) Promote economical and efficient use of land and reduce infrastructure costs through unified development;
- (g) Provide for supporting community facilities;
- (h) Establish objective criteria for plan review that ensures conformity to community standards; and
- (i) Further the goals and recommendations of the comprehensive plan.

## 1111.02 Previously Approved PDODs

- (a) Planned Development Overlay Districts (PDOD), including development plans and any associated text and standards, adopted prior to the effective date of this code amendment creating PD regulations, shall continue in effect and be considered legally conforming under this code.
- (b) Any proposed modification of a previously approved PDOD shall be reviewed in accordance with this chapter.

## 1111.03 General Provisions

- (a) The applicant must own in fee simple or have an option to purchase all lands within the proposed PD. The exception to this is if the applicant is the authorized agent for the property owner, in which case, the applicant need not own the lands.
- (b) Any transfer of land within the development resulting in a change of ownership within the development after an application has been filed shall not alter the applicability of the regulations contained herein provided any new owners authorize the continuation of the PD process.
- (c) No zoning certificate or building permits may be issued until the PD final development plan is approved and a final subdivision plat, if required, has been recorded in accordance with this code.

## **1111.04 Development Standards and Guidelines**

The following development standards are established to guide and control the planning, development and use of land in a PD:

### **(a) Minimum Project Size**

The minimum project size for a PD application shall be five acres. The Planning Commission may allow an application for smaller project areas if such land is found to be suitable for a PD by virtue of its unique historical character, topography, unique use, or other natural features, or by virtue of its qualifying as an isolated problem area.

### **(b) Permitted Uses**

- (1) The PD preliminary development plan approval shall include a list of uses permitted within the PD based on uses defined in [Chapter 1109: Principal Use Regulations](#). The list of uses shall be of the same name and definition as established in this code.
- (2) The PD preliminary development plan shall delineate where such use or uses are permitted.
- (3) Where the use has established use-specific standards as set forth in [Chapter 1109: Principal Use Regulations](#), the Planning Commission and City Council may require compliance with all of the standards or may waive some or all of the standards based on the design of the PD and the ability of such design to mitigate the impacts of the uses.
- (4) The Planning Commission and City Council shall consider recommendations of the comprehensive plan in approving certain uses but in all cases, the maximum density of single-family detached residential uses shall be eight units per acre and the maximum density of all other residential uses shall be 16 units per acres.

### **(c) Building and Use Arrangements**

- (1) The design and development standards set forth in this section are intended to provide considerable latitude and freedom in order to encourage variety in the arrangement of uses and of the location, bulk and shape of buildings, open space and landscape features.
- (2) Buildings and uses shall be arranged, designed, or located in order to screen and preserve uses within and nearby the PD from adverse effects of uses within or nearby the PD.
- (3) The buildings and uses may be arranged in various groups, courts, or clusters with open spaces organized and related to the buildings in order to provide privacy where applicable, to form a unified composition of buildings and space, and to maximize the peace and tranquility of the residential occupants of the PD and the nearby area, where applicable.
- (4) Whenever a proposed PD development includes areas of a higher intensity than that permitted in adjacent areas, the location and arrangement of use areas shall include appropriate buffers, open spaces, setbacks, or other transitional areas to ensure compatibility with the lower intensity areas.
- (5) Buildings, structures and parking areas shall be designed and located within the PD in ways that conserve environmentally sensitive or unique natural, historic, or cultural features, and minimize environmental impacts.



- (6) The development shall be designed to protect adjoining property from the excessive loss of light, air, and view because of the proximity or the bulk or shape of a building or structure within the PD.
- (7) There shall be easy access to both common open space and private open spaces for all residential dwelling units.
- (8) All buildings shall be set back a minimum of 50 feet from the outer lot line that forms the perimeter of the project unless the City determines that the adjacent use is similar in nature to the adjacent use and a reduced setback may be approved.

**(d) Topography and Natural Resources**

- (1) It is a requirement of this code that such developments shall be designed to take advantage of the topography of the land in order to utilize the natural contours, to economize on the construction of utilities to reduce the amount of grading and to maximize the conservation of trees and topsoil. The natural features and other distinctive characteristics of the site shall be integrated into the plan to create functional variations in the arrangement of buildings, open spaces and site features.
- (2) A riparian buffer of 20 feet shall be provided along the entire length and on both sides of a river or perennial stream channel unless a wider buffer is required by the City of Wooster Site Development and Improvement Manual. Walkways may be permitted to be located within riparian buffers when the Planning Commission determines that such will create minimal change to the riparian buffer.
- (3) The 100-year floodplain shall be protected. The Flood Insurance Study prepared by the U. S. Department of Housing and Urban Development, Federal Insurance Administration or the latest acceptable study shall be used to determine the 100-year floodplain.
- (4) Wetlands shall be protected in accordance with Section [1117.02\(c\)](#).

**(e) Circulation**

- (1) The overall circulation system shall be designed to fully accommodate vehicular, pedestrian, and bicycle traffic with safety and efficiency without allowing vehicles to dominate and destroy the form of the area.
- (2) Driveways for group developments and local streets shall be connected to major arterial and collector streets at locations where the traffic can be controlled and operated effectively with minimum interference with the capacity of the major arterial and collector streets. The amount of traffic generated by commercial uses passing through residential areas shall be minimized.
- (3) A pedestrian circulation system shall be included and designed to provide convenient and safe pedestrian access throughout the PD, and to connect to neighboring developments and community facilities. The pedestrian circulation system may include sidewalks and other walkways not located along streets. Sidewalks shall meet the standards found in Section [1125.09](#).
- (4) Trail systems for bikes and other purposes should be included and designed in accordance with the City's plan for trails in the Comprehensive Plan or other adopted policy documents. Such trail systems shall have a minimum width of eight feet and be properly buffered from any adjacent residential areas if the trail is not located along or within the right-of-way of a public street.

**(5) Street Design**

- A. Street alignments should be designed to conserve natural features and minimize the need for cut and fill practices.
- B. The function of adjacent thoroughfares shall be maintained by limiting access points to the minimum needed, relating them to existing access points, the street patterns on surrounding development, the thoroughfare plan and the intensity of proposed uses.
- C. All streets shall be designed in accordance with [Chapter 1129: Subdivision Design](#).
- D. The design and locations of streets and parking areas shall comply with the requirements for storm water management set forth in [Chapter 1129: Subdivision Design](#), unless modifications are granted by the Planning Commission pursuant to Section [1105.06\(h\)](#).

**(f) Utilities and Public Improvements**

- (1) The applicant shall provide for and construct utilities and public improvements in accordance with [Chapter 1129: Subdivision Design](#).
- (2) To the maximum extent feasible, utilities should be located underground.

**(g) Landscaping, Screening and Buffering**

- (1) The pattern of landscaping shall be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to reflect variations of topography, existing landscape or land uses.
- (2) Privacy for residential buildings shall be maintained through the use of landscaping, screening and buffering.
- (3) Appropriate buffer zones with adequate landscaping shall be provided between the proposed development and adjacent areas. The City may utilize the buffering requirements of [Chapter 1123: Landscaping and Buffering](#), as a guide in the minimum amount of buffering that should be required between various land uses.
- (4) Alternative design approaches to meet the intent of the landscape regulations may be incorporated.
- (5) Detention/retention facilities that are visible from a public street shall be integrated into a landscaped area. Such landscaped areas shall contain any combination of the following elements: shade and ornamental trees, evergreens, shrubbery, hedges, and/or other planting materials as well as ornamental fencing.

**(h) Signs**

- (1) All signs and graphics within the PD shall be compatible in size, location, height, material, shape, color and illumination.
- (2) A sign plan for the entire PD shall set forth the design parameters for the entire project to ensure a consistent and comprehensive character throughout the project. The sign plan shall include the design, layout, and dimensions of all ground, window and wall signs as well as distances from rights-of-way and the type and intensity of illumination.
- (3) The materials and colors of signs, sign backgrounds, and sign frames should be compatible with the materials and colors used in the principal buildings.

- (4) Signs shall conform to the applicable regulations in [Chapter 1127: Signage](#), regarding any standards specific to the different sign types, however, the City may authorize additional sign area and increased sign heights as part of a PD preliminary development plan approval.

**(i) Required Open Space and Common Facilities**

- (1) The PD will only be approved if the proposed PD preliminary and final development plans comply with the open space requirements established in [Chapter 1121: Open Space Standards](#). Open space is only required for PDs that contain residential uses.
- (2) In cases where the PD will be developed in phases, each phase shall contain enough open space that they can comply with the minimum open space requirements as a stand-alone phase or, if combined with previously developed phases, can, as a whole, comply with the minimum open space requirements.
- (3) All open space and common facilities (e.g., bike trails, community centers, community pools, etc.) shall be owned and controlled in accordance with [Chapter 1121: Open Space Standards](#).

**(j) Project Phasing**

If the PD is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, utilities, and other public improvements to serve the development in accordance with the applicable criteria set forth above. Each phase shall be provided with temporary and/or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property.

**(k) Compliance with Other Development Standards**

Unless specifically stated, all PDs plans shall demonstrate compliance with all other applicable standards of this code, including but not limited to, architectural standards, off-street parking, signage, and landscaping.

## **1111.05 PD Review Procedure**

**(a) Application (Preliminary Development Plan and Zoning Map Amendment)**

The applicant shall submit an application in accordance with the applicable requirements of Section [1105.02](#).

**(b) Preliminary Development Plan and Zoning Map Amendment**

- (1) The PD Preliminary Development Plan approval procedure involves a zoning map amendment to rezone the subject property to a PD District with an associated approved preliminary development plan.
- (2) The procedure for this stage shall comply with the requirements of Section 1105.03(c) and Section 1105.03(d), regarding zoning map amendments.
- (3) The Planning Commission may, in its recommendation to City Council, require that the PD final development plan be submitted in phases corresponding to different units or elements of the development. It may do so only upon evidence assuring completion of the entire development in accordance with the PD preliminary development plan and phased development schedule.

**(c) PD Final Development Plan Review**

- (1) Within one year after the approval of the PD preliminary development plan, the applicant shall file an application for review of the PD final development plan for the entire development, or when submitting in phases, as authorized by the Planning Commission and/or City Council during the PD preliminary development plan review, for the first phase of the development. The Planning Commission may authorize an extension of one year for just cause.
- (2) If more than one year passes from the date of approval of the PD preliminary development plan and submission of the PD final development plan, extension thereof, or if the PD final development plan is not submitted in accordance with an approved phasing schedule, the PD preliminary development plan shall be deemed expired and the applicant must resubmit such plan. After the PD preliminary development plan has expired, the PD zoning designation shall remain in place but no development shall be authorized unless the property owner, or authorized agent, submits a new PD preliminary development plan for review pursuant to this chapter, or submits an application for a zoning map amendment to another zoning district. After the expiration of the preliminary development plan, the City may also seek to rezone the property to another zoning district in accordance with [Chapter 1105: Review Procedures](#).
- (3) Preliminary subdivision plat approval may occur concurrently with the PD final development plan approval.
- (4) An applicant shall submit a PD final development plan for review. The review procedure for this process shall comply with the same procedure and notice requirements of a conditional use review. See Section [1105.04](#).
- (5) The Planning Commission will review the PD final development plan to determine whether it conforms to all substantial respects to the previously approved PD preliminary development plan and to all other applicable standards of this code.
- (6) If submitting plats for subdivision review simultaneously with the PD final development plan, the plats shall be subject to all applicable subdivision standards and requirements including the applicable review process.
- (7) The applicant shall be required to record a final subdivision plat within one year of the PD final development plan approval, unless an alternative schedule is approved by Planning Commission, or the PD final development plan shall be deemed expired and the applicant shall be required to submit a new PD preliminary development and PD final development plan in accordance with this chapter. After the PD final development plan has expired, the PD zoning designation shall remain in place but no development shall be authorized unless the property owner, or authorized agent, submits a new PD preliminary development plan for review pursuant to this chapter, or submits an application for a zoning map amendment to another zoning district. After the expiration of the preliminary development plan, the City may also seek to rezone the property to another zoning district in accordance with [Chapter 1105: Review Procedures](#).

**(d) Zoning Certificates and Building Permits**

- (1) Following the approval of the PD final development plan, and recording of the final subdivision plat if applicable, the applicant may proceed with the zoning certificate and building permit process, consistent with this code and approval as granted, including any conditions and modifications made by the Planning Commission.

- (2) All construction and development under any building permit shall be in accordance with the approved PD final development plan, except as may be permitted in Section [1111.07](#). Any unauthorized departure from such plan shall be cause for revocation of the zoning certificate.

## **1111.06 PD Review Criteria**

### **(a) PD Preliminary Development Plan Review Criteria**

It shall be the duty of the Planning Commission and City Council to investigate and determine that the proposed PD preliminary development plan complies with the following criteria:

- (1) The PD plan is consistent with the intent and purpose of this code, the comprehensive plan, and any other applicable plans or ordinances adopted by the City;
- (2) The Planning Commission and City Council shall find that the proposed PD is not being used to circumvent the requirements of this code but is proposing a development that will enhance the community through creative and exceptional design;
- (3) The development will not impose an undue burden on infrastructure, public services, and facilities, including, but not limited to, stormwater drainage, service, sanitary sewer service, and fire and police protection;
- (4) The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development, and the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development;
- (5) Adequate measures have been taken to accommodate pedestrian and bike circulation systems so that the proposed development provides for a safe, convenient and non-conflicting circulation system for motorists, bicyclists and pedestrians;
- (6) The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses;
- (7) Natural features such as watercourses, natural land contours, and major tree canopy areas trees shall be preserved to the maximum extent feasible so that they can be incorporated into the layout to enhance the overall design of the PD;
- (8) A PD and its permitted principal and accessory, buildings, or structures shall be subject to all applicable regulations of this code, unless superseded by any special requirements, conditions, variances or other particulars imposed by the Planning Commission and/or City Council during the PD preliminary development plan application and hearing phases described in this chapter;
- (9) The landscape plan will adequately enhance the principal building and site; maintain existing trees to the extent possible; buffer adjacent incompatible uses; break up large expanses of pavement with natural material; and provide appropriate plant materials for the buildings, site, and climate; and
- (10) The proposed development respects the unique characteristic of the natural features and protects the natural resources of the site.

**(b) PD Final Development Plan Review Criteria**

It shall be the duty of the Planning Commission to investigate and determine that the proposed PD final development plan complies with the following criteria:

- (1) The applicant shall demonstrate how the open space, if required, shall be duly protected in accordance with one of the options established in [Chapter 1121: Open Space Standards](#), or has been dedicated to the City or another public or quasi-public agency;
- (2) Appropriate agreements with the applicant have been made to ensure the proper completion of public improvements in compliance with [Chapter 1129: Subdivision Design](#).
- (3) The proposed PD final development plan for the individual section(s) of the overall PD is consistent in contents (building location, land uses, densities and intensities, yard requirements, and area and frontage requirements) with the approved PD preliminary development plan;
- (4) Each individual phase of the development can exist as an independent unit that is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained; and
- (5) The PD final plan has been transmitted to all other agencies and departments charged with responsibility of review and such agencies and departments have had an opportunity to provide comments and recommendations on the PD final development plan, as necessary.

**1111.07 Compliance and Modifications of Approved Plans**

- (a) A PD shall be constructed and completed in accordance with the approved PD final development plan and all supporting data. The PD final development plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assignees, and shall limit and control the use of premises (including the internal use of buildings and structures) and the location of structures in the planned development as set forth therein.
- (b) Where a modification is requested for a single lot after a PD final development plan is approved, the modification shall be reviewed in accordance with Section [1105.11](#) or Section [1105.12\(f\)](#), as applicable.
- (c) Any request to change or otherwise modify the approved PD preliminary or final development plan as it applies to more than one property owner, shall be reviewed based on whether the change is considered major or minor, in accordance with this subsection.

**(1) Major Change**

- A. Major changes to a PD generally require the prior approval of the Planning Commission and the City Council. The Zoning Administrator shall have the authority to determine if a proposed change is a major change. Such changes include, but are not limited to:
  - i. Expansion of the PD project beyond the original tract coverage;
  - ii. Changes to the list of permitted uses or the areas designated for certain land uses unless the Zoning Administrator finds that such change is to a similar use, in which case it may be approved by the Planning Commission;
  - iii. Removal or subtraction of land from the original tract coverage; and

- iv. Proposed changes that will result in an increase in residential density or an aggregate increase of more than 10 percent in nonresidential square footage.
  - B. Changes that require the approval of only the Planning Commission include, but are not limited to, the following:
    - i. Changes in the site plan relative to the size and arrangement of buildings, the layout of streets or circulation patterns, the size, configuration and location of common open space, and changes in any approved elements of the PD; and
    - ii. Amendments to the conditions that were attached to the original PD approval.
- (2) **Minor Changes**
- A. Minor changes are those proposed by the developer/owner that do not disturb or affect the basic design and approved concept plan of the PD and which are essentially technical in nature, as determined by the Zoning Administrator.
  - B. Examples of minor changes include, but are not limited to, changes in the intensity of lighting, changes in the size and location of water and sewer lines within approved easements, minor changes to lot lines that do not adjust the overall density or number of lots, substitution of landscaping materials, and changes in the location and number of fire hydrants.
  - C. The Zoning Administrator shall notify the Planning Commission of all such approved minor changes.

## **1111.08 Violations**

Any violation of the conditions or standards of this chapter and any approved PD preliminary or final development plan shall be deemed a violation of this code, subject to [Chapter 1133: Enforcement and Penalties](#).



# **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<br><br>P = Permitted Use<br>PS = Permitted Use with Standards<br>C = Conditional Use<br>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<br>F = Front<br>S = Side<br>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**

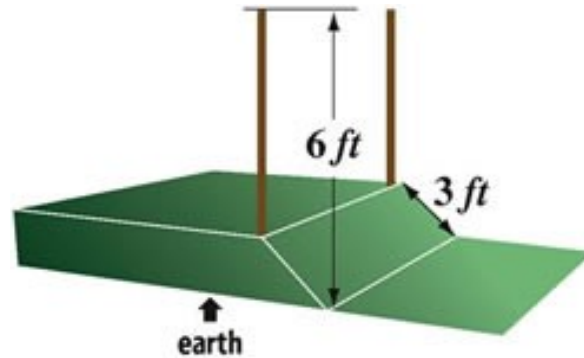
- i. No fence shall be composed of scrap materials, tires, canvas, cardboard, asphalt-style shingles, or corrugated metal, welded rolled wire, chicken wire, or sheet metal, with the following exceptions:
  - a. Metal, welded and woven wire shall be allowed in the AG District to fence in farm animals 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](#).

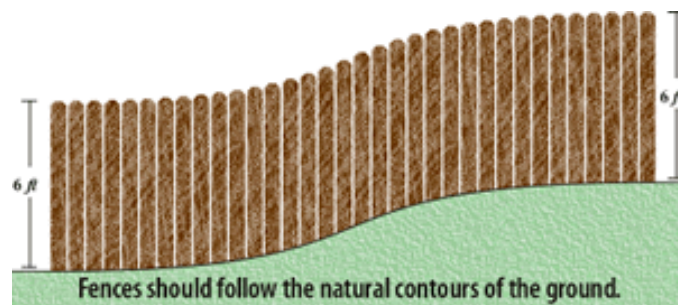
#### E. Measurement

- 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.

| TABLE 1113-2: TEMPORARY USES AND STRUCTURES |                                     |   |                             |                               |
|---|-------------------------------------|---|-----------------------------|-------------------------------|
| 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.

# Chapter 1115: Site Development Standards

## 1115.01 Measurements, Computations, and Exceptions

### (a) Distance Measurements

Unless otherwise expressly stated, distances specified in this code are to be measured as the length of an imaginary straight line joining those points.

### (b) Lot-Area Measurements

- (1) The area of a lot includes the total horizontal surface area within the lot's boundaries.
- (2) No lot, yard, court, parking or other space shall be reduced in area or dimensions so as to make said area or dimensions less than the minimum required by this code; and, if already less than the minimum required by this code, said area or dimensions shall not be further reduced. Exceptions to this standard shall only be granted if a reduction is approved as part of a planned development, cluster residential development, variance approval, or administrative waiver approval.
- (3) When one or more buildings, or parts thereof, are constructed or enlarged so as to cross one or more lot lines in the same ownership, all such lots shall be replatted into one lot provided all other zoning and subdivision regulations are met.

### (c) Lot Width Measurements

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

### (d) Setbacks, Yards, and Lot Type Requirements

#### (1) Measurements

- A. Setbacks refer to the unobstructed, unoccupied open area between the foundation or base of a structure and the property line (lot line) of the lot on which the structure is located. Setbacks shall not contain any structure except when in conformance with this code. See [Figure 1115-A](#).

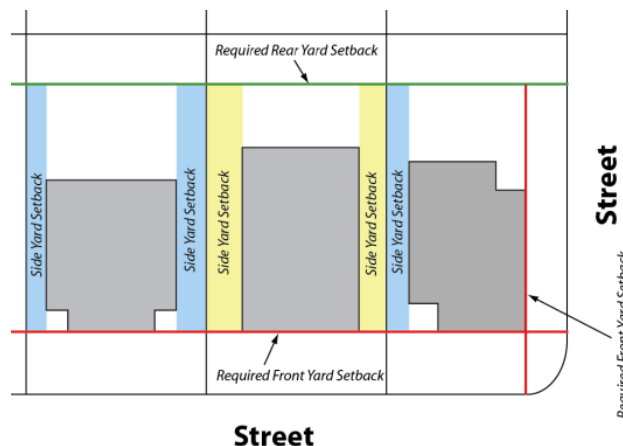


Figure 1115-A: Measurement of typical front, side, and rear yard setbacks.

- B. A setback shall not be reduced in any manner to less than the required dimensions for the district in which it is located, and a setback of less than the required dimensions shall not be further reduced in any manner unless otherwise noted in this code.

**(2) Yards Required for Buildings**

A yard or other open space required for any structure shall be located on the same lot as the structure and shall not include any yard or open space areas from an adjacent lot.

**(3) Front Yard Exception**

For residential zoning districts, where more than 50 percent of lots of a residential block, where the block length does not exceed 2,000 feet, are occupied by buildings of the type and use permitted in the district, the minimum front setback depth for a new principal building shall be the average depth, plus or minus five feet, of the front setbacks of existing dwellings located within 100 feet on either side of a given lot, provided however, the depth of the front setback resulting there from shall not be less than one-half of the distance set forth in [Table 1115-1](#) or [Table 1115-2](#) based on the applicable zoning district.

**(4) Projections into Required Yards**

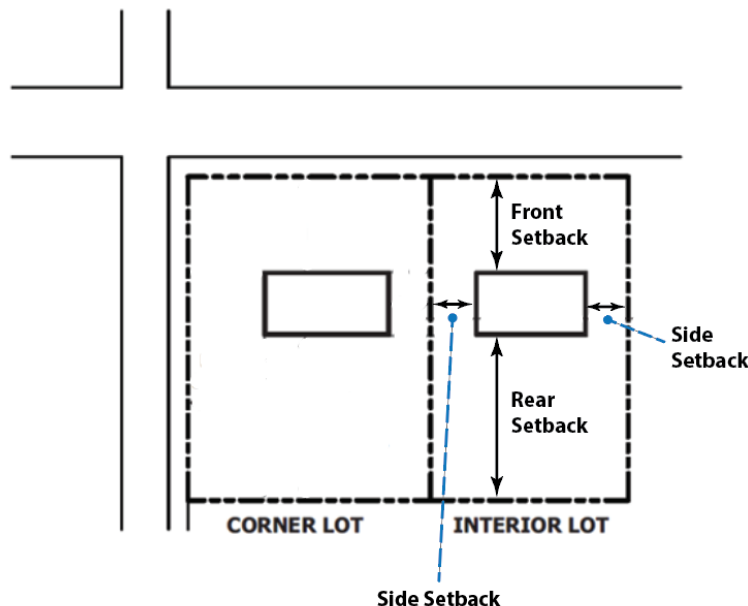
Every part of a required yard shall be open to the sky and unobstructed except:

- A. As otherwise provided in this section;
- B. For accessory and temporary uses as allowed in [Chapter 1113: Accessory and Temporary Use Regulations](#);
- C. For landscaping as allowed in [Chapter 1123: Landscaping and Buffering](#);
- D. For parking and circulation as allowed in [Chapter 1125: Parking, Access, and Mobility](#);
- E. For signage as allowed in [Chapter 1127: Signage](#);
- F. For the ordinary projections of architectural features including, but not limited to, eaves, gutters, downspouts, chimneys, flues, skylights, sills, belt courses, cornices and ornamental features, not extending more than 16 inches into the required yard;
- G. Window air conditioner units;
- H. Walls and fences as permitted in accordance with Section [1113.01](#);
- I. Unenclosed steps, including fire escapes, may be allowed in the required front, rear, or side yard setbacks, provided, however that steps and/or fire escapes shall be no closer than two feet from the side lot line;
- J. Unroofed entrance features, such as a platform, landing, steps, terrace or other features such as an unroofed deck not extending above the first-floor level of a building, may extend six feet into the required front setback and three feet into the required side setback. A roofed entry, porch, deck, steps, landing, patio, fire escape, terrace or similar roofed structure shall not be permitted to project into any required yard and shall comply with all applicable building setback requirements;
- K. Fixed and retractable awnings and canopies, not extending more than two feet into a required setback; and

- L. Fixed and retractable awnings and canopies may extend over that portion of the sidewalk which is part of the public right-of-way in the C-4 District only, provided no part of the awning or canopy projects into an alley or alley right-of-way or street or interferes with existing light poles (including attached banner supports) and existing trees and is a minimum of two feet from the inside edge of the street curb or edge of street pavement where no curb exists. If a street is widened and the sidewalk in the public right-of-way is reduced in depth from the curb to the front property line of a lot, all fixed and retractable awnings and canopies, which are closer than two feet from the inside edge of the new street curb or pavement edge shall be removed or be reduced in size to be in compliance with the minimum two-foot curb/pavement edge setback regulation.

**(5) Interior Lots**

- A. The required minimum front yard setback shall be measured from the street right-of-way or, where a right-of-way is not identified, the front lot line. See [Figure 1115-B](#).
- B. The lot line located directly behind the rear of the structure, as determined by the Zoning Administrator, shall be the rear lot line and the rear yard setback shall be applied. See [Figure 1115-B](#).
- C. All other lot lines shall be considered the side lot line and the side yard setback shall be applied. See [Figure 1115-B](#).

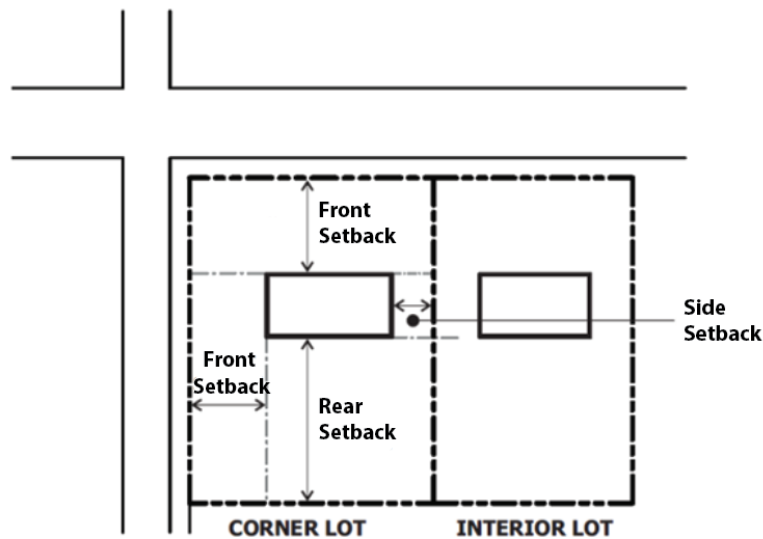


*Figure 1115-B: Typical yard locations for an interior lot.*

**(6) Corner Lots**

Lots that have street frontage on two intersecting streets shall be considered a corner lot, subject to the following:

- A.** The required minimum front yard setback shall be provided from each street right-of-way or, where a right-of-way is not identified, the lot line adjacent to the street. See [Figure 1115-C](#). An alley shall not be considered a street for the purposes of determining a corner lot.
- B.** The lot line that runs parallel with the lot line along the narrowest street frontage shall be the rear lot line and the minimum rear yard setback shall be applied from such lot line. See [Figure 1115-C](#).
- C.** All other lot lines shall be a side lot line and the minimum side yard setback shall be applied from such lot lines. See [Figure 1115-C](#).

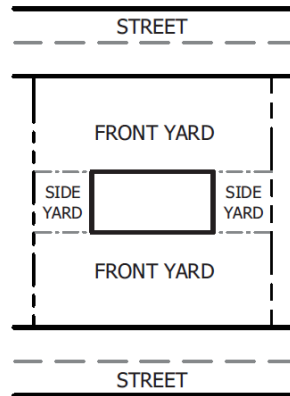


*Figure 1115-C: Typical yard locations for a corner lot.*

**(7) Double Frontage (Through) Lots**

Double frontage lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Planning Commission. Double frontage lots shall be subject to the following regulations:

- A. Where a lot is considered a double (through lot) lot, the required minimum front yard setback shall be provided on all lot lines that abut a street. See [Figure 1115-D](#).



*Figure 1115-D: Yard locations on double frontage (through) lots.*

- B. The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line. See [Figure 1115-D](#).
- C. For the purposes of allowing accessory uses, including fences, which are allowed in a rear yard, the yard that is located to the rear of the principal building shall be considered the rear yard and the setbacks of Section [1113.01](#) shall apply to all accessory uses or structures.
- D. Where alleys exist in the City, any lots that have frontage along the alley shall be not be considered a double frontage (through) lot and shall either be regulated as an interior lot or corner lot depending on the location of the subject lot within the block.

**(8) Flag (Panhandle) Lots**

Panhandle lots (flag) lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Planning Commission. Panhandle (flag) lots shall be subject to the following regulations:

- A. Panhandle (flag) lots shall not be used to avoid the construction of a street.
- B. The area of the “panhandle” portion of the lot connecting the lot to the public street shall not be included in the area of the lot for the purposes of determining compliance with the required minimum lot area for the district in which the lot is located.
- C. The stacking of panhandle (flag) lots shall be prohibited. See [Figure 1115-E](#).

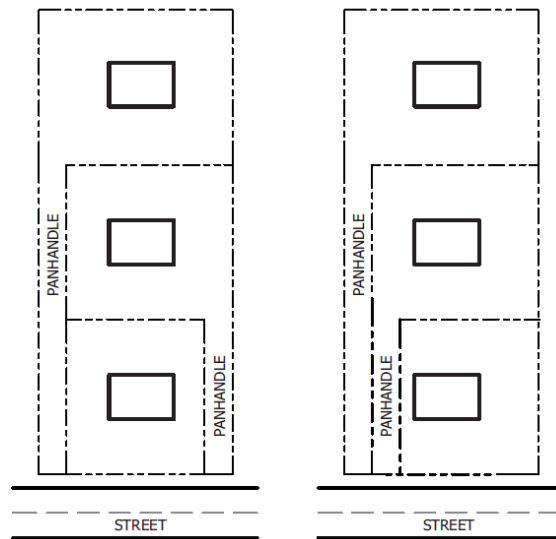


Figure 1115-E: The above illustration shows the stacking of panhandle lots, which is prohibited.

- D. The panhandle shall have a minimum width of 20 feet along the entire width of the panhandle.
- E. No structures, except for fences and walls allowed by this code, shall be permitted in the panhandle portion of the lot.
- F. The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in [Figure 1115-F](#).

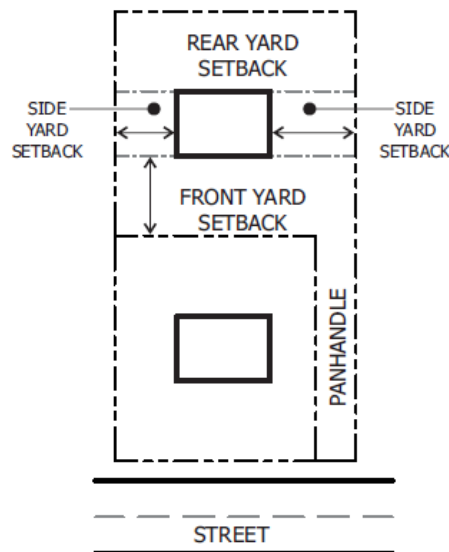


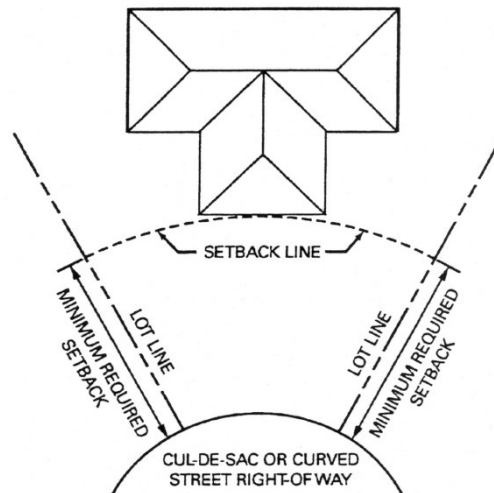
Figure 1115-F: Yard and front yard setback locations on a panhandle lot.

**(9) Cul-de-Sac or Curved-Street Lot**

- A. For a cul-de-sac lot or a lot abutting a curved street, the front-yard setback shall follow the curve of the front property line (lot line). See [Figure 1115-G](#).



- B.** On a cul-de-sac roadway, knuckle, or eyebrow, the required street frontage shall be required and measured at the street right-of-way on the curve of the cul-de-sac, knuckle, or eyebrow.



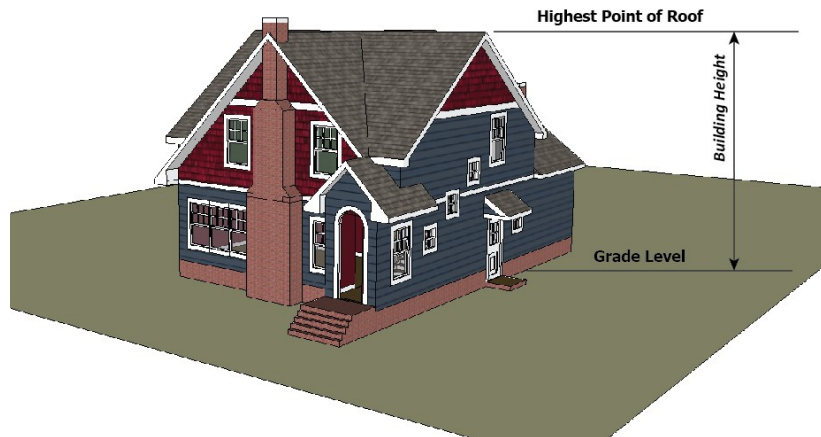
*Figure 1115-G: Setback line of a lot with frontage on a curved street or cul-de-sac.*

#### **(10) Other Lot Configurations**

Where there is an instance of a lot configuration not addressed in the previous sections (e.g., interior, corner, panhandle, etc.), or where there is an atypical building orientation on any lot, the Zoning Administrator shall have the authority to make a determination regarding where front, rear, and side yard setbacks are required.

#### **(e) Height Measurement and Exceptions**

- (1)** Where specified in stories, building height shall be measured in number of stories above the finished grade for any elevation fronting on a public street including attics, half-stories, mezzanines, and at-grade structured parking. This excludes features that are less than one-half story or completely below grade, such as basements, cellars, crawl spaces, sub-basements, and underground parking structures.
- (2)** Where specified in feet, the building height shall be measured from average elevation of the finished grade to the highest point on the roof, regardless of roof type.



*Figure 1115-H: Measurement of building or structure height*

- (3) Where specified, fencing and wall height shall be measured in accordance with Section [1113.01\(e\)\(8\)](#).
- (4) The height of all other structures shall be measured from the lowest grade adjacent to the structure to the highest point of the structure.

**(5) Exceptions to Height Limits**

Height limitations stipulated in this code shall not apply to:

- A. Barns, silos or other agricultural buildings or structures on farms (not located in an improved platted subdivision) provided they are setback from all lot lines a distance equal to the structure's height;
- B. Church spires, belfries, cupolas and domes, monuments, chimneys, smokestacks, towers, solar collector panels, flag poles, water tanks, radio or television antennae, monuments and other permitted mechanical appurtenances located upon or constructed as an integral part of the principal building;
- C. Governmentally-owned freestanding water tanks, towers, radio or television antennae and flag poles;
- D. Special industrial structures such as a cooling tower, grain elevator and other similar structure where the industrial process requires a greater height may be erected above the maximum height allowed in the applicable district, provided that:
  - i. Any such structure shall not occupy more than 15 percent of the lot area;
  - ii. The structure shall be set back a distance equal to its height from any adjacent lot line; and
  - iii. The Fire Department shall be required to approve the increased height based on firefighting capacity.

## **1115.02 General Site Development Standards**

The following provisions shall apply to site development in all zoning districts.

**(a) Street Frontage**

Every lot shall have a minimum street frontage of 25 feet on a public or private street.

**(b) Building Orientation**

The main entrance of any building shall be oriented toward a public street. For corner lots in residential zoning districts, a dwelling unit may be oriented toward the intersection of the two streets.

**(c) Reverse Frontage**

**(1) Reverse Frontage Prohibited**

- A. Except for areas exempted in accordance with Section [1115.02\(c\)\(2\)](#), below, lots with a reverse frontage shall be prohibited. Reverse frontage shall include any area where the rear of buildings along the entire block face are oriented toward a street.
- B. To the maximum extent feasible, lots along the perimeter of a subdivision shall be oriented so that dwellings front perimeter streets instead of backing up to streets around the outside of the subdivision.

**(2) Exemptions and Alternatives**

Lots in the following locations may have reverse frontage:

- A. Existing platted lots in subdivisions or lots subject to a planned development approved prior to the effective date of this code;
- B. Lots where the reverse frontage is along a bike path rather than a public street; or
- C. Lots where there is a minimum of 50 feet of open space between the street and the buildings or where a landscape buffer is provided between the street and building in accordance with Section [1123.05](#) or Section [1123.06](#).



*Figure 1115-I: This image demonstrates the use of screening for reverse frontage lots that screens the rear of buildings along an entire block face.*

**(d) Visibility at Intersections**

- (1) In any zoning district, except the C-4 District, no fence, structure, or planting shall be erected or maintained between 2.5 feet and 8 feet, above grade, within a clear sight triangle formed by connecting two points measured 20 feet from the intersection of the edge of the street pavement. See [Figure 1115-J](#).

- (2) In the C-1, C-2, C-3, I-1, I-2, I-3, and CF Districts, no fence, structure, or planting shall be erected or maintained between 2.5 feet and 8 feet, above grade, within a clear sight triangle formed by connecting two points measured along a driveway and intersecting street. The point along the driveway shall be located 10 feet from the edge of the street pavement, measured along the driveway. The point along the street shall be measured shall be located 20 feet from the edge of the driveway pavement measured along the street. See [Figure 1115-J](#).

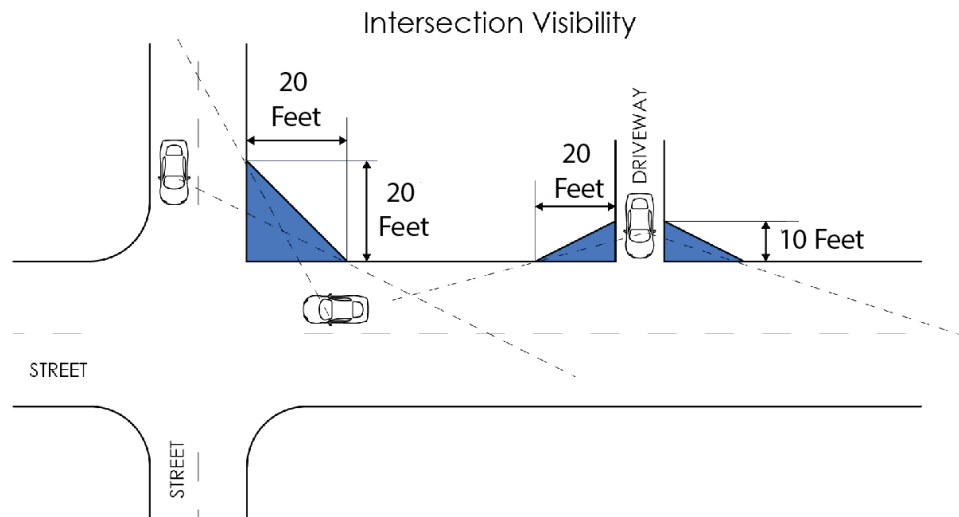


Figure 1115-J: Traffic safety vision clearance for intersecting streets.

- (3) An exception to this requirement shall be for existing trees where the canopy is trimmed to a minimum of eight feet above grade.

### 1115.03 Site Development Standards for Residential Zoning Districts

- (a) [Table 1115-1](#) and [Table 1115-2](#) establishes the minimum site development standards for residential base zoning districts.
- (b) No single family detached dwelling or two-family dwelling shall be constructed on a lot upon which a principal building already exists except in accordance with an approved cluster development (See [Section 1109.03\(c\)\(1\)](#).) or an approved planned development (See [Chapter 1111: Planned Developments](#).). New multi-family dwellings and single-family attached dwellings may be erected with more than one principal building to the lot or parcel.
- (c) See [Section 1107.05\(d\)](#) for siting requirements for manufactured homes and uses in the R-5 Manufactured Home Park District.
- (d) In the R-T, Traditional Residential District, the Commission may, at its discretion, approve the plat of a subdivision containing lots of less width than the minimum required in the zoning district if the lots conform generally to the other lots in the neighborhood.
- (e) All parking areas and driveways shall comply with the minimum setbacks established in [Section 1125.03\(b\)](#).

| TABLE 1115-1: SITE DEVELOPMENT STANDARDS FOR SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS  |  |       |       |
|--|--|-------|-------|
|  | R-1  | R-2   | R-T   |
| Minimum Lot Area (Square Feet)   | 8,700  | 6,500 | 4,350 |
| Minimum Lot Width at the Building Line (Feet) [1]  | 70   | 50    | 40    |
| Minimum Lot Frontage for Cul-de-Sac Lots (Feet) [1]  | 50   | 40    |       |
| Minimum Front Yard Building Setback (Feet)   | 25   |       | 20    |
| Side Yard Building Setback (Feet) – Minimum for Each Side  | 5  |       |       |
| Minimum Side Yard Building Setback (Feet) – Total of Both Sides  | 15   |       | 10    |
| Minimum Rear Yard Building Setback (Feet)  | 20   |       |       |
| Maximum Lot Coverage by Buildings [2]  | 30% or 2,300 square feet, whichever is greater |       | 35%   |
| Total Maximum Lot Coverage [2]   | 40%  |       | 45%   |
| Maximum Building Height (Feet)   | 35   |       |       |
| NOTES:   |  |       |       |
| [1] – The minimum lot width at the building line shall also be the minimum lot frontage for all lots except cul-de-sac lots, which shall comply with the minimum lot width at the building line and the minimum lot frontage for cul-de-sacs as established in this table. |  |       |       |
| [2] See Section 1113.01(b) for building coverage of accessory uses.  |  |       |       |

| 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% | 40% |
| Total Maximum Lot Coverage [2]  | 45% | 60% |
| Maximum Building Height (Feet)  | 35  | 60  |
| 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.  |     |     |

## 1115.04 Site Development Standards for Business and Special Zoning Districts

- (a) [Table 1115-3](#) and [Table 1115-4](#) establishes the minimum site development standards for all business and special zoning districts.
- (b) There can be more than one principal building on an individual lot.
- (c) All parking areas and driveways shall comply with the minimum setbacks established in Section [1125.03\(b\)](#).

**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) [1]  | 10     | 25     | 50     | 25   |
| Minimum Rear Yard Building Setback from any Residential Zoning District (Feet) [1]  | 25     | 35     | 50     | 25   |
| Maximum Lot Coverage by Buildings   | 40%    | 40%    | 30%    | None |
| Maximum Building Height (Feet)  | 45     | 45     | 45     | 60   |
| NOTES:<br>[1] Additional setback requirements may also be required to accommodate landscaping and buffers as may be required by <a href="#">Chapter 1123: Landscaping and Buffering</a> .<br>[2] The maximum front yard building setback in the C-1 District shall only apply to lots with frontage along North Market Street.<br>[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:<br>[1] Additional setback requirements may also be required to accommodate landscaping and buffers as may be required by <a href="#">Chapter 1123: Landscaping and Buffering</a> . |     |     |     |      |      |

# Chapter 1117: General Development Standards

## 1117.01 Performance Standards

No land or structure in any zoning district shall be used or occupied in any manner to create a dangerous or objectionable condition, substance or element, in such a manner or in such amount to adversely affect the adjoining premises or surrounding area.

### (a) Compliance with State and Federal Regulations

All uses shall comply with all applicable state and federal Environmental Protection Agency, Occupational Safety and Health Administration (OSHA), Americans with Disabilities Act, and all other state and federal regulations that pertain to the applicable use.

### (b) Enclosures

- (1) The repainting, rebuilding, overhauling or dismantling of a vehicle or the storage of tires, motor, or body parts in a right-of-way or an open yard is prohibited.
- (2) All uses and operations, except off-street parking and loading facilities, shall be performed wholly within enclosed buildings in all districts except the I-1, 1-2, or I-3 Districts, unless specifically permitted otherwise.

### (c) Overhead Utility Lines

All utility lines, electric lines; telephone or telecommunication lines, cable lines; etc., shall be placed underground. Exceptions shall be made for high-voltage power lines that cannot feasibly be located underground.

### (d) Fire Hazards

Any industrial processing that involves flammable or explosive materials shall only be permitted in the I-2 District and only as a conditional use (See Section [1105.04](#)).

### (e) Noise

All uses shall comply with the following noise standards.

- (1) A sound-level meter shall be used to measure decibel level.
- (2) Noise levels shall be measured at the lot line.
- (3) No use shall emit noise which exceeds the decibel limits set forth in [Table 1117-1](#).

| TABLE 1117-1: MAXIMUM NOISE LEVELS        |                                      |                          |                |
|---|--------------------------------------|--------------------------|----------------|
| Property with Noise Source                | Property Receiving/Affected by Noise |                          |                |
|   | Residential or Institutional Use     | Commercial or Office Use | Industrial Use |
| Daytime Limits<br>(7:00 AM to 10:00 PM)   | 60 dBA                               | 65 dBA                   | 70 dBA         |
| Nighttime Limits<br>(10:00 PM to 7:00 AM) | 50 dBA                               | 60 dBA                   | 65 dBA         |

### (4) Exemptions

The following uses and activities shall be exempt from noise level regulations:



- A. Noises of safety signals, warning devices and emergency pressure relief valves;
- B. Noises resulting from any authorized emergency or public safety vehicle, when responding to an emergency call or acting in time of emergency;
- C. Noises resulting from emergency work;
- D. Noises resulting from authorized public activities such as parades, fireworks, sports events, musical productions and other activities which have the approval of the department who has been authorized this responsibility by City Council; and
- E. Noises resulting from sports events authorized by the Board of Education, private schools, colleges, or universities.

**(f) Heat**

- (1) In all zoning districts except the I-2 District, no use shall generate heat that is perceptible without the aid of instruments at any point beyond the lot occupied by the use.
- (2) In the I-2 District, no use shall generate heat or glare that is perceptible without the aid of instruments at any point beyond the zoning district boundary.

**(g) Vibration**

- (1) In all zoning districts except the I-2 District, vibrations, which are perceptible without the aid of instruments, shall not be permitted beyond the lot occupied by the use generating such vibration.
- (2) In the I-2 District, all activities shall be set back from and controlled in such a manner as to prevent transmission of vibrations that are perceptible without the aid of instruments beyond the zoning district boundary.

**(h) Odors**

- (1) In all zoning districts except the I-2 District, the emission of odorous matter in such quantities as to produce a public nuisance or hazard outside the building is prohibited.
- (2) In the I-2 District, the emission of odorous matter in such quantities as to produce a public nuisance or hazard shall not be detectable beyond the lot occupied by the use generating the emission.

**(i) Noxious, Toxic or Corrosive Fumes**

Noxious, toxic or corrosive fumes or gasses shall not be emitted which shall be injurious to the property, vegetation, or health of people residing or doing business in any adjacent lot.

**(j) Air Pollution**

- (1) The emission of smoke, soot, fly ash, fumes and dust shall be controlled by precipitation devices, height of stack, rate of emission or other manner so that the quantity deposited in any zoning district shall not be detrimental to or endanger the public safety, comfort, welfare or adversely affect property values. In addition, no use shall emit fly ash, dust, vapors or other substances that are harmful to health, animals, vegetation or other property or which can cause excessive soiling.
- (2) Dust and other types of air pollution borne by the wind from sources such as parking areas, storage areas, or yards shall be kept to a minimum by appropriate landscaping, paving, oiling or other acceptable treatment.

**(k) Solid and Liquid Waste**

- (1) Solid waste, including empty packing crates and other excess materials, shall be regularly disposed of, stored in buildings, screened by solid walls or fences, or completely enclosed in containers or dumpsters, and shall not be permitted to accumulate on any lot.
- (2) Large waste receptacles shall be:
  - A. Located in a side or rear yard in compliance with the minimum parking setbacks established in Section [1125.03\(b\)](#). 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](#).
- (3) If liquid wastes are disposed of in containers, they shall be appropriate containers, and the wastes shall be removed from the site on a regular basis.
- (4) Liquid waste or sewerage shall not be discharged into a reservoir, stream, or other open body of water or into a storm or sanitary sewer except as allowed by other codes of the City of Wooster, County, State or similar jurisdictional authority.

**(l) Radioactive or Electrical Disturbances**

- (1) No activity shall emit dangerous radioactivity at any point or electrical discharges affecting the operation, at any point, of any equipment other than that of the creator of such disturbances.
- (2) Such disturbances shall be confined to the use and lot from which they originate and shall not occur across any lot line.
- (3) The handling of radioactive materials, the discharge of such materials into the air and water, and the disposal of radioactive wastes shall be in conformity with the applicable regulations of the Nuclear Regulatory Commission and the Ohio Environmental Protection Agency.

**(m) Infectious and Medical Waste Materials**

The storage, incineration or disposal of infectious or medical waste materials in such a manner or in such quantities as to produce a public nuisance or a hazard to the public health and welfare of the community shall not be permitted.

**(n) Stormwater Facilities**

Detention/retention facilities that are visible from a public street shall be integrated into a landscaped area. Such landscaped areas shall contain any combination of the following elements: shade and ornamental trees, evergreens, shrubbery, hedges, and/or other planting materials as well as ornamental fencing.

**(o) Erosion**

No erosion, by either wind or water, which will carry objectionable substances onto neighboring properties shall be permitted

**(p) Enforcement**

Where determinations can be made by the Zoning Administrator or other authorized City employee, using equipment normally available or obtainable without extraordinary expense, such determinations or evaluation shall be made whenever possible before a notice of violation is issued. Where technical complexity or extraordinary personnel or equipment is required to make the determination, the Zoning Administrator may, in the case of the offenses under this section, require the owner to either obtain and pay for an independent survey or share in the cost of an independent survey from a professional engineer experienced in the particular specialty.

**1117.02 Environmental Protection**

**(a) Purpose**

It is hereby determined that the natural environment within the City of Wooster contributes to the health, safety, and general welfare of the residents of Wooster, and therefore, should be protected. These regulations are enacted in order to:

- (1) Protect and preserve designated wetlands, riparian corridors, and steep slopes; and
- (2) Protect residents of Wooster from property loss and damage due to flooding.

**(b) Compliance with Regulations**

No approvals required by this code or zoning certificates shall be issued by the City to any applicant whose lot falls within the jurisdiction of these regulations without full compliance with the terms of these provisions.

**(c) Wetland Regulations**

Wetlands that are required to be retained by the Army Corps of Engineers or the Ohio Environmental Protection Agency (OEPA) shall be protected by the following:

- (1) A buffer area shall be established having a minimum width of 20 feet measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state. During construction, this buffer shall be fenced off to prevent disturbance of this required buffer area.
- (2) All buildings and pavement shall be set back a minimum of 35 feet from the edge of the designated wetland.

**(d) Steep Slopes**

- (1) No roadway or driveways shall be constructed on land having a slope greater than 25 percent.
- (2) No buildings or parking areas shall be constructed on land having a slope greater than 20 percent.
- (3) The Zoning Administrator shall have the authority to waive the application of these requirements when grading, special construction practices, or the use of a retaining wall will address any safety issues and where the character of the surrounding neighborhood will not be substantially altered because of changes in building design or the natural grade.
- (4) Slopes shall be determined by dividing the vertical rise in elevation by the horizontal run of the same slope and converting the result into a percentage value.

**(e) Flood Hazard Areas**

- (1) No residential dwelling or part thereof, except for approved campgrounds, shall be erected within the 100-year floodplain as designated on the most recently adopted Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency (FEMA).
- (2) In the event a recreational dwelling is built within the floodplain, then the dwelling shall be built above the base flood elevation, or if the recreational dwelling is stilted, then the main structure of the dwelling shall be built above the base flood elevation.
- (3) Any residential dwelling or part thereof within the 100-year floodplain at the time of enactment of this code may be altered or expanded if:
  - A. The alteration or expansion conforms with all applicable regulations of this code; and
  - B. There is not an increase in the number of dwelling units in the building.
- (4) Any nonresidential building, or part thereof, which is constructed within the 100-year floodplain is encouraged to be flood proofed.

**(f) Riparian Corridor Setback**

All development subject to review under this code shall comply with the riparian corridor setbacks established by the Wooster Engineering Division in the Site Development and Improvement Manual.

**1117.03 Exterior Lighting****(a) Purpose**

The purpose of this section is to control the installation of exterior lighting fixtures to prevent light pollution in the forms of light trespass and glare and to preserve, protect, and enhance the character of the City and the lawful nighttime use and enjoyment of property located within the City. Appropriate site lighting, including lights for signs, buildings and streets, shall be arranged so as to provide safety, utility and security; control light trespass and glare on adjacent properties and public roadways.

**(b) Applicability**

The standards of this section shall apply to all development activities, subject to review under this code, with the following exceptions:

- (1) Lighting related to single-family and two-family dwellings are exempt, however, all lighting for these uses, with the exception of low-voltage landscaping lighting, which shall be completely shielded from adjacent properties.
- (2) Decorative outdoor lighting fixtures with bulbs of less than 25 watts, installed seasonally, are exempt from the requirements of this section.
- (3) Fully shielded decorative lighting attached to a building or placed in landscaping and directed onto a building shall be exempt from the requirements of this section, provided direct light emissions are not intended to be visible above the building line roof. This shall not include decorative lighting used to illuminate a sign, which is regulated by [Chapter 1127: Signage](#).
- (4) Light fixtures used to illuminate flags, statutes, and any other objects mounted on a pole, pedestal, or platform shall be exempt from the requirements of this section, provided these objects are illuminated using a narrow cone beam or light fixtures designed to minimize light spillage beyond the illuminated object.

- (5) Lighting for certain outdoor recreational uses because of their unique requirements for nighttime visibility and their limited hours of operation. However, such uses, which includes, but is not limited to, ball diamonds, playing fields, tennis courts and other similar outdoor recreational uses shall be required to meet the following standards:
  - A. Cutoff from a lighting source that illuminates an outdoor recreational use may exceed an angle of 90 degrees from the pole, provided that the luminaries are shielded to prevent light and glare to spill over to adjacent residential properties.
  - B. The maximum permitted illumination at the lot lines shall be two footcandles.
  - C. Exterior lighting for an outdoor recreational use shall be extinguished no later than 11:00 p.m.
- (6) Temporary construction or emergency lighting is exempt from the requirements of this section. Such lighting shall be discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.
- (7) Nothing in this Chapter shall apply to lighting required by the FAA or any other federal regulatory authority.

**(c) Exterior Lighting Plan**

- (1) A lighting plan is required for all uses that are required to file a development plan and shall be approved according to the procedures set forth in [Section 1105.07](#). The lighting plan shall demonstrate compliance with the requirements of this section. However, a photometric study of the illumination shall only be required when a multi-family dwelling with 10 or more units or a nonresidential use is proposed to be located adjacent to a lot in a residential district or that is occupied by an existing residential use.
- (2) All existing uses on which exterior lighting is installed or changed shall conform to these standards.
- (3) The lighting plan shall demonstrate compliance with the exterior lighting standards of this section.

**(d) General Requirements**

- (1) All outdoor lighting fixtures regulated according to this section, including but not limited to those used for parking areas, buildings, building overhangs, canopies, signs, displays and landscaping, shall be full-cutoff type fixtures, unless specifically exempted by this section.
  - A. Full-cutoff fixtures shall be installed and maintained so that the shielding is directed downwards or at a downward angle as illustrated in [Figure 1117-A](#).

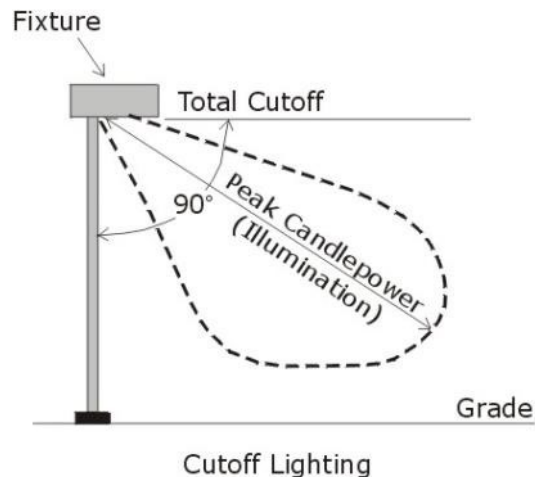


Figure 1117-A: Illustrative example of a cutoff light

- B. Any use that has a canopy with lighting fixtures attached to the bottom of the canopy shall utilize recessed ceiling fixtures.
  - C. Signs that are wholly illuminated from within and freestanding signs that are externally illuminated with an exposed incandescent lamp not exceeding 40 watts shall not require shielding.
- (2) All on-site lighting of buildings, lawns, parking areas and signs shall be designed so as not to shine onto any adjacent residential property or building, or to cause glare onto any public street or vehicle thereon.
  - (3) Illumination is required consistently across the site shall be designed so as not to create dark spots that may create safety issues in such areas as vehicular use areas and connecting pedestrian paths.
  - (4) For all nonresidential uses in the R-1, R-2, and R-T Districts, all nonessential outdoor lighting fixtures, including parking, sign, display, and aesthetic lighting, shall be turned off after business hours. Only that lighting needed for safety or security may remain lit after close of business, in which case the lighting shall be reduced to the minimum level necessary.
  - (5) There shall be a maximum illumination of 0.5 footcandles at the lot line in all residential districts and for any nonresidential use that abuts a lot in a residential zoning district or lot occupied by an existing residential use.
  - (6) **Measurement**
    - A. Light levels shall be measured in foot-candles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading.
    - B. Measurements shall be taken at the property line, along a horizontal plane at a height of 3.5 feet above the ground.
  - (7) **Maximum Height of Light Poles**

The total height of exterior lighting poles shall not exceed the following height regulations. Height shall be measured from the average grade surrounding each light pole:

| TABLE 1117-2: MAXIMUM HEIGHT OF LIGHT POLES |                                      |
|---|--------------------------------------|
| Districts:                                  | Maximum Height                       |
| AG, R-1, R-2, R-T, R-3, R-4, and R-5        | 20 feet                              |
| CF, C-1, C-2, C-3, C-4, I-1, and I-3        | 25 feet                              |
| I-2   | 28 feet                              |
| Planned Developments                        | To be determined during plan review. |

# **Chapter 1119: Architectural and Historic Preservation Standards**

## **1119.01 Purpose**

The purpose of this chapter is to encourage development that contributes to the City of Wooster's unique sense of place, reflecting the community's physical and historic character, and adding to it in appropriate ways. The standards of this chapter are intended to be established to ensure that development and redevelopment contribute to the character and attractiveness of core districts, major uses, gateways, and corridors in the City.

## **1119.02 Applicability**

All buildings and structures shall be subject to the standards of this chapter unless otherwise stated.

## **1119.03 Design Criteria for Residential Dwellings in the R-T District**

All single-family detached dwellings in the R-T District shall comply with the following regulations. The Zoning Administrator may exempt applicants from these standards when the exterior building modifications are minor in nature, meaning the design modifications will have no discernable impact on neighboring properties, the public, the public right-of-way, or those intended to occupy or use the proposed development.

- (a) The main entrance of the dwelling shall be oriented toward a public street.
- (b) The front wall of the dwelling shall be parallel to the street or its tangent, if the street is curved.
- (c) For corner lots, a dwelling unit may be oriented toward the intersection of the two streets.
- (d) Dwelling unit entrances shall include architectural elements that emphasize the entrance, including, but not limited to, front porches, transom and sidelight windows, decorative trim and moldings, and arches.
- (e) At least fifteen percent of the area of a street-facing façade shall be windows that meet the following standards. Windows in rooms with a finished floor height of four feet or more below average finished grade are exempt from this standard:
  - (1) Each window shall be square or vertical in orientation; or,
  - (2) A horizontal window opening may be created when:
    - A. Two or more vertical windows are grouped together to provide a horizontal opening; or
    - B. There is a band of individual lites across the top of the horizontal window. These small lites shall be vertical and cover at least 20 percent of the total height of the window.
- (f) No principal building shall be constructed where the front facade is more than 25 percent wider or narrower than the average width of principal buildings along the block face.
- (g) If over 75 percent of the existing dwellings along the same block face contain two or more stories, the new dwelling unit shall also include two or more stories.
- (h) The roof type shall generally reflect the predominant roof types of the buildings along the same block face (e.g., the building should not have a flat roof where the predominant roof type is a gable).



- (i) Where the majority of buildings along the same block face have front porches, the dwelling unit subject to this subsection shall also include a front porch that has a width and depth generally similar to the average width and depth of porches along the same block face.



*Figure 1119-A: The detached dwelling in the foreground exhibits compatibility with the surrounding dwellings in regard to design, scale, setbacks, and materials.*

- (j) For any new dwelling, an attached garage that has overhead garage doors that face the street shall be setback at least four feet from the front façade of the main building mass. The following exceptions shall apply:
- (1) An overhead garage door may be flush with the front façade of the building if the building has a porch, floor to ceiling bay window, balcony, structurally integral planter, or other significant design feature or combination of features that extend at least four feet forward from the wall plane on which the garage door is placed. A garage door that is recessed within the thickness of the garage wall as a result of typical construction practices shall be considered flush; or
  - (2) An overhead garage door may be flush with the front façade of the residence if at least 40 percent of the façade on which the door is located is comprised of windows; or
  - (3) An overhead garage door may be flush with the front façade of the residence if the garage is not more than 35 percent of the length of the street-facing façade.

#### **1119.04 Architectural Standards for Single-Family Attached Dwellings and Multi-Family Dwellings**

The standards of this subsection shall apply to all single-family attached dwellings and multi-family dwellings.

- (a) All siding shall be either horizontal or vertical in placement.
- (b) A minimum of 50 percent of all facades shall be constructed of brick, stone, wood, or other natural materials. The use of cultured stone, brick veneer, cementitious materials, or other fabricated materials that resemble natural materials is also permitted, excluding vinyl siding. The remaining 50 percent of facades may be constructed with any sturdy building material, including vinyl.
- (c) Front facades shall incorporate variation in mass through one or more of the following methods every 50 feet of façade frontage:

- (1) Wall offsets in the form of projections and/or recesses in the façade plane; Wall offsets shall have a minimum depth of two feet;
  - (2) Bay windows;
  - (3) Façade color changes;
  - (4) Use of pilasters, columns, or other detailing to articulate the facades; or
  - (5) Roofline changes when coupled with correspondingly aligned façade material changes.
- (d) In addition to wall offsets, front facades and side facades on buildings on corner lots shall provide a minimum of three of the following design features for each residential unit fronting onto the street:
- (1) One or more dormer windows or cupolas;
  - (2) A recessed entrance;
  - (3) A covered porch;
  - (4) Pillars, posts, or pilasters;
  - (5) One or more bay windows with a minimum of 12-inch projection from the façade plane;
  - (6) Eaves with a minimum of six-inch projection from the façade plane;
  - (7) A parapet wall with an articulated design, which entails design variation rather than a simple rectilinear form; or
  - (8) Multiple windows with a minimum of four inch wide trim.



*Figure 1119-B: Illustrative example of acceptable architectural design for multi-family dwellings*



*Figure 1119-C: Illustrative example of unacceptable architectural design for multi-family dwellings*

- (e) To the maximum extent practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or configured to have a minimal visual impact as seen from the street. See Section [1119.05\(f\)](#) and Section [1123.07](#).

## **1119.05 Architectural Standards for Nonresidential Buildings**

Any nonresidential building in the C-1, C-2, C-3, or C-4 Districts shall be subject to the following standards. Where a building or structure is considered a Landmark or is located within a Landmark Building, such buildings or structures shall be subject to the standards of this section and Section [1119.06](#).

### **(a) Building Orientation**

- (1) Buildings shall generally be parallel to the street they front unless an alternate orientation is consistent with adjacent development.
- (2) The primary entrances of buildings shall be oriented towards a public street.
- (3) If the primary entrance is located on the side or rear of the building due to the location of parking, the façade located along the street frontage shall be identified and designed as the primary façade.

### **(b) Building Materials**

- (1) The structural frame of a building shall not be exposed to the exterior of a building.
- (2) A combination of materials, textures, colors, and finishes shall be utilized to create visual interest.
- (3) Materials within three feet of the finished grade or sidewalk shall be of a durable material to withstand pedestrian and vehicular traffic.
- (4) No stucco (commonly known as “dry vit” or E.I.F.S.) or similar materials shall be permitted within three feet of the finished grade.
- (5) All rooftop equipment shall match the color of the structure or be visually compatible with the structure.

**(c) Building Facades**

- (1) Blank building walls, whether the primary or secondary façade, that are visible from public or private streets (including alleys adjacent to residential or mixed use buildings) are prohibited. These requirements shall not apply to those walls that are not visible from a street or are completely hidden due to topography or natural features preserved as open space.
- (2) Although the front façade of a building is expected to be the focal point in terms of the level of architectural character and features, all sides of buildings that are visible from a public street or an adjacent building shall incorporate architectural detailing on all facades that is consistent with the front façade and the requirements of the applicable zoning district. Any façade of a building that will be screened from view due to the buffering requirements of [Chapter 1123: Landscaping and Buffering](#) shall be exempt from this requirement.



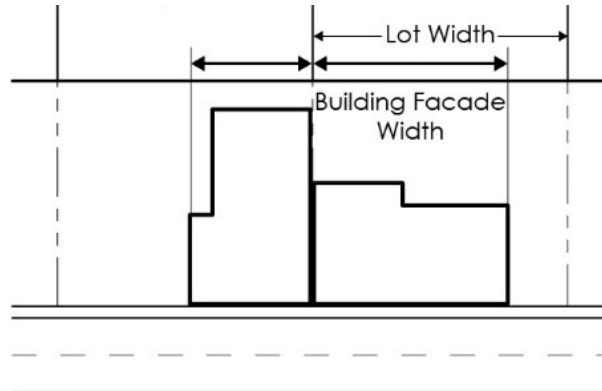
*Figure 1119-D: This figure shows two methods of using architectural features to create wall surface relief on wall elevations that are not the primary elevation.*

- (3) The maximum linear length of an uninterrupted façade plane in the C-4 District shall be 35 feet. This shall mean that the building design shall incorporate pilasters, material variations, height variations, awnings, storefronts, or other elements to divide a long façade plane into distinct sections with no individual section exceeding 35 feet in width. See [Figure 1119-E](#).



*Figure 1119-E: This image illustrates how existing and new structures divide the entire façade plane into smaller components through the use of pilasters, storefronts, height variation, and material variations.*

- (4) The principal building shall have a front façade that occupies a minimum percentage along the frontage abutting the public street as established below and as seen in [Figure 1119-F](#).
- A. 50 percent in the C-2 District;
  - B. No requirement in the C-3 District; and
  - C. 75 percent in the C-4 District.



*Figure 1119-F: A figure illustrating the minimum width of the principal building façade occupying the street frontage.*

**(d) Roof Styles**

- (1) The height of any pitched roof shall not exceed one-half of the overall building height.
- (2) **Roof Line Changes**
- A. Roofline changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.
  - B. When roofline changes are included on a façade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes.

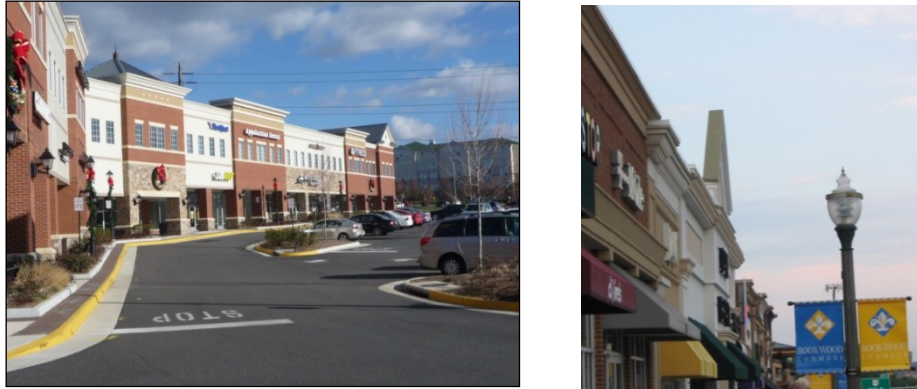


*Figure 1119-G: Roofline changes shall be aligned with corresponding wall offsets and/or material or color changes.*



**(3) Flat Roofs**

- A. When flat roofs are used, parapet walls with three-dimensional cornice treatments shall conceal them. The cornice shall include a perpendicular projection a minimum of eight inches from the parapet façade plane.
- B. Thin parapets that extend more than two feet above the roof and have a depth of less than two feet from the façade surface, are prohibited.



*Figure 1119-H: Parapet walls with cornice treatments are used to disguise flat roofs. The image on the right illustrates a tall, thin parapet wall that is prohibited.*

**(4) Asymmetric or Dynamic Roofs**

- A. Asymmetric or dynamic roof forms allude to motion, provide variety and flexibility in nonresidential building design, and allow for unique buildings.
- B. Asymmetric or dynamic roof forms shall be permitted on nonresidential buildings provided the criteria for flat roofs in Paragraph [1119.05\(d\)\(3\)](#), above, are met.
- C. Asymmetric or dynamic roof forms are prohibited in the C-4 district.



*Figure 1119-I: Examples of dynamic or asymmetric roof lines*

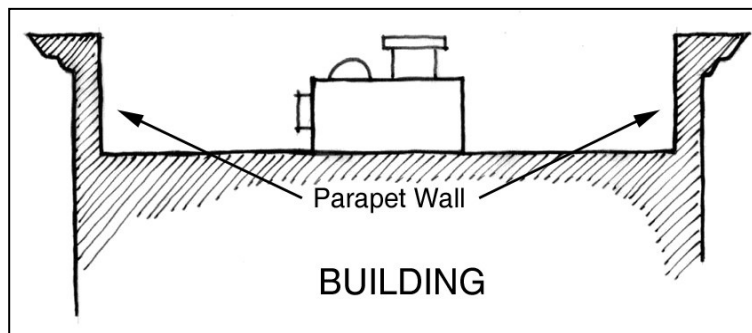
**(e) Transparency**

- (1) In the C-4 District, the primary façade (with customer entrances) or the front facade of all buildings shall include transparent doors or windows in an amount equal to 65 percent of the facade area on the first floor and 30 percent of the façade area of upper floors, with each floor of the façade being calculated separately.

- (2) In all other districts, the primary façade (with customer entrances) or the front facade of all buildings shall include transparent doors or windows in an amount equal to 25 percent of the facade area, which each floor of the façade being calculated separately.
- (3) A window or door shall be considered transparent when there is a completely unobstructed view of a building interior to a depth of no less than three feet. This shall not include any merchandise displayed within three feet of the window or any window sign, permitted in accordance with [Chapter 1127: Signage](#), provided that the window or door would be considered transparent prior to the erection of the display or sign.
- (4) Any part of the building, which is not the front façade, that is visible from a private right-of-way, parking area, or public circulation area shall have no more than 25 percent of the wall length, not to exceed 75 feet, of contiguous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays, or an undulation of the building so that a pedestrian scale, rhythm, and visual interest is created.

**(f) Mechanical Equipment**

- (1) Wall mounted mechanical, electrical, communication equipment, downspouts, gutters, service doors, and other building-mounted utility fixtures, shall be painted and maintained to match the building or be screened from view.
- (2) Mechanical equipment such as transformers and HVAC units shall not be located in front yards.
- (3) All mechanical equipment, including both ground-mounted and roof-mounted equipment, shall be screened from view from adjacent public and private rights-of-way, as well as from all property zoned or used for residential purposes.



*Figure 1119-J: Example of how parapet walls are utilized to screen roof mounted mechanical equipment.*

- (4) Screening elements shall include walls (same material and color as principal structure), landscaping, mounds, parapets or enclosures constructed of the same materials used on the majority of the principal structure or any combination or as otherwise approved or required during development plan review (See [Section 1105.07](#)).
- (5) The screening of mechanical equipment will be reviewed on a case-by-case basis based upon the following determinations:
  - i) Site location relative to adjacent properties and public rights-of-way;

- ii) Topography of the subject site relative to adjacent properties and public rights-of-way;
- iii) Whether the subject screening creates visual inconsistencies with surrounding areas; and
- iv) Whether the screening substantially meets the overall intent of these district architectural guidelines.

(6) Mechanical equipment is also subject to Section [1123.07](#).

**(g) Planning Commission Waiver**

The Planning Commission may waive portions of the above architectural standards for new construction in the C-1, C-2, C-3, and C-4 Districts for any building that is not a designated Landmark or within a Landmark District, provided that the Planning Commission finds that:

- (1) The subject standard or requirement would not be compatible with nearby buildings in the same zoning district; or
- (2) The applicant proposes an alternative that complies with Section [1105.10](#).

## **1119.06 Preservation Standards for Landmarks and Landmark Districts**

**(a) Purpose**

The purpose of this chapter is to provide a means for the designation and protection of Landmarks and Landmark Districts in the City of Wooster pursuant to the procedures and standards of this code in order to preserve, protect, and perpetuate places, buildings, structures, works of art, and other objects having a special historical, community, or aesthetic interest or value, all for the reasons described below:

- (1) To safeguard the heritage of the City by preserving sites and structures that reflect elements of the City's cultural, social, economic, political, archeological, or architectural history;
- (2) To stabilize and improve property values;
- (3) To enhance the visual and aesthetic character, diversity and interest of the City;
- (4) To foster civic pride in the beauty and notable accomplishments of the past;
- (5) To promote the use and preservation of historic and archeological sites and structures for the education and general welfare of the people of the City; and
- (6) To take necessary measures to safeguard the property rights of the owners whose property is declared to be a Landmark or is located in an area designated as a Landmark District.

**(b) Designation of a Landmark or Landmark District**

The City may, from time to time, consider the designation of structures, buildings, or places within the City as Landmarks or Landmark Districts through the procedure established in Section [1105.09](#).

**(c) Certificate of Appropriateness Required**

A certificate of appropriateness may be required for any construction, reconstruction, demolition, relocation, or other exterior alteration of a structure, building, or use as defined in Section [1105.08](#).



**(d) Determining the Significance of a Structure**

- (1)** When making decisions or recommendations about changes to Landmarks or structures in a Landmark District, the Design Review Board shall have the authority to make a determination of the historical significance of the structure based on this section.
- (2)** For structures that the Design Review Board finds are not historically significant, the board may relax or waive the standards or guidelines found in the City of Wooster Design Guidelines for Landmarks and Landmark Districts.
- (3)** If the Design Review Board finds that the structure is historically significant, the standards and guidelines of the design guidelines or this chapter may be fully applied at the discretion of the Design Review Board and as further described in the design guidelines or in this chapter.
- (4)** The Design Review Board shall determine whether a structure or site is significant based on the structure's:
  - A.** Value as a reminder of the cultural or archaeological heritage of the City, State, or nation;
  - B.** Location as a site of a significant local, state, or national event;
  - C.** Identification with a person or persons who significantly contributed to the development of the City, State, or nation;
  - D.** Identification as the work of a master builder, designer, or architect whose individual work has influenced the City, State, or nation;
  - E.** Value as a building that is recognized for the quality of its architecture and that it retains sufficient elements showing such architectural significance;
  - F.** Example of an architectural style or period;
  - G.** Contribution to the historical nature of the overall site; and/or
  - H.** Character as a contributing element in a Landmark District.

**(e) Review Standards and Guidelines**

- (1)** In addition to any applicable standards of the applicable zoning district or standards found in this chapter, any construction, modification, expansion, or other changes subject to a certificate of appropriateness review shall be subject to the applicable design standards and guidelines that are established in the City of Wooster Design Guidelines for Landmarks and Landmark Districts, as adopted by City Council. The manual shall hereafter be referred to as the design guidelines.
- (2)** The following design criteria shall apply to all buildings, site elements, structures and property designated as Landmarks or within a Landmark District:
  - A.** All construction, reconstruction, exterior alteration, demolition, or other exterior structure or site element change shall preserve the character, historical significance, and architectural style of the existing buildings, site elements, structures and property. Such changes shall be visually compatible with the subject structure, property and area, and a false sense of history shall not be created.
  - B.** Traditional building materials such as wood, brick, metal, or stone shall be used for construction, reconstruction, exterior alteration, or other exterior structure or site element change. Modern man-made materials may be utilized at the discretion of the Design Review Board if the proposed project keeps in character with the existing building, site, area structures, and design guidelines.

- C. For new construction and additions, the structure's width, height, surrounding setbacks and style shall be considered in relationship to adjacent structures. This relationship between structures shall allow for consistency of style, size and density in each given neighborhood area.
- D. Where possible, elements which can contribute to the quality of the pedestrian environment and other public amenities should be promoted. Included among these may be benches, water features, seating areas, arcades, awnings or canopies.
- E. Signage shall be proportionally scaled and appropriately designed to coalesce with the subject building, site and area.

**(f) Changes Not Prohibited**

Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of any property which has been designated a Landmark or which is situated in a designated Landmark District, and which does not involve a change in design, material, or outer appearance thereof; nor to prevent any environmental or changes to the building that the Building Standards or Fire Divisions shall certify in writing is required by the public safety because of an unsafe or dangerous condition.

# Chapter 1121: Open Space Standards

## 1121.01 Purpose

This section addresses the character and design of those portions of development that are not occupied by platted lots or streets and that are reserved for open space, public parks, and greenways. The purpose of this section is to:

- (a) Establish the standards and criteria under which portions of land associated with development shall reserve and dedicate land to the City for the purposes of development as private open space, public parks, greenways, or other recreational spaces; and
- (b) Establish minimum ownership and maintenance standards for homeowner and property owner associations related to private formal and informal open space areas associated with development.

## 1121.02 Applicability

- (a) This chapter shall apply to all types of development identified in [Table 1121-1](#) after the effective date of this code.
- (b) The Zoning Administrator shall not grant a zoning certificate approval for any building or structure shown in a subdivision or development subject to the provisions of this chapter unless the open space allocated to that phase have been conveyed under one of the options established in this chapter.

## 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 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%  |

- (1) The percentage of open space shall be based on the gross site area of the proposed project, including all rights-of-way.
- (2) The following areas shall not be counted toward compliance with open space requirements:
  - A. Private and public roads, and associated rights-of-way;
  - B. Public or private parking spaces, access ways, driveways, and other vehicular use areas;
  - C. Required minimum spacing between buildings and required yard setbacks;
  - D. Land that is subject to pre-existing conservation easements or other similar protected open spaces;

- E. Above-ground buildings, pipes, apparatus, and other equipment for community or individual use, septic or sewage disposal systems;
- F. Substations or public utility easements;
- G. Dry stormwater detention basins or facilities; and
- H. Leftover land that has no value for development and is not a natural resource (e.g., river or stream corridor, large forest stand, wetland) that contributes to the quality of the overall project, as determined by the Planning Commission or Zoning Administrator, as may be applicable based on the review procedure.

**(b) Permitted Uses in Open Spaces**

The following uses may be permitted in required open space:

- (1) Areas preserved in their natural state as wetlands, woodlands, lakes or ponds, historic lands, environmentally sensitive areas, or similar conservation-oriented areas;
- (2) Community gardens (See Section [1109.03\(b\)\(2\)](#).);
- (3) Outdoor active or passive recreational uses for the use and/or enjoyment of the residents of the proposed development. Any restricted open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purposes as determined by the Planning Commission. Where deemed appropriate by the Planning Commission, recreation areas shall be provided with sufficient parking and appropriate access;
- (4) Utilized for the raising of crops when authorized in a conservation easement or in the association's covenants and restrictions; and
- (5) Any other similar uses approved by the Planning Commission or Zoning Administrator during the applicable review procedure.

**(c) Design Standards for Open Spaces**

Land set-aside as open space shall comply with the following standards:

- (1) All areas of open space shall be accessible to residents or users of the development by providing at least 50 feet of frontage on a public street.
- (2) All areas of the open space shall have a minimum width of 50 feet.
- (3) The open space shall be located and designed to the satisfaction of the Planning Commission and shall be sufficiently aggregated to create large areas of planned open space.
- (4) The open space shall conserve significant topographic and landscape natural features to the extent practicable.
- (5) Any area within the open space that is disturbed during construction or otherwise not preserved in its natural state, shall be landscaped with vegetation that is compatible with the natural characteristics of the site.
- (6) All open space required by this chapter, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on all approved plans.
- (7) Where open areas, trails, parks, or other open space resources are planned or exist adjacent to development, the open space shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the presently existing trail, park, or other open area land.

**(8) Provision of Open Space in Multi-Phase Developments**

- A.** Development proposed in phases shall be considered as a single development for the purposes of applying the open space set-aside standards required in this chapter.
- B.** The open space set-aside for the entire project shall be reviewed and approved as part of the preliminary plat process.
- C.** Development shall not be phased solely as a method to avoid the minimum open space set-aside standards in this chapter.
- D.** In cases where less than 100 percent of the total amount of open space set-aside is provided within the first phase of a multi-phase development, the open space set-aside required shall, at a minimum, be apportioned into each of the remaining development phases. At any point, the applicant may fulfill the open space set-aside requirements prior to completion of the development or subdivision.

**1121.04 Ownership of Open Space**

- (a)** The first priority of the open space requirement is to provide for a community wide network of parks, open spaces, greenways, or other recreational areas. As such, all open space required by this chapter shall first be offered to the City for potential public land dedication.
- (b)** Such offer for public land dedication shall be made during the applicable review procedure and the Planning Commission or Zoning Administrator with authority to make a decision during the applicable review procedure shall also have the authority to decide whether to recommend that the land should be considered by City Council for public dedication.
- (c)** The City shall consider any recommendation from Planning Commission or Zoning Administrator regarding the proposed land and shall make a decision on whether to accept any land offered for dedication. City Council shall not be required to accept any land offered for dedication.
- (d)** Where the City chooses not to accept the open space for public dedication, the developer shall retain the open space as private open space, protected in perpetuity in accordance with Section [1121.05](#).

**1121.05 Protection of Open Spaces**

- (a)** Any further subdivision of the open space for uses other than those prescribed in this chapter and the approved PD plan or subdivision plat shall be prohibited.
- (b)** In all cases, the long-term control and protection of the open space shall be accomplished through the use of a conservation easement.
- (c)** The applicant may seek to dedicate the open space to the City of Wooster, however the City is not required to accept such dedication. If the open space is not dedicated to, and accepted by, the City, the long-term control and protection of the open space shall be accomplished through the use of a conservation easement in accordance with this section.

**(d) Conservation Easements**

- (1)** At the time when an applicant records the plat for the approved subdivision or submits for a zoning certificate where no plat is required, a conservation easement shall be placed on all lands and private waters used to satisfy the open space requirements of this chapter. The conservation easement shall:
  - A.** Run with the land, regardless of ownership;

- B. Provide for protection of the land in perpetuity;
  - C. Be granted and deeded to the City, Wayne County, State of Ohio, park district, a City approved land trust, or other qualified organization approved by the Planning Commission and Law Director; and
  - D. Be solely for the purpose of ensuring the land remains undeveloped other than development of uses permitted by Section [1121.03\(b\)](#).
- (2) While the City, Wayne County, State, park district, City approved land trust, or other qualified organization may hold the conservation easement, the property itself shall still be owned by the original property owner, the developer (applicant of the subdivision), or a homeowners' or property owners' association. If it is to be owned by an association, the association's documents shall be recorded with the subdivision plat and a copy submitted to the Zoning Administrator to be maintained as part of the City's records.
- (3) The conservation easement shall include information on how the property will be maintained by the property owner and shall also state that failure to maintain the property in accordance with the conservation easement agreements shall be considered a violation of this code. In addition, the holder of the easement may pursue any remedy provided by law or equity, including, but not limited to, the remedies in Section 5301.70 of the Ohio Revised Code.

#### **1121.06 Standards for Owners' Associations**

- (a) A homeowners' association or property owners' association shall be established to permanently maintain all open space and common areas if such areas are not transferred and accepted by the City, Wayne County, State, park district, City approved land trust, or other qualified organization.
- (b) All homeowners' association or property owners' association agreements shall be submitted to the Zoning Administrator as part of the development plan review, subdivision application review, or PD review, whichever is applicable. No set of proposed covenants, articles of incorporation, or bylaws of a homeowner's association or property owners' association shall permit the abrogation of any duties set forth in this section.
- (1) All homeowners' associations or property owners' associations shall guarantee the maintenance of all open space and common areas within the boundaries of the development through the deed restrictions or covenants.
  - (2) Membership in the association shall be mandatory for all purchasers of lots in the development.
  - (3) The association shall be responsible for maintenance, control, and insurance of all common areas, including required open space.
  - (4) In the event that the homeowners' association or property owners' association no longer maintains the common areas and open space in a neat and orderly manner, or if the homeowners' association or property owners' association goes defunct, the City may take over maintenance and assess a fee to cover the costs of such maintenance. The fee shall be assessed to each of the benefitting property owners within the subdivision.
  - (5) The association shall not authorize its dissolution or the sale, transfer or other disposal of any common area, including restricted open space, without:
    - A. An affirmative vote of 75 percent of its members;

- B.** Establishing a successor entity to take over said property pursuant to this code; and
  - C.** The approval of the City Council.
- (6)** Whenever the association adopts an amendment to any approved agreements that pertain to maintenance obligations or access to common areas, the revisions shall be provided to the Zoning Administrator for confirmation that the amendment is in compliance with all applicable standards of this code and any conditions of approval that applied to the original development or subdivision.
- (7)** The association shall convey to the City and other appropriate governmental bodies, after proper notice, the right to enter to any common area for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public health, safety and welfare. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions. In addition, the City shall have the right to proceed against the Association for reimbursements of said costs, including the right to file liens against individual condominium units, houses, and vacant building lots.

# Chapter 1123: Landscaping and Buffering

## 1123.01 Purpose

The preservation of existing trees and vegetation, as well as the planting of new trees and vegetation, can significantly add to the quality of the physical environment of the City of Wooster. The regulations contained below are designed to provide for the health, safety, and welfare of the residents of the City by:

- (a) Promoting the proper utilization of landscaping and screening as a buffer between certain land uses to minimize the possibility of nuisances including potential noise, glare, and the visual clutter associated with parking and service areas;
- (b) Providing interruption of large expanses of vehicular use areas and reduction of reflected heat and glare through the implementation of interior and perimeter vehicular use area landscaping;
- (c) Improving the appearance of off-street parking areas and other vehicular use areas and properties abutting public rights-of-way, thereby reducing conditions which lead to urban blight;
- (d) Providing areas of permeable surfaces in order to:
  - (1) Allow the infiltration of surface water into groundwater resources;
  - (2) Reduce the quantity of storm water discharge, which helps to reduce the hazards of flooding and aids in the control of erosion and storm water runoff; and
  - (3) Improve the quality of storm water discharge.
- (e) Establishing minimum standards for the consistent appearance of plant material in the community landscape;
- (f) Providing physiologically, psychologically, sociologically, and aesthetically necessary counterpoints to the man-made environment; and
- (g) Protecting, preserving, and promoting the aesthetic character valued by the residents of the City of Wooster.

## 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 or a zoning certificate. 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\(a\)\(2\)](#), 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.
- (b) Single-family and two-family dwellings shall be exempt from the requirements of this chapter except those regulations in Section [1123.04](#) and Section [1123.05](#).
- (c) The requirements of this chapter are minimum landscaping requirements, and nothing herein shall preclude a developer and the City from agreeing to more extensive landscaping.
- (d) All requirements of Chapter 925 of the Codified Ordinances, Storm Drainage, shall be applicable.

### **1123.03 General Landscaping Standards**

#### **(a) Existing Landscape Material**

- (1) Unless otherwise noted, existing landscape material in healthy condition can be used to satisfy the requirements of this section in whole or in part provided they meet all requirements of this section.
- (2) The Zoning Administrator shall have the authority to determine if any existing landscape material can be used to satisfy the requirements of this section.
- (3) Developments on properties with a wooded area of no less than one contiguous acre, containing dense vegetation primarily composed of mature trees, shall be configured and developed to provide as little impact as practically possible on such wooded area.

#### **(b) Intersection Visibility**

All landscaping shall be subject to the intersection visibility standards established in Section [1115.02\(d\)](#).

#### **(c) Walls and Fences Used for Landscaping**

- (1) Walls and fences used to comply with the standards of this section shall also comply with Section [1113.01](#).
- (2) Chain link fences with or without wooden or synthetic slat material shall not be allowed when used to satisfy the buffer requirements of this section.

#### **(d) Plant Standards**

All plants utilized in the fulfillment of the requirements of this section shall meet the following requirements:

- (1) Plants installed shall meet the standards for size, form, and quality set out in the American Standard for Nursery Stock (ANSI Z60.1, latest edition).
- (2) Plant materials should consist of hardy, native and/or drought-tolerant vegetation to the maximum extent feasible. Applicants should review the Wooster City Urban Forestry Policy Manual, current edition, for recommendations and basic information for the planting, maintenance, and removal of landscaping materials.

- (3) All planting materials shall be free of noxious weeds, disease, and pests.
- (4) Street trees and any trees located within public rights-of-way or on publicly owned property shall be subject to the requirements of the Wooster City Urban Forestry Policy Manual, current edition, that regulates species, pruning, maintenance, and removal of such trees.
- (5) Vegetation shall comply with the minimum size requirements established in [Table 1123-1](#).

| TABLE 1123-1: MINIMUM SIZE REQUIREMENTS FOR VEGETATION |   |
|--|---|
| Vegetation Type  | Minimum Size Requirement  |
| Large Deciduous Trees                                  | 2.0-inch DBH with a clear trunk height of 6 feet when planted   |
| Small Deciduous Trees                                  | 1.5-inch DBH with a clear trunk height of 5 feet when planted   |
| Evergreen Trees  | 6 feet in height when planted   |
| Shrubs   | 2 feet in height when planted   |
| Hedges   | Size as needed so that the plant materials forms a continuous, unbroken screen within one planting season |
| DBH = Diameter at Breast Height                        |   |

**(e) Species Diversity**

To curtail the spread of disease or insect infestation in a plant species if a new development contains over 20 trees, the application should include diversity in plant choices.

**(f) Planting Arrangement**

Trees and shrubs shall be arranged to create varied and attractive views and plant material should provide a variety of color displayed throughout the year

**(g) Installation**

If installation of plantings is not completed in a planting season, then landscaping must be installed during the next planting season.

**(h) Parking**

Vehicle parking shall not be permitted in landscaping or buffering areas required by this chapter.

**(i) Pedestrian Movement**

Materials shall not be placed where they will prevent pedestrian movement unless so planted for that or similar purpose.

**(j) Accessways**

Necessary accessways shall be permitted to traverse required landscaping and buffering areas. The width of such accessways shall not be subtracted from the linear dimensions used to determine the minimum number of trees and shrubs required in this Chapter.

**(k) Mounding Specifications**

- (1) Mounding provided in lieu of or in combination with walls, fences, and/or evergreen plantings shall consist of a strip of land as wide as necessary to obtain a maximum slope of 3:1 (angle of repose).
- (2) Mounding may include rocks and other excavated materials, but one foot of dirt covered by six inches of topsoil shall be provided over the entire mounding. Trees, shrubs, wood, and other non- compactable items shall not be used in the construction of mounding.
- (3) No mounding will be allowed in any required utility easements, except for perpendicular utility easement crossings. Mounding shall provide adequate access to utility easements adjacent to the mounding.
- (4) Mounding shall be planted with a ground cover suitable to prevent erosion, and shall be maintained by the private property owner, in conformance with code, on which the mound rests. Other forms of vegetation may also be planted on the mounding.
- (5) A difference in elevation between areas requiring screening does not constitute an existing earth mound and shall not be considered as fulfilling any screening requirement.
- (6) Drainage patterns shall be considered, maintained and/or modified only with the approval of the City Engineer, when mounding is used.
- (7) The property on which the mound is located is responsible for the maintenance of the mound including but not limited to grass cutting, tree trimming/replacement, etc.

**(l) Damage to Public Works**

In no case shall any plant material interfere with or cause damage to underground utility lines, public roadways, or other public works. Species of trees whose roots are known to cause damage to pavements or other public works shall not be planted closer than 15 feet to such public works.

**(m) Maintenance**

- (1) The owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse, debris, and weeds at all times.
- (2) All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first.
- (3) No plant material required by this code shall be removed for any reason unless replaced with like kind and size at the time of removal. If replaced with a like kind and size of material, no approvals shall be required.
- (4) Any changes to an approved landscaping plan shall require approval in the same manner as landscaping plan was original approved.
- (5) Violation of these provisions shall be subject to the enforcement provisions of [Chapter 1133: Enforcement and Penalties](#).

**1123.04 Street Trees**

In all zoning districts, developers shall plant and maintain shade trees along public streets in compliance with the following:

**(a) Species**

Trees shall be limited to species found in the Wooster City Urban Forestry Policy Manual, current edition. If other species are desired, the developer must apply to the Urban Forestry Commission for approval.

**(b) Quantity, Size, and Location Requirements**

- (1) One large deciduous tree shall be provided for every 40 linear feet of frontage, or fraction thereof, along each road.
- (2) Trees shall be planted in accordance with the Wooster City Urban Forestry Policy Manual, current edition.
- (3) In the C-4 District, street trees shall be planted in sidewalk pits in accordance with the Wooster City Urban Forestry Policy Manual, current edition. The sidewalk pits shall have a minimum dimension of five feet by five feet.
- (4) Street trees shall be planted in the public right-of-way, however, due to varying conditions near public roads and rights-of-way, street trees may be located elsewhere on the property at the discretion of the Zoning Administrator or the Planning Commission, as applicable.

**(c) Installation**

- (1) In the case of residential subdivisions, street trees shall be planted on developed lots after 75 percent of the residential dwelling units have been occupied or received a certificate of zoning compliance. Undeveloped residential subdivision lots at the time of the above required street tree planting shall have street trees planted prior to receiving a certificate of zoning compliance.
- (2) For all other developments that require the approval of a development plan pursuant to Section [1105.07](#), street trees shall be planted prior to receiving a certificate of zoning compliance.

**(d) Maintenance**

The developer shall be required to maintain the trees for two years after the trees are planted and to replace any tree that dies within such two-year guarantee period.

- (1) Upon completion of the street tree planting, the landscape contractor shall contact the Zoning Administrator.
- (2) The two year guarantee period shall begin after the approval from the Zoning Administrator and submission of a financial guarantee in accordance with Section [1129.04\(g\)](#).
- (3) A final inspection shall be made at the end of the guarantee period.
- (4) The developer shall notify the Zoning Administrator within five business days of the end of the guarantee period to schedule the final inspection.
- (5) All trees not exhibiting a healthy, vigorous growing condition, as determined by the Zoning Administrator, shall be replaced at the expense of the developer or builder.
- (6) If the Zoning Administrator determines that replacement of a tree is required, such replacement shall occur within 30 days of the date the City's inspection report is submitted to the developer. The two-year guarantee period shall begin anew for each replacement tree.

- (7) Developments requiring 10 or more street trees shall require the developer to deposit a guarantee amount equal to 50 percent of the total cost of providing and installing the street trees as determined by the Zoning Administrator. The deposit shall be in the form of a financial guarantee as defined in Section [1129.04\(g\)](#).

## 1123.05 Site Landscaping

### (a) Landscaping Along a Street Frontage

- (1) Landscaping shall be provided in any front yard as defined in Section [1115.01\(d\)](#).
- (2) The landscaping in [Table 1123-2](#) shall be required unless the principal building is set back five feet or less from the applicable lot line, in which case, the lot shall be exempt from these landscaping regulations.

| TABLE 1123-2: STREET FRONTAGE PLANTING REQUIREMENTS |   |
|---|---|
| Land Use  | Minimum Plantings   |
| All lots that contain only residential uses.        | One deciduous or evergreen tree for every 40 linear feet, or fraction thereof, of street frontage.                |
| All uses in an I-1, I-2, or I-3 Zoning District     | One deciduous or evergreen tree plus 10 shrubs for every 125 linear feet, or fraction thereof, of street frontage |
| All other uses                                      | One deciduous or evergreen tree plus 10 shrubs for every 75 linear feet, or fraction thereof, of street frontage  |

- (3) Trees required by Section [1123.05\(b\)](#) or Section [1123.06](#) may be included in the calculation to meet the requirements of [Table 1123-2](#). Street trees or shrubs located in the right-of-way shall not be used in the calculation for the requirements of [Table 1123-2](#).
- (4) All areas not devoted to trees and shrubs shall be planted with grass, ground cover (including mulch, river rock, or similar materials constructed of natural materials), or other live landscape treatment with the exception of any permitted driveway, accessway, structure, or other permitted use.

### (b) Parking Lot Landscaping

- (1) This section establishes the minimum standards by which parking lot will be screened from adjacent public streets or from adjacent properties. In addition, this section delineates standards for landscaping within parking lots.
- (2) Whenever required landscaping is located within or adjacent to parking lots or driveways, such screening shall be protected by bollards, wheel blocks, or curbing to avoid damage by vehicles.
- (3) This section shall only apply to properties with parking lots that contain five or more parking spaces.
- (4) **Perimeter Landscaping**
- A. Perimeter landscaping shall be required when an applicable parking lot abuts adjoining property that is not a right-of-way.
- B. The perimeter landscaping shall not be required if the parking lot is a shared lot with the adjoining property.

- C. A landscaped strip meeting the required minimum parking setback (in depth) of the applicable zoning district shall be located between the parking lot and the abutting lot lines. See Section [1125.03\(b\)](#).
- D. The landscaped strip shall include one large deciduous tree, two small deciduous trees, or one evergreen tree for each 50 linear feet of parking area that abuts the adjoining property.
- E. Perimeter landscaping for parking lots in the C-4 District shall be exempt from this section but shall require a buffer in accordance with Section [1123.05\(b\)\(5\)](#).
- F. The requirements for this section shall not apply where planting is required for buffering in accordance with Section [1123.06](#).

**(5) Buffering of Parking Lots**

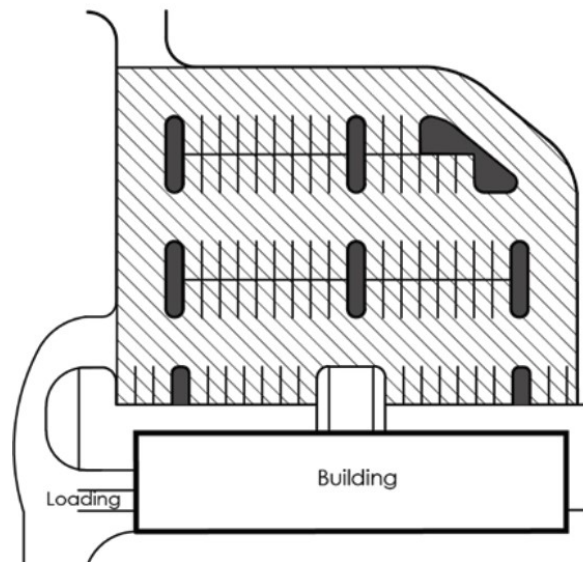
When a parking lot is located adjacent to a public street right-of-way, screening shall be provided to reduce the visual impact of the parking lot. A landscaped buffer shall be installed between the parking lot and public rights-of-way per the following requirements:

- A. A landscaped buffer shall be located directly adjacent to the parking lot and be no less than 10 feet in width in all districts, except the C-4 District, where the buffer may be three feet wide. The buffer shall be composed of a continuous evergreen hedge or dense planting of evergreen shrubs.
- B. Landscaping shall be at a height of no less than three feet at the time of installation. Landscaping may be placed upon a berm to achieve the required height at planting except in the C-4 District where the use of a berm is prohibited. The minimum buffer height requirement shall not apply when the grading of the site results in an elevation of the adjacent street which is three or more feet higher than the parking lot.
- C. A fence or a wall may be incorporated into the landscape buffer per the fence requirements of the applicable zoning district. See Section [1113.01](#).

**(6) Interior Landscaping**

- A. There shall be a minimum of 10 square feet of interior landscaping for every parking space.
- B. The interior landscaping shall be located within landscaped islands that are separated from the perimeter landscaping required in Section [1123.05\(b\)\(4\)](#), and shall be scattered throughout the parking area to break up large areas of pavement. Landscaped islands that are designed as extensions from the perimeter landscaping areas shall also be considered as interior parking area landscaping but shall not count as the perimeter landscaping area. See [Figure 1123-A](#).





*Figure 1123-A: Illustration of the landscaped areas (darkened landscaped islands) that count towards the minimum interior parking area requirement.*



*Figure 1123-B: The above images show different options for landscaped islands with the top image illustrating landscaped islands that run the full length of parking spaces. The bottom image illustrates a smaller landscaped island at the end of a parking bay.*

- C. Interior landscaped areas shall be dispersed so as to define aisles and break up the expanse of paving and limit unbroken rows of parking to a maximum of 100 feet.
- D. Landscape islands shall have a minimum size of 162 square feet within a minimum dimension of nine feet in any direction to provide a suitable living environment for the landscaping.
- E. If an existing tree is to be used to meet the requirements of this subsection, the landscape island shall be equal in size to the tree's drip line area to protect the root system of the existing tree.
- F. All areas of a landscape island not devoted to trees and shrubs shall be planted with grass, ground cover (including mulch, river rock, or similar materials constructed of natural materials), or other live landscape treatment.

- G. At least one large deciduous tree must be provided per ten parking spaces within landscape islands, provided there is no impairment to visibility of motorists or pedestrians. In no case shall there be less than one tree planted in each landscaped island.
- H. If the specific application of the interior landscape requirements will seriously limit functions of the building site, the Zoning Administrator shall have authority to permit consolidation and relocation of these landscaped areas on the building site.

## 1123.06 Buffering Between Land Use and Zoning Districts

### (a) Purpose

The purpose of this section is to establish provisions for a visual screen or buffer between incompatible uses and to reduce the effects of glare from automobile headlights, noise and other objectionable activities conducted on a given lot.

### (b) Buffer Requirements

[Table 1123-3](#) shall establish when a buffer yard is required between uses and zoning districts.

| TABLE 1123-3: REQUIRED BUFFERS   |  |                                   |
|--|--|-----------------------------------|
|  | Adjacent To:                           |                                   |
|  | Any Use in a R-1, R-2, or R-T District | Any lot in an R-3 or R-4 District |
| Proposed Use:  |  |                                   |
| Any nonresidential use in an R-1, R-2, R-T, or PD District                     | X                                      |                                   |
| Any use in an R-3 or R-4 District except single-family or two-family dwellings | X                                      |                                   |
| Any use in a C-1, C-2, C-3, C-4, CF, I-1, I-2, or I-3 District                 | X                                      | X                                 |

### (c) Required Buffer Width

The width of the buffer yard shall be equal to the parking set back set forth in the applicable zoning district (See Section [1125.03\(b\)](#).) or 10 feet, whichever is greater.

### (d) Location of Buffers

- (1) The landscape buffer shall be provided along the entire lot line between the two adjacent uses identified in [Table 1123-3](#).
- (2) Buffers required by this section shall be located completely on the lot subject to the buffer requirement and only along the outer perimeter of the lot where it abuts another lot, and shall extend to the lot line or right-of-way line.
- (3) The buffer yard may be placed in the lower intensity zoning district or partially within both zoning districts if both sides of the zoning district line and the entire buffer yard width are within common ownership and a permanent easement is provided over any portion of the buffer yard not within the higher-intensity zoning district.



- (4) If a buffer yard is located in a residential development that has an owners' association or other similar legal entity, all buffer yards shall be located in open space owned by the association or in an open space easement controlled by the owners' association.
- (5) When property lines abut an adjacent jurisdiction, the Planning Commission shall determine the specific screening and buffering requirements along that property line after consideration of the zoning designation and or land use of the adjacent property. Requirements shall not exceed those that would be required for similarly situated/zoned property within the City of Wooster.

**(e) Vegetation Requirements within the Buffer**

When the natural vegetation within the required buffer yard does not form a solid, continuous, visual screen or does not have a minimum height of six feet along the entire length of the common boundary at the time of occupancy, screening shall be installed in compliance with this subsection.

- (1) Screening design and development shall be compatible with the existing and proposed land use and development character of the surrounding land and structures. Screening within the buffer yard shall consist of one or more or combination thereof of the following:
  - A. A dense vegetative planting incorporating trees and/or shrubs of a variety which shall be equally effective in winter and summer. Trees and/or shrubs shall be adequately spaced to form a solid, continuous visual screen within three years after the initial installation. At a minimum, at the time of planting, the spacing of trees shall not exceed 12 feet on center, and the planting pattern shall be staggered. Shrubbery shall be more closely spaced.
  - B. Non-living opaque structures such as a solid masonry wall that is compatible in materials and color with the principal structure, or a solid wood fence, together with a landscaped area at least 10 feet wide. The fences and walls shall comply with the standards of Section [1113.01](#).
  - C. An ornamental fence with openings through which light and air may pass together with a landscaped area at least 10 feet wide. The fences shall comply with the standards of Section [1113.01](#).
  - D. A landscaped mound or berm at least seven feet wide.
- (2) The location of the wall, fence, or vegetation shall be placed within the buffer yard to maximize the screening effect, as determined by the Zoning Administrator or the Planning Commission.
- (3) The wall, fence, and vegetation shall be continuous and in place at the time of occupancy. If vehicular or pedestrian access through the screen is necessary, the screening function shall be preserved.
- (4) The height of screening shall be in accordance with the following:
  - A. Visual screening by walls, fences, or mounds in combination with vegetation, fences or walls shall be a minimum of six feet high measured from the natural grade, except as set forth in sub-section B. below.
  - B. Whenever the required screening is located within a front yard, the required screening shall not exceed a height of three feet.

- C. When used alone, vegetation shall be a minimum of six feet high, as measured from the natural grade, in order to accomplish the desired screening effect. The required height shall be achieved no later than three years after the initial installation.

**(f) Development within Required Buffers**

The required buffer shall not contain any development, impervious surfaces, or site features that do not function to meet the standards of this section or that require removal of existing vegetation, except for the following features:

- (1) Fences or walls;
- (2) Sidewalks, trails, and other elements associated with passive recreation, if all required landscaping is provided;
- (3) Signs and light posts;
- (4) Driveways, access roads, and similar uses if they cross perpendicularly across a required buffer, are designed to limit disturbance of vegetation; or
- (5) Overhead and underground utilities required or allowed by the City.

## **1123.07 Screening Requirements**

**(a) General Requirements**

In addition to the other forms of required landscaping, screening shall be required to conceal specific areas of high visual or auditory impact or hazardous areas from adjacent, less intense uses and from views from public rights-of-way. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

**(b) Screened Items**

- (1) The following areas shall be screened in accordance with this section:
  - A. All large waste receptacles (e.g., dumpsters and cardboard recycling containers), waste receptacles of any size when five or more are located on a single lot, and refuse collection areas;
  - B. Outdoor storage and bulk sales;
  - C. Off-street loading areas;
  - D. Pipes, conduit, and cables associated with the building or use;
  - E. Outdoor service areas that are necessary to support common business operations (e.g., outdoor freezer or refrigeration units, storage units, etc.);
  - F. Ground-level or façade-mounted mechanical equipment and utility structures; and
  - G. Roof top equipment that is not otherwise hidden by the roofline, parapet wall, or other similar feature.
- (2) Screening shall not be required if any of the above items are not visible from adjacent rights-of-way or from adjacent lots in any residential, commercial, or special zoning districts.
- (3) All sides of the item shall be screened with the exception that one side of the item may be screened with a gate or other similar feature to allow access while screening the item when access is not necessary.

**(c) Screening Methods**

- (1) The following items are permitted for use as screening materials, and more than one method may be used on a lot or site.
  - A. Vegetative materials that provide a fully opaque screen to the minimum height necessary to fully screen the facility from off-site views (See [Figure 1123-C](#)); or
  - B. An opaque fence or wall consistent with the standards of Section [1113.01](#); or
  - C. Integration into the building design (e.g., false walls or other architectural screening) that utilizes the same building materials and colors as the principal building.
- (2) The required screening shall have a height sufficient enough to screen the applicable item(s) provided it is in accordance with any other applicable sections of this code.
- (3) For loading spaces, a single gap of no more than 40 feet shall be permitted to allow for ingress and egress to a loading area. All other required screening shall have a minimum height of six feet and may include a mound with a maximum height of three feet.
- (4) Alternative screening materials that are not listed or alternative configurations may be proposed as part of an equivalency provision review application. See Section [1105.10](#).
- (5) To the maximum extent feasible, pipes, conduit, and cables should be located along the rear facade of buildings if conditions do not allow for them to be enclosed within the building itself. Pipes, conduit, and cables shall be located as far away from public view as practical and shall be painted a similar color as the building façade to further reduce visibility.



*Figure 1123-C: The above image illustrates a vegetative screen that hides HVAC equipment and a dumpster.*

**(d) Configuration of Vegetative Materials**

In cases where vegetative materials are used for screening in accordance with this subsection, the vegetative materials shall:

- (1) Be planted around the perimeter of the site feature to be screened in a manner that screens the site feature from all off-site views;
- (2) Be configured in two staggered rows or other arrangement that provides maximum screening;
- (3) Be upright, large evergreen shrubs or a hedge and be capable of reaching at least six feet in height within three years of planting; and
- (4) Be spaced no farther than necessary to create an opaque screen when the shrubs or trees are fully grown. In no case shall trees used for screening be spaced further than eight feet apart on center.

### **1123.08 Modifications to Buffering and Screening Requirements**

The buffering and screening requirements of Section [1123.06](#) and Section [1123.07](#) shall be applied equally to all similarly situated properties. The Zoning Administrator is empowered to modify the above buffering and screening requirements if, and only if:

- (a) Natural land characteristics such as topography or existing vegetation on the proposed building site would achieve the same intent as the applicable sections;
- (b) Innovative landscaping or architectural design is employed on the building site to achieve an equivalent screening and buffering effect;
- (c) The required screening and landscaping would be ineffective at maturity due to the proposed topography of the site, and/or the location of the improvements on the site;
- (d) The topography of adjacent and surrounding sites is such as to render required screening ineffective at maturity;
- (e) A written request is received from the owners of the abutting residential district property that the screening as required herein should be waived or varied based on stated purposes; or
- (f) It can be clearly demonstrated that it is highly improbable that the abutting property will be developed for residential purposes due to circumstances, which have taken place since the adoption of the comprehensive plan and this code.

# Chapter 1125: Parking, Access, and Mobility

## 1125.01 Purpose

The regulations of this chapter are intended to achieve, among other things, the following purposes:

- (a) To relieve congestion on streets so they can be utilized more fully for movement of vehicular traffic;
- (b) To ensure safe pedestrian access to and between developments;
- (c) To lessen vehicular movement in the vicinity of intensive pedestrian traffic to promote safety and convenience;
- (d) To protect adjoining residential neighborhoods from the impacts of large nonresidential vehicular use areas;
- (e) To promote general convenience, welfare and prosperity of developments which depend upon off-street parking, loading, and circulation; and
- (f) To provide regulations and standards for the development of accessory off-street parking and loading facilities in accordance with objectives of the Comprehensive Plan and codes of the City.

## 1125.02 Applicability

### (a) Time of Review

Compliance with this section shall be reviewed as part of an application for a zoning certificate, unless otherwise stated.

### (b) New Development

- (1) The requirements of this section shall apply to all new development where there is the construction of a new structure (excluding accessory structures) or establishment of a new land use.
- (2) The number of existing parking, loading, or waiting spaces may not be reduced below the minimum requirements established within this chapter.

### (c) Expansions and Enlargements

- (1) The parking, loading, and waiting space requirements of this section shall apply when an existing structure is expanded or enlarged or when there is an increase in the number of dwelling units within the building. In the case of such expansions and enlargements, additional parking, loading, and waiting spaces are required to serve only the enlarged or expanded area.
- (2) The requirements of this chapter shall also apply to the creation or expansion of any new parking lot, regardless if there are changes in the structure or use.

### (d) Accessory and Temporary Uses

Accessory and temporary uses shall be exempt from the requirements of this chapter unless specifically required in [Chapter 1113: Accessory and Temporary Use Regulations](#).

### (e) Subdivisions

All subdivisions shall be subject to the requirements of Section [Chapter 1129: Subdivision Design](#).

### **1125.03 General Standards**

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

#### **(a) Access to Rights-of-Way**

The City Engineer shall review and approve all requests for access to public rights-of-way prior to construction. All improvements, curb cuts, and approaches in the public right-of-way shall be constructed pursuant to The Engineering Construction Standards, current edition.

#### **(b) Location**

- (1) Except as otherwise expressly provided in Section [1125.04\(d\)\(2\)](#), all required off-street parking, loading, and vehicle waiting spaces shall be located on the same lot as the principal use.
- (2) Where a buffer is required pursuant to [Chapter 1123: Landscaping and Buffering](#), no vehicular use area may be located in the required buffer area and related setback.
- (3) All driveways and parking areas shall be subject to lot coverage requirements for the applicable zoning district.

#### **(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:
  - i. Driveways shall be set back a minimum of three feet from all lot lines except where the driveway curb intersects with the street;
  - ii. 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 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
  - 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](#).

#### **(5) Parking Lot and Parking Area Setbacks in All Other Districts**

Parking lots and parking areas in all other zoning districts shall comply with [Table 1125-1](#). Parking lots that comply with the shared parking requirements of Section [1125.04\(d\)\(2\)](#), shall not be required to comply with the setbacks in [Table 1125-1](#) along the portion of the lot line of shared parking areas.

| TABLE 1125-1: PARKING LOT AND PARKING AREA SETBACKS  |             |    |     |     |     |     |       |       |     |
|--|-------------|----|-----|-----|-----|-----|-------|-------|-----|
| All Setbacks are in Feet   |             |    |     |     |     |     |       |       |     |
| Setback From:  | R-3 and R-4 | CF | C-1 | C-2 | C-3 | C-4 | I-1   | I-2   | I-3 |
| Rights-of-way  | 25          | 35 | [1] | 10  | 20  | [1] | 20[2] | 25[2] | 10  |
| Project lot lines abutting an R-1, R-2, or R-T District  | 20          | 20 | 10  | 20  | 20  | 10  | 50    | 50    | 25  |
| Project lot lines abutting an R-3 or R-4 District  | 10          | 10 | 10  | 10  | 20  | 10  | 50    | 50    | 25  |
| Project lot lines abutting all other districts   | 10          | 10 | 8   | 8   | 8   | 5   | 10    | 10    | 8   |
| NOTES:   |             |    |     |     |     |     |       |       |     |
| [1] All parking must be located behind the front building line.  |             |    |     |     |     |     |       |       |     |
| [2] Lots located across from the street from a residential zoning district shall be set back a minimum of 40 feet from the right-of-way. |             |    |     |     |     |     |       |       |     |

**(c) Fire Code**

All vehicular use areas shall conform to all requirements set forth in the applicable fire code as adopted by the City of Wooster.

**(d) Accessibility**

All vehicular use areas shall be designed and improved in compliance with applicable building and design codes to ensure compliance with the Americans with Disabilities Act.

**(e) Parking Lot Landscaping and Screening**

See [Chapter 1123: Landscaping and Buffering](#).

**(f) Illumination in Open Areas**

- (1) Vehicular use areas shall be illuminated whenever necessary to protect the public safety.
- (2) All lighting shall comply with the regulations in Section [1117.03](#).

**(g) Use of Vehicular Use Areas**

- (1) Off-street vehicular use areas required by this section shall be used solely for the parking, loading or unloading, or waiting area for motor vehicles in operating condition of patrons, occupants or employees of such uses.
- (2) No motor vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or in association with any off-street vehicular use area, except that off-street vehicular use areas for residential uses may be used for occasional auto washing or minor repairs of vehicles owned by the occupant.
- (3) Off-street parking areas shall not be used for the storage or display of vehicles, trailers, boats, etc. for sale unless such display is in conjunction with a business establishment whose principal business is in the sale or lease of vehicles, trailers, or boats or if the vehicle being sold is the personal vehicle of the lot owner.
- (4) The use any off-street parking space, waiting space, or loading/unloading space for storage of wrecked, junked and/or inoperable vehicles shall be prohibited.
- (5) The sale of merchandise in a parking area shall be permitted only in accordance with [Chapter 1113: Accessory and Temporary Use Regulations](#).



**(h) Grading, Surface, and Maintenance**

- (1) All vehicular use areas shall be graded, drained, and provided with adequate drainage facilities so that adjacent properties and rights-of-way, including public sidewalks, shall not be subject to flooding by run-off water from the proposed parking area.
- (2) All requirements of Chapter 925 of the Codified Ordinances, Storm Drainage, shall be applicable. The City Engineer shall approve plans before construction may begin.
- (3) All off-street vehicular use areas shall be graded and provided with a hard surface of asphaltic, bituminous cement, concrete, or other properly bound pavement so as to provide a durable and dustless surface, including private parking areas on residential lots. Areas surfaced with gravel, stone, dirt, lawn, landscaping, or other surface not expressly permitted by this code shall not be used for off-street vehicular use areas.
- (4) Temporary parking permitted as part of a temporary use per Section [1113.02](#) or any pervious surface permitted per Section [1125.03\(h\)](#) may be exempt from this section, as specified by this code.
- (5) Up to 50 percent of parking spaces may be constructed of a pervious surface, as approved by the City Engineer. The design of any areas surfaced with a pervious surface shall be reviewed by the City Engineer. Failure to maintain the pervious surface in good working order as may be necessary dependent on the type of surface shall be considered a violation of this code subject to [Chapter 1133: Enforcement and Penalties](#).
- (6) The owner shall, at his/her own expense, maintain the surface of the vehicular use areas in a smooth and dust-free condition and repair any disintegration of the surface by patching or sealing when such disintegration takes place.
- (7) All vehicular use areas shall be maintained in a manner to keep it as free as practicable from rubbish, paper and other loose particles, and snow and ice shall be promptly removed by the operator.
- (8) All adjacent sidewalks shall be kept free from dirt, ice, sleet and snow and in a safe condition for use by pedestrians.
- (9) All signs, markers or any other methods used to indicate direction of traffic movement and location of parking and/or loading spaces shall be maintained in a neat and legible condition.
- (10) Any walls, trees and shrubbery, as well as surfacing of the parking lot, shall be maintained in good condition throughout its use for parking purposes.

**(i) Curbs and Wheel Blocks/Bumper Guards**

- (1) The use of curbs, wheel blocks, or bumper guards in parking areas shall be constructed with a minimum height as approved by the Zoning Administrator, with consultation from the City Engineer.
- (2) Continuous concrete curbing, wheel blocks, and bumper guards may be utilized to protect pedestrian areas, buildings, structures, or landscaping when located adjacent to vehicular use areas.
- (3) When provided, wheel stops or bumper guards shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space.



**(j) Marking**

All off-street parking areas shall indicate the location of each parking or waiting space, the location of spaces for persons with disabilities, and the location and direction or movement along the aisles and access drives providing access thereto by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surface.

**(k) Bicycle Parking**

When bicycle parking accommodations are provided on a site, they shall be located in an area adjacent to the building and separate from vehicular or pedestrian (sidewalk) traffic circulation so as to prevent traffic conflicts and safety hazards between vehicles, people, and bicyclists.

**(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.

**(m) Parking of Commercial Vehicles**

- (1) In residential zoning districts, only those vehicles that are classified as a Class 1 (Light Duty) or Class 2 (Light Duty) vehicle by the Federal Highway Administration are permitted to be parked or stored on residential lots. All other classification of vehicles may only be parked or stored on residential lots when within a fully enclosed building.
- (2) The parking or outdoor storage of commercial motor vehicles, semi-trailers, and/or buses is prohibited in any right-of-way unless specifically authorized by the City of Wooster Codified Ordinances.
- (3) In all nonresidential zoning districts, the parking or the outdoor storage of commercial motor vehicles shall be subject to use regulations and outdoor display and storage regulations of the applicable zoning district.

**1125.04 Off-Street Parking Requirements**

**(a) Rules for Computation**

**(1) On-Street Parking**

On-street parking spaces shall not be counted toward off-street parking space requirements except as may otherwise be provided for in this code.

**(2) Driveway Space Meeting Parking Requirements**

Entrances, exits, or driveways shall not be computed as any part of a required parking lot or area, except in the case of single-family or two-family dwellings where driveways may be used in calculating the amount of off-street parking.

**(3) Multiple Uses**

Where a building or group of buildings on the same lot contains two or more uses, the parking areas shall include a number of spaces that equals the combined total of parking spaces required for each individual use, except as otherwise allowed in this chapter.

**(4) Area Measurements**

All square footage-based parking standards shall be computed on the basis of gross floor area of all floors in the building. Up to 15 percent of the gross floor area may be excluded from the above calculation if the area is used for storage accessory to the principal use, restrooms, utilities or other maintenance areas, loading and unloading docks, and other areas incidental to the principal use.

**(5) Capacity- Based Standards**

- A. For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the typical, or average, number of persons working on a single shift, the typical, or average, enrollment, or the maximum fire-rated capacity, whichever is lesser.
- B. In hospitals, bassinets shall not be counted as beds.
- C. In the case of benches, pews, and similar seating accommodations that do not have individual seats, each 24 inches of length of seating shall be counted as one seat for the purpose of determining the parking requirements.

**(6) Unlisted Uses**

- A.** Upon receiving an application for a use not specifically listed or addressed in the parking schedule in Section [1125.04](#), the Zoning Administrator shall apply the parking standard specified for the listed use that the Zoning deems most similar to the proposed use in regards to use, size and intensity of use.
- B.** If the Zoning Administrator determines that there is no listed use similar to the proposed use, intensity, or size, the Zoning Administrator may refer to the estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI) and/or the Institute of Traffic Engineers (ITE).
- C.** The Zoning Administrator's decision regarding parking requirements for a specific use is appealable to the BZA as established in Section [1105.13](#).

**(b) Number of Spaces Required**

- (1)** This section defines the number of parking spaces required for each use within the City.
- (2)** For all uses except single-family and two-family dwellings, the number of parking spaces required in [Table 1125-2](#) may be modified according to the following provisions:
  - A.** An application shall include the number of spaces required in [Table 1125-2](#) or up to 10 percent less without needing an administrative waiver or variance approval.
  - B.** Additional reductions shall be permitted if the applicant provides off-site parking spaces, shared parking spaces, or deferred construction parking spaces as provided for in Section [1125.04\(d\)](#).
- (3)** For all land use types, a minimum of five spaces is required for each facility other than a single-family detached, single-family attached, or two-family dwelling.
- (4)** Properties in the C-4 District located east of Grant Street and north of Henry Street shall be exempt from providing parking spaces as required by this section. All other sections of this chapter shall remain in full effect.

| <b>TABLE 1125-2: NUMBER OF REQUIRED OFF-STREET PARKING SPACES</b>  |   |
|--|---|
| <b>Use</b>   | <b>Parking Space Requirements</b>   |
| <b>Agricultural Uses</b>   |   |
| Agriculture (Raising of Crops or Livestock) and Community Gardens  | No parking spaces are required  |
| Greenhouses and Nurseries  | One space per 250 square feet of indoor display and sales area plus one space per 1000 square feet of outdoor sales / display areas |
| <b>Residential Uses</b>  |   |
| Cluster Residential Development, Single-Family Attached and Detached Dwellings, Two-Family Dwellings, Multi-Family Dwellings, Manufactured Homes, and Mobile Homes | Two spaces per dwelling unit  |
| Dormitories  | One space per sleeping room, plus one space per 300 square feet of common room floor area   |
| All Other Residential Uses Listed in <a href="#">Table 1109-1</a>  | One space per two beds  |

**TABLE 1125-2: NUMBER OF REQUIRED OFF-STREET PARKING SPACES**

| Use   | Parking Space Requirements  |
|---|---|
| <b>Commercial and Office Uses</b>   |   |
| Adult Uses  | One space per 300 square feet of floor area   |
| Agriculture/Farm Supplies and Sales   | One space per 400 square feet of floor area of sales room, plus one space for each service stall in the service room, plus five spaces for employees                        |
| Animal Day Care/Animal Grooming   | One space per 300 square feet of floor area   |
| Assembly Halls, Membership Clubs, and Conference Centers                                    | One space per four fixed seats or one space per two persons based on the occupant load limit, whichever is greater  |
| Automotive Repair (Heavy)   | One space per 300 square feet of indoor floor area, plus two spaces per service bay (service bay may not be counted as a parking space).                                    |
| Automotive Service Station and Parts Sales  |   |
| Automotive Sales and Leasing  | One space per 200 square feet of indoor floor area  |
| Bars and Taverns  | One space per 100 square feet of floor area   |
| Bed and Breakfast Establishments  | Two spaces for owner plus one space for each guest room   |
| Business and Professional Offices   | One space per 300 square feet of floor area with a minimum of five spaces   |
| Business Service Establishments   | One space per 400 square feet of floor area with a minimum of five spaces   |
| Campgrounds   | One space for each camp site  |
| Financial Institutions  | One space per 300 square feet of floor area with a minimum of five spaces   |
| Funeral Homes and Mortuaries  | Six spaces for each parlor + one space for each fleet vehicle or one space for each 50 square feet of floor area in assembly rooms used for services, whichever is greater. |
| Hotels and Motels   | One space per room or suite plus one space for every two employees  |
| Kennels or Animal Boarding  | One space per 400 square feet of floor area   |
| Live/Work Units   | Three spaces per unit   |
| Medical or Dental Clinics or Offices and 24-Hour Urgent Care                                | One spaces per 200 square feet of floor area  |
| Microbrewery, Microdistillery, or Microwinery   | One space per 100 square feet of floor area   |
| Mixed Use Building (with Residential Uses)  | One space per 300 square feet of nonresidential floor area + one space per dwelling unit  |
| Mobile Home, Commercial Truck, and Recreational Vehicle Sales, Leasing, Service, or Storage | One space per 200 square feet of indoor floor area  |
| Personal Service Establishments   | One space per 200 square feet of floor area, or two spaces per station/chair, whichever is greater  |
| Recreation Facilities   | For indoor facilities, one space for each three persons at maximum building capacity. For any outdoor facility, see <a href="#">Section 1125.04(c)</a> .                    |
| Restaurants   | One space per 100 square feet of floor area   |
| Retail Commercial Uses  | One space per 300 square feet of floor area   |
| Service Commercial Uses   |   |
| Automotive Fuel Sales   | One space per 300 square feet of indoor floor area plus one space per fuel pump or service bay (service bay may not be counted as a parking space).                         |

**TABLE 1125-2: NUMBER OF REQUIRED OFF-STREET PARKING SPACES**

| Use  |  | Parking Space Requirements  |
|--|--|---|
| Theaters   |  | One space for each four persons at maximum building capacity  |
| Vehicle Washing Establishment  |  | One space per washing bay (washing bay may not be counted as a parking space)   |
| Veterinarian Offices/Animal Hospitals  |  | One space per 300 square feet of floor area   |
| <b>Industrial Uses – All Use Types</b>   |  |   |
| The total number of required spaces is cumulative based on the variety of different functions present in a single use as established below |  |   |
| Office or Administrative Area  |  | One space per 300 square feet of floor area   |
| Indoor Sales Area and Displays of Goods Manufactured on Site   |  | One space per 300 square feet of indoor floor area  |
| Indoor Areas Used for Storage, Assembly, Vehicular Service, or General Manufacturing Activities  | 1-3,000 square feet of floor area  | One space per 300 square feet of floor area   |
|  | 3,001-5,000 square feet of floor area                                      | One space per 500 square feet of floor area   |
|  | 5,001-10,000 square feet of floor area                                     | One space per 750 square feet of floor area   |
|  | 10,001 or more square feet of floor area                                   | One space per 1,250 square feet of floor area   |
| Outdoor Storage Area (3,000 square feet or less)   |  | One space per 1,500 square feet of outdoor space  |
| Outdoor Storage Area (more than 3,000 square feet)   |  | One space per 2,500 square feet of outdoor space  |
| Warehousing  |  | One space per employee on site during the largest shift.  |
| <b>Public and Institutional Uses</b>   |  |   |
| Active Recreational Uses   | Athletic/Play Field  | See Section <a href="#">1125.04(c)</a> .  |
|  | Golf Course  | Four spaces per green   |
|  | Golf Driving Range   | One space for each driving tee plus five spaces for employees   |
|  | Parks, Playgrounds   | See Section <a href="#">1125.04(c)</a> .  |
|  | Skating Facility   | One space per 250 square feet of floor area   |
|  | Swimming Pools, Tennis or Racquet Clubs, and Similar Recreation Facilities | See Section <a href="#">1125.04(c)</a> .  |
| Cemeteries   |  | One space per four seats in a chapel or place of assembly   |
| Colleges and Higher Educational Institutions   |  | See Section <a href="#">1125.04(c)</a> .  |
| Community Recreation Facility  |  | See Section <a href="#">1125.04(c)</a> .  |
| Cultural Facilities and Structures   |  | See Section <a href="#">1125.04(c)</a> .  |
| Educational Institutions (K-12) – Grades 9 to 12   |  | One space for every teacher, employee and administrator, plus one space per seven students, or one space for every four seats in the largest auditorium or sports arena, whichever is greater |
| Educational Institutions (K-12) – Grades K to 8  |  | Two spaces per classroom or one space for every four seats in the largest auditorium or assembly room, whichever is greater   |
| Essential Services   |  | No parking spaces are required  |
| Government Facilities  |  | See Section <a href="#">1125.04(c)</a> .  |

| TABLE 1125-2: NUMBER OF REQUIRED OFF-STREET PARKING SPACES |   |
|--|---|
| Use  | Parking Space Requirements  |
| Government Offices   | One space per 400 square feet of floor area with a minimum of five spaces   |
| Hospitals  | One space for every two patient beds + four spaces per 1,000 square feet of outpatient clinics, laboratories, pharmacies and other similar uses |
| Nursery Schools or Day Care Centers (Children or Adults)   | One space for every four children based on maximum capacity   |
| Passive Parks, Open Space, and Natural Areas               | See Section <a href="#">1125.04(c)</a> .  |
| Places of Worship  | One space per four fixed seats in the main assembly room or one space per four persons at maximum capacity, whichever is greater                |
| Utility Facilities and Buildings                           | See Section <a href="#">1125.04(c)</a> .  |
| Wireless Telecommunication Facilities                      | Two spaces per tower  |

**(c) Uses with Variable Parking Demand Characteristics**

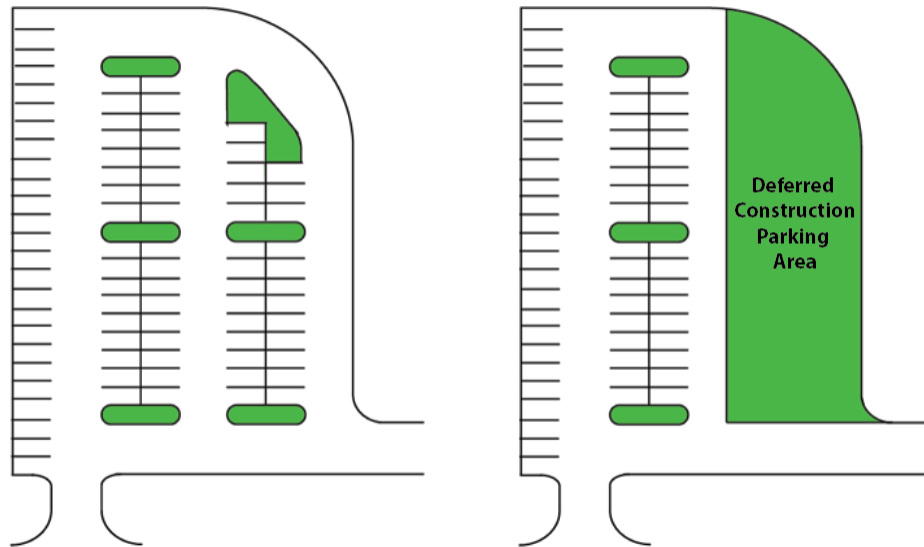
Uses that reference this subsection in [Table 1125-2](#) have widely varying parking demand characteristics, making it difficult to establish a single off-street parking standard. Applicants that propose a use subject to this subsection shall submit information with their application on the size of building, potential employment, proposed seating, applicable fire capacity information and similar information along with justification on how the proposed number and design of parking spaces is sufficient for the proposed use. The Zoning Administrator shall have the authority to review and make a decision on the proposed number of parking spaces based on the information submitted by the applicant and any estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI) and/or the Institute of Traffic Engineers (ITE).

**(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-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.*

- A. The parking plan submitted with the application shall denote the location and layout of that portion of the parking area that currently is deemed not required. The plan shall indicate that the deferred parking spaces will be constructed according to these regulations in the event that the Planning Commission or Zoning Administrator determines at any time that all or any portion of this parking is necessary.
- B. The applicant shall be required to provide a plan or drawings that shows the site designed for full compliance with the applicable stormwater regulations, lighting regulations, and landscaping regulations as if the entire parking area was to be constructed even though a portion of the parking area may not be developed initially.
- C. At no time shall any portion of the required parking area that is so designated for future vehicular use area construction be used for the construction of any other structure or paved surface unless in compliance with the original plans identified in Paragraph B above. Such construction of the vehicular use area shall require a zoning certificate.
- D. At no time shall any portion of the required parking that is so designated for future construction as provided herein be counted as open space or other non-paved areas required by other provisions of this section.
- E. The owner of record shall be required to begin construction of the approved deferred parking area(s), as identified on the approved parking plan, within six months of written notice from the Zoning Administrator, identifying that such parking is determined to be necessary. Such determination may be made:
  - i. When the Planning Commission or Zoning Administrator, as applicable, is reviewing an application related to a change of use or activity; or



- ii. When the Zoning Administrator, or their designee, documents that vehicles related to the use are consistently parked on the grass, landscaping area, on other properties, or on the street.
- F. Construction of the deferred parking area must be completed within one year of the written notice identified in paragraph [1125.04\(d\)\(1\)E](#) above. Failure to construct the remaining parking area within the applicable timeframe shall be considered a violation of this code.

**(2) Shared Parking or Off-Site Parking**

Shared parking or off-site parking may be authorized under this code subject to the requirements of this section. In all cases, both types of alternative parking solutions shall comply with Section [1125.04\(d\)\(2\)C](#).

**A. Shared Parking Option**

- i. Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities and they are located on adjacent properties.
- ii. Shared parking is not permitted to serve residential uses except in the C-4 District.
- iii. The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request.
- iv. Parking spaces to be shared shall not be reserved for a specific person, individual, or use on a 24-hour basis.
- v. Accessible parking spaces shall not be shared, unless the uses that are to share the spaces are adjacent to the accessible spaces and no inconvenience to the users of such spaces would be created.
- vi. Parking facilities to be shared shall be located on the same lot as the use for which the parking space is intended, except when the parking facility complies with the off-site parking option.
- vii. Shared parking may be approved if:
  - a. A sufficient number of spaces is provided to meet the highest demand of the participating uses;
  - b. The number of shared spaces is equal to or less than 50 percent of the least intense use to utilize the shared parking; and
  - c. Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of the Zoning Administrator, documenting the nature of uses and the hours when the individual uses will operate so as to demonstrate the lack of potential conflict between them.

**B. Off-Site Parking Option**

- i. Off-site parking shall not be used to satisfy the off-street parking standards for residential uses except in the C-4 District.
- ii. Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking area.

- iii. No off-site parking space shall be located more than 800 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
- iv. If an off-site parking area is located in a different zoning district than the use served, the off-site parking areas shall still adhere to the vehicular use landscaping regulations of Section [1123.05](#).
- v. Off-site parking for a nonresidential use shall not be permitted in a residential zoning district.
- vi. Contiguous lots providing off-street parking for more than one use shall provide sufficient spaces to comply with the combined total parking requirements for all uses except when the allowance for shared parking is granted in compliance with this section.

**C. Parking Agreement Required**

A parking agreement shall be required for shared or off-site parking arrangements in accordance with this section.

- i. The agreement shall be subject to review and approval by the City's Law Director and shall provide for the rights of the respective parties to use the parking areas as shared or off-site parking areas.
- ii. The agreement shall include provisions and evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.
- iii. The agreement shall include language that states that no changes shall be made to the shared or off-site parking facility that would reduce the parking provided for the applicable uses, unless the parties of the agreement agree to make other arrangements to provide parking that will comply with this chapter. No such changes shall be made without Zoning Administrator approval prior to any changes taking place.
- iv. The approved shared agreement shall be filed with the application for a zoning certificate and shall be filed with the Wayne County Recorder's Office in a manner as to encumber all properties involved in the parking agreement.
- v. The applicant shall be required to provide proof that the agreement has been recorded with the Wayne County Recorder's Office prior to the issuance of a zoning certificate.

**(e) Design of Off-Street Parking Areas**

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

**(1) Access to Parking**

Access to parking areas shall be provided as follows for all parking areas other than garages for individual dwelling units:

- A.** Parking areas shall provide suitable maneuvering area so that vehicles enter from, and exit to, a public street in a forward direction only.
- B.** Parking lots shall be designed to prevent access at any point other than at designated access drives.

**(2) Parking Lots Adjacent to Buildings**

All off-street parking spaces for uses other than single-family and two-family dwellings shall be set back a minimum of six feet from any wall of a building if such wall contains ground floor openings other than a garage door providing access, light, or ventilation to the building.

**(3) Parking in Designated Areas Only**

Any vehicle parked on any lot shall be so parked only in parking areas specifically constructed for such purposes, and shall not be parked on tree lawns, sidewalks, lawns or other areas required by this code to be landscaped.

**(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-B](#).

| TABLE 1125-3: PARKING STALL AND AISLE DIMENSIONS |             |         |                    |                        |
|--|-------------|---------|--------------------|------------------------|
| Parking Angle/Type                               | A           |         | B                  | C                      |
|  | Aisle Width |         | Stall Width (Feet) | Length of Stall (Feet) |
|  | 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                     |

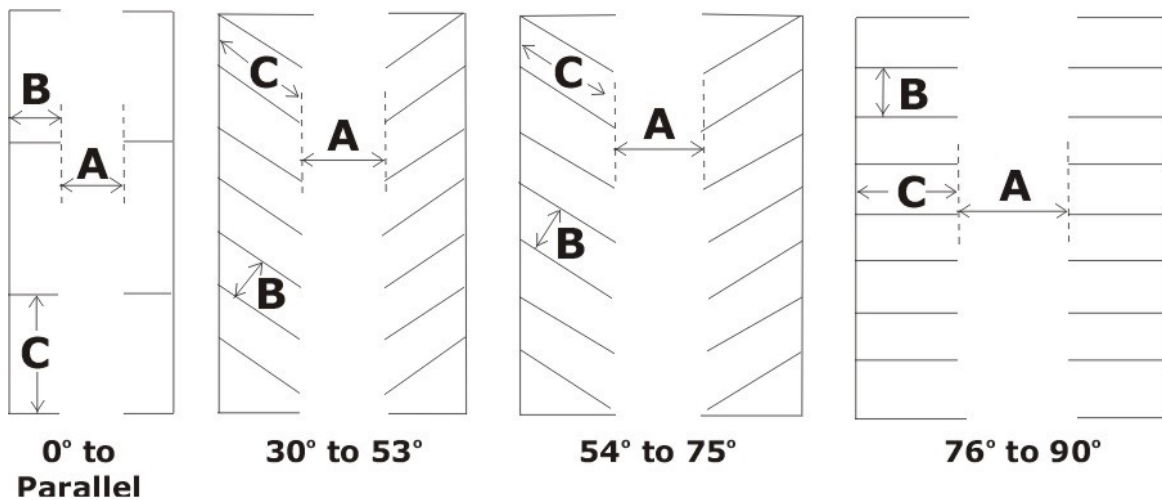


Figure 1125-B: Illustration of parking angles and related dimensional references.

**1125.05 Vehicle Waiting Space Requirements**

- (a) Drive-through facilities and other establishments which, by their nature, create lines of customers waiting to be served within automobiles, shall provide off-street waiting areas, on the same lot as the use, in addition to the required number of parking spaces specified in [Section 1125.04](#).

- (b) The number of required waiting spaces shall be as provided for in [Table 1125-4](#).

| TABLE 1125-4: WAITING SPACE REQUIREMENTS                |   |                                     |
|---|---|-------------------------------------|
| Activity  | Minimum Waiting Spaces<br>(Per Lane)      | Measured From:                      |
| Financial Institution or Automated Teller Machine (ATM) | 3   | Teller or Window                    |
| Restaurant  | 4   | First Drive-Through Window or Stall |
| Full Service Car/Truck Wash                             | 5   | Outside of Washing Bay              |
| Self-Service or Automated Car/Truck Wash                | 2 for each bay                            | Outside of Washing Bay              |
| Retail Fuel Sales                                       | 2 per accessible side of the pump island  | Fuel Pump                           |
| Other   | As determined by the Zoning Administrator |                                     |

- (c) Waiting lanes shall be provided for any use having a drive-through facility and shall comply with the following standards:
- (1) Drive-through waiting lanes shall have a minimum width of eight feet and a minimum length of 18 feet for each space required.
  - (2) When waiting lanes are separated from other waiting lanes, bypass lanes, or from other site areas, the separation shall be by means of a raised concrete median, concrete curb, landscaping, or painted striping.
  - (3) The number of waiting spaces required by [Table 1125-4](#) shall be required for each separate waiting lane. If two or more waiting lanes converge into one lane (e.g., two lane separate lanes to order at a restaurant converge to one lane after the drive-through sign), the waiting spaces shall be measured in accordance with [Table 1125-4](#) with the spaces located after the convergence point counting toward both waiting lanes.
  - (4) Vehicles shall not be permitted to wait within the public right-of-way for service at such drive-in or drive-through facilities.
  - (5) The Planning Commission may reduce the number of required waiting spaces when the applicant provides credible documentation, such as studies from similar sites, that fewer than the required number of waiting spaces does not impede vehicular traffic flow on the site and ingress/egress to the site.

## 1125.06 Off-Street Loading Requirements

Loading and unloading facilities shall be provided prior to occupancy of every nonresidential building hereafter erected, altered, or to be occupied by a new user, and shall be maintained as long as such building is occupied or unless equivalent facilities are provided in conformance with the regulations of this chapter.

- (a) The Zoning Administrator may waive loading/unloading requirements based on the character of the proposed use or the impracticality of adding loading/unloading docks to existing buildings.

- (b) All loading spaces shall be located on the same lot as the use served, in a manner that enables the orderly and safe movement of trucks and no part of any required yard, off-street parking area, nor access drive thereto, shall be used for loading or unloading purposes, except that the Zoning Administrator may allow two or more uses to cooperatively provide off-street loading/unloading spaces, subject to the assurance of permanent availability.
- (c) Off-street loading spaces shall not be used for repair or servicing of motor vehicles.
- (d) Each required off-street loading/unloading space shall be designed for direct vehicular access by means of a driveway, or driveways, to a public street, provided, however, that loading/unloading shall not be from the public right of way except in situations of existing commercial facilities in the C-4 District where no other opportunity for loading/unloading exists.
- (e) When a building includes a combination of uses as set forth in this section, the required number of loading spaces will be the sum of the required loading spaces for each use. In no case shall the development be required to provide in excess of 5 loading spaces.

**(f) Classification of Loading Spaces**

A loading space shall consist of a rectangular area of one or more of the following classes:

- (1) Class A: An area at least fourteen feet by fifty-five feet having a vertical clearance of fifteen feet or more, plus adequate area for ingress and egress.
- (2) Class B: An area at least twelve feet by thirty feet having a vertical clearance of fifteen feet or more, plus adequate area for ingress and egress.

**(g) Number of Loading Spaces Required**

Every nonresidential building shall provide a loading space pursuant to the provisions in [Table 1125-5](#) unless otherwise waived in accordance with Section [1125.06\(a\)](#).

| TABLE 1125-5: MINIMUM NUMBER OF LOADING SPACES REQUIRED |                           |                |
|---|---------------------------|----------------|
| Activity or Use   | Number of Spaces by Class |                |
| Industrial, Manufacturing and Warehousing               |                           |                |
| 15,000 square feet or less                              | 1                         | Class B space  |
| Greater than 15,000 square feet                         | 2                         | Class A spaces |
| Offices Uses  |                           |                |
| Less than 8,000 square feet                             | None                      |                |
| Greater than 8,000 square feet                          | 1                         | Class B space  |
| Retail and Restaurant Uses                              |                           |                |
| Less than 3,000 square feet                             | None                      |                |
| 3,000 square feet to 10,000 square feet                 | 1                         | Class B space  |
| 10,001 square feet to 40,000 square feet                | 1                         | Class A space  |
| 40,001 square feet or more                              | 2                         | Class A spaces |
| All Other Nonresidential Uses                           |                           |                |
| Less than 3,000 square feet                             | None                      |                |
| 3,000 square feet or more                               | 1                         | Class B space  |

## **1125.07 Regulations for Access Drives and Traffic Flow**

The location, width, and number of entrance and exit access drives to accessory parking spaces shall be in accordance with the Section [1125.08](#), for those sites located on an arterial or collector road. For all other sites, the following, as well as Subsection [1125.08\(b\)](#), shall apply:

- (a) Entrances to parking lots shall be only from an adjoining public street or alley or from a permanent private, access easement. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles. Ingress and egress for a parking lot lying in an area zoned for other than residential use shall not be across land in a residential district.
- (b) The location and width of entrance and exit access drives to parking facilities shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets. Access drives shall be located at least 50 feet from the right-of-way line of the nearest intersecting street.
- (c) Driveways shall be setback a minimum of three feet from any lot line with the exception of the one where the drive connects to the street. Such setback shall not apply to shared driveways.
- (d) Number of Drives**

  - (1) Each parcel shall have not more than two access drives from each abutting street unless otherwise permitted below.
  - (2) One additional access drive may be permitted for lots that have 200 or more feet of frontage on one street.
  - (3) The Planning Commission may permit an additional access drive for lots that have more than 500 feet of frontage when the Planning Commission determines it is in the interest of good traffic operation.
  - (4) Insofar as practical, the use of common drives by two or more uses shall be encouraged to reduce the number of such access points.
- (e) Cross-Access Requirements**

  - (1) Development that includes nonresidential uses shall allow for shared, private vehicular access among all buildings and/or lots within the development and with adjacent lots to the maximum extent feasible in order to facilitate movement of customers and their vehicles without generating additional turning movements on public streets.
  - (2) Where cross access is provided across multiple lots, a cross-access easement shall be recorded with the Wayne County Recorder prior to issuance of a certificate of occupancy. Cross access shall be provided subject to the following provisions:

    - A. Cross-access routes shall permit shared automobile access to driveways and parking areas for all nonresidential uses in the development, and to the maximum extent feasible, to adjacent lots and development. The use of parking spaces may be restricted to the owner's customers and tenants only.
    - B. The Zoning Administrator may waive the requirement for cross access, in whole or in part, administratively, where cross-access is deemed impractical due to vehicular safety issues or environmental constraints such as severe topography.

**(f) Driveway Entrances**

All driveway entrances and other openings onto streets within the City shall be constructed so that:

- (1) Vehicles can exit from the lot in question without having to back up, except lots that contain single-family dwellings and two-family dwellings; and
- (2) Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.

**1125.08 Access Management**

Improvements and roadway access required as the result of site development shall be located; designed; and constructed to provide safe access to property and enable safe traffic flow throughout the City. It is recognized that land use and site planning issues are directly related to the capacity of roadways to efficiently move traffic through an area and provide safe access to adjoining property. It is also recognized that achieving an appropriate balance between roadway access to adjoining property and the ability of roadways to carry through traffic will not only reduce future congestion and accident rates, but will also enhance emergency vehicle response times.

**(a) State Access Management Standards**

In reviewing development projects adjacent to arterial and collector streets, the Planning Commission and the City Engineer shall require adherence to the State of Ohio Department of Transportation State Highway Access Management Manual, current edition, as well as the City's Engineering Construction Standards for access management, current edition.

**(b) Other Access Management Standards**

- (1) The minimum distance between nonresidential access drives, on adjacent parcels, shall be as set forth in the Ohio Department of Transportation, State Highway Access Manual, current edition, for all parcels located on state routes within the City's corporation limits.
- (2) The minimum distance for nonresidential drives on other City streets shall be as set forth in the Engineering Construction Standards, current edition.
- (3) The Planning Commission, upon a recommendation from the City Engineer, may grant an exception to the regulations in this subsection when the Planning Commission determines that reduced spacing will not impair public safety or the management of traffic on abutting roadways. In granting this exception, the Planning Commission may require the property owner to enter into a recorded agreement with the City that preexisting access points to the site will be closed and eliminated after the completion of a joint access driveway with an adjacent parcel.
- (4) Adjacent nonresidential properties that generate 100 trips or more per day according to the Institute of Transportation Engineer's Trip Generation Manual, shall provide a cross access drive to allow circulation between sites. The Planning Commission, upon the recommendation from the City Engineer, may modify or waive the requirements of this sub-section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.



- (5) A system of joint use driveways and cross access easements shall be established along all streets designated as collector or greater and the building site shall incorporate one or more of the following:
  - A. Service drive connections or cross access corridors between sites preferably visible from the street; a design speed of 10 miles per hour and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles;
  - B. Stub-outs and other design features to show that the abutting properties may be tied in to provide cross access via a service drive; or
  - C. A unified access and circulation system plan that includes coordinated or shared parking areas is provided.
- (6) To effectuate Paragraphs [A](#) through [C](#) a cross-access agreement shall be required in accordance with Section [1125.07\(e\)](#).
- (7) The Planning Commission, upon the recommendation from the City Engineer, may modify or waive the requirements of this subsection where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.

**(c) Traffic Impact Studies**

- (1) A Traffic Impact Study (TIS) shall be required whenever a 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.

## **1125.09 Sidewalks, Walkways, Trails, and Bikeways**

### **(a) Public Sidewalks**

#### **(1) New Sidewalks Not Part of a Subdivision**

- A.** New public sidewalks, constructed to meet City of Wooster engineering standards shall be required along the street frontage of any lot being developed when the following conditions exist:
  - i.** The development includes new construction on a vacant lot, a complete redevelopment of an existing principal building (e.g., the principal building is torn down and replaced), or an existing building is expanded by 100 percent of the existing floor area;
  - ii.** There is no public sidewalk along one or more of the public street rights-of-way adjacent to the lot;
  - iii.** A public sidewalk exists in the public right-of-way on any lot adjacent to the lot being developed; and
  - iv.** There is adequate existing right-of-way for the public sidewalk.
- B.** All sidewalks at intersections, or other locations as required by the City Engineer, shall include ramps that are compliant with the American with Disabilities Act (ADA).
- C.** Sidewalks and walkways for places of public accommodation and commercial facilities shall be designed and constructed to be readily accessible to persons with disabilities in accordance with the ADA.
- D.** In lieu of a sidewalk, the Planning Commission may require a multi-use trail or bikeway be installed along rights-of-way as indicated in the adopted City of Wooster Bike Path Plan.
- E.** Sidewalks, trails, or bikeways required by this section shall be installed before the Zoning Administrator issues a certificate of zoning compliance.

#### **(2) New Sidewalks, Walkways, Trails, and Bikeways as Part of a Subdivision**

- A.** In all major subdivisions, sidewalks, walkways, and bikeways shall be provided as necessary to provide safe, convenient and efficient transportation.
- B.** All sidewalks, walkways, trails, and bikeways required by this section shall be installed as part of the public improvements as established in Section [1129.04](#).
- C. Location Criteria**
  - i.** Sidewalks shall be constructed on both sides in the right-of-way of all public streets.
  - ii.** Sidewalks shall connect with existing sidewalks on streets adjacent to or within the land subdivided, and shall be placed to enable the eventual continuation with proposed or future sidewalks in the vicinity of the land subdivided.
- D. Design Standards**
  - i.** Sidewalks shall have a minimum width of four feet when located along a public right-of-way with a width of 60 feet or less.
  - ii.** Sidewalks shall have a minimum width of five feet when located along a public right-of-way that has a width of more than 60 feet.

- iii. A planting strip shall be required between the curb and the sidewalk as required in the Engineering Construction Standards, current edition.
- iv. Sidewalks, walkways, and bikeways shall be designed with a maximum grade of eight percent, unless sidewalks include steps and handrails of an acceptable design.
- v. All sidewalks at intersections, or other locations as required by the City Engineer, shall include ramps that are compliant with the ADA.
- vi. Sidewalks and walkways for places of public accommodation and commercial facilities shall be designed and constructed to be readily accessible to persons with disabilities in accordance with the ADA.
- vii. Multi-use trails or bikeways shall be installed within a subdivision as indicated in the adopted City of Wooster Bike Path Plan.
- viii. The subdivision shall also include appropriate connections between trails and bikeways to all parks, schools, and adjacent neighborhoods, as approved by the Planning Commission.

**E. Access to Open Space and Public Facilities**

In order to facilitate pedestrian access from the streets and sidewalks to schools, parks, playgrounds, open space, or other nearby streets, the Planning Commission may require public rights-of-way or easements with a minimum width of 30 feet to ensure the perpetual unobstructed access to such facilities. Such easements shall be indicated and dedicated on the subdivision plat.

**(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-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-C](#).

# Chapter 1127: Signage

## 1127.01 Purpose

The purpose of this chapter is to promote the public health, safety, and welfare through the provision of standards for existing and proposed signs of all types. More specifically, this chapter shall be interpreted in a manner consistent with the First Amendment guarantee of free speech while also:

- (a) Enhancing and protecting the physical appearance of the community;
- (b) Promoting and maintaining visually attractive, residential, retail, commercial, and manufacturing districts;
- (c) Balancing the rights of individuals to convey messages through signs with the right of the public to be protected against the unrestricted proliferation of signs;
- (d) Ensuring that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment;
- (e) Preventing the erection of structures of any kind that will obstruct sight distance at the intersection of streets, alleys, or driveways;
- (f) Preventing the erection of poorly constructed and unsafely located, posted, or painted signs;
- (g) Providing review procedures that enable the City to comprehensively evaluate the appropriateness of a sign to the site, building, and surroundings;
- (h) Regulating the proper construction, maintenance, safety, and structural soundness, as well as the appearance and attractiveness of signs; and
- (i) Prohibiting all signs not expressly permitted by this chapter.

## 1127.02 Applicability

- (a) It shall hereafter be unlawful for any person to erect, place, relocate, expand, modify, maintain, or otherwise alter a sign within the corporate limits of the City of Wooster except in accordance with the provisions of this chapter.
- (b) Any sign legally established prior to the effective date of this chapter, and which sign is rendered nonconforming by the provisions herein, shall be subject to the nonconforming sign regulations of Section [1127.12](#), and not the nonconforming structure regulations of [Chapter 1131: Nonconformities](#).
- (c) Architectural features that are either part of the building or part of a freestanding structure are not considered signs and are thus exempt from these regulations. Architectural features include any construction attending to, but not an integral part of the sign, and which may consist of landscape or building or structural forms that enhance the site in general.
- (d) Unless otherwise stated, all permanent signs in the C-4 District shall be required to receive an approved COA by the Design and Review Board prior to the Zoning Administrator making a final decision on the sign permit application. See Section [1105.08](#).

## 1127.03 Exemptions from this Chapter

The following signs are entirely exempt from this chapter but may require building permits or other permits, as applicable:

- (a) Any signage located inside a building that is not visible from the exterior of the building. Signs in windows that are mounted in such a way as to be viewed from outside the building shall be considered window signs subject to the provisions of Section [1127.10\(b\)](#).
- (b) Interior signs within a stadium, open-air theater, outdoor shopping center, arena or other similar use, which signs are not visible from a public right-of-way or adjacent property, and can be viewed only by persons within such stadium, open-air theater, outdoor shopping center, parks, arena, or other similar use. Signs visible located on structures used for interior signs that are visible from a public right-of-way or adjacent property are subject to the requirements of this chapter;
- (c) Flags that do not contain a commercial message;
- (d) Any works of art that do not contain a commercial message;
- (e) Any sign located on umbrellas or similarly related private patio furniture or seating provided it is located outside of the right-of-way and complies with any other applicable standards of this code;
- (f) Any sign on a truck, bus or other vehicle that is used in the normal course of a business for transportation (See also [Section 1127.05](#).) or vehicle signage required by the State or Federal government;
- (g) Signs installed or required by the City of Wooster, Wayne County, State of Ohio, federal government, or approved transit agency and which sign is allowed pursuant to the latest version of the Manual on Uniform Traffic Control Devices (MUTCD);
- (h) Any sign located inside a building that is not visible from outside of the building;
- (i) Any sign located inside a building that is mounted more than three feet beyond a transparent window or door;
- (j) Any signs located on fuel pumps or similar structures that is not legible from the lot line;
- (k) Any warning signs or traffic safety signs required by public utility providers; and
- (l) Any lighting, signs, or related decorations erected on a seasonal basis in observance of religious, national, or state holidays that are not intended to be permanent in nature and which do not contain a commercial message.

#### **1127.04 Administrative Provisions**

- (a) A sign permit shall be required for the erection, location, relocation, alteration, or replacement of any sign allowed by this chapter unless otherwise stated.
- (b) All signs shall comply with the requirements of this chapter, regardless if a sign permit is required or not.
- (c) For the purposes of this chapter, sign permits shall be considered zoning certificates and shall be reviewed as such, with the same review criteria, conditions, appeals, etc.. See Section [1105.12](#).
- (d) A sign permit shall be issued only when the Zoning Administrator determines that the proposed application fully complies with the regulations set forth in this Chapter and any other applicable sections of this code.
- (e) Any sign not specifically allowed in the right-of-way pursuant to Section [1127.06\(m\)](#), shall be immediately removed by the City in order to maintain a public right-of-way which is safe and unobstructed.
- (f) A sign permit for a permanent sign shall expire if all work has not completed in compliance with the approved sign permit within one year of the issuance.

- (g) A sign permit for a temporary sign shall expire at the end of the calendar year in which such sign permit was issued.

### **1127.05 Prohibited Signs**

The following types of signs are specifically prohibited within the City of Wooster:

- (a) Any sign that copies or imitates a sign installed by a government agency for official purposes;
- (b) Windblown devices;
- (c) Signs that employ any parts or elements that revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. This shall not include changeable copy signs as allowed in this chapter;
- (d) Signs with moving or flashing lights, except as allowed for electronic message centers in Section [1127.06\(n\)\(4\)](#);
- (e) Flashing, intermittent, or moving signs that flash or move more than once every three seconds, blinker, racer type, animated, whirligig devices, exposed light bulbs, and strings of lights not permanently mounted to a rigid background, and other similar types of attention-getting devices;
- (f) Beacons, spotlights, and searchlights, except for emergency purposes;
- (g) Pennants, ribbons, or streamers;
- (h) Signs that are applied to trees, bus shelters, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure, or otherwise placed in the public right-of-way;
- (i) Signs that obstruct or substantially interfere with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress to any building;
- (j) Any sign located in a public right-of-way except as provided for in Section [1127.06\(m\)](#);
- (k) Signs which are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure unless specifically permitted as a temporary sign;
- (l) Signs mounted on top of a roof;
- (m) Portable signs, not including A-frame or T-frame sidewalk signs;
- (n) Vehicle signs viewed from a public road with the primary purpose of providing signage not otherwise allowed by this chapter. A vehicle sign shall be considered to be used for the primary purpose of advertising if the vehicle fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle. Vehicle signs include those attached to or placed on a vehicle or trailer. Vehicles or trailers shall not be parked continuously in one location to be used primarily as additional signage. This does not apply to a vehicle parked at a driver's residence and is the primary means of transportation to and from his or her place of employment;
- (o) Balloon signs or air activated graphic; and
- (p) Any sign not specifically allowed by this chapter.

### **1127.06 General Regulations**

Unless otherwise specifically stated, the following regulations shall apply to all signs within the City:



- (a) The construction, erection, safety, and maintenance shall comply with all applicable building and electrical codes.
- (b) All signs shall be constructed in a professional manner in conformance with the appropriate building code and other applicable requirements of the City and shall be structurally sound to withstand wind pressures of at least 30 pounds per square foot of surface area.
- (c) No sign or sign structure shall be placed on private or public property without the written consent of the owner or agent thereof.
- (d) All signs shall be located and secured so as to pose no threat to pedestrian or vehicular traffic. All signs shall be subject to the intersection visibility standards established in Section [1115.02\(d\)](#).
- (e) Permanent signs shall be fabricated with rigid materials that are of good quality and good durability.
- (f) All freestanding signs shall be set back from the right-of-way so as to comply with the clear vision triangle requirements.
- (g) Electric signs and all permanent signs involving structural requirements of the building code shall be installed, repaired, altered and serviced only by a contractor licensed to perform such tasks.
- (h) Temporary signs shall be durable and weather-resistant, and fastened or anchored sufficiently, whether attached to the building or positioned in the ground.
- (i) No sign regulated by any of the provisions of this chapter shall be erected in the right-of-way, in proximity to railroad crossings, or at the intersection of any streets in such a manner as to obstruct free and clear vision (See Section [1115.02\(d\)](#)), or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of any authorized traffic sign, signal or device.
- (j) No sign or sign structure shall be designed or built in a manner that it may be confused with any authorized traffic sign, signal, or device.
- (k) In the event there is a conflict between the provisions of this section and the provisions of any applicable building codes, the provisions of the applicable building code shall govern.

**(l) Substitution with Noncommercial Speech**

The commercial message sign area allowed for any permanent sign permitted in this chapter may be substituted with a noncommercial message. A sign permit shall not be required for this substitution if there is no structural change to the sign.

**(m) Signs in Rights-of-Way**

- (1) Signs shall be prohibited in the right-of-way with the exception of:
  - A. Signs installed by the City, Wayne County, State of Ohio, or approved transit agency that are allowed pursuant to the latest version of the Manual on Uniform Traffic Control Devices (MUTCD);
  - B. Any warning signs or traffic safety signs required by public utility providers; or
  - C. Sidewalk signs as allowed in Section [1127.11](#).
- (2) Any sign to be installed in the right-of-way by an agency other than the City shall require prior approval of the City Engineer.
- (3) The City Engineer may remove or cause to be removed any unlawful sign in the public right-of-way.

**(n) Illumination**

Signs shall be permitted to be illuminated in compliance with the following:

- (1) Light sources shall be shielded from all adjacent buildings and streets.
- (2) Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists, or cause reasonable objection from adjacent residential districts.
- (3) In the R-1, R-2, and R-T Districts,
  - A. Temporary signs shall not be illuminated.
  - B. Permanent, freestanding signs shall only be externally illuminated, unless such sign is an electronic message center sign in conformance with Section [1127.06\(n\)\(4\)](#) and any other applicable sections of this chapter.

**(4) Electronic Message Centers**

Electronic message center signs shall be subject to the following:

- A. Electronic message centers may only be used as part of a window sign, freestanding sign, or drive-through sign in accordance with this chapter.
- B. All electronic message centers shall be set back a minimum of 100 feet from a residential dwelling unit.
- C. Any message change shall be a static, instant message change.
- D. Messages can only change once every three seconds or more.
- E. The transition time between messages shall be less than one second.
- F. All electronic message centers shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.
- G. Electronic message center signs shall not operate or project any display between the hours of 12:00 a.m. and 6:00 a.m. when located in a residential zoning district.
- H. The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
- I. Illumination shall not exceed 0.3 footcandles over ambient lighting conditions when measured at 50 feet in any direction from an electronic message center sign.
- J. Audio emissions from electronic message center signs shall be prohibited.

**1127.07 Measurements and Calculations**

The following regulations shall control the computation and measurement of sign area, sign height, window area, and building frontage:

**(a) Sign Setback**

All required setbacks for signs shall be measured as the distance in feet from the applicable lot line, or other stated point of measurement, to the closest point on the sign structure.

**(b) Sign Height**

- (1)** The height of a sign shall be computed as the distance from the base of the sign at normal grade (average grade at the base of the sign) to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely undertaken for the purpose of locating or increasing the height of the sign.
- (2)** In cases where the normal grade is below grade at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street.

**(c) Sign Area**

The surface of a sign to be included when computing maximum allowable square footage of sign area shall be calculated as follows:

- (1)** When calculating street frontage, only the street frontage that lies in the incorporated area of the City of Wooster shall be used in the calculation.
- (2)** For sign copy mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the background panel, cabinet, or surface. See [Figure 1127-A](#) and [Figure 1127-B](#).
- (3)** For sign copy where individual letters or elements are mounted or painted on a building façade where there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the combination of the smallest square, circle, rectangle, triangle, or combination thereof that encloses all the letters or elements associated with the sign. See [Figure 1127-C](#). In cases where there are multiple sign elements on the same surface, the Zoning Administrator shall have the authority to determine the outermost boundaries of individual sign elements.
- (4)** The calculation of sign area shall not include any supporting framework, bracing, or decorative fence or wall unless such structural support is determined to constitute an integral part of the sign design by means of text or other commercial message, as determined by the Zoning Administrator. See [Figure 1127-A](#).

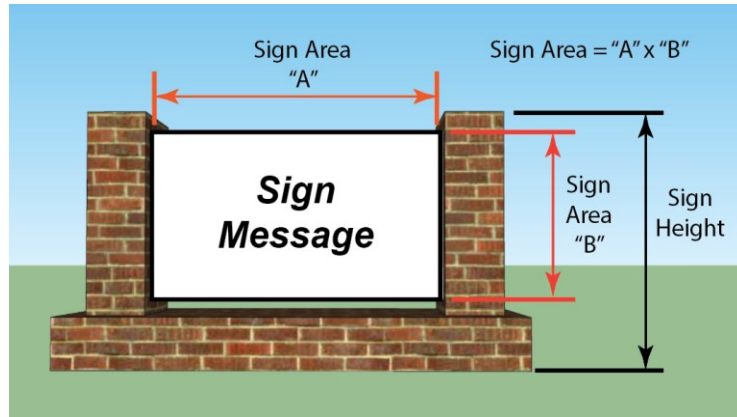


Figure 1127-A: Illustration of sign area calculation for a monument sign with copy on a distinct cabinet.

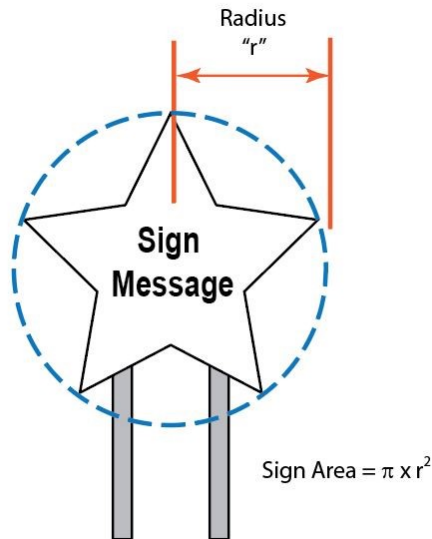
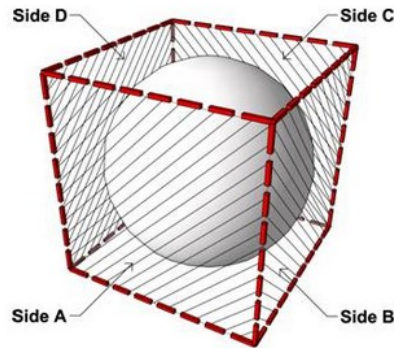


Figure 1127-B: Example of sign area computation by the smallest circle encompassing the extreme limits of the sign message. For the purposes of calculations,  $\pi$  equals 3.14.



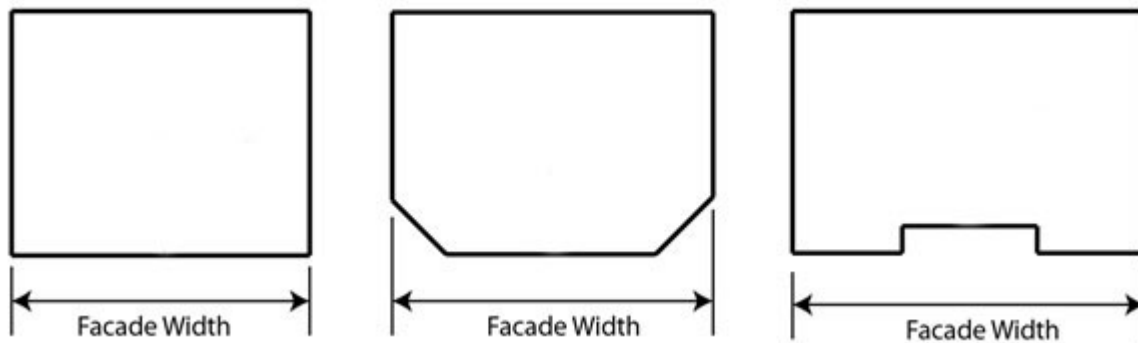
Figure 1127-C: Illustration of sign area calculation for two differently shaped wall signs with individual letters.

- (5) In the case of a three-dimensional sign where the sign faces are not mounted back-to-back, the sign area shall be calculated by the smallest square, rectangle or circle that encompasses the profile of the sign message. The profile used shall be the largest area of the sign message visible from any one point. See [Figure 1127-D](#).



*Figure 1127-D: The sign area of a three-dimensional sign is measured measuring the smallest square, rectangle, or circle that encompasses the profile of the sign (illustrated as sides).*

- (6) Except for three-dimensional signs, the sign area for a sign with more than one face (multi-faced signs) shall be computed by adding together the area of all sign faces when the interior angle is greater than 30 degrees.
- (7) When two identical, flat sign faces are placed back-to-back or at angles of 30 degrees or less, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 12 inches apart, the sign area shall be computed by the measurement of one of the faces. If the two faces are unequal, the sign area shall be calculated based on the larger of the two faces.
- (d) Determining Building Frontage, Building Units, and Building Facades**
- (1) For the purposes of this chapter, the length of the building wall that faces a public street, that faces a parking lot owned or operated by the City of Wooster, or that contains a public entrance to the uses therein shall be considered the building frontage or building facade.
- (2) The calculation of the width or lineal measurement of any façade shall be the measurement of the façade between two side facades. The calculation shall be based on viewing the façade from a 90-degree angle (i.e., straight on), regardless of façade insets, offsets, or angles. See [Figure 1127-E](#).



*Figure 1127-E: Illustration of façade width measurement on varied façade shapes.*

- (3) For multi-tenant buildings, the portion of a building that is owned or leased by a single occupant or tenant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.
- (4) The primary facade shall be the portion of a frontage that serves as the main access point to a building or building unit. A site or building will be considered to have secondary facade when any of the following site/building characteristics are present:
  - A. The subject site is a corner lot;
  - B. The primary parking area is not located adjacent to a public street; or
  - C. The building or unit has walls with public ingress and egress that do not face the public street.
- (5) When a site has primary and secondary facade as defined herein, the Zoning Administrator shall determine which wall shall be the primary building facade and which wall(s) shall be the secondary building facade. Only one outside wall of any business shall be considered its primary facade.

**(e) Determining Window Area**

The window area of a building shall be the total glass area of windows on the building frontage. For the purposes of determining window area for ground floor occupants, the ground floor shall be considered to be no more than 15 feet in height above grade. See [Figure 1127-F](#).



*Figure 1127-F: The window area is illustrated within the dashed line area for the two storefronts in the above image.*

### **1127.08 Permanent Signs Permitted in PD Districts**

All development in a PD District shall be subject to the standards of this chapter unless otherwise modified through the PD review and approval process. In general:

- (a) Single-family residential uses and public and institutional uses in a PD shall comply with the sign requirements of the R-1 District.
- (b) Multi-family residential uses in a PD shall comply with the sign requirements of the R-3 District.
- (c) Commercial and office uses in a PD shall comply with the sign requirements of the C-2 District.
- (d) Industrial uses in a PD shall comply with the sign requirements of the I-1 District.

### **1127.09 Permanent Signs in Agricultural and Residential Districts**

The following are the permanent signs allowed in AG, R-1, R-2, R-T, R-3, R-4, and R-5 zoning districts:

#### **(a) Signs for Individual Dwellings**

- (1) One wall sign is permitted on each individual lot used for residential purposes provided the sign is mounted flush to the façade of the principal dwelling and does not exceed two square feet.
- (2) Such sign may also be permanently attached to a window.
- (3) The sign shall not be internally or externally illuminated.
- (4) A sign permit shall not be required for this type of sign.

#### **(b) Signs at Entrances**

Two wall signs or one permanent freestanding monument sign may be permitted for any subdivision or multi-family dwelling development that contains 20 units/lots or more provided that the signs meets the following requirements:

##### **(1) General Standards**

- A. Each sign may have a maximum sign area of 36 square feet.
- B. No such sign or any portion of the structure shall exceed six feet in height.
- C. The sign may only be illuminated through an external light source.



- D. The sign shall be an on-premise sign.

**(2) Monument Sign**

- A. A maximum of one freestanding monument sign may be permitted for each entrance to the subdivision or development on a collector or arterial street, as determined by the Zoning Administrator.
- B. In all cases, the sign shall be set back a minimum of 3 feet from the right-of-way and 10 feet from any lot lines.
- C. The monument sign shall have a maximum of two sign faces, mounted back-to-back.
- D. If an applicant proposes to use a monument sign, no wall signs, as allowed in Section [1127.09\(b\)\(3\)](#), below, shall be permitted.

**(3) Wall Signs on Entry Fences or Walls**

- A. A maximum of two wall signs may be permitted for each entrance to the subdivision or development on a collector or arterial street, as determined by the Zoning Administrator.
- B. If two signs are utilized, the signs shall be separated by a minimum of 50 feet.
- C. The signs shall be mounted to a decorative wall or fence that generally runs parallel with the street.
- D. If an applicant proposes to use wall signs, no monument sign, as allowed in Section [1127.09\(b\)\(2\)](#), above, shall be permitted.

**(c) Signs for Nonresidential Uses in Residential Zoning Districts**

- (1) One permanent freestanding monument sign may be permitted on a lot containing a nonresidential use in a residential zoning district provided the sign meets the following requirements:
  - A. In all cases, the sign shall be set back a minimum of 3 feet from the right-of-way and 10 feet from any lot lines.
  - B. The maximum sign area shall be 36 square feet.
  - C. A maximum of 50 percent of the monument sign area may be devoted to manual changeable copy.
  - D. If the sign is accessory to a use listed as a public and institutional use in [Table 1109-1](#), an electronic message center may be used instead of the manual changeable copy sign area allowed above. All electronic message centers shall comply with the requirements of Section [1127.06\(n\)\(4\)](#).
  - E. No such sign or any portion of the structure shall exceed six feet in height.
  - F. The sign may only be illuminated through an external light source.
- (2) One additional monument sign shall be permitted for a lot with a lot frontage that exceeds 500 feet. Such sign shall comply with Section [1127.09\(c\)\(1\)](#), above. For corner lots, each street frontage shall be calculated separately. Freestanding signs on the same lot shall be separated by a minimum of 100 feet, as measured along the street right-of-way line. For corner lots, both sides of the intersection shall be used in measuring spacing.
- (3) Building signs shall be permitted for all nonresidential uses in a residential district in the same manner as permitted for nonresidential uses in the C-1 District. This shall not apply to signs located on lots used exclusively for residential dwellings where signage is controlled by Section [1127.09\(a\)](#).

## 1127.10 Permanent Signs in Nonresidential Districts

The following are the permanent signs allowed in CF, C-1, C-2, C-3, C-4, I-1, I-2, and I-3 zoning districts:

### (a) Signs for Residential Uses in Nonresidential Districts

Buildings, developments, subdivisions, or any portions thereof, that are 100 percent residential in any nonresidential district, shall be subject to the permanent sign allowances established in Section [1127.09](#). Buildings or a single lot with a mixture of residential and nonresidential uses shall be permitted signs in accordance with this section.

### (b) Window Signs

Window signs do not require a sign permit provided they comply with the following standards:

- (1) Window signs shall not occupy more than 30 percent of the window area of any ground floor window areas. See Section [1127.07\(e\)](#) for locations used in the calculation of sign area. The sign area is based on the window area, regardless of the presence of an awning.
- (2) For a multi-story building, each occupant above the ground floor shall be permitted one window sign for each individual tenant provided the sign does not exceed six square feet or 25 percent of the area of the window in which the sign is placed, whichever is smaller.
- (3) Window signs may be temporarily or permanently attached.
- (4) For each ground floor tenant, one window sign with a maximum sign area of two square feet may be comprised of an electronic message center. This sign shall be calculated as part of the total area of window signs allowed.

### (c) Building Signs

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

- (1) The building sign area allowed in [Table 1127-1](#) shall include the total amount of all awning, canopy, marquee, projecting, hanging, or wall signs on each façade wall. Standards for each individual building sign type are established in this section.
- (2) Building signs shall also be subject to any applicable standards for building sign types in Section [1127.10\(c\)\(8\)](#).
- (3) Building signs shall not extend above the top of the roofline of the building to which it is attached.
- (4) Building signs may not be attached to mechanical equipment or roof screening.
- (5) Building signs shall not include electronic message centers.

#### (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.
- B. An applicant may provide additional building signage for all the secondary facades as follows:
  - i. The maximum total amount of building signs permitted on all of the secondary facades shall be equal to 100 percent of the amount of signage allowed on the primary façade.

- ii. No single secondary façade may have more than 50 percent of the building sign area allowed for all of the secondary facades as established in Paragraph [1127.10\(c\)\(6\)](#), above.
- iii. The building signage allowed on the secondary facades may not be placed as additional building signs on the primary façade.
- C. There is no maximum number of building signs but the total square footage of building signs located on a single façade shall comply with the requirements of this section.
- D. The amount of building signs permitted shall be based on the façade width of the principal building regardless if the signs are to be attached to gas pumps, gas pump islands, or similar accessory structures.
- E. The maximum building sign area provided for in this section shall apply to signage with a commercial message. See Section [1127.10\(c\)\(8\)A.ii](#) for wall signs permitted without a commercial message.

**TABLE 1127-1: MAXIMUM BUILDING SIGN AREA ALLOWANCE PER FAÇADE**

| <b>Building Type/Occupancy</b>                                | <b>CF, C-1, and C-4 Districts</b>                            | <b>C-2, C-3, I-1, I-2, and I-3 Districts</b>   |
|---|--|--|
| 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] |

**Notes:**

[1] For buildings with multiple tenants, the ratio shall be applied to each lineal foot of building facade width assigned to each individual tenant.

[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.

[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.

**(7) Sign Bonuses for Large Building Setbacks**

The maximum allowable area for a building signs may be increased by 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 20 percent of the maximum allowable.

**(8) Standards for Permanent Building Sign Types****A. Wall Signs****i. Wall Signs with a Commercial Message**

- a. Wall signs shall be mounted on or flush with a wall and shall not protrude more than 24 inches from the wall or face of the building to which it is attached.

- b. A wall sign may be painted directly on a building wall, mounted on the façade wall, or mounted on a raceway.
- c. Any wall sign, except for signs painted directly onto the wall, shall be mounted so there is a minimum clearance of eight feet above the sidewalk and 16 feet above any driveway or vehicular use area.
- d. Permanent signs that are attached to gas pumps, gas pump islands, or similar structures, that can be read or understood from a public street by most persons of normal vision shall be considered a wall sign for the purposes of this chapter and shall be based on the wall sign allowance for the principal building.
- e. Cabinet style wall signs are prohibited in landmark districts or on landmark properties.
- f. Wall signs in the landmark districts may be illuminated through the following methods, if approved as part of the Certificate of Appropriateness:
  - 1. Indirect lighting methods such as gooseneck lighting;
  - 2. Individual reverse channel letters (halo-lit or reverse-lit);
  - 3. Individual channel letters with transparent plastic covering to shield the source of illumination; and
  - 4. Neon, however the neon tubes shall not be directly visible.
- g. In all other districts, signs may be internally or externally illuminated.

**ii. Wall Signs without a Commercial Message**

Permanent wall signs that do not contain a commercial message may be considered in accordance with the following regulations:

- a. The wall sign shall require an approval of a sign permit. If the sign is proposed for a Landmark building or for a building in a Landmark District, the sign shall also require an approval of a certificate of appropriateness, subject to all applicable review criteria and standards.
- b. Only signs permanently painted directly onto a wall are permitted.
- c. External illumination may be approved as part of the development plan and/or certificate of appropriateness review but any such illumination shall be through indirect lighting methods such as up-lighting or gooseneck lighting.
- d. The sign shall not obstruct any architectural features, windows, doors, points of access, or other similar elements of the building.
- e. The sign may only be permitted on secondary facades.
- f. The sign shall not cover more than 75 percent of the applicable facade.

**B. Awning, Canopy, or Marquee Signs**

Any canopy, awning, or marquee sign allowed pursuant to this section shall comply with the following standards:

- i. Signage shall not cover more than 50 percent of any individual awning, canopy, or marquee with a maximum of 20 square feet per individual awning.

- ii. All components of the awning, canopy, or marquee shall have a minimum height clearance of eight feet from the sidewalk.
- iii. Marquee signs may include manual changeable copy signs.

### **C. Projecting or Hanging Signs**

- i. Only one projecting or one hanging sign shall be permitted for each tenant on each street frontage where the tenant has building frontage.
- ii. A projecting sign shall be perpendicular to the wall of the building to which it is attached and shall not extend more than four feet from the façade wall to which it is attached.
- iii. A hanging sign may be attached to the ceiling of an outdoor arcade or underneath a canopy, awning, or marquee if it complies with the sign area, height, and clearance standards of this section.
- iv. Projecting and hanging signs shall maintain a minimum six-inch clearance from the façade of any building.
- v. Decorative supporting structures for projecting signs are encouraged and shall not count toward the maximum square footage of signs allowed, however, in no case shall the supporting structure exceed six square feet.
- vi. The maximum sign area shall be 10 square feet.
- vii. All components of the projecting sign shall have a minimum clearance of eight feet above a sidewalk or any walkway and a maximum height of 14 feet.
- viii. Projecting signs shall not be internally illuminated.
- ix. Projecting and hanging signs must be suspended from brackets approved by the Building Official and contain no exposed guy wires or turnbuckles.
- x. Projecting or hanging signs may extend into the right-of-way up until one-foot setback from the back of the curb.
- xi. If such projecting sign is illuminated it shall be by indirect lighting methods such as gooseneck lighting.

### **(d) Permanent Freestanding Signs**

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

- (1) Only one freestanding sign shall be permitted on any lot unless otherwise provided for in Section [1127.10\(d\)\(4\)](#).

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

### **(3) Electronic Message Centers**

- A. Electronic message centers may only be used on signs in the C-2, C-3, I-1, I-2, or CF Districts in compliance with Section [1127.06\(n\)\(4\)](#) and any other applicable standards of this chapter.
- B. The size of an electronic message center sign shall not exceed 50 percent of the applicable maximum area permitted or 40 square feet, whichever area is less.
- C. The area of an electronic message center sign shall be included in the applicable maximum sign area allowed pursuant to [Table 1127-2](#).

**TABLE 1127-2: PERMANENT FREESTANDING SIGNS**

| District                      | Maximum Sign Area<br>(Square Feet) | Maximum<br>Sign Height<br>(Feet) | Minimum<br>Setback from<br>a ROW | Minimum<br>Setback from<br>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.

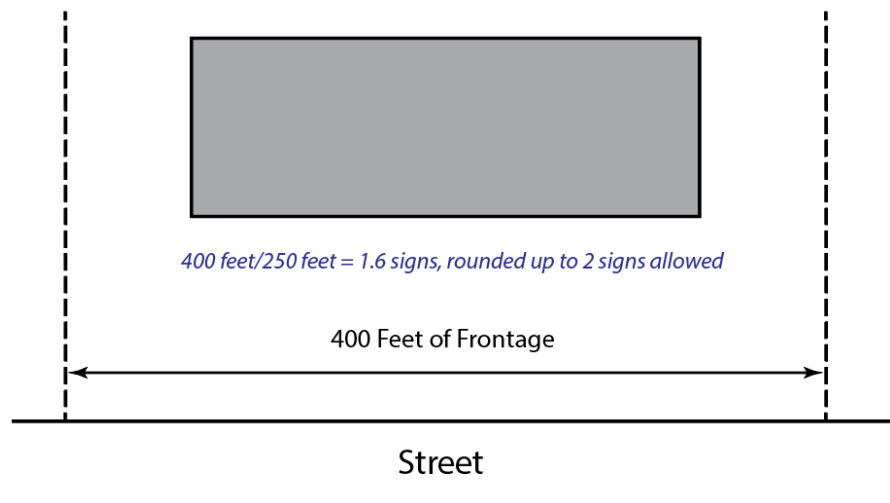
[3] When all buildings on a lot have a combined floor area greater than 10,000 square feet, the maximum sign area may be increased by one square foot for every 5 feet of lot frontage that exceeds 200 feet. In no case shall the sign area exceed 200 square feet.

[4] When the lot line is located adjacent to a residential zoning district, the minimum setback shall be 30 feet.

#### (4) Additional Freestanding Signs for Large Lots

The maximum sign area allowed in [Table 1127-2](#) may be distributed to one or more freestanding sign(s) for each 250 feet of lot frontage or fraction thereof. For example, a lot with 400 feet of frontage would be permitted to have two freestanding signs provided the total aggregate sign area does not exceed the maximum sign area allowed in [Table 1127-2](#). See

[Figure 1127-G](#).



*Figure 1127-G: Illustration of additional freestanding signs for large lots.*

#### (5) Signs on Lots with Multiple Public Street Frontages

For lots that have frontage on multiple public streets, each street frontage shall be calculated separately and signage shall be allowed in accordance with the following:

- A. The allowable sign area permitted by this section may be distributed to one or more freestanding sign(s) for each 250 feet of lot frontage or fraction thereof.

- B. The total area of all freestanding signs shall comply with [Table 1127-2](#).
  - C. Two signs may be aggregated into a single sign provided that the area of any freestanding sign face shall not exceed 175 percent of the maximum area permitted for a single sign.
- (6) Freestanding signs on the same lot shall be separated by a minimum of 200 feet, as measured along the street right-of-way line. For corner lots, both sides of the intersection shall be used in measuring spacing.
  - (7) On corner lots, freestanding signs shall comply with the minimum sign setback from both street rights-of-way, as set forth in [Table 1127-2](#), and shall comply with Section [1115.02\(d\)](#).
  - (8) When a freestanding sign is permitted on a site that has more than one occupant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building, the anchor occupant, all occupants, or some combination thereof.
- (9) **Landscaping Permanent Freestanding Signs**
    - A. All permanent freestanding signs shall be located in a landscaped area equal to or larger than the total sign area of the applicable sign. Such landscaped area may be an area that fulfills any landscaping requirements of this code.
    - B. The landscaped area shall include all points where sign structural supports attach to the ground.
    - C. Exposed sign foundations shall be constructed with a finished material such as brick, stone, or wood, or be screened with evergreens to the top of the anchor bolts.

**(e) Signs at Driveway Entrances or Intersections**

Permanent signs shall be permitted near driveway entrances to a street and at intersections of internal drives under the following provisions:

- (1) Driveway signs shall comply with the intersection visibility requirements of Section [1115.02\(d\)](#), but in no case shall the sign be set back more than 25 feet from the driveway entrance or intersection of internal drives.
- (2) Signs at driveway entrances or intersections are prohibited in the C-4 District.
- (3) Up to two driveway signs may be permitted per individual driveway or internal intersection.
- (4) Driveway signs may not exceed six square feet in area and four feet in height.
- (5) Driveway signs may be internally or externally illuminated.
- (6) Driveway signs shall not be included in the total calculated allowed signage for a property under the remainder of this chapter.

**(f) Drive-Through Signs**

- (1) Up to two freestanding drive-through signs shall be allowed for each waiting lane in a drive-through facility provided the total aggregate sign area of all drive-through signs, for each facility, does not exceed 72 square feet. In no case shall a single drive-through sign exceed 36 square feet in sign area.
- (2) If a drive-through sign is completely screened from view from any right-of-way or adjacent residential uses, there shall be no maximum sign area.
- (3) Drive-through signs shall only be permitted in a side or rear yard.



- (4) Drive-through signage shall not be included in the total calculated allowed signage for a property under the remainder of this chapter. Any signs attached to a wall of building or the structure shall be calculated as part of the building signage allowance in Section [1127.10\(c\)](#).
- (5) No drive-through sign shall exceed seven feet in height measured from the grade of the adjacent driving surface to the top of the sign.
- (6) If the drive-through signs are located in the side or rear yard, they may be 100 percent electronic message center subject to Section [1127.06\(n\)\(4\)](#) and only in the C-2 and C-3 Districts.
- (7) Drive-through signs may be internally or externally illuminated.

### **1127.11 Temporary Signs**

The following temporary signs shall be permitted anywhere within the City provided they meet the established standards.

#### **(a) Standards that Apply to all Temporary Signs**

- (1) Temporary signs shall not be mounted, attached, affixed, installed, or otherwise secured in a manner that will make the sign a permanent sign.
- (2) No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured so as to protrude above the roofline of a structure.
- (3) Unless otherwise specifically stated, temporary signs shall not be illuminated.
- (4) No temporary sign shall require a foundation, support, wiring, fittings, or elements that would traditionally require a building permit or electrical permit.
- (5) All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind that could pose a danger to people, vehicles, or structures.
- (6) Mobile signs on wheels, runners, casters, parked trailers, parked vehicles, or other temporary or movable signs shall not be permitted unless otherwise specifically stated in this chapter.
- (7) Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such sign is deteriorated.
- (8) Unless otherwise stated, a sign permit for temporary signs shall be required for temporary signs that exceed 12 square feet.

#### **(b) Temporary Signs without a Commercial Message**

Temporary signs without a commercial message do not require a sign permit provided they comply with the following standards:

- (1) Temporary signs that do not contain a commercial message shall not be posted in any place or in any manner that is destructive to public property including, but not limited to, rights-of-way, utility poles, public trees, etc.
- (2) Temporary signs that do not contain a commercial message shall still be required to comply with the intersection visibility requirements. See Section [1115.02\(d\)](#).
- (3) The maximum height of temporary signs without commercial speech shall be six feet unless it is a banner sign mounted to a structure, in which case, the banner sign shall not be mounted above the roofline or the top of the structure.

- (4) Such signs shall be limited to yard signs or banner signs.

**(c) Temporary Signs in Agricultural and Residential Zoning Districts**

The following are the temporary signs with a commercial message allowed in AG, R-1, R-2, R-T, R-3, R-4, and R-5 zoning districts, as well as on lots used for residential-only purposes in PD Districts:

- (1) Up to two temporary signs with a commercial message are permitted on each lot in a residential zoning district, including any lot used for residential-only purposes in a PD District.
- (2) The signs are limited to yard signs, banner signs, or signs posted in a window subject to the sign-specific standards in Section [1127.11\(e\)](#).
- (3) The maximum sign area for each sign shall be six square feet with a maximum height of four feet.
- (4) A temporary yard sign shall be set back a minimum of three feet from all lots lines and rights-of-way.
- (5) For properties that are five acres or larger, one of the temporary yard signs permitted by this section may have a maximum sign area of 24 square feet with a maximum height of eight feet. Such sign shall be set back 10 feet from all lot lines.
- (6) In lieu of the above regulations, any nonresidential use located in a residential zoning district shall be permitted to have temporary signs with a commercial message in the same size, height, and manner as temporary signs allowed in the C-1 District, pursuant to this section.

**(d) Temporary Signs in Nonresidential Zoning Districts**

The following are the temporary signs with a commercial message allowed in CF, C-1, C-2, C-3, C-4, I-1, I-2, and I-3 zoning districts, as well as nonresidential uses in PD Districts:

- (1) Up to 12 square feet of temporary signs is permitted year-round, without time restrictions, provided the signs are of the following type, subject to the standards for each specific type of sign:
  - A. A-Frame or T-Frame sidewalk signs;
  - B. Banner signs; and
  - C. Temporary yard signs.
- (2) **Limited Temporary Sign Allowance**
  - A. In addition to the temporary signage allowed year-round, each lot in shall be permitted the use of additional temporary signage on a limited time basis.
  - B. Each lot is permitted to have an additional 24 square feet of temporary signs for a period of 30 consecutive days, up to four times per calendar year.
  - C. The limited temporary sign allowance may include any of the following sign types subject to any applicable standards established for each sign type in this chapter.
    - i. Banner signs;
    - ii. Temporary window signs; and
    - iii. Temporary yard signs.

- (3) There shall be no maximum number of signs provided the aggregate total square footage of sign does not exceed the amount allowed in this section unless limited by the sign type standard in Section [1127.11\(e\)](#).

**(e) Standards for Temporary Sign Types**

**(1) A-Frame or T-Frame Sidewalk Signs**

- A. There shall be no time limit for sidewalk signs with the exception that the sign shall only be placed outside during the hours of the establishment's operation.
- B. Only one sidewalk sign is allowed for any one business establishment at one time and shall be located within five feet of such business.
- C. Such signs shall not exceed three feet in height or two feet in width.
- D. The sign may be located on a public or private sidewalk or walkway provided it is placed on pavement and not in any landscaped areas or on pavement used for vehicles (e.g., driveways and parking lots).
- E. If the sign is placed on a sidewalk or walkway, the sign can only be placed where the paved sidewalk or walkway width, not including curb top, is at least seven feet wide. The width and placement of the sign shall be such so that there shall be a minimum width of four feet of clear and passable sidewalk or walkway for pedestrians.
- F. The sign must be free-standing and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure.
- G. The sign must not obstruct access to parking meters, bicycle racks and other features legally in the right-of-way.
- H. The sign must not interfere with the opening of car doors in legal spaces, or with the operation of wheelchair lifts and ramps, cab stands, loading zones or bus stops.
- I. The sign shall be internally weighted so that it is stable and windproof.
- J. The City of Wooster shall be held harmless from any liability resulting from accident or injury caused by the placement and/or maintenance of such sign.

**(2) Banner Signs**

- A. Banner signs may be attached to a building, fence, or other similar structure. Banner signs attached to posts and mounted in a yard or landscaped area shall be regulated as a temporary yard sign.
- B. The maximum height standard for temporary signs shall not apply to a banner sign but such signs shall not be mounted in a manner that extends above the roofline of a building or the top of the structure on which it is mounted.
- C. For zoning permit applications related to the establishment of a new use within an existing building where there is existing permanent sign, a banner sign may be approved for up to 60 consecutive days to cover the existing permanent signs. Such banner sign shall not exceed the sign area of the permanent sign and shall require a sign permit.

**(3) Yard Signs**

- A. There shall be no maximum number of yard signs provided the aggregate total square footage of all yard signs does not exceed the maximum sign area allowed in this section.
- B. There shall be a maximum of two faces to the sign, mounted back-to-back.
- C. The maximum height shall be six feet.

**1127.12 Nonconforming Signs**

- (a) Any sign that was lawfully in existence at the time of the effective date of this code, or amendment thereto, that does not conform to the provisions herein, shall be deemed a legal nonconforming sign and may remain on a lot of record except as qualified in this subsection. No legal nonconforming sign shall be enlarged, extended, structurally altered, or reconstructed in any manner, except as allowed for in this section and the nonconforming structure regulations in Section [1131.06](#) shall not apply.
- (b) Legal nonconforming signs shall be maintained in good condition pursuant to Section [1131.09](#), and may continue until such sign is required to be removed as set forth in this chapter.
- (c) A legal nonconforming sign shall not be structurally altered, relocated, or replaced unless it is brought into compliance with the provisions of this chapter, except as otherwise permitted in this chapter.
- (d) If a sign face and/or its support is damaged to the extent where the repair cost exceeds 50 percent of the replacement cost of the sign, the sign shall be removed or brought into compliance with this chapter. If the repair costs do not exceed 50 percent of the replacement cost of the sign, the sign may be repaired, subject to approval by the Zoning Administrator.
- (e) A legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore shall be brought into conformance with this chapter or removed, when any of the following occur:
  - (1) The size or shape of the sign is changed;
  - (2) The building to which the sign is accessory is renovated or remodeled to the extent that more than 50% of the gross floor area is removed or replaced, or otherwise affected by renovation or remodeling;
  - (3) The sign is removed voluntarily;
  - (4) The sign is damaged by more than 50 % of the replacement cost as stated in Section [1127.12\(d\)](#); or
  - (5) The building is expanded and the total sign area permitted for the expanded building is more than 50% greater than the existing sign area.

**1127.13 Maintenance**

All signs shall be maintained in accordance with the following:

- (a) The property owner, occupant, or other person responsible for the sign shall maintain the sign in a condition fit for the intended use and he/she shall have a continuing obligation to comply with all building code requirements.

- (b)** If the Zoning Administrator finds that any sign is unsafe, insecure, a menace to the public, or constructed, erected, or maintained in violation of the provisions of this Code, notice shall be given in writing by the Zoning Administrator to the owner. The owner of the sign shall, within 48 hours of such notification, correct such unsafe condition or remove the sign. If the correction has not been made within the allotted forty-eight hours, the sign may be removed or altered by the City to comply with these regulations at the expense of the owner or occupant of the property upon which the sign is located. The Zoning Administrator may cause any sign, which, in the City's opinion, creates a danger to persons or property to be removed immediately and without notice.
- (c)** The Zoning Administrator may order any sign to be painted or refurbished whenever needed to keep the sign in a neat and safe condition. All supporters, guys, braces and anchors for such signs shall be maintained in a safe condition.
- (d)** If any sign shows evidence of a lack of maintenance, or other violation of this chapter, such sign shall be removed by the owner, agent, or person having the beneficial use of the building, structure, or land upon which such sign is located, within 10 business days after written notice by the Zoning Administrator. Failure to comply with this provision shall be deemed a violation of this code, subject to [Chapter 1133: Enforcement and Penalties](#).

# **Chapter 1129: Subdivision Design**

## **1129.01 Purpose**

The purpose of this chapter is to further the overall purpose of this code and additionally, to:

- (a) Establish standard requirements, conditions, and procedures for the design and review of subdivisions;
- (b) Provide for the orderly subdivision of land;
- (c) Encourage the wise use and management of land and natural resources throughout the City;
- (d) Ensure that adequate public infrastructure, facilities and services are available concurrent with development;
- (e) Encourage a beneficial relationship between the uses of land and circulation of traffic throughout the City, and to provide for the proper location and design of streets; and
- (f) Provide adequate utility systems to support the future needs of the system.

## **1129.02 Applicability**

The developer of a subdivision, a multi-family development, or a nonresidential development shall dedicate all land required for rights-of-way, and shall furnish and install all required improvements serving the subdivision or development. All improvements shall be extended to the boundary of the subdivision or development in order to provide a complete and coordinated system of streets and utilities in accordance with the Comprehensive Plan, water and sewer plans and any other applicable plans or policies of the City of Wooster.

## **1129.03 Conformity to Development Plans, Zoning, and Engineering Standards**

- (a) The arrangement, character, extent, width and location of arterial, collector and local streets or highways shall conform with the Thoroughfare Plan for the City, which is part of City of Wooster Comprehensive Plan, current edition and is on file in the office of the Zoning Administrator, and with the provisions of the regulations of this chapter. Streets not contained in the Official Thoroughfare Plan should conform to the recommendation of the Commission based on existing and planned streets, topography, public safety and convenience and proposed uses of land.
- (b) Any plans or documents submitted for subdivision or development plan approval shall conform with the following:
  - (1) The Engineering Construction Standards, current edition;
  - (2) The Erosion and Stormwater Runoff Control Manual for Development and Improvement, current edition; and
  - (3) Any other policies or procedures promulgated by the City Engineer regarding the construction of public improvements.
- (c) The specifications of the City shall in all respects govern all construction work. The work shall be done under City supervision and inspection. It shall be completed within the time fixed or agreed upon by the City Engineer.

## **1129.04 Installation of Public Improvements and Financial Guarantees**

- (a) The public improvements that are required as part of a subdivision in this code shall be provided and installed by the developer in accordance with the provisions this code and any other applicable codes, ordinances, and engineering documents of the City.
- (b) Drawings and specifications for public improvements shall be reviewed and approved by the City Engineer and the installation shall be subject to the Engineer's continuous inspection. The installation of all public improvements required by this code shall be completed in accordance with such drawings and specifications.
- (c) Agreements to install such improvements shall be approved concurrent with the Planning Commission's approval of the final plat or the approval of a final development plan. See Section [1105.07](#).
- (d) At the completion of construction, and before acceptance of the public improvements, the developer shall furnish the City a set of record or "as-built" reproducible drawings as well as a digital copy that is compatible with the City Engineer's CAD software showing the locations of all public improvements including the sizes and elevations of all underground utilities.
- (e) The improvements required are determined according to the accessibility of a sewer system and a public water supply, stormwater runoff, drainage requirements, the relationship to existing or planned streets, the type and size of lots required by this code for the applicable zoning district in which the subdivision or development is located, and any other applicable site development issues that fall under the category of public improvements. For improvements within a subdivision, multi-family development, or nonresidential development:
  - (1) Land for rights-of-way for all local streets within the subdivision or development and for all secondary or major streets within or along the boundary of the subdivision or development shall be dedicated by the developer and all easements shall be provided. See [Chapter 1125: Parking, Access, and Mobility](#).
  - (2) Utilities shall be furnished and installed as hereinafter required and they shall be of such sizes and capacities as are required for the proposed development or subdivision.
- (f) **Off-Site Improvements**
  - (1) Where the construction, improvement, development, or subdivision of land makes necessary, at least in part, the installation of new or improved sewerage, water, or drainage facilities located outside the property limits of the development, the developer shall pay a proportionate share of the cost of the facilities, in accordance with this sub-section.
  - (2) No such payment shall be required until the City Council has established, or has committed itself by ordinance, to the establishment of a general sanitary sewer, water or drainage improvement program for an area having related and common sanitary sewer, water and drainage conditions, or any of them, and within which the land to be developed is located. The City may develop and administer all three programs together or any one, or other number, separately or jointly.



- (3) The program shall include regulations that establish reasonable standards to determine the proportionate share of the total estimated cost of ultimate sanitary sewerage, water and drainage facilities required adequately to serve a related and common area, when and if fully developed in accord with the comprehensive plan, that shall be borne by each developer within the area.
- (4) The share to be borne by each developer shall be limited to the proportion of such total estimated cost which the increased sanitary sewerage flow, water use or increased volume and velocity of stormwater runoff to be caused by the proposed development bears to the total estimated volume and velocity of such sanitary sewerage, water or runoff from such area in its fully developed state. In calculating the volume and velocity of stormwater runoff, the City shall take into account the effect of all on-site stormwater facilities or best management practices constructed or required to be constructed by the developer and give appropriate credit therefore.
- (5) Each such payment received shall be expended only for the necessary engineering and related studies and the construction of those facilities for which the payment was required and, until so expended, shall be held in an interest-bearing account for the benefit of the developer. In lieu of such payment, the City Engineer may accept a letter of credit satisfactory to the City Engineer conditioned upon the payment at the commencement of construction. The payments received shall be kept in a separate account for each of the individual improvement programs until such time as they are expended for the improvement program. All payments shall be released and used, with any interest earned, as a tax credit on the real estate taxes on the property if construction of the facilities identified in the established water, sewer and drainage programs is not commenced within twelve years from the date of the posting of the payment.
- (6) Nothing in this section shall imply or constitute an obligation on the part of the City to upgrade or construct any sanitary sewerage, water or storm drainage facilities or prevent the developer from constructing on his own account and to satisfy his own schedule such off-site facilities necessary or desirable for the safe and proper provision of utility service to the development in accordance with this subdivision ordinance and other ordinances of the City.

**(g) Financial Guarantees for Public Improvements**

- (1) The subdivider or developer shall execute financial guarantees and shall file such financial guarantees with the City prior to approval of a development plan or certification of a final plat, if the applicant does not propose to construct the required public improvements or private streets prior to receiving certification of the final plat or approval of the development plan. Such financial guarantee shall take any form allowed in Section [1129.04\(g\)](#).
- (2) The financial guarantee shall be an obligation for the faithful performance of any and all work and the construction and installation of all public improvements required to be done by the subdivider, together with all engineering and inspection costs and fees incurred by the City.

**(3) Guaranteed Amount**

- A.** The financial guarantees shall be in an amount equal to the estimated total costs of materials and labor required to install or construct the improvements. The City Engineer shall determine such costs. When any portion of the improvements has, upon inspection, been found satisfactorily completed, a reduction in the bonds or partial withdrawal of funds equal to the estimated costs of such completed improvements may be authorized.
  - B.** Where applicable, engineering, plan review, and construction review fees, etc., shall be required to be a part of the engineer's cost estimate.
  - C.** After a period of two years from the date of submittal, the City Engineer may require that a revised engineer's estimate and bond be submitted that reflects updated unit prices.
- (4)** The terms of such financial guarantees shall be determined by the Law Director, with confirmation by the City Engineer.

**(5) Subdivision Agreements**

- A.** Where the subdivider chooses to post a financial guarantee in lieu of completion of those public improvements shown on the approved engineering plan and/or final plat in order to allow for the recordation of the final prior to completion and acceptance of all required public improvements, the subdivider shall be required to enter into a subdivision agreement.
  - B.** The subdivision agreement shall be approved as to content and form by the City's Law Department, with confirmation by the City Engineer, prior to approval of the final plat by the Planning Commission. The City shall provide to the subdivider a sample subdivision agreement during review of the final plat.
  - C.** When an applicant for a development plan is required by this code to construct the improvements shown on an approved development plan, the applicant shall enter into an agreement, approved as to content and form by the City's Law Department, with the City prior to approval of the development plan.
- (6)** The financial guarantee and subdivision agreement shall contain the further condition that should one of the following conditions exist, the City may, at its option, cause all required work to be done and public improvements constructed by using the financial guarantee.
- A.** The installation of all required public improvements as called for in these regulations has not taken place within the time period agreed on in the subdivision agreement with the City, and the subdivider has failed to establish reasonable cause for such delay to the satisfaction of the City Council and thereby to receive a time extension; and/or
  - B.** The subdivider has not constructed the required public improvements in accordance with the minimum standards specified by these regulations, and the subdivider is unwilling to modify and upgrade said public improvements within a six-month time period of notice so as to be in compliance with the provisions of these regulations.
- (7)** The parties executing the financial guarantee shall be firmly bound for the payment of all necessary costs therefor.
- (8)** Unit prices used in the engineer's cost estimate shall be based upon unit costs associated with public contracting (i.e., prevailing wage rates).

- (9) Financial guarantees shall be made payable to the City of Wooster and be acceptable to the City Engineer and the Law Director.
- (10) Incomplete public improvements that the City Engineer determines will constitute a safety hazard or maintenance issue, or will prevent the effective functioning of the public improvements, shall be required to be completed prior to the approval of a final plat.

**(11) Street, Utility, and Improvements Maintenance**

The developer shall guarantee the construction and materials of the street, utilities, and public improvements for a two-year period after acceptance by the City. In order to secure the guarantee, the developer shall deposit an amount equal to 50% of the total cost of the construction of the streets, utilities, and public improvements as determined by the City Engineer. The deposit shall be in the form of a financial guarantee as allowed in Section [1129.04\(g\)](#).

**(12) Types of Financial Guarantees**

The following are the types of financial guarantees allowed by the City. The standards for each type of guarantee shall apply to any situation where a financial guarantee is required, regardless if it is related to a subdivision application or not.

**A. Irrevocable Letter of Credit**

The following standards shall apply if an irrevocable letter of credit is utilized as a financial guarantee:

- i. The subdivider shall provide an irrevocable letter of credit from a bank or other reputable institution or individual subject to the approval of the City Law Director and City Engineer.
- ii. The letter shall be deposited with the City, and shall certify the following:
  - a. The creditor guarantees funds in an amount equal to the cost, as estimated in accordance with Section [1129.04\(g\)](#), for completion of all required public improvements.
  - b. In the case of failure on the part of the subdivider to complete the specified public improvements within the required time period, the creditor shall pay to the City immediately and without further action such funds as are necessary to finance the completion of those public improvements, up to the limit of credit stated in the letter.
  - c. This irrevocable letter of credit may not be withdrawn or reduced in amount until released by the City Engineer in accordance with this chapter.

**B. Certified Check, Wire Transfer, Escrow, or Cash Deposit**

The following standards shall apply if cash is utilized as a financial guarantee:

- i. The subdivider shall provide a certified check, wire transfer, escrow to a third-party escrow account, or cash deposit for the amount of the guarantee, payable to the City of Wooster.
- ii. If a third-party escrow account is to be established, the account shall be with a bank approved by the Law Director and shall be in an account set up for the sole ownership of the City.
- iii. When the public improvements are complete, the City shall issue a check for the released amount based on this subsection.

- iv. The City shall not be responsible for paying interest for the period of time the City retains the guarantee.

**C. Bonds**

The following standards shall apply if a bond is utilized as a financial guarantee:

- i. A bond in the amount determined in accordance with this section shall be filed with the City of Wooster.
- ii. The bond may be in the form of a surety bond or a cash bond of the kind approved by law for securing deposits of public money.
- iii. The bond shall be executed by the subdivider as principal, and if a surety bond, shall be executed by a corporation authorized to act as a surety under the laws of the State of Ohio.

**(h) Insurance**

The developer shall agree to indemnify and hold harmless the City against and from any and all loss, cost, damage, liability, and expense on account of damage to property of, or injury to or death of, the parties or a third person caused by or in any way whatsoever attributable to the construction of the improvements and the use of streets delineated on a subdivision plat/plan or a development plan during construction. The developer shall further agree, but without limiting its liability to indemnify the City, to carry liability insurance contracts in an amount determined by the City for injury to or death of persons, and for damage to or destruction of property, which insurance contracts shall include the City as a named insured. The developer shall further agree to maintain on file with the City during the period of such construction, certificates or memoranda of insurance evidencing that such insurance contracts are in force.

**(i) Protection of Streets, Utilities, and Other Installations**

- (1) The subdivider shall provide the City Engineer with a plan for the routing of construction equipment and traffic with the objective of alleviating any need to traverse adjacent off-site residential streets. In exceptional cases, where no reasonable alternative exists or can be provided, construction equipment may be permitted the use of collector streets for a predetermined time period. The contractor shall be permitted to operate only pneumatic-tired equipment over any paved street surfaces and shall be responsible for correction of any damage to street surfaces in any manner resulting from the contractor's operation. During the period of use, such streets shall be kept reasonably free of debris, based on periodic inspections by the City and in accordance with approved sedimentation and erosion control measures.
- (2) The subdivider and their contractors shall protect the pavement against all damage prior to final acceptance of the work including damage created by the contractor's construction equipment and vehicles, as well as general traffic. As soon as curing and sealing are completed, the contractor shall clean the pavement free of all debris and construction equipment.
- (3) The subdivider and their contractors shall at all times take proper precautions for the protection of utility lines, the presence of which can be determined by contacting the Ohio Utilities Protection Service (OUPS). The subdivider shall be financially responsible for the repair of any damage to such utility lines.

## **1129.05 General Design Standards**

### **(a) Traffic Control Devices**

The subdivider shall provide all traffic control devices for the proposed development, including, but not limited to, traffic signals, signs, pavement markings and the like. Refer to the Ohio Manual of Uniform Traffic Control Devices (OMUTC) for details of the devices to be used, and, in some cases, warrants for their use.

### **(b) Debris and Waste**

No cut trees, diseased trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the zoning compliance inspection. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of dedication of public improvements.

### **(c) Suitability of Land for Development**

If the Planning Commission and the City Council find that land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor drainage, topography or inadequate water supply, wastewater treatment facilities, transportation facilities, or such other conditions as may endanger health, life or property, and if, from investigations conducted by the public agencies concerned, it is determined that, in the best interest of the public, the land should not be developed for the subdivision proposed, the Planning Commission and the City Council shall not approve the land for the purpose unless adequate methods are advanced by the subdivider for solving the problems that will be created by the development of the land.

### **(d) Topography, Natural Vegetation, and Flooding**

- (1) Natural amenities (including views, mature trees, creeks, riparian corridors, rock outcrops, and similar features) shall be preserved and incorporated into proposed development to the greatest extent feasible.
- (2) The natural topography shall be retained wherever possible in order to reduce excessive runoff onto adjoining property and to avoid extensive regrading of the site.
- (3) Floor elevations of all buildings shall be carefully studied in relation to existing topography, proposed street grades, existing trees and other pertinent site features.
- (4) The subdivision shall be designed to minimize development in any floodplain or floodway as defined by FEMA. The platting of lots for residential occupancy in a 100-year floodplain shall be discouraged unless the subdivider can document that any habitable structure shall be located outside the 100-year floodplain.

### **(e) Homeowners' or Property Owners' Associations**

See Section [1121.06](#) for requirements for homeowners' or property owners' associations.

### **(f) Subdivision Names**

The proposed name of the subdivision shall not duplicate or too closely approximate phonetically, the name of any other subdivision in the City or Wayne County. The City shall have final authority to designate the name of the subdivision.

### **(g) Street Trees**

Street trees shall be provided in accordance with Section [1123.04](#).

**(h) Street Lights**

- (1)** The developer shall indicate on his plans where electric street lighting service shall be installed in the development. The developer shall provide streetlights in all major subdivision, and the electric services shall be underground. The developer shall submit two sets of preconstruction drawings to the electric utility company, who shall return one copy of their street lighting recommendations to the City Engineer prior to final acceptance of the preconstruction drawings for the development by the Engineer.
- (2)** The developer shall bear the cost of trenching and any special backfilling required for the installation of streetlights. Underground conduits for streetlights shall be installed at the same time the street is constructed, and shall be installed according to the plans developed by the electric utility company. The developer shall be responsible for furnishing the required easements and such easements shall be shown on the final plat.
- (3)** In addition, the developer shall bear the cost difference between a normal street light installation and shall bear the cost difference of operating the more aesthetic installation for a period of twenty-two years. Such cost differences shall be paid in an advance lump sum payment according to the schedule on file in the City Engineer's office.

**(i) Monuments and Markers**

- (1)** A complete survey shall be made by a registered surveyor.
- (2)** When necessary in accordance with the accepted surveying practice and legal requirements the surveyor shall set boundary monuments so that, upon completion of the survey, each corner of the property and each referenced control station shall be physically monumented.
- (3)** When it is impossible or impracticable to set a boundary monument on a corner, the surveyor shall set a reference monument, similar in character to the boundary monument and preferably along one of the property lines which intersect at that corner. When such a reference monument is used, it shall be clearly identified as a reference monument on the plat of the property and in any new deed description that may be written for the property.
- (4)** Every boundary monument and/or reference monument set by the surveyor shall, when practicable:
  - A.** Be composed of a durable material;
  - B.** Have a minimum length of 30 inches;
  - C.** Have a minimum crosssection area of material of 0.2 square inches;
  - D.** Be identified with a durable marker bearing the surveyor's Ohio registration number and/or name or company name; and
  - E.** Be detectable with conventional instruments for finding ferrous or magnetic objects.
- (5)** When a case arises, due to physical obstructions such as pavements, large rocks, large roots, utility cables, etc., so that neither a boundary monument or a reference monument can be conveniently or practicably set in accordance with Subsection [1129.05\(i\)\(4\)](#) hereof, then alternative monumentation which is essentially as durable and identifiable (i.e., chiseled "X" in concrete, drill hole, etc.) shall be established for the particular situation.

- (6) Per the City of Wooster Engineering Construction Standards, current edition, monuments shall be located at all intersections and changes in street alignment as well as whenever designated by the City Engineer.

**(j) Maintenance and Operations**

- (1) Where the development contains sewers, sewage treatment plants, water supply systems, stormwater management facilities or other physical features necessary or desirable for the welfare of the area and which are of common use or benefit and which are of such character that the City or other public agency does not desire to maintain them, such facilities shall be maintained by a the property owner, the homeowners' association or an equivalent agency. Documents creating an association and detailing maintenance responsibilities shall be submitted in a form that is acceptable to the Law Director for the proper and continuous maintenance and supervision of such facilities.
- (2) In the event the property owner, agency, or homeowners' or owners' association, hereafter referred to as the agency, established to own and maintain the facilities, or any successor agency, shall fail to fulfill any obligation imposed on such agency as a condition of approval of the development, the City may serve written notice upon such agency or upon the residents and owners of the development, setting forth the manner in which the agency has failed to fulfill its obligation. The notice shall include a demand that such deficiencies be cured within the time specified within the notice. If such deficiencies are not cured within the specified time, the City, in order to preserve the taxable values of the properties within the development and to prevent the facilities from becoming a public nuisance, may enter upon the facilities and maintain the same and perform the other duties of the agency until such agency shall again resume its obligations. All costs incurred by the City in carrying out the obligations of the agency shall be assessed against the properties within the development and shall become a tax lien on the properties.

## **1129.06 Lot and Block Design**

**(a) Lots**

The following regulations shall govern the design and layout of lots.

- (1) The lot arrangement and design shall be such that all lots will provide satisfactory building sites that can accommodate a structure and required setbacks in the applicable zoning district. The lots shall be more or less rectangular in form; triangular, elongated, or other shapes that restrict its use as a building site shall be avoided to the maximum extent feasible.
- (2) All lots shall conform to, or exceed, the requirements of the site development standards for the applicable zoning district.
- (3) In case of unusual soil conditions or other factors which may impair the health and safety of the neighborhood in which a subdivision may be located, upon the recommendation of the appropriate Board of Health or the City Engineer, the Planning Commission may require larger lot widths and sizes, as deemed necessary.
- (4) No lot shall have an average depth that is more than two and one-half times its average width. Where extraordinary and unnecessary hardship may result from strict compliance with this regulation, the Zoning Administrator, in consultation with the City Engineer, may vary this requirement.



- (5) All side lot lines shall be at right angles to street lines and radial to curved street lines except where the Planning Commission determines that a variation to this rule will provide a better street and subplot layout.
- (6) Lot lines at street intersections shall be rounded with a minimum radius of 25 feet.
- (7) On curved streets the arc of the front lot line or a rear lot line shall be not less than 60 percent of the required width at the building line.
- (8) Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.
- (9) Each lot shall front on an improved, dedicated street. Lots may abut a private street in accordance with Section [1129.07](#).
- (10) Typically, panhandle lots or through lots shall be discouraged and may only be approved if necessitated by unique features or other special physical conditions as deemed necessary by the Planning Commission. These lots shall meet the requirements established for the applicable lot type in Section [1115.01\(d\)](#).
- (11) Through lots abutting an arterial street and fronting on a local street within a subdivision shall be of sufficient depth so as to provide for a minimum rear setback of 70 feet. Within this setback, a 20-foot buffer strip shall be reserved abutting the arterial street for the planting of screening. This screening shall include dense vegetative plantings incorporating trees and/or shrubs of a variety which shall be equally effective in winter and summer. Trees and/or shrubs shall be adequately spaced to form a solid, continuous visual screen within three years after the initial installation. At a minimum, at the time of planting, the spacing of trees shall not exceed 12 feet on center, and the planting pattern shall be staggered. Shrubbery shall be more closely spaced.
- (12) For subdivisions located within three miles of the corporate limits of the City, the developer or subdivider shall comply with the criteria listed in [Table 1129-1](#). Except in case of unusual soil conditions or other factors which may impair the health and safety of the neighborhood in which a subdivision may be located, upon the recommendation of the appropriate Board of Health or the City Engineer, the Planning Commission may require larger lot widths and sizes, as deemed necessary.

| TABLE 1129-1: MINIMUM LOT CHARACTERISTICS FOR AREAS OUTSIDE OF THE CORPORATE LIMITS OF THE CITY OF WOOSTER  |                                |                         |
|---|--------------------------------|-------------------------|
| Type of Development   | Minimum Width at Building Line | Minimum Lot Sizes [1]   |
| Single-Family   | 60 feet                        | 6,500 square feet       |
| Two-Family  | 80 feet                        | 10,800 square feet      |
| Multi-family (3 or more dwelling units)   | 80 feet                        | 4,350 per dwelling unit |
| Commercial  | 100 feet                       | 20,000 square feet      |
| Industrial  | 200 feet                       | 2 acres                 |
| NOTE:<br>[1] These regulations are based on the provision of group water and/or sewer facilities. If proposed subdivisions are based on individual water and/or sewer facilities, the minimum lot size shall be that which will be approved by the appropriate Board of Health for individual water and/or sewer facilities except that in no case shall lots be smaller for subdivisions located within three (3) miles of the corporate limits of the City that are permitted in Table 1191.04. |                                |                         |

**(13) Setbacks Outside of the City of Wooster's Corporation Boundary**

Where the subdivided area is not under zoning control and is to be used for residential purposes, the average front building setback shall not be less than 30 feet from the right of way of the street or thoroughfare upon which the lots front. Restrictions requiring greater setbacks than the above may be required for commercial and industrial uses and for residential uses along arterial and collector streets as determined by the Planning Commission.

**(b) Blocks**

The following regulations shall govern the design and layout of blocks.

- (1)** The arrangement of blocks shall be such as to conform to the street planning criteria set forth in Section [1129.07](#) and shall be arranged to accommodate lots and building sites of the size and character required for the zoning district as set forth in this code.
- (2)** When a parcel is too small to be laid out economically for the use intended and would result in fractional or odd shaped lots, the Commission may request the developer to include adjoining unsubdivided land so a complete block may be planned and developed as a unit.
- (3)** Subdivisions for single-family residential uses shall be designed with blocks of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a limited access highway, arterial street, or railroad right-of-way. Such blocks shall have a minimum length of 800 feet and a maximum length of 1,500 feet. In reviewing the subdivision plat, the Planning Commission can modify these requirements for blocks that will be located adjacent to nonresidential uses or where there are unusual topographic or natural features.
- (4)** Irregularly shaped blocks, those intended for cul-de-sac or loop streets, and those containing interior parks or playgrounds, may be approved if properly designed and located and if the maintenance of interior public spaces is covered by agreements.
- (5)** Blocks that will contain multi-family dwellings or nonresidential uses shall be adequate to accommodate the building sites and provide the yards, setbacks, service drives, off-street parking and other required facilities, and shall be designed for unit development and not necessarily according to the typical lot and street pattern.
- (6)** Where blocks are over 750 feet in length or at the end of a cul-de-sac, pedestrian ways having a minimum right-of-way or easement of 30 feet shall be required for access to schools, playgrounds or bus stops, or to other public facilities where convenient pedestrian circulation has not been provided by sidewalks and or streets. The Planning Commission may eliminate or lessen the requirements of this subsection based on the following: the existing sidewalk network in the area; topographic and/or other natural constraints; and other similar circumstances.

## **1129.07 Streets and Thoroughfares**

### **(a) General Street Design**

- (1) The arrangement, character, width, grade, construction and location of all streets shall conform to the comprehensive plan, or other applicable street plans, for the City that are in effect at the time of final plat submission.
- (2) Such design elements shall be considered in their relation to existing and planned streets, topographical conditions and public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (3) The street layout shall provide access to all lots and parcels of land within the subdivision.
- (4) When a proposed development is adjacent to or contains a State highway, the developer and the Planning Commission should seek information from the Ohio Department of Transportation as to the status of such highway in reference to width and direction and also to access of such highway.
- (5) Access control at major arterials and highways shall be taken into consideration in the design of the subdivision plat. The City or ODOT has the right to define and limit access along major arterials or highways.
- (6) The subdivider shall provide within the boundaries of the subdivision plat the necessary right-of-way for the widening, continuance or alignment of such streets in conformity with the comprehensive plan or other applicable street plans.
- (7) Where practical, the arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas.
- (8) Where adjoining areas are not subdivided or developed, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets (i.e., provide for temporary dead-end streets where street connections can be made to the adjacent land) as required by the City Engineer.
- (9) New subdivisions shall be based on a grid or modified grid system to the maximum extent feasible.
- (10) Streets shall be related appropriately to the topography:
  - A. A subdivision/development shall be planned so that as many lots as possible will be above the street grade.
  - B. On irregular topography, streets shall be designed to avoid extensive cuts and fills and to comply with grading standards hereinafter established for streets.
  - C. Streets approximately parallel to contour lines shall be adjusted so that the lots on one side of the street will not be excessively below the street grade.
  - D. Street grades shall conform as closely as practicable to the original topography.
- (11) A street that is not constructed to City standards will not be accepted by the City for dedication as a public street.
- (12) Approval shall not be given for streets within a subdivision which would be subject to flooding. All streets must be located at elevations which will make them flood-free, in order that no portion of the subdivision would become isolated by floods.

- (13) Residential streets shall be designed to discourage through traffic that may otherwise use collector or arterial streets and whose origin and destination are not within the subdivision. However, offset streets should be avoided. Residential streets extending for a considerable distance, parallel to any collector or arterial street, should be avoided.
- (14) Dedicated streets for multi-family developments shall be planned to connect with arterial or collector streets so as not to generate large volumes of traffic on local residential streets.
- (15) Dedicated streets for commercial and industrial developments shall be planned to connect with arterial streets so as not to generate traffic on local residential streets. The Planning Commission may require the dedication and improvement of service roads along arterial streets.
- (16) In the interest of public safety, and as a matter of policy, all points of ingress and egress shall be located as far as possible from the intersection of two or more major arterial streets or highways.

**(b) Street Names, Signs, and Numbering**

- (1) Street names shall be selected that will not duplicate or be confused with the names of existing streets in the City of Wooster and in Wayne County irrespective of modifying terms such as street, avenue, boulevard, etc. Streets that are or will eventually be continuations of existing or platted streets shall be named the same. Street names shall be included on the preliminary plan and final plat.
- (2) When a new street is a direct extension of an existing street, the name shall remain the same.
- (3) The developer, at his/her expense, shall install traffic control devices within the subdivision and where subdivision streets connect with existing streets in accordance with the recommendations of the traffic impact study. These devices shall meet all applicable standards in the City of Wooster Engineering Construction Standards, current edition.
- (4) Address numbers shall be assigned by the City in accordance with the current numbering system.

**(c) Street Classification**

Each public street in a proposed development shall be classified as an arterial, collector, or local street. In classifying streets, the City shall consider projected traffic demands after the completion of the entire development. Streets shall be designed according to the following:

**(1) Arterial Street**

Arterial streets shall not bisect residential neighborhoods but act as boundaries between them. Abutting residential properties shall not face on the roadway unless separated from it by a service road. Access onto arterial streets shall be limited pursuant to the standards in the State of Ohio Department of Transportation State Highway Access Management Manual, current edition and the City of Wooster Engineering Standards. On-street parking shall be prohibited and traffic regulation shall be accomplished by traffic control devices and channelization.

**(2) Collector Street**

A collector street shall be permitted to have direct, managed access to abutting properties. Regulation of traffic between a collector street and other street types shall be accomplished by traffic control devices. On-street parking may be permitted.

**(3) Local Streets**

Direct access to abutting properties shall be permitted from local streets. On-street parking may be permitted.

**(d) Level of Service Requirements**

No development shall be approved if such development, at ultimate build out, will result in or increase traffic on the arterial or collector street to which it is connected, so that the arterial or collector street functions at an average daily traffic Level of Service (LOS) "D" or worse as described in the Highway Capacity Manual" prepared by the Transportation Research Board. The applicant shall mitigate the impacts from the proposed development to ensure adequate roadway capacity at an average daily traffic LOS "C" or better.

**(e) General Street and Right-of-Way Design Standards**

**(1)** All public streets shall be constructed in accordance with Engineering Construction Standards, current edition, except where the City Engineer determines that a higher standard is warranted due to unusual conditions.

**(2) Minimum Street Right-Of-Way, Pavement Widths, and Curb/Gutters**

- A.** The minimum right-of-way and pavement width of public streets shall conform to the width designated in [Table 1129-2](#). The Planning Commission in their review of the proposed subdivision or development plan may vary this width when an increased width is recommended in the Comprehensive Plan, or necessary to accommodate a boulevard, or a reduced width is permitted for a Cluster Residential Development.
- B.** Right-of-way widths for public streets in Planned Developments shall be subject to the approval of the Planning Commission, with review and recommendation from the City Engineer. The Planning Commission shall use these standards as a guide for determining the appropriate width.
- C.** Whenever there exists a dedicated or platted portion of a street adjacent to the tract to be subdivided or to the proposed site for development, the applicant shall dedicate by subdivision plat additional right-of-way so that such streets will have a minimum right-of-way width shown in [Table 1129-2](#) or that shown on the Thoroughfare Plan.
- D.** If the existing rights-of-way within a subdivision are not as specified in [Table 1129-2](#) below, the subdivider shall dedicate additional right-of-way by subdivision plat so that such streets will meet the standards of this chapter.
- E.** Portland cement curbs and gutters or vertical curbs, conforming to the specifications of the City Engineer, shall be provided on both sides of all streets within the corporation limits, provided that the Planning Commission may waive curb requirements within the three-mile area of jurisdiction beyond the corporation limits, in a Cluster Residential, and in a Planned Development, if a subdivision modification is approved in accordance with Section [1105.06\(h\)](#).

- F. The subdivider shall be responsible for establishing the minimum right-of-way width and installing the pavement width (measured from back of curb to back of curb) required in [Table 1129-2](#) below, at the subdivider's expense.

| TABLE 1129-2: MINIMUM PAVEMENT AND RIGHT-OF-WAY WIDTHS FOR PUBLIC STREETS  |                    |                    |
|--|--------------------|--------------------|
| Street Type  | Right of Way Width | Pavement Width [1] |
| Arterial, and highways   | Variable [1]       | Variable [2]       |
| Collector  | 80 feet            | 37 feet            |
| Local - Residential  | 60 feet            | 27 feet            |
| Local - Commercial or Industrial   | 80 feet            | 37 feet            |
| NOTES:<br>[1] See also Subsection (G) below for additional width requirements for on-street parking.<br>[2] Shall conform to applicable cross sections of the Engineering Construction Standards, as determined by the City Planning Commission and the City Engineer. |                    |                    |

- G. A parking lane at least eight feet wide on one or both sides of the street and paved in accordance with the current specifications may be required by the City Engineer, and such requirement may be in addition to the necessary number of lanes for moving traffic.

### (3) Street Intersections

- A. The angle of intersection between local streets and arterial streets should not vary by more than ten degrees from a right angle. All other streets should intersect each other as near to a right angle as possible. Property line radius at intersections shall be not less than twenty-five feet.
- B. Not more than two streets shall intersect at any one point, unless the City Engineer advises the Planning Commission that such an intersection can be constructed with no extraordinary danger to public safety.
- C. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 200 feet on local streets and 400 feet on collector and arterial streets.
- D. Street curb intersections shall be rounded by a minimum radius of 25 feet on local streets and a minimum radius of 35 feet on collector streets and arterial streets.
- E. Intersections of two local residential streets should be designed to maintain suitable traffic volumes and speeds.

### (4) Street Grades and Curvature.

- A. Street grades shall not exceed the following percentages set forth in [Table 1129-3](#), with due allowance for reasonable vertical curves. The Planning Commission may permit deviations from these requirements where the topography is such that these standards are not practical:

| TABLE 1129-3: MAXIMUM GRADE OF STREETS |                         |
|--|-------------------------|
| Type of Street                         | Maximum Grade (percent) |
| Arterial Streets                       | 5                       |
| Collector Streets                      | 7                       |
| Local Streets                          | 9                       |
| Cul-de-sacs                            | 10                      |

- B. The minimum street grade shall be one percent in order to provide adequate surface drainage.
- C. In no case shall streets be constructed with grades that, in the professional opinion of the City Engineer, create a substantial danger to the public safety.
- D. Streets shall level off to a grade not exceeding two percent for a distance of not less than 50 feet from each side of an intersection.

**(f) Special Street Types and Street Requirements**

The following requirements shall apply to special street types or under the specified circumstances:

**(1) Dead-End Streets**

- A. Permanent dead-end streets shall not be permitted.
- B. Where a subdivision adjoins un-subdivided land, a temporary turn-around shall be provided for each street more than 200 feet in length if lots front thereon, and provisions shall be made for future extension of the street and utilities and reversion of the excess right-of-way to the abutting properties and the same shall be so noted on the final plat.
- C. The temporary turn-around shall conform to the Engineering Construction Standards, current edition.

**(2) Cul-De-Sacs**

- A. A cul-de-sac street shall have a maximum length of 1,000 feet measured from the centerline of the nearest street intersection to the center of the cul-de-sac turnaround.
- B. For residential, local streets, each cul-de-sac shall be provided with a turnaround having a minimum pavement radius of 45 feet measured from face of curb and a minimum right of way radius of 60 feet.
- C. The standards for streets in commercial and industrial developments shall be determined, by consulting with the City Engineer and the Planning Commission, at the time of preliminary plat review or during development plan review.

**(3) Alleys**

- A. Alleys may be considered for residential subdivisions if the design of the subdivision, the proposed type or character of development, and/or the surrounding street layout will create a development that complies with the comprehensive plan or enhances traffic movement.
- B. Alleys may be required in nonresidential districts if other provisions cannot be made for adequate service access.



- C. The minimum widths for alleys shall be 20 feet for the right-of-way and 18 feet for the pavement width.

**(4) Half-Streets**

The dedication of new half-streets shall not be permitted. Where a dedicated or platted half-street exists adjacent to the tract being subdivided, the other half shall be platted if deemed necessary by the Planning Commission.

**(5) Private Streets and Common Drives**

- A. Private streets and common drives shall not be permitted except as follows:
  - i. As permitted in Section [1109.03\(c\)\(1\)](#); or
  - ii. As permitted in [Chapter 1111: Planned Developments](#).
- B. When the private street is 500 feet or less in length and only serves to provide access to a multi-family development, provided such private street shall not be planned or be expected to extend to serve property outside the multi-family development and the design and layout of the private street(s) shall provide adequate and safe access to the intended units, as determined by the Wooster Police and Fire Departments. Such private street shall be constructed in accordance with Engineering Construction Standards, current edition.
- C. Whenever a private street is included in a Cluster Residential Development or a Planned Development, deed restrictions shall be required which shall specifically include the following language, "The undersigned grantee(s) hereby acknowledge(s) that (he, she, they) understand that the premises described herein is located upon a non- dedicated, private street. And further, the grantee(s) understands that no government body is responsible for care and maintenance of said private street."
- D. Whenever a common drive is proposed as an alternative to a public or private street, such common drives shall be permitted in compliance with the following requirements:
  - i. A common drive shall serve no more than four units.
  - ii. A common drive shall extend from a public street and shall not connect to any other existing or planned public street.
  - iii. The design and layout of the common drive shall provide adequate and safe access to the intended units, as determined by the Wooster Police and Fire Departments.
  - iv. Right-of-ways are not required for common drives; however, a utility easement may be required along the length of the common drive.
  - v. All common drives shall be paved and have a minimum width of 12 feet.
  - vi. Whenever a common drive is included in a Cluster Residential development, deed restrictions shall be required and shall specifically include the following language:

"The undersigned grantee(s) hereby acknowledge(s) that (he, she, they) understand that the premises described herein is located upon a non-dedicated or common drive. And further, the grantee(s) understands that no government body is responsible for care and maintenance of said common drive."

## **1129.08 Sidewalks, Walkways, Trails, and Bikeways**

All subdivisions shall comply with the applicable requirements of Section [1125.09](#).

## **1129.09 Utilities**

### **(a) General Requirements for Utilities and Underground Facilities**

- (1) All public and common electric, cable, and telephone lines and other utilities shall be located underground in all residential, office, commercial and industrial subdivisions and districts, and shall be placed in their own easement, shown on the final or record plat. These underground utility requirements shall also apply to any lines required to serve the new development that extend outside the boundary of the development. The conduits or cables shall be located within easements or public rights-of-way in separate trenches, in a manner which will not conflict with other underground services.
- (2) Whenever public improvements are installed, the open cutting of roads shall be avoided to the greatest extent practicable.
- (3) Where cable, fiber optic, television, or similar services or conduit is or will be in operation, the applicant shall install cable or conduit for such service simultaneously with and in the same manner as electric and telephone cables are installed, both within the right-of-way and to individual building connections.
- (4) All sewer and utility pipelines shall preferably be placed outside the limits of the pavement. All excavations for public utilities made under paved areas shall be properly backfilled with approved granular materials thoroughly compacted in place and subject to approval by the City Engineer.
- (5) All storm drainage grates shall be constructed to allow bicycles to pass over the grate safely and shall have the words "No Dumping, Drains to Stream", or similar, cast into the grate.
- (6) Any plans or documents submitted for subdivision or development plan approval shall conform to the City of Wooster's Development and Improvement Regulations Manual, current edition.

### **(b) Sanitary Sewers**

- (1) Sanitary sewerage facilities shall connect with public sanitary sewerage systems where available and adequate capacity exists. When sanitary sewers are not available, as determined by the City Engineer, the City or County Board of Health shall review lot sizes and shapes, topographic conditions and soil conditions, and if appropriate Board of Health finds that private wells and/or private sewage disposal systems will be acceptable according to the rules and regulations of the City and County Board of Health and the State of Ohio, the Planning Commission may, at their discretion, approve private water supply and/or sewage disposal system provided that all other requirements have been met.
- (2) If public sanitary sewerage facilities are reasonably available to serve the proposed subdivision or development, but inadequate capacity, as determined by the City Engineer, in such facilities exists, the applicant shall at his/her expense upgrade the sanitary sewerage lines or facilities to provide the additional capacity. The City Engineer shall evaluate the downstream sewer system to the point where the flow contributed by the subdivision is less than one percent of the flow in the system.

- (3) In considering the availability of a public sewer, the City Engineer shall consider the following criteria: the proximity of public sewer lines; engineering feasibility and cost of extension of such lines to serve the subdivision; appropriateness of the area and soils for septic sewer service; public health and safety of the proposed subdivision; and the City's plans for sewer line extension or service in the area.
- (4) The sanitary sewerage plan shall include calculations of the amount of sanitary flow to be discharged from the subdivision upon complete occupancy of the site.
- (5) **Construction and Design of Sanitary Sewer**
  - A. Unless public sewer is determined not to be available, sanitary sewers shall be constructed in accordance with the standards prescribed by the City Engineer. The minimum size shall be an eight-inch diameter, placed at a minimum grade of 0.4%.
  - B. The sanitary sewer shall be designed and constructed so as to serve by gravity the lowest floor elevation of proposed principal buildings on all lots.
  - C. Public sewer shall be designed and constructed to be available to each lot, such that individual laterals shall not extend across lots to the served lot.

**(c) Water Supply**

- (1) Public water, if available as determined by the City Engineer, shall be extended at the developer's and/or owner's cost to all lots. Where the public water system is not available, the City or County Board of Health shall review lot sizes and shapes, topographic conditions and soil conditions for that particular subdivision, and if the appropriate Board of Health finds that private wells will be acceptable according to the rules and regulations of the City and Wayne County Board of Health and the State of Ohio, the Planning Commission may, at their discretion, approve private water supply system provided that all other requirements have been met.
- (2) In considering the availability of public water, the City Engineer shall consider the following criteria:
  - A. The proximity of public waterlines;
  - B. Engineering feasibility and cost of extension of such lines to serve the subdivision or development;
  - C. Alternative sources of water;
  - D. Public health and safety of the proposed development; and
  - E. The City's plans for waterline extension in the area; whether an alternate source of water, acceptable to the fire department, is available or will be provided for fire suppression purposes.
- (3) If public water facilities are reasonably available to serve the proposed subdivision or development, but inadequate capacity as determined by the City Engineer exists, the applicant shall at his expense upgrade the public water mains or facilities to provide the additional capacity. Adequate capacity shall be determined as enabling 1,000 gallons per minute fire flow to be attained at the critical hydrant as determined by the City Engineer, without dropping residual pressures elsewhere within the public water system to or below 20 pounds per square inch.
- (4) Unless public water is determined not to be available, the applicant shall install the public water distribution system within the subdivision or development, including water mains, service lateral through the curb line for each lot, and fire hydrants, and upon its completion, shall dedicate and convey title to the water distribution system to the City of Wooster.

**(5) Construction and Design Standards**

- A.** Water lines shall be constructed in accordance with the standards prescribed by the City Engineer, and shall be ductile iron. The minimum size shall be a six-inch diameter.
- B.** Fire hydrant placement shall be as specified in Part 15, Fire Prevention Code, Section 1505.
- C.** Water mains shall be looped within or through a subdivision.
- D.** Water service line shall be located on a lot corner remote from the electric service.

**(6) Placement of Water Services**

When public water is designed and constructed to be available to each lot, individual services shall not extend across lots to the served lot.

**(d) Storm Sewers and Stormwater Management**

- (1)** The design of stormwater runoff conveyance systems including, but not limited to storm sewers and appurtenant structures, bridges, culverts, ditches, swales, detention and/or retention facilities, shall meet the requirements of The Erosion and Stormwater Runoff Control Manual for Development and Improvement, current edition.
- (2)** Unless otherwise approved by the City Engineer, stormwater management facilities, such as detention and retention ponds, shall not be located on individually owned lots in a residential subdivision. Instead, these facilities shall be located on a lot or lots commonly owned by a homeowner's association or equivalent agency.
- (3)** Stormwater management facilities serving a residential subdivision shall be maintained by the homeowner's association or equivalent agency for that subdivision as required in Section [1129.05\(j\)](#), unless City maintenance or another arrangement is approved by the City Engineer. A maintenance plan for the facilities shall be provided as part of the engineering plan for the subdivision, and maintenance responsibility shall be designated on the subdivision plat.
- (4)** Detention/retention facilities that are visible from a public street shall be integrated into a landscaped area. Such landscaped areas shall contain any combination of the following elements: shade and ornamental trees, evergreens, shrubbery, hedges, and/or other planting materials as well as ornamental fencing.

**(e) Other Utilities**

- (1)** Electrical service, gas mains and other utilities should be provided within each subdivision. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat.
- (2) Other Utilities, Electric, Telephone and Cable Television Installation**

The installation, construction and expansion of electric, telephone, cable television and other utilities shall be placed underground subject to the following:

  - A.** Transmission lines are exempt from the provisions of this section. Transmission lines are defined as those lines that are part of the transmission grid, constructed on towers between generating stations and substations.

- B.** For the standard or typical underground utility installation, that equipment typically placed above ground such as transformers and switches affixed on the ground shall be exempt from the provisions of this section.
- C.** For purposes of this section, services, adjacent to new subdivisions as well as commercial and industrial uses, that shall be installed underground include but are not be limited to:

  - i. New distribution lines that deliver local service and are extended across the public right-of-way from existing overhead service to such new subdivisions, commercial and industrial uses; and
  - ii. Existing overhead distribution lines that deliver local service which are located within the public right-of-way that is being widened or improved as part of the improvements for the proposed subdivision.
- D.** Temporary overhead services of electric and telephone utilities shall be allowed, provided that all permanent electric, telephone and cable television services within and adjacent to new subdivisions, commercial and industrial uses shall be underground. For the purposes of this section, temporary overhead service shall mean:

  - i. That service which is necessary for immediate public convenience and necessity and is constructed to serve only on an interim basis until permanent underground services can be installed; and
  - ii. That service which in order to reach a new subdivision, commercial or industrial use must be extended from existing overhead service through undeveloped parcels of land not included in the subdivision, commercial or industrial use.
- E.** The owner or developer of new subdivisions as well as commercial and industrial uses shall offer an easement for TV cable and TV cable equipment within the easement shown on the plat for electric and telephone utilities. The easement shall be granted at no expense to the TV cable operator.
- F.** The providers of electric, telephone, natural gas, and cable television services are encouraged to inform the Planning Commission as to the nature and location of their services and plans for increasing service capacity.

## **1129.10 Easements**

- (a)** The developer shall convey a 15-foot wide common or shared utility easements centered on all interior lot lines and interior to all perimeter lot lines, to franchised cable television operators furnishing cable television and corporations furnishing cable television, gas, telephone, and electric service to the development.
- (b)** The subdivider shall provide easements for storm drainage purposes which conform substantially to the lines of any natural watercourses, channels, streams or creeks which traverse the subdivision, or for any new channel which is established to substitute for a natural watercourse, channel, stream or creek.
- (c)** All underground public utility lines, wires, cables, conduits, vaults, laterals, pipes, mains, valves and other similar distributing equipment shall be placed within easements or dedicated public ways in such a manner so as not to conflict with any other underground service previously installed.
- (d)** Easements may also be required across lots where engineering design or special conditions may necessitate the installation of water and sewer lines outside of public rights-of-way.

- (e)** The City Engineer may require a wider easement where necessary to provide adequate separation between water, sewer, and/or stormwater management facilities.
- (f)** The City Engineer may waive the requirement for any of the above easements when the proposed development does not include lots being subdivided.

# Chapter 1131: Nonconformities

## 1131.01 Purpose

Within the districts established by this code, some lots, uses of lands or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this code, but that are prohibited, regulated, or restricted under the terms of this code. The legitimate interests of those who lawfully established these nonconformities are herein recognized by providing for the continuance of such uses, subject to regulations limiting their completion, restoration, reconstruction, extension, and/or substitution. Nevertheless, while it is the intent of this code that such nonconformities be allowed to continue until removed, they should not be encouraged to survive, unless otherwise allowed in this chapter or specifically addressed in this code.

## 1131.02 General Provisions

- (a) Any use, building, structure, land or premises that existed at the time of the effective date of this code that was legally established under a previous code amendment or versions may be continued even if such use, building, structure, or use of land does not conform to the provisions of this code.
- (b) Passage of this code in no way legalizes any illegal uses existing at the time of its adoption.
- (c) An applicant for any development review procedure that deals with nonconformity shall bear the burden of proof in demonstrating that the use was a legal nonconformity on the effective date of this code.
- (d) Violation of any conditions and/or safeguards prescribed in this chapter shall be deemed a violation of this code and shall be punishable under [Chapter 1133: Enforcement and Penalties](#).

## 1131.03 Determination of Legal Nonconformity Status

- (a) At the time of application for a zoning certificate, or request for variance regarding a nonconforming lot, building, structure or use, the property owner shall submit sufficient evidence for the Zoning Administrator or BZA, as applicable, to determine that such lot, building, structure, or use was lawfully created or established in accordance with the code regulations in existence at that time.
- (b) If the evidence submitted indicates the lot, building, structure or use was legally established and has since become nonconforming because of the establishment of, or amendment to, this code, the Zoning Administrator shall issue a zoning certificate identifying it as a legal nonconformity. A copy of such certificate shall be kept on file in the offices of the Zoning Administrator.

## 1131.04 Nonconforming Uses and Variances or Administrative Waivers

- (a) Whenever a nonconforming use has been changed to a conforming use, such use shall no longer be defined as a nonconforming use, nor shall the property be returned to the former nonconforming use.
- (b) When a property owner or authorized agent is granted approval of a variance or administrative waiver for a nonconformity that addresses the nonconformity, the use, structure, or lot shall no longer be considered nonconforming. In no case shall the resolved nonconformity be expanded or altered to create further nonconformities.



- (c) If a property owner or authorized agent is granted approval of a variance or administrative waiver for a nonconformity that addresses some nonconformities but additional nonconformities continue, the use shall still be subject to the provisions of this chapter.

### **1131.05 Nonconforming Uses**

Where, at the time of adoption of this code, lawful uses of land or structures exist that would not be permitted by the regulations of this code, the uses may be continued so long as they remain otherwise lawful and provided:

- (a) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this code unless it complies with the provisions of Section [1131.05\(e\)](#).
- (b) No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this code.
- (c) No additional structures shall be constructed on a lot with a nonconforming use unless such new structure complies with the requirements of this code and the applicable zoning district.

#### **(d) Change or Substitution to Another Nonconforming Use**

- (1) The lawful nonconforming use of an existing building, structure, or lot can be continued even if such use is not permitted in the applicable district.
- (2) If no structural alterations are made that increase the nonconformity, a nonconforming use of a building or structure, or a nonconforming use of a lot, may be changed to another nonconforming use of the same or of a more restricted use, as determined by the BZA. Such determination shall be made at a public hearing held in the same manner as a variance (See Section [1105.11](#).), including notice, but the variance review criteria of Section [1105.11\(c\)](#) shall not apply. At the hearing, the BZA shall make a decision based on the following findings:
  - A. That the use proposed is equally appropriate or more appropriate to the district than the existing nonconforming use; and
  - B. That the use proposed is in less conflict with the character of uses permitted in the applicable zoning district than the existing nonconforming use.
- (3) In permitting such change, the BZA may prescribe appropriate conditions and safeguards in accordance with other provisions of this code and when made a part of the terms under which the change is granted.
- (4) Whenever a nonconforming use is changed to a less intensive nonconforming use, such use shall not thereafter be changed to a more intensive nonconforming use.
- (5) Whenever a nonconforming use is changed to a use permitted in the district in which the lot is located, it shall cease to be considered a nonconforming use. Upon such compliance, no nonconforming use shall be made, resumed, or reinstated.

#### **(e) Expansion or Alteration of a Nonconforming Use**

- (1) A nonconforming use of land shall not be physically enlarged, increased, nor extended to occupy a greater area of land than was occupied by the use at the time it became nonconforming, unless otherwise specified.

- (2) A nonconforming use of an existing structure may be extended throughout any parts of a building that were manifestly arranged or designed for such use at the time of adoption or amendment to this code. However, no such use shall be extended to occupy any land outside such building not previously occupied by such nonconforming use.
- (3) No such building shall be enlarged or expanded to increase the nonconforming use. No additional structures shall be constructed in connection with such nonconforming use, except as follows:
  - A. The construction of a detached accessory structure related to a nonconforming residential use shall be permitted subject to complying with the accessory use lot coverage & setback regulations of the zoning district in which the nonconforming residential use is located. The maximum height of such accessory structure shall not exceed 20 feet.
  - B. For nonconforming residential uses, non-habitable attached garages, porches and decks, although requiring zoning clearance and a zoning certificate, shall not be considered expansions of non-conforming uses. Such additions to non-conforming residential uses shall comply with the lot coverage & setback requirements of the zoning district in which the nonconforming residential use is located. The maximum height of such addition shall not exceed 35 feet.
- (4) No building or structure occupied by a nonconforming use shall be altered, improved, or reconstructed except when the use is changed to a permitted use in the district in which it is located, or upon prior approval of the BZA provided the cumulative cost of the alteration, reconstruction, or improvement permitted by the BZA does not exceed 50 percent of the building's replacement value.

**(f) Relocation of Nonconforming Use of Land**

A nonconforming use of land shall not be moved in whole or in part to any portion of the lot or parcel other than those portions occupied by the use at the time it became nonconforming.

**(g) Removal of a Nonconforming Mobile or Manufactured Home Use of Land.**

A nonconforming use of land for a mobile or manufactured home shall be voluntarily abandoned upon the removal of such mobile or manufactured home from the site of such use. Any subsequent use of the land shall conform to the use regulations specified by this Code for the district in which such land is located.

**(h) Termination of Nonconforming Uses**

**(1) Termination of Use through Discontinuance**

- A. When any nonconforming use is discontinued or abandoned for more than 12 consecutive months, such discontinuance shall constitute voluntary abandonment and any new use shall conform to the regulations of the district in which it is located. Furthermore, a nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.
- B. The BZA shall only consider applications to reinstate a nonconforming use after the use has been discontinued or abandoned for more than 12 months through an use variance review as established in Section [1105.11](#).

**(2) Termination of Use by Damage or Destruction**

- A.** If a nonconforming single-family detached dwelling in any district is damaged or destroyed to any extent, such structure and single-family detached dwelling may be reestablished on the same lot provided it meets the same size in height and footprint, as well as complying with the same setbacks as previously existed. Such reestablishment of the use shall require the issuance of a zoning certificate and shall be required to commence within 12 months of the damage or destruction.
- B.** If any nonconforming use beyond a single-family detached building is damaged or destroyed, but not to an extent greater than 50 percent of the principal structure's market value according to the Wayne County Auditor, such structure and use may be reestablished on the same lot to the same size and intensity of use, with the same number or fewer dwelling units, as was previously existing immediately prior to the damage or destruction. Such reestablishment of the use shall require the issuance of a zoning certificate and shall be required to commence within 12 months of the damage or destruction. If the proposed use or development requires a development plan and/or a certificate of appropriateness in accordance with code, then such approvals shall be required for any reconstruction.
- C.** If any nonconforming use beyond a single-family detached building is damaged or destroyed to an extent greater than 50 percent of the principal structure's market value according to the Wayne County Auditor, such structure and use shall not be reestablished unless approved by the BZA through a use variance review (See Section [1105.11.](#))

**1131.06 Nonconforming Structures and Sites**

A nonconforming building or structure may continue to be used or occupied by a use permitted in the applicable zoning district so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- (a)** Any nonconforming structure or site may be enlarged, maintained, repaired, moved, or altered provided, however, no such enlargement, maintenance, repair, move, or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure or site, unless otherwise specified in this code.
- (b)** A nonconforming structure shall not be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the applicable zoning district after being relocated.
- (c)** The principal use of a nonconforming building may be changed to any other use permitted in the applicable zoning district as long as the new use complies with all regulations of this code specified for such use, except the regulations to which the building did not conform prior to the change in use.
- (d)** The governmental acquisition of a portion of a lot for a public purpose that results in reduction in a required yard or building setback below that required in the applicable zoning district shall not render a structure nonconforming.

**(e) Damage or Destruction of a Nonconforming Structure Containing a Conforming Use**

- (1) If a nonconforming structure is damaged, but not to an extent greater than 50 percent of the structure's market value, as determined by the Wayne County Auditor, such structure and use may be reestablished on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage or destruction. Such reestablishment of the use shall require the issuance of a zoning certificate. If an owner rebuilds a legally nonconforming structure under this provision, they may expand the structure provided, as stated in Paragraph [1131.06\(a\)](#), any expansion or change does not increase the nonconformity that existed prior to the damage. Such restoration shall be required to commence within 12 months of the damage or destruction.
- (2) If a nonconforming structure is damaged beyond 50 percent of the structure's market value, such structure shall only be rebuilt in compliance with the requirements of this code. Such reconstruction shall require the application and issuance of all necessary zoning and building permits.
- (3) If the owner voluntarily removes the structure or reduces the nonconformity, that has not been damaged or destroyed, that owner shall not be permitted to rebuild the structure to the original height, size, or setback.

**(f) Nonconforming Site Conditions Existing at the Time of Development Plan Review**

If a nonconforming site condition(s) exists when a revised development plan is required pursuant to Section [1105.07](#), then such site condition(s) must be brought into compliance with district regulations, unless the Planning Commission determines that such conformance cannot be reasonably achieved because of existing site conditions. In such case, the Planning Commission shall approve a development plan that reduces the existing nonconforming site condition(s) to the maximum extent practicable.

**1131.07 Nonconforming Lots of Record**

A nonconforming lot of record may be used in accordance with this section.

- (a) If an existing lot of record is occupied by conforming structures, such structures shall be maintained and may be repaired, modernized or altered, provided that:
  - (1) The structure shall not be enlarged in floor area unless the enlarged section complies with all regulations of this code, with the exception of the lot area and the lot width regulations.
  - (2) The number of dwelling units shall not be increased unless in conformance with this code.
- (b) In any R-1, R-2, or R-T District, a single-family dwelling and its customary accessory uses may be erected on a vacant single lot of record.
- (c) A vacant nonconforming lot in all districts except the R-1, R-2, or R-T District may be used for any use permitted in the district in which it is located when the development of such lot meets all requirements of the district in which it is located, including the maximum lot coverage and minimum setback requirements, except for the minimum lot area and lot width requirements. No use that requires a greater lot size than the established minimum lot size for a particular district shall be permitted on a nonconforming lot. Review and approval of development on such lots of record shall be conducted according to the development plan review requirements set forth in Section [1105.07](#).

- (d) If a vacant nonconforming lot in any district adjoins one or more lots in common ownership on the effective date of this Planning and Zoning Code, or applicable amendment thereto, such lots shall be replatted to create conforming lots as a prerequisite for development.

### **1131.08 Nonconforming Signs**

See Section [1127.12](#), for the regulation of nonconforming signs.

### **1131.09 Repair and Maintenance**

- (a) Ordinary repairs, or repair or replacement of non-bearing walls, fixtures, wiring, or plumbing may be performed on a nonconforming structure or on any portion of a structure that contains a nonconforming use provided that the cubic content shall not be increased and no structural parts shall be replaced except when required by law to restore such building or structure to a safe condition or to make the building or structure conform to the regulations of the district in which it is located.
- (b) Nothing in this section shall be deemed to prevent the strengthening or restoring to safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety, including, but not limited to the Zoning Administrator, Building Official, upon order of such official. Where appropriate, a building permit for such activities shall be required.

## **Chapter 1133: Enforcement and Penalties**

### **1133.01 Enforcement by the Zoning Administrator**

- (a) The Zoning Administrator is hereby designated as the enforcing officer of this code.
- (b) The Zoning Administrator is hereby authorized to enforce as well as issue orders to prevent and stop violations of the provisions of this code.
- (c) The Zoning Administrator may be assisted by other personnel as the Director of Administration may authorize.

### **1133.02 Violations**

- (a) It shall be unlawful to:
  - (1) Use or occupy any land or place; build, erect, alter, remodel, restore, or rebuild thereon any building or structure; permit any building or structure to remain on such land; or use, occupy, or operate such building or structure, in any way or for any use or purpose which is not permitted by the provisions of this code;
  - (2) Use or occupy any parcel of land; use or occupy a new building; or enlarge, substitute, or otherwise change the use, occupancy, or configuration of any land or building, without having received a zoning certificate, conditional use approval, certificate of zoning compliance or subdivision plat approval indicating compliance with the provisions of this code;
  - (3) Violate or fail to perform any condition, stipulation or safeguard set forth in any certificate issued pursuant to this code, or continue to use or occupy the premises or building as previously authorized by such certificate beyond the duration limit therein stated;
  - (4) Continue construction, renovation, or improvements contrary to a stop work order or notice of violation;
  - (5) Knowingly make any materially false statement of fact in an application to the Zoning Administrator for a zoning certificate, conditional use approval, certificate of zoning compliance, or subdivision plat approval or in the plans or specifications submitted to the Zoning Administrator in relation to such application;
  - (6) Subdivide land in a manner contrary to the standards and regulations contained in this code; or
  - (7) Sell land that has not been subdivided in accordance with the regulations in this code.
- (b) Each day's continuation of a violation of this section may be deemed a separate offense.

### **1133.03 Permit Revocation**

The Zoning Administrator may issue a revocation notice to revoke a permit, certificate, or administrative approval that was issued contrary to this code or based upon false information or misrepresentation in the application.

### **1133.04 Complaints Regarding Violations**

Whenever a violation of this code occurs, or is alleged to have occurred, any person may file a complaint. Such complaints shall fully state the causes and basis of the complaint and shall be filed with the Zoning Administrator.

### **1133.05 Inspection of Property**

The Zoning Administrator may inspect any building erected, altered, moved, razed or converted, or any use of land or premises carried on in alleged violation of any of the provisions of this code.

### **1133.06 Stop Work Order**

Subsequent to a determination that construction work is being done contrary to this code, the Zoning Administrator, shall issue a stop work order and post it on the premises involved. No additional work shall be done on the premises involved until the stop work order has been removed by the Zoning Administrator. Removal of a stop work order, except by the order of the Zoning Administrator, shall constitute a punishable violation of this code.

### **1133.07 Notice of Violation**

Upon finding a violation, the Zoning Administrator shall order, in writing, the owner, agent, occupant or operator of such building or premises to correct, within a stated reasonable time, all conditions that are found to be in violation of this code. After such a notice is served, no work, except to correct the violation or comply with the notice shall proceed on any building or premises included in the violation.

### **1133.08 Penalties**

- (a) Failure to correct the conditions in violation with the provisions of this code, as ordered by the Zoning Administrator, shall constitute a misdemeanor. Upon conviction of such violations, the responsible person or party shall be fined not less than 100 dollars nor more than 500 dollars, or imprisoned for not more than six months, or both. Each day such violation continues shall be deemed a separate offense. Any other person, who commits, participates in or assists in the continuation of said violation may each be found guilty of a separate offense and suffer the penalties provided.
- (b) The following additional penalties shall apply to violations against the rules for the subdivision of land as set forth in this code including, but not limited to, those regulations in Section [1105.05](#), Section [1105.06](#), and [Chapter 1129: Subdivision Design](#), and any other applicable parts of this code:
  - (1) Whoever violates any rule or regulation set forth in this code for the purposes of setting standards and requiring and securing the construction of improvements within a subdivision, or fails to comply with any order pursuant thereto, shall forfeit and pay not less than 100 dollars nor more than 1,000 dollars. Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas by the City's Law Department.
  - (2) Whoever, being the owner or agent of the owner of any land within the City of Wooster's jurisdiction, transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the Office of the County Recorder, shall forfeit and pay the sum of not less than 100 dollars nor more than 500 dollars for each lot, parcel or tract of land so sold. The description of such lot, parcel or tract of land by metes and bounds in the deed and transfer shall not serve to exempt the seller from the forfeiture provided in this Section. Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas by the City's Law Department.

- (3) Any person who disposes of or offers for sale or lease any lot or any part of a lot in a subdivision before provisions of the applicable subdivision regulations in this code are complied with, shall forfeit and pay the sum of not less than 100 dollars nor more than 500 dollars for each lot or part of the lot so sold or offered for sale or lease. Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas by the City's Law Department.

### **1133.09 Remedies**

- (a) In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of this code, or any amendment or supplement thereto, City Council, the Law Director, the Zoning Administrator, Chief Building Official, City Engineer, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.
- (b) The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

### **1133.10 Affected Parties**

The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, surveyor, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

### **1133.11 Other Actions**

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.



# **Chapter 1135: Definitions**

## **1135.01 Rules of Construction and Interpretation**

### **(a) Intent**

All provisions, terms, phrases, and expressions contained in this code shall be construed according to this code's stated purpose and intent.

### **(b) Lists and Examples**

Unless otherwise specifically indicated, lists of items or examples that use terms such as including, such as, or similar language are intended to provide examples, and not to be exhaustive lists of all possibilities.

### **(c) References to Other Regulations, Publications, and Documents**

Whenever reference is made to an ordinance, resolution, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), resolution, statute, or document or to the relevant successor document, unless otherwise expressly stated.

### **(d) Public Officials and Agencies**

All public officials, bodies, and agencies to which references are made are those of the City of Wooster, Ohio, unless otherwise expressly stated.

### **(e) Delegation of Authority**

Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

### **(f) Technical Words**

Technical words and phrases not otherwise defined in this code that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

### **(g) Mandatory and Discretionary Terms**

The word shall is always mandatory, and the words "may" or "should" are always permissive.

### **(h) Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1)** "And" indicates that all connected items, conditions, provisions, or events shall apply.
- (2)** "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

**(i) Tense and Usage**

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

**(j) Gender**

The masculine shall include the feminine, and vice versa.

**(k) Meaning**

For the purpose of this code, words and phrases shall have the meanings set forth in this chapter.

**(l) Other Terms Not Defined**

Words and phrases not otherwise defined in this code shall be construed according to the common and approved usage of American English. For the interpretation of uses, the Zoning Administrator may utilize outside sources as specified in Section [1109.02\(f\)](#), or as defined in Merriam-Webster's or other commonly accepted dictionaries.

**(m) Common Acronyms and Abbreviations**

[Table 1135-1](#) identifies some common acronyms or abbreviations used in this code as well as the related term.

| TABLE 1135-1: ACRONYMS AND ABBREVIATIONS |  |
|--|--|
| Acronym                                  | Term   |
| FCC                                      | Federal Communications Commission            |
| ORC                                      | Ohio Revised Code                            |
| OAC                                      | Ohio Administrative Code                     |
| BZA                                      | Wooster Board of Building and Zoning Appeals |
| COA                                      | Certificate of Appropriateness               |
| OHPO                                     | Ohio Historic Preservation Office            |

## 1135.02 General Definitions

**Abandonment**

The lack of building activity or progress towards achieving the scope of work defined in both the zoning certificate and building permit. This does not apply to construction activities that are suspended due to extended illness, building contractors' labor strike, known industry shortage of construction material used in the project, time of war and natural calamities.

**Abutting, Adjoining, or Adjacent**

The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

**Access**

Any driveway or other point of entry and/or exit onto or from a street, road, or thoroughfare, which connects to the general street system.

**Accessibility Ramps**

Permanent or portable ramps utilized to provide a disable person with accessibility to a structure.

**Active Recreational Uses**

Any park or recreational facility that is owned or operated by a government or non-profit agency, which requires grading of the land, construction of facilities, lighting, or is developed for athletic fields, tennis courts, swimming pools, skate parks, disc golf, golf course and other similar outdoor facilities.

**Addition**

Any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with, or increasing the size, height, or capacity of the building or structure.

**Administrative Waiver**

A review process that allows the Zoning Administrator to waive certain dimensional standards by up to 10 percent based on the provisions of Section [1105.12\(f\): Administrative Waiver Requests](#).

**Adult Arcade**

Adult arcade shall mean any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

**Adult Bookstore, Adult Novelty Store, or Adult Video Store**

A commercial establishment which has a significant or substantial portion of its stock- in trade in, or derives a significant or substantial portion of its revenues from, or devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space to the sale or rental, for any form of consideration, to, any one or more of the following:

- Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations which are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas;
- Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

**Adult Cabaret**

Adult cabaret means a nightclub, bar, juice bar, restaurant bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

- Persons who appear semi-nude;
- Live performances which are distinguished or characterized by an emphasis upon the exposure of specified anatomical areas or specified sexual activities; or
- Films, motion pictures, videocassettes, digital video discs ("DVDs"), slides, or other photographic reproductions which are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

**Adult Motel**

Adult motel means a motel, hotel, or similar commercial establishment which: (1) offers public accommodations, for any form of consideration, and which regularly provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, DVDs, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas and which regularly advertise the availability of such material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, and (2) offers a sleeping room for rent for a period of time less than ten (10) hours.

**Adult Motion Picture Theater**

Adult motion picture theater means a commercial establishment where films, motion pictures, videocassettes, DVDs, slides, or similar photographic reproductions which are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

**Adult Theater**

A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features: (1) persons who appear semi-nude or (2) live performances which are distinguished or characterized by an emphasis upon the exposure of specified anatomical areas or specified sexual activities.

**Adult Uses**

Adult uses shall include any use identified in Section [1109.03\(d\)\(1\)](#) that relates to sexually-oriented businesses or activities including, but not limited to, adult arcades, adult bookstores, adult novelty stores, adult video stores, adult cabarets, adult motels, adult motion picture theaters, adult theaters, etc.

**Agriculture (Livestock)**

- Any use of land for the raising and caring of livestock. This includes necessary buildings and structures which shall be used for agriculture, raising and caring for livestock and animal and poultry husbandry including necessary accessory uses for parking, treating or sorting the products; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Buildings occupied as residences by persons engaged in agricultural operations shall not be considered to be used for agricultural purposes.
- For the purposes of this code, this use shall also include commercial stables and riding academies defined as the use of a building for animals to lodge and feed in, especially having stalls for horses. Such building may also be used for educational instruction in the care or riding of horses.
- This use shall not include activities which typically are associated with one or more of the following impacts: strong offensive odors, substantial run-off, large concentrations of animal waste, noise, and/or extensive use of chemical, compost, and manure piles. Such uses include, but are not necessarily limited to:
  - Livestock slaughtering areas;
  - Areas for the storage or processing of manure, garbage, or spent mushroom compost; or
  - Structures housing more than large animals (e.g., horses or cows) and factory farming.

**Agriculture (Raising of Crops)**

Any use of land for the growing and harvesting of legal agricultural crops and trees for commercial agricultural purposes. Agricultural uses include, but not limited to, raising of crops, horticulture, floriculture, and viticulture and the necessary accessory uses for parking, treating or sorting the products; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Buildings occupied as residences by persons engaged in agricultural operations shall not be considered to be used for agricultural purposes. See also “community gardens.”

**Agriculture/Farm Supplies and Sales**

An establishment that stocks and sells goods and supplies for the operation of a farm or for agricultural purposes.

**Air Activated Graphic**

A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

**Alley**

A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation, but is not a public or private street as defined by this code.

**Alteration**

- Any change, addition or modification in construction, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed;” any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction or removal of any structure.
- Any change of copy, sign face, color, size, height, shape, illumination, position, location, construction, or supporting structure of any sign.

**Alternative Equivalency Review**

A review procedure by which an applicant can propose an alternative approach to meeting a standard of this code that meets or exceeds the original standard. See Section [1105.10](#).

**Amateur Radio Towers and Antennae**

A system of cables, electrical conductors, insulators, metallic or non-metallic tubing, poles, reflecting discs, rods, wires, or similar objects used for transmission or reception of radio signals or electromagnetic waves for amateur radio service.

**Animal Day Care/Animal Grooming**

A use for the care and supervision of cats and dogs during the course of the day but which does not include any kennel or overnight boarding. This use type shall also include establishments where the primary service provided is the cleaning and grooming of domestic pets including bathing, brushing, combing, nail and hair trimming, etc., and where there are no boarding facilities. The facility may also provide services such as obedience classes, training, or behavioral counseling.

**Appeal**

A review procedure by which a person may call into question an administrative decision made in accordance with this code. See Section [1105.13](#).

**Applicant**

Unless otherwise specified, an owner of a property or an agent for the owner, including, a subdivider, developer, attorney, or similar representative, who has filed an application for development review pursuant to Section [1105.02\(a\)](#).

**Application**

The process by which the applicant submits a request for any type of development review or approval identified in [Chapter 1105: Review Procedures](#). Applications include all written documentation, verbal statements, and representations, in whatever forms and quantities as required by the City.

**Architectural Feature**

A prominent or significant part or element of a building, structure or site.

**Assembly Halls**

An establishment providing meeting space for social gatherings, including but not limited to wedding receptions, graduations parties and business or retirement functions. This term includes, but is not limited to, a banquet hall or rental hall.

**Automated Teller Machine (Stand-Alone)**

An automated device that provides bank and financial institutional customers with cash withdrawal and other financial services without the need for a bank teller. Such uses are independent and not attached to the physical building containing the financial institution.

**Automotive Fuel Sales**

An establishment that sells unleaded and diesel gasoline or any other fuel used in vehicles.

**Automotive Repair (Heavy)**

Any general repair, rebuilding, reconditioning, body or fender work, framework, painting or the replacement of major parts of motor vehicles (e.g., major engine repair). Such uses shall not include towing services.

**Automotive Sales and Leasing**

Any building or land used for the display, sale or rental of new or used motor vehicles in operable condition. This use type is intended to be for the sale or long-term lease (one-year or longer) of typical passenger vehicles including, but not limited to, cars, passenger trucks, and motorcycles.

**Automotive Service Station and Part Sales**

Any structure or premises used for dispensing or sale of automotive vehicle fuels or lubricants, including lubrication of motor vehicles and replacements or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting. Such uses shall also include establishments that sell parts or tires for vehicles as a retail establishment, regardless if the parts are installed on-site. Repairs and uses described under “automotive repair (heavy)” shall not be permitted.

**Awning**

A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. See also definition of “canopy.”



*Figure 1135-A: Examples of traditional awnings*

**Bars and Taverns**

Establishments providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.

**Base Flood Elevation (BFE)**

The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in feet mean sea level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

**Basement or Cellar**

That portion of a building located partly or fully underground but having at least one-half ( $\frac{1}{2}$ ) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

**Basketball Hoops**

Small accessory basketball hoops, not related to a "tennis or other recreational court" either mounted to a wall or freestanding, by which occupants of the principal use can play basketball.

**Bed and Breakfast Establishments**

A residential building, other than a hotel or motel, where overnight lodging, together with breakfast, is offered to the general public in exchange for a daily fee.

**Berm**

An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise. The height of a berm shall be measured from the average natural grade at the base of the berm.

**Bike and Skateboard Ramps**

An accessory structure utilized for recreational purposes related to bicycle and skateboard use.

**Bikeway**

A portion of a street right-of-way, other public right-of-way, or easement that is improved for the use of pedestrian and/or bike traffic.

**Block**

The property abutting one side of a street and lying between the two nearest intersecting streets, crossing or terminating, or between the nearest such street and a railroad right-of-way, unsubdivided acreage, a river or live stream, or between any of the foregoing and any other barrier to the continuity of development or the corporate lines of the municipality.

**Block Face**

All lots that have frontage on the same street as the subject lot between an intersecting street or other boundary.

**Board of Building and Zoning Appeals (BZA)**

The Board of Building and Zoning Appeals for the City of Wooster, Ohio

**Buffer or Buffer Yard**

An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving (with limited exceptions) or portion of such land use, for the purposes of separating, screening, and softening the effects of the land use. A buffer may include a wall, fence, or berm as provided in accordance with the provisions of [Chapter 1123: Landscaping and Buffering](#).

**Building**

Any structure, of more or less permanent construction, having one or more floors and a roof supported by columns or walls, which is completely enclosed and is designed or intended for the shelter or protection of persons, animals or property.

**Building Height**

See Section [1115.01\(e\)](#).

**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.

**Building Massing**

Building massing is the three-dimensional bulk and shape of a structure that includes the height, width, and depth.

**Building Wall**

Any vertical surface of a building or structure (other than a pitched roof) that is integral to, and could reasonably be constructed as a part of, the architecture of the building when signage is not being contemplated. Examples of building walls include, but are not limited to: awnings, canopies, marquees, vertical portions of gable roofs, parapets, mechanical penthouses, etc.

**Building, Accessory**

A subordinate building detached from, but located on the same lot as, the principal or main building, the use of which is incidental and accessory to the principal building or use and which is constructed subsequent to the principal building or main use of the land.

**Building, Nonconforming**

A building or portion thereof, lawfully existing on the effective date of this code, or amendments thereto, and which does not conform to the provisions of the code in the district in which it is located.

**Building, Principal or Main**

A building occupied by the main use of the lot on which said building is located.



**Bulk Storage of Liquids or Grain**

A use associated with the bulk storage of non-flammable chemicals, food products, grains, and similar substances.

**Business and Professional Offices**

Establishments providing executive, management, administrative, or professional services including, but not limited to, real estate, architecture, legal, travel, employment, advertising, design, engineering, accounting, and similar uses.

**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.

**Caliper**

The American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six inches above the ground up to and including four-inch caliper size, and 12 inches above the ground for a caliper size greater than four inches.

**Campgrounds**

A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units, including recreational dwellings, as temporary living quarters for recreational; education; or vacation purposes

**Canopy**

A permanent structure made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building façade (e.g., structural legs, building extensions, etc.). See also definition of “awning.”



*Figure 1135-B: Example of a canopy and related sign*

**Cemeteries**

A cemetery is land used or intended to be used for the burial of the human or animal dead, and which is dedicated for cemetery purposes. Cemetery includes mausoleums and mortuaries if operated in connection with, and within the boundaries of a cemetery. This term shall not include crematoriums.

**Certificate of Appropriateness**

A certificate issued by the Design and Review Board pursuant to the applicable provisions of Section [1105.08](#), authorizing an exterior building or site change involving any structure or site element designated as Landmark or located within a Landmark District.



**Certificate of Zoning Compliance**

An official statement asserting that a given building, other structure or parcel of land is in compliance with the provisions of all existing codes, or is a lawfully existing nonconforming building or use and, hence, may be occupied and used lawfully for the purposes designated thereon. See Section [1105.12](#).

**Change**

Any alteration, addition, demolition, removal or construction involving any property subject to the provisions of this chapter.

**Channel**

A natural stream that conveys water; a ditch or channel excavated for the flow of water.

**Channel Letters**

A sign that consists of custom-made metal or plastic that are covered in a translucent plastic material, often internally illuminated. The space between the letters is not part of the sign structure but rather the building façade though the space may count toward the sign area depending on how the letters are grouped and calculated in accordance with Section [1127.07](#).

**City**

The City of Wooster, Ohio in Wayne County, Ohio

**City Council**

The City Council of the City of Wooster, Ohio

**City Engineer**

The City Engineer of the City of Wooster, Ohio

**Cluster Residential Development**

An area of land to be planned and developed as a single residential development, in which a variety of housing units may be accommodated and the minimum lot size and setback requirements may be modified to achieve particular design objectives, while maintaining the same overall density limitations of the district in which the cluster residential development is located, and allowing for the flexible arrangement and clustering of houses to preserve restricted open space areas.

**Code Text or Map Amendment**

An amendment or change to the text of this code or to the zoning map as reviewed and decided upon by the City Council in accordance with Section [0](#).

**Colleges and Higher Educational Institutions**

Any private or public secondary educational institution that includes, but is not limited to: secretarial schools, colleges and universities, business schools, post-secondary trade schools, seminaries, or any other institution providing collegiate level curriculum.

**Collocation**

The use of a wireless telecommunications facility by more than one wireless telecommunications provider or by one provider for more than one type of telecommunication technology.

**Commercial Message or Speech**

Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity.

**Commercial Motor Vehicle**

Any motor vehicle designed or used to transport persons, property, merchandise or freight primarily for-profit that meets any of the following qualifications:

- Any combination of vehicles with a combined gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand (10,000) pounds;
- Any single vehicle with a gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more, or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of ten thousand (10,000) pounds;
- Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but that either is designed to transport sixteen or more passengers including the driver, or is placarded for hazardous materials;
- Any school bus with a gross vehicle weight rating of less than twenty-six thousand one (26,001) pounds that is designed to transport fewer than sixteen passengers including the driver;
- Is transporting hazardous materials for which placarding is required by regulations adopted under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended;
- Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the Federal Highway Administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.

**Common Area**

Any land area and/or facilities that is held in common ownership by the residents through a homeowners' association, community association or other legal entity, or which is held by the individual members of a condominium association as tenants-in-common.

**Common Drive**

A private driveway that provides shared access to more than one dwelling unit but which is not consider a public or private street.

**Community Garden**

A single piece of land that is gardened collectively by a group of people that may include individual garden plots designated for individual gardens.

**Community Recreation Facility**

A building used for the meeting, recreation, or social activity designed to accommodate and serve the residents of a subdivision or development to which the use is associated with and is privately owned or jointly owned by property owners through a homeowners' association or other non-profit organization and open only to bona fide members and guests of such organization.

**Completed Application**

An application that contains all information and/or data necessary to enable an informed decision to be made with respect to an application.

**Comprehensive Plan**

The current, adopted long-range plan intended to guide the growth and development of the City, based on study and analysis of the City's existing conditions, including population and housing, historic and natural features, general land use patterns and zoning regulations, and other development considerations.

**Condominium**

A multi-family dwelling or development containing individual owners' dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of a homeowners' association and/or Ohio law.

**Conference Center**

A commercial facility used for trade shows, assemblies or meetings, including exhibition space. This term does not include banquet halls, clubs, lodges or other meeting facilities of private or nonprofit groups that are primarily used by group members.

**Construction**

The erection of a new structure, a new site element, or any additions to existing structures.

**Construction Dumpster**

A container used for the temporary storage of rubbish or materials related to the related construction site or project.

**Construction Structures**

See “construction dumpster” and “construction trailer or office.”

**Construction Trailer or Office**

A mobile home, trailer, or similar temporary structure that is used as an office or for storage in conjunction with a construction project.

**Contour**

An imaginary line connecting all points with the same elevation above or below a fixed base point whose elevation is known.

**Contractor Offices**

General office uses that are used by contractors (e.g., painters, HVAC, construction firms, etc.) solely for their administrative activities, but which do not have any storage of materials or storage of vehicles.

**Controlling Interest (Adult Uses)**

Controlling interest means the power, directly or indirectly, to direct the operation, management or policies of a business or entity, or to vote twenty percent (20%) or more of any class of voting securities of a business. The ownership, control, or power to vote twenty percent (20%) or more of any class of voting securities of a business shall be presumed, subject to rebuttal to be the power to direct the management, operation or policies of the business.

**Convent, Monastery, or Other Housing for Places of Worship**

Residential dwellings that are designed specifically to house members of the clergy or those who are employed by places of worship.

**Conversions**

Any modification or change to an existing dwelling which is intended to or actually does increase the number of dwelling or rooming units.

**County**

Wayne County, Ohio

**Crematorium**

A facility that burns human dead to ashes.

**Cul-de-Sac**

See “Street, Cul-de-Sac.”

**Cultural Facilities and Structures**

Public or private facilities use for display, performance, or enjoyment of heritage, history, or the arts. This use includes, but is not limited to, museums, libraries, monuments, art performance venues, cultural centers, and interpretative sites but does not include uses defined as “theaters.”

**Culvert**

A transverse drain that channels under a bridge, street or driveway.

**Data Center**

A facility in which the majority of the space is occupied by computer systems and associated components, such as servers, switches, routers, data storage devices, telecommunication equipment, wiring cages/closets, vaults, and racks, where digital data and information is managed, processed, transferred and/or stored. This definition includes, but is not limited to data centers, data storage and hosting facilities, co-located server hosting facilities (CoLo), network operations centers, web hosting facilities, and other similar facilities.

**Dead Storage Area**

An area in the interior of a building utilized for the storage of furniture, files, or other unused or seldom used items for an indefinite period of time. This definition shall not be used to apply to areas used for warehousing of goods or materials which are regularly accessed by the subject establishment.

**Decibel (dBA)**

A unit of measure to gauge the intensity of a sound or the power level of an electrical signal.

**Demolition**

The complete or partial removal or destruction of any structure or site element.

**Density**

The number of dwelling units permitted per acre of land.

- Gross density means the number of dwelling units permitted per acre of total land area.
- Net density means the number of dwelling units permitted per acre of land when the acreage involved includes only the land devoted to residential uses and excluding land dedicated to public thoroughfares or other unbuildable land areas.

**Design Guidelines**

City of Wooster Design Guidelines for Landmarks and Landmark Districts

**Design Review Board**

The Design Review Board for the City of Wooster, Ohio

**Detached Garages and Carports**

An accessory building primarily intended for and used for the enclosed storage or shelter of private motor vehicles of the owner or occupant of the principal building that is detached from the principal building. While a garage is completely enclosed by walls and a garage door, a carport is a roofed structure, with a foundation, that provides space for the parking of vehicles and enclosed on not more than three sides.

**Detached Storage/Utility Sheds, Gazebos, Pool Houses, and other Similar Buildings**

An accessory building, other than a detached garage, that is typically used for storage of items utilized by the occupants of the dwelling or a building used for the general enjoyment of the occupants including, but not limited to, gazebos, structural trellises, storage sheds, etc. Such term shall not include “playsets, treehouses, and trampolines.”

**Developer**

Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust or other legal entity commencing proceedings under this code to affect the development of land for himself or herself or for another,

**Development**

Any building, construction, renovation, mining, extraction, grading, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwellings units in a structure or a change to a commercial or industrial use from a less intense use.

**Development Plan**

A plan prepared to scale accurately showing, with complete dimensions, the boundaries of the site, the location of buildings, exterior lighting, landscaping, vehicular use areas, access drives, signs, outdoor storage areas, and any other features that comprise a proposed development that are further defined in Section [1105.07](#) and which demonstrate a development's compliance with this code.

**Diameter-at-Breast-Height (DBH)**

The diameter of a tree trunk measured in inches at a height of 4.5 feet above ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point below the split.

**Director of Administration**

The Director of Administration of the City of Wooster, Ohio

**Distinguished or Characterized by an Emphasis Upon (Adult Uses)**

The dominant or principal theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas," the films so described are those in which the dominant or principal character and theme are the exhibition or description of specified anatomical areas or specified sexual activities.

**District,**

See "Zoning District."

**Dormitories**

A building used principally to provide rooms for sleeping accommodations at an educational, public, or religious institution. Common kitchen, sanitary, and social gathering rooms may also be provided.

**Drive-Through Facility**

Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-through" shall also include "drive-up" and "drive-in" but shall not include vehicle washing establishments, automotive fuel sales, or automotive service stations.

**Driveway**

A private access way used by vehicles and pedestrians for access to a parking space, garage, dwelling, structure, or a use of land.

**Dwelling**

Any building or portion thereof, containing one or more dwelling units designed for or occupied exclusively for residential purposes, including single-family, two-family and multi-family dwellings as defined herein.

**Dwelling Unit**

A single unit of one or more rooms providing complete, independent living facilities for one or more families or housekeeping units including permanent provisions for living, sleeping, eating, cooking, and sanitation but not including a tent, cabin, hotel, motel, recreational vehicle, or other temporary or transient structure or facility. Dwelling units shall not include short-term (less than six-months) rental activities or businesses.

**Dwelling, Temporary**

A temporary dwelling unit that is, or can be, placed on a site while a permanent dwelling unit is constructed or reconstructed.

**Dwellings, Multi-Family**

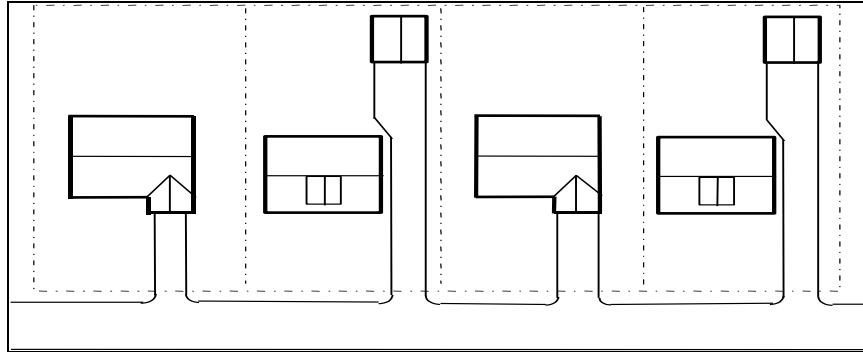
A dwelling designed for three or more dwelling units, occupied by three or more families or housekeeping units living independently of each other where the units are separated by party walls with varying arrangements of entrances, and which does not meet the definition of attached single-family dwelling units. This term includes the conversion of non-residential buildings to residential use.

**Dwellings, Single-Family Attached**

Dwelling units that are structurally attached to one another, side by side or rear-to-rear, and erected as one building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof and each such building being separated from any other building by space on all sides, and including such elements as separate ground floor entrances, services and attached garages.

**Dwellings, Single-Family Detached**

A dwelling unit designed and used for one family or housekeeping unit situated on an individual lot having a front, side and rear yard and separated from all other dwelling units by open space from ground to sky. See [Figure 1135-C](#).



*Figure 1135-C: Illustration of single-family detached dwellings*

**Dwellings, Two-Family**

A dwelling designed to contain two dwelling units, occupied by two families or housekeeping units living independently of each other.

**Dwellings, Two-Family Conversion from a Single-Family Dwelling**

A dwelling, that was originally designed for a single-family dwelling and which maintains the exterior appearance of a single-family dwelling, converted to contain two dwelling units, occupied by two families or housekeeping units living independently of each other.

**Easement**

A right granted by the owner of land to other parties to use such land for a specific purpose, such as public utility lines or for access to other properties.

**Educational Facilities (K-12)**

A public or private facility that provides a curriculum of primary, elementary, secondary or college preparatory academic instruction in accordance with the requirements of Chapter 3313 of the ORC. Such uses include, but are not limited to, kindergartens, elementary schools, junior high schools, and high schools. This definition shall not be deemed to include “nursery schools or day care centers (children or adults)” or “colleges and higher educational institutions.”

**Electronic Message Center**

A sign designed so that the characters, letters, or illustrations can be changed or rearranged automatically on a lampbank or through mechanical means (e.g. electronic or digital signs).

**Elevation (of a Building)**

The front, rear or side exterior surface of a building as viewed in a flat scale drawing.

**Emission**

That which is sent out, released, discharged, issued, or put in circulation at one time.

**Erosion**

- The wearing away of the land surface by running water, wind, ice or other geological agents, including such processes as gravitational creep; and
- The detachment and movement of soil or rock fragments by wind, water, ice or gravity.

**Essential Services**

See Subsection [1101.05\(b\): Essential Services Exempted](#), for a full definition of essential services.

**Establish or Establishment (Adult Uses)**

shall mean and include any of the following:

- The opening or commencement of an adult use as a new business or use;
- The conversion of an existing business, whether or not an adult use, to an adult use;
- The addition of an adult use to any other existing adult use; or
- The relocation of an adult use.

**Façade**

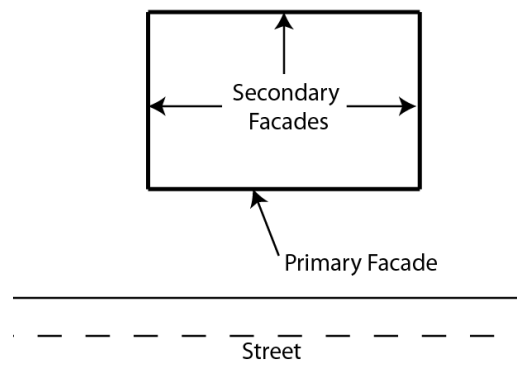
The exterior walls of a building or building face exposed to public view; the exterior face of a building which gives it a distinctive character.

**Façade, Front**

The façade of a building that contains the primary entrance of the building.

**Façade, Primary**

For the purpose of the sign regulations, a primary façade shall be deemed a façade that faces directly onto a public street. See [Figure 1135-D](#).



*Figure 1135-D: Illustration of the primary façade versus the secondary facades.*

**Façade, Secondary**

For the purpose of the sign regulations, a secondary façade shall be deemed a façade that does not face directly onto a public street. See [Figure 1135-D](#).

**Family**

One or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof), together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or fewer persons living in such housekeeping unit shall be considered a separate family for the purpose of this code.

**Federal Emergency Management Agency (FEMA)**

The agency with the overall responsibility for administering the National Flood Insurance Program.

**Feedlot**

The feeding of livestock, poultry, or small animals usually in lots, pens, ponds, sheds, or buildings where food is supplied primarily by means other than grazing, foraging, or other natural means.

**Fence**

An artificially constructed barrier of wood, masonry, stone, chain link, non-vinyl clad, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

**Fence, Barbed Wire**

A fence made with metal wire having sharp points, razors, or barbs along its length.

**Fence, Chain Link**

A fence made of metal loops, which may or may not be vinyl clad, interconnected in a series of joined links.

**Fence, Electrified**

All fences or structures, included or attached to any device or object which emits or produces an electrical charge, impulse or shock when the same comes into contact with any other object, person or animal or which causes or may cause burns to any person or animal. This shall not include “fence, invisible” as defined in this chapter.

**Fence, Invisible**

An electrical fence, buried underground, used to retain animals on-site.

**Fence, Ornamental**

A fence constructed for its beauty or decorative effect and when viewed at a right angle, has not less than 75 percent of the area of its vertical plane, the area within a rectangular outline enclosing all parts of the fence in its plane, open to light and air. Ornamental fences include:

- Rail fence or split-rail fence means a fence constructed of narrow, whole or split, wooden timbers placed horizontally between upright supporting posts; and
- Wrought iron fences, decorative steel fences, and aluminum fences.

**Financial Guarantee**

A financial deposit to ensure that all improvements, facilities, or work required will be completed in conformance with the approved plan.

**Financial Institutions**

Establishments engaged in deposit banking. Banks and financial institutions may include, but are not limited to, commercial banks, loan or mortgage companies, stockbrokers, savings institutions, credit unions, and other similar uses.

**Flag**

Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

**Flood Insurance Rate Map (FIRM)**

An official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study**

The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

**Flood or Flooding**

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters, or
- The unusual and rapid accumulation or runoff of surface waters from any source.



**Floodway**

The channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one-foot at any point within the community. The floodway is an extremely hazardous area, and is usually characterized by any of the following: moderate to high velocity flood waters; high potential for debris and projectile impacts; and moderate to high erosion forces.

**Floor Area, Gross**

The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls of a building or from the center line of a common wall separating two or more units of a building, including accessory storage areas located within selling or working space, but not including space in cellars or basements, space in machinery penthouses or floor space used for accessory off-street parking. However, if the cellar or basement is used for business or commercial activities related to the principal but use but not including storage, it shall be counted as floor area in computing off-street parking requirements.

**Footcandle**

A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle

**Fraction or Fraction Thereof**

Where a calculation required by this code results in a fraction, the fraction shall be rounded to the closest whole number. Any fraction one-half or less shall rounded down and any fraction over one-half (.5) shall be rounded up to the next highest whole number.

**Fraternities or Sororities**

A building used for a meeting place for a women's or men's organization that has been officially recognized by a college, university, or seminary, in which sleeping accommodations may or may not be provided for members.

**Frontage**

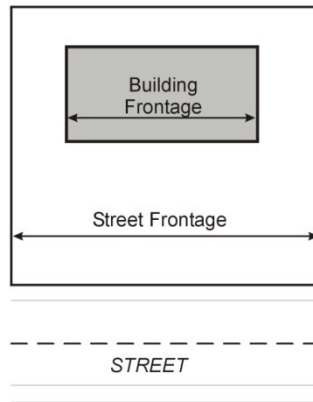
See the definition of "frontage, street or lot."

**Frontage, Building**

The length of an enclosed building facing a public or private street. When a business does not front a public right-of-way the Zoning Administrator shall have the authority to designate the building frontage. In structures with more than one business, the frontage of each business shall be calculated separately in determining its sign area. See [Figure 1135-E](#).

**Frontage, Street or Lot**

The distance between the side lot lines measured along the front 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](#).



*Figure 1135-E: Illustration of building frontage versus street frontage.*

**Funeral Homes and Mortuaries**

Any dwelling or establishment used and occupied by a professional licensed mortician for human burial preparation and funeral services.

**Garage**

A building, or part thereof, used or intended to be used for the parking and storage of vehicles.

**Garage/Yard Sales**

Sales by residents of used or surplus personal possessions including, but not limited to all sales entitled garage, yard, lawn, basement, attic, porch, room, tent, backyard, patio, or moving. This term shall include garage sales, lawn sales, attic sales, rummage sales or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large can be made aware of such sale.

**Glare**

Direct light that causes annoyance, discomfort or loss in visual performance and visibility.

**Government Facilities**

Any building or structure or portion thereof, used by a government agency for service purposes. "Government facilities" includes but is not limited to fire stations, police stations, salt storage, transit operations, and other similar uses.

**Government Offices**

Any building or structure or portion thereof, used by a government agency for administrative or professional purposes. "Government offices" includes but is not limited to city hall, county offices, state offices, and other similar uses.

**Grade**

The average level of the finished surface of the ground adjacent to the sign, building, or other structure being measured.

**Grading**

The stripping, cutting, filling or stockpiling, or any combination thereof of earth-disturbing activity, inclusive of land in its cut or filled conditions

**Grass**

A species of perennial grass grown as permanent lawns or for landscape purposes.

**Gravel Surface Parking Lots**

Temporary parking lots paved with gravel that may be utilized on a temporary basis while a site is under construction.

**Green Infrastructure**

Stormwater management techniques that use natural systems, or engineered systems that mimic natural process.

**Greenhouses and Nurseries**

An establishment used for the growing, storage, and sale of legal garden plants, shrubs, trees, or vines for retail or wholesale sales. Greenhouses and nurseries that are part of a larger agricultural use shall be considered accessory to the principal agricultural use of the land. This term does not include a garden supply or landscaping center that may be accessory to another principal use.

**Ground Cover**

A plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

**Group Homes or Residential Facilities**

Any residential facility meant as a permanent residence for persons, licensed by the State of Ohio, designed to allow not more than sixteen (16) persons, needing specialized care, counseling, ongoing medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate living activity in a non-institutional environment as regulated by Chapters 5119, 5120 and 5123 of the Ohio Revised Code.

**Hedge**

A barrier of natural vegetation usually consisting of evergreen trees, shrubs, or tall grasses that can be used to enclose, screen, or separate areas.

**Historic District**

A geographically definable area possessing a significant concentration, Linkage, or continuity of sites, buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.

**Home Occupation**

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot and does not adversely or perceptively affect the character of the lot or surrounding area.

**Homeowners' Association**

A community association that is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, private roads, or other such facilities.

**Hospitals**

An institution providing health services primarily for human in-patient medical/surgical care for the sick or injured and including related facilities such as laboratories. The use may also include out-patient departments, training facilities, central service facilities and staff offices that are an integral part of the facility and goes beyond general care typically administered within a doctor's office.

**Hotels**

A building or portion thereof used for providing lodging for transient guests and operated for profit which may provide additional services such as restaurants, meeting rooms and recreational facilities. Hotels shall provide access to the rooms via an interior lobby and hallways. See also "motels."

**Household**

A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

**Housekeeping Unit**

One or more persons occupying a dwelling unit and living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a bed and breakfast establishment, hotel, or motel.

**Illuminance**

The quantity of light arriving at a surface divided by the area of that surface, which is measured in footcandles.

**Itinerant Vendor**

Any person who engages in, does, or transacts any temporary or transient business in the City of Wooster.

**Kennels/Animal Boarding**

Any place where domesticated animals, owned by another person, are temporarily housed or boarded for pay, trade, barter, commission, or remuneration of any sort; provided, however, this definition shall not apply to zoos or to animal hospitals operated by veterinarians duly licensed under the law.

**Landmark**

Any building, site element, structure, or property designated as a "Landmark" by ordinance of the City Council, according to the criteria and pursuant to the procedures prescribed in Section [1105.09](#).

**Landmark District**

An area designated as a "Landmark District" by ordinance of the City Council, according to the criteria and pursuant to the procedures prescribed in Section [1105.09](#).

**Landscaping**

The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects. In no case shall landscaping include the use of artificial plants or flowers as a replacement for living plant material unless such artificial plant closely resembles its natural counterpart in size, form, and color.

**Large Waste Receptacles**

A dumpster, garbage can, or other container designed to temporarily hold refuse or waste until collected that exceeds a capacity of 100 gallons.

**Lattice Tower**

A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation to the top.

**Light Pollution**

Any measurable exterior artificial illumination that strays beyond a property line both horizontally at grade and vertically to the building height limitation.

**Light Trespass**

Light in sufficient quantity that crosses over property boundaries, impacts surfaces, and produces a negative response in persons owning or using the violated space.

**Light, Cutoff**

An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section [1117.03](#).

**Light, Non-Cutoff**

An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section [1117.03](#).

**Live/Work Units**

A use that combines a commercial activity allowed in the zoning district with a residential living space for the owner of the commercial business, or the owner's employee, and that person's household. The unit is also where the resident owner or employee of the business is responsible for the commercial activity performed.

**Loading Area**

An off-street space or berth for the loading or unloading of freight carriers on the same lot as the structure they serve.

**Loading Space**

An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials that has an appropriate means of access.

**Lot**

A parcel of land occupied, or to be occupied, by a main building and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required and having the minimum size required for a lot under the provisions of this code. Every lot shall abut upon and have permanent access to a public street and have a minimum frontage required in the zoning district in which the lot is located.

**Lot Area**

The total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication. See Section [1115.01\(b\)](#).

**Lot Coverage**

That portion of a lot, which when viewed directly above, which would be covered by a building or structure, parking and loading areas and other surfaces that are impermeable or substantially impervious to water.

**Lot Line**

The boundary line defining the limits of the lot. Lot line is synonymous with "property line."

**Lot Line, Front**

In the case of an interior lot, means that line separating such lot from the street. In the case of a corner lot or double frontage lot, the front lot line is that line separating such lot from either street. See Section [1115.01\(d\)](#).

**Lot Line, Rear**

A lot line opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. See Section [1115.01\(d\)](#).

**Lot Line, Side**

A lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line. See Section [1115.01\(d\)](#).

**Lot of Record**

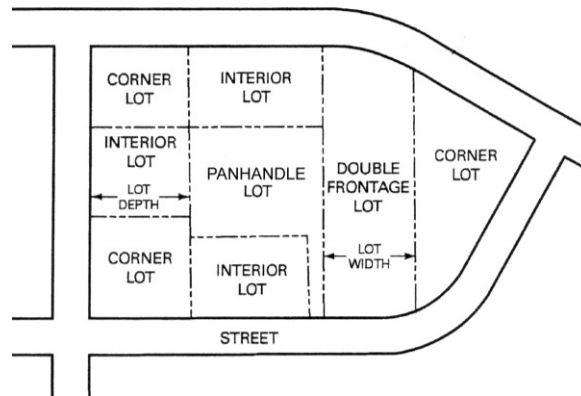
A lot which is part of a subdivision, the part of which has been recorded in the office of the Recorder of Deeds of Wayne County, or a parcel of land the deed to which was recorded, prior to adoption of this code.

**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.

**Lot, Corner**

A lot which adjoins the point of intersection or meeting of two or more streets and in which the interior angle formed by the street lines is one 135 degrees or less. See [Figure 1135-F](#).



*Figure 1135-F: Illustration of typical lot types.*

**Lot, Curved or Cul-De-Sac**

A lot with frontage along a curved street or cul-de-sac. See Section [1115.01\(d\)](#).

**Lot, Double Frontage (Through)**

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Section [1115.01\(d\)](#).

**Lot, Flag (Panhandle)**

A lot that does traditionally have a frontage on or abutting a public street but where access is provided through a narrow strip of land that fronts or has access to the street. See Section [1115.01\(d\)](#).

**Lot, Interior**

A lot that has a single street frontage, a rear lot line, and at least two side lot lines. See Section [1115.01\(d\)](#).

**Lot, Nonconforming**

A lot that does not meet the minimum lot width, street frontage, and/or lot area requirements of the applicable zoning district.

**Luminaire**

A complete lighting unit consisting of one or more lamps, together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the electrical power supply; also called the lighting fixture. Luminaire shall not include the light pole used to support the luminaire.

**Machinery and Heavy Equipment Sales, Leasing, and Storage**

Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar equipment, and the rental of recreational and commercial motor vehicles. This term includes incidental storage, maintenance, and servicing of such equipment.

**Manufactured Home**

A residential dwelling built in an off-site manufacturing facility in accordance with the Federal Manufactured Home Safety and Construction Standards.

**Manufactured Home Community**

A residential development in which all land is under single ownership and home sites within the community are leased to individual homeowners, who retain customary leasehold rights. Also known as a land-lease community.

**Manufacturing**

The mechanical or chemical transformation of materials or substances into new products; the fabrication, processing, reduction, or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof.

**Manufacturing and Production (Heavy or Outdoors)**

An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials, or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its lot line. Such use shall also include any manufacturing or assembly facility that requires outdoor storage areas that exceed 2,000 square feet in area.

**Manufacturing and Production (Indoors)**

The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations is not noticeable from the adjacent properties. This use type shall not include establishments that provide electroplating, metal stamping or forging, or vehicle processing. See also “manufacturing and production (heavy or outdoors).”

**Marijuana**

A controlled substance as defined in the ORC. The meaning shall be the same regardless if the spelling of the term is “marijuana” or “marihuana”.

**Marquee**

A permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

**Maximum Extent Feasible**

That no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize the potential harm or adverse impacts have been undertaken. Economic considerations may be taken into consideration.

**Mechanical Equipment**

Equipment, devices and accessories, the use of which relate to water supply, drainage, heating, ventilating, air conditioning and similar purposes.

**Medical Marijuana**

Marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

**Medical Marijuana Dispensary**

A use owned and operated by a person holding a dispensary license as allowed and issued by the State of Ohio for the purposes of dispensing medical marijuana to clients with a medical marijuana prescription.

**Medical Marijuana Testing and Processing**

A facility where medical marijuana is tested and or processed in accordance with all rules established for such facilities in the ORC.

**Medical or Dental Clinics/Offices and 24-Hour Urgent Care**

Office or clinic uses concerned with the diagnosis, treatment, and care of human beings related to medicine or dental. This term shall also include the operation of an urgent care clinic that may be opened for 24 hours and that is meant to accommodate non-emergency medical situations. This definition does not include “hospitals,” “skilled nursing facilities” or “personal care facilities.”

**Membership Clubs**

An incorporated or unincorporated association of persons organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

**Mezzanine**

An intermediate floor in any story occupying not more than two-thirds of the floor area of such story.

**Microbrewery, Microdistillery or Microwinery**

An establishment with a primarily use as a bar or tavern where beer, liquor, wine, or other alcoholic beverage is manufactured on the premises in a limited quantity subordinate to the primary table service restaurant use. The gross floor area utilized in a microbrewery, microdistillery or microwinery for the production of beer, liquor, wine, or other alcoholic beverage shall be no greater than the gross floor area utilized for the associated bar or tavern. A microbrewery, microdistillery or microwinery may include some off-site distribution of its alcoholic beverages consistent with state law. A tasting room or taproom may exist in a microbrewery, microdistillery or microwinery where patrons may sample the manufacturer's products.

**Mixed Use Buildings (With Residential Uses)**

A lot or building that contains a mixture of uses that are permitted in the applicable zoning district but that exclude any uses permitted in the agricultural use category but does include residential dwelling units.

**Mobile Home**

A residential dwelling, designed to be a permanent residence that was fabricated in an off-site manufacturing facility prior to enactment of the Federal Manufactured Home Safety and Construction Standards.

**Mobile Home, Commercial Truck, and Recreational Vehicle Sales, Leasing, Service, or Storage**

Facilities where new or used boats, trailers, commercial trucks (not passenger pick-up trucks), mobile homes, and/ recreational vehicles, in operational condition, are sold, leased (short- or long-term), serviced, or stored.

**Modification**

Any change in use, addition or alteration of a building or structure, or any change in type and/or increase in quantity of regulated substances used, stored, handled or produced.

**Modular Home**

A residential dwelling built in an off-site manufacturing facility in accordance with the Ohio Board of Building Standards. Also, commonly referred to as a systems-built home, prefabricated home or panelized home.

**Monopole**

A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

**Motels**

A building or portion thereof used for providing lodging for transient guests and operated for profit which may provide additional services such as restaurants, meeting rooms and recreational facilities. Motels shall provide access to the rooms via outdoor hallways or sidewalks. See also "hotels."

**Multi-Use Trail**

A trail that may or may not be located within a public right-of-way that can be used by pedestrians, bike, or other non-motorize vehicular transportation.

**Natural Vegetation**

Any ground cover in its original state before commencement of earth-disturbing activities.

**Noncommercial Speech**

Any sign, wording, logo or other representation that, does fall under the definition of "commercial message or speech."

**Nonconforming Site Condition**

A site improvement that was legally established, but no longer conforms with the regulations in the Planning and Zoning Code.



**Nonconformity**

Lots, uses of land, structures, and uses of structures and land in combination, lawfully existing at the time of enactment of this ordinance or its amendments, which do not conform to the regulations of the applicable zoning district, and are therefore incompatible. See also the definitions for “use, nonconforming,” “lot of record,” “building, nonconforming,” “nonconforming site condition,” and “structure, nonconforming.”

**Nudity or State of Nudity**

The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the areola.

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

A facility administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours, by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any portion of the 24-hour day in a building other than the child's own home. This use may include, but is not limited to, after school programs, office day care centers and principal structures used for only day care/nursery school programs. This term may also include adult day care centers where persons other than children, family members, or guardians care for adult for a portion of a 24-hour day in a building other than the adult's home.

**Occupant**

A person who, on a regular basis, spends nights at a residence. A person is considered an occupant regardless of whether they spend the majority of their nights at a residence, if the times they do stay overnight are regular and recurrent. In addition, a person shall be considered an occupant if their clothes or other daily living supplies are maintained at the residence.

**Open Space**

Open areas, including parks, nature areas, playgrounds, and trails. This does not include holding ponds, streets, driveways, or vehicular use areas.

**Operate or Cause to be Operated (Adult Uses)**

To cause to function or to put or keep in a state of doing business. "Operator" means any person on the premises of an adult use who is authorized to exercise overall operational control of the business or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to be operated an adult use, whether or not that person is an owner, part owner, or licensee of the business. More than one person may be an "Operator" at any given time.

**Outdoor Dining**

Areas on sidewalks (public or private), patios, or other unenclosed areas, excluding vehicular use areas, that are designated for outdoor seating where patrons may be served food and beverage for on-site dining.

**Outdoor Displays and Sales**

The placement of products or materials for sale outside of a retail or wholesale sales establishment.

**Outdoor Lighting**

Any source of light that is installed or mounted outside of an enclosed building or structure, but not including streetlights installed or maintained along public streets by a government agency or public utility. See Section [1117.03](#).

**Outdoor Storage and Bulk Sales**

A facility or lot used for the outdoor storage of materials and/or vehicles that are to be used for construction or for manufacturing processes and where such uses are the principal use of the lot. Such use may also include the sales of materials related to construction or manufacturing where the sales are direct to contractors or business and not open to the general public for retail sales. This use may also include the outdoor storage of fleet vehicles.

**Outdoor Vending Machines and Drop-Off Boxes**

Vending machines are small machines that are capable of accepting money in return for the automatic dispensing of goods (e.g., drink machines, snack machines, video machines). Drop-off boxes are small collection facilities where recyclable materials, clothing, or household goods are accepted from the public (e.g., neighborhood recycling stations and thrift store collection boxes).

**Owner**

Any individual, firm, association, syndicate, co-partnership corporation, trust or any other legal entity, having legal title to or sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

**Parapet or Parapet Wall**

A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.

**Parking Aisle**

The driveway or access drive by which a car enters and departs a parking space.

**Parking Area**

An area designed for the parking of vehicles that includes parking spaces and any driveways or access drives specifically related to the parking spaces.

**Parking Garages**

Structures used to provide parking spaces along with adequate drives and aisle, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles. This may be permitted as a principal use of the lot in accordance with Section [1109.03\(d\)\(11\)](#) or as an accessory to a principal use as established in Section [1113.01](#).

**Parking Lots**

An outdoor area made up of marked parking spaces and associated access drives where motor vehicles may be stored for the purpose of temporary off-street parking. Also known as a parking area.

**Parking Space**

A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile.

**Passive Parks, Open Space, and Natural Areas**

Parks, open spaces, and natural areas where there is no grading of the land, the construction of facilities, lighting, or development of ball fields with the exception that open spaces and conservation areas may include the development of trails and sidewalks.

**Patios (Unenclosed)**

Uncovered, non-enclosed outdoor hard surfaced areas that are no higher than 18 inches above the ground and does not require a building permit for construction.

**Pedestrian Connection**

A pedestrian walkway that includes sidewalks but may also include sidewalks on private property (not in the right-of-way) through the form of trails, designated walking areas, and similar walkways that are strictly used for pedestrian activity.

**Pennants**

A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands, or supported on small poles, intended to flap in the wind.

**Performance Standard**

A criterion established to control enclosure, dust, smoke, fire and explosive hazards, lighting, glare and heat, noise, odor, toxic and noxious matter, vibrations and other conditions created by or inherent in uses of land or buildings. See Section [1117.01](#).

**Person**

Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, Wayne County or State agency within Ohio, the federal government, or any combination thereof. An agency is further defined in the Ohio R.C. 111.15 as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district or state community college. Agency does not include the general assembly, the controlling board, the adjutant general's department, or any court.

**Personal Care**

Personal care means the provision of personal services such as help in walking and getting in and out of bed; assistance with bathing, dressing, and feeding; preparation of a special diet; and supervision over medications which can be self-administered.

**Personal Care Facility**

A long-term or short-term residential facility that provides personal care in a facility that is not in a traditional dwelling type (e.g., single-family dwelling). Such facility shall not mean the same as "hospitals," "group home or residential facility," "skilled nursing facility," or "transitional housing."

**Personal Service Establishments**

Establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

**Places of Worship**

A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. Places of worship may include, but are not limited to, churches, mosques, houses of worship, chapels, synagogues, and temples.

**Planned Development**

A development that is planned for a single use, or to integrate a variety of uses with collateral uses, in which lot size, setback lines, yard areas, and building types may be varied and modified to achieve particular design objectives and make provision for open spaces, common areas, utilities, public improvements, and collateral uses. See [Chapter 1111: Planned Developments](#).

**Planning Commission**

The Planning Commission of the City of Wooster, Ohio

**Plat**

A map graphically indicating a proposed land subdivision or re-subdivision prepared in a form suitable for filing for record, with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots, blocks, streets, alleys, public areas, and other dimensions of land.

**Plat, Final Subdivision**

The final map of all or a portion of the subdivision which is presented to the Planning Commission and City Council for final approvals in accordance with this code, and which, if approved, shall be filed with the proper county recording officer.

**Plat, Preliminary Subdivision**

A plat of all parts of a subdivision prepared by a professional registered engineer or surveyor, incorporating recommendations and requirements of planning authorities, and showing topography, means of drainage, roadways, grades, sanitary and water service, and other information for preliminary approval by the Planning Commission in accordance with [Section 1105.06](#).

**Playsets, Treehouses, and Trampolines**

Recreational equipment for children that may include, but is not limited to, swings, slides, monkey bars, and play enclosures.

**Porches and Decks**

An enclosed or unenclosed surface area attached to, or abutting, a building, that is not used for livable space but that is elevated above the ground, at its highest point, by at least 18 inches.

**Printing and Publishing**

An establishment engaged in the printing and/or publishing of newspapers, books, periodicals, magazines as well as record pressing and publishing; establishments serving the printing trade including bookbinding, typesetting, engraving, photoengraving, and electrotyping; establishments manufacturing business forms and binding devices. This definition shall not include quick printing services (See “service commercial uses” or desktop publishing).

**Private Water Towers, Tanks, or Reservoirs**

A large container designed to hold water for the private use of the associated, principal industrial use.

**Project Boundary**

The boundary defining the tract(s) of land that is included in a proposed development to meet the minimum required project area for a planned development, multi-family development, or similar project. The term “project boundary” shall also mean “development boundary”.

**Public**

Owned, operated or controlled by a public or governmental agency, either Federal, State, County, township or City, including a corporation created by law to perform certain specialized governmental functions.

**Public Hearing**

An official meeting called by the City Council, the Planning Commission, or the Board of Building and Zoning Appeals, duly noticed, which is intended to inform and obtain public comment or testimony, prior to the governing body rendering a decision.

**Public Improvements**

The term means street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, structures, landscaping, and other related matters normally associated with the subdivision of raw land into building sites.

**Raceway**

An elongated metal enclosure used to mount individual channel lettering and to conceal related transformers and wiring.

**Radio and Television Stations**

Facilities used to produce, operate, or develop radio or television programs for distribution through various telecommunication formats but that do not include on-site towers or satellites.

**Raising of Small Livestock**

The noncommercial raising of chickens, rabbits, or other similarly small livestock on a lot used for residential purposes, as an accessory use.

**Real Estate Sales/Model Homes**

A dwelling unit temporarily converted into a sales and display office or a temporary sales office established in a development or subdivision for the purpose of providing an example of the units in the development.

**Recessed Ceiling Fixture**

An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

**Recreation Vehicle/Equipment**

A vehicular-type portable structure without a permanent foundation that can be towed, hauled, or driven and primarily designed, by the manufacturer, as temporary living accommodation for recreational, camping, and travel use. For the purposes of this code, recreational vehicle/equipment shall include a recreational vehicle, boat, boat trailer, pick-up truck camper, snow mobile, folding tent trailer, or other camping and recreational equipment as determined by the Zoning Administrator, and any trailer that may be used to convey such a vehicle or equipment.

**Recreational Facilities (Indoors)**

Facilities operated by a business or group other than a government agency or a non-profit that is open to the general public for a fee that shall include, but is not limited to: roller rink, billiard parlors, ice skating rinks, basketball courts, archery or shooting range, soccer fields, indoor swimming pools, bingo parlors, athletic fields, volleyball courts, basketball courts, golf courses, outdoor swimming pools, amusement parks and other similar activities.

**Recycling Collection/Processing Facilities**

A building that is used to collect, sort, and prepare recyclable materials for distribution to other facilities.

**Regularly Features or Regularly Shown (Adult Uses)**

A consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult use.

**Rehabilitation**

The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

**Removal**

The deletion of a feature located upon or composing a structure or site element.

**Repair**

The ordinary maintenance to correct any deterioration, decay or damage to all, or a portion of, a structure or site element which restores the element to its original state as nearly as practicable.

**Research and Development Facilities**

A building or group of buildings used for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**Restaurants**

An establishment whose principal business is the selling of food and beverages to the customer in a ready to consume state, in individual servings.

**Restricted Open Space**

The portion of the open space in a Cluster Residential Development or a Planned Development that is of sufficient size and shape to meet the minimum zoning requirements, and on which further development is restricted.

**Retail Commercial Uses**

An establishment engaged in the selling of goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such products. Such an establishment is open to the general public during regular business hours and has display areas that are designed and laid out to attract the general public. In determining a use to be a retail use, the proportion of display area vs. storage area and the proportion of the building facade devoted to display windows may be considered. This term does not include any adult entertainment uses.

**Review Board**

The review boards for this code include the City of Wooster Planning Commission, BZA, and the Design and Review Board.

**Right-of-Way**

A strip or area of land dedicated for use as a public roadway, railroad, or dedicated for other public uses. For streets, the right-of-way typically includes the paved roadway, curbs, lawn strips, sidewalks, lighting, drainage facilities and utilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

**Right-of-Way Line**

The line between a lot, tract, or parcel of land and a contiguous public street, and demarcating the public right-of-way. "Right-of-way line" also means "street line."

**Riparian Buffer**

The vegetated area located along both sides of a water way or water course that protects the resource from pollution, provides land bank stabilization, and protects the local habitat.

**Roof Line**

Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette. In regards to sign placement, where a building has several roof levels, the pertinent roofline or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

**Satellite Dishes**

A parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

**Screening**

A method of visually shielding or obscuring a structure, parking, mechanical equipment, refuse collection center or incompatible land use, from another and from public view by fencing, walls, beams or densely planted vegetation.

**Self-Storage Facilities**

A facility consisting of a building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customers' residential goods or wares.

**Semi-Nude Model Studio**

Any place where a person, who regularly appears in a state of semi-nudity, is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons, except that such a modeling class operated:

- By a college, junior college, or university supported entirely or partly by taxation;
- By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- In a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing and where, in order to participate in a class a student must enroll at least three days in advance of the class, is not a "semi-nude model studio."

**Semi-Nude or State of Semi-Nudity**

A state of dress in which opaque clothing covers no more than the genitals, anus, anal cleft or cleavage, pubic area, vulva, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

**Service Commercial Uses**

An establishment providing services to business establishments on a fee or contract basis, including, but not limited to, 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.

**Setback**

Setback means the required minimum horizontal distance between a lot line or the proposed right-of-way, whichever is more restrictive and a building, surface parking lot or structure as established by this code.

**Setback, Building**

The setback required from any right-of-way and the principal or accessory building as established in this code.

**Setback Line**

A line established by this code generally parallel with and measured from the lot line or the right-of-way, whichever is more restrictive, defining the minimum distance a building, structure, parking area or outdoor storage area shall be located from the said lot or thoroughfare line, except as may be provided in this code.

**Setback, Front**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the front lot line.

**Setback, Rear**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the rear lot line.

**Setback, Side**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and a lot that is shared with another lot where such lot line is defined as a side lot line.

**Sexual Encounter Establishment**

A business or commercial establishment which, as one of its principal business purposes, offers, for any form of consideration, a place where two or more persons congregate, associate, or consort for the purpose of engaging in or viewing specified sexual activities or at least one of them appearing in a state of semi-nudity. The definition of "sexual encounter establishment" shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

**Sexually Oriented Business**

An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, semi-nude model studio, and/or sexual encounter establishment. The definition of "sexually oriented business" shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

**Sexually Oriented Entertainment Activity**

The sale, rental, or exhibition for any form of consideration, of books, films, videocassettes, DVDs, magazines, periodicals, or live performances which are distinguished or characterized by an emphasis upon the exposure or display of specified sexual activities or specified anatomical areas.

**Shrub**

A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

**Sidewalk**

That portion of the road right-of-way, easement, or private property that is improved for the use of pedestrian traffic by the general public. See also "walkway."

**Sign**

Any object, device, display or structure or part thereof situated outdoors or adjacent the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

**Sign Area**

The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to [Section 1127.07](#).

**Sign Copy**

Those letters, numerals, and figures, symbols, logos, and graphic elements comprising the content or message of a sign.

**Sign Face**

The surface of the sign upon, against or through which the message of the sign is exhibited.

**Sign, A-Frame Sidewalk**

A freestanding sign which is ordinarily in the shape of an “A” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of “sign, T-frame sidewalk”.

**Sign, Awning**

A sign painted on, printed on or attached flat against the surface of an awning.

**Sign, Balloon**

A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. See also the definition for air-activated sign.

**Sign, Banner**

A temporary sign constructed of canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method. Where a banner sign is supported by stakes or another type of supporting structure for posting in the ground, such sign shall be classified as a temporary “yard sign.”

**Sign, Building**

Any sign attached to any part of a building including awning, canopy, marquee, projecting, hanging, or wall signs.

**Sign, Canopy**

A sign attached to the soffit or fascia of a canopy of a covered entrance or walkway, or to a permanent awning or marquee.

**Sign, Changeable Copy**

A sign designed so that the characters, letter or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. May also be known as readerboards. See also the definition of “electronic message center.”

**Sign, Drive-Through**

Any signage allocated along a drive-through lane that is oriented toward the customer or user in the drive-through lane.

**Sign, Driveway**

A small permanent sign located near driveway access points and/or at the intersection of internal access drives.

**Sign, Freestanding**

Any sign supported upon the ground by a monument, pedestal, pole, bracing, or other permanent measure and not attached to any building. See also the definition of “monument sign” and “pole sign.”

**Sign, Hanging**

A sign that is affixed underneath and hanging, or suspended, from a marquee, awning, canopy, or ceiling of a building or structure.



**Sign, Marquee**

A sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.

**Sign, Monument**

A permanent freestanding sign other than a pole sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure, typically on a monument or pedestal structure.

**Sign, Nonconforming**

Any sign which was erected legally prior to the adoption of this code, but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements.

**Sign, Permanent**

A sign permitted by this code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground that is constructed of rigid, non-flexible materials.

**Sign, Pole**

A permanent freestanding sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.

**Sign, Portable**

Any sign not attached to the ground or a sign designed to be transported, including signs designed to be transported by means of wheels. This definition shall not include "sign, A-frame sidewalk" or "sign, T-frame sidewalk."

**Sign, Projecting**

A sign that is affixed perpendicular to a building or wall and extends more than eighteen inches beyond the face of such building or wall.

**Sign, Temporary**

A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and/or is intended for a limited period of display.

**Sign, T-Frame Sidewalk**

A freestanding sign which is ordinarily in the shape of an upside down "T" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for "sign, A-frame sidewalk".

**Sign, Wall**

A sign attached directly to an exterior wall of a building and which does not extend more than eighteen inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall. Murals and other painted signs are considered wall signs pursuant to this section.

**Sign, Window**

Any sign that is applied to the interior or exterior of a window or door, or a sign located near a window or door within a building, for the purpose of being visible and read from the outside of the building. This term does not include signs that are not legible from a distance of more than three feet beyond the building on which such sign is located.

**Sign, Yard**

Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

**Significant or Substantial Portion (Adult Uses)**

Ten percent or more.

**Site Element**

Significant objects or features, excluding structures, located on a property including, but not limited to, walkways, signage, railings and independent lighting features.

**Site Element Change**

Any alteration, demolition, or construction (as those terms are defined herein) to a site element.

**Skilled Nursing**

Those nursing services and procedures employed in caring for the sick which require training, judgment, technical knowledge, and skills beyond those which the untrained person possesses. It involves administering medications and carrying out procedures in accordance with the orders, instructions, and prescriptions of the attending physician or surgeon.

**Skilled Nursing Facility**

A long-term or short-term residential facility that provides skilled nursing services in a facility that is not in a traditional dwelling type (e.g., single-family dwelling). Such facility shall not mean the same as "hospitals" or "group home or residential facility." See also "personal care facility" or "transitional housing."

**Slope**

The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slope is usually expressed in a percentage based upon vertical differences in feet per 100 feet of horizontal distance.

**Soil**

All earth material of whatever origin that overlies bedrock, which may include the decomposed zone of bedrock which can be readily excavated by mechanical equipment.

**Soil and Mineral Extraction Activities**

The extraction, removal, or basic processing of minerals, soil, or other natural resources from the earth. Such uses also include quarrying, mining, or other procedures typically done at an extraction site.

**Solar Energy Systems**

A structure designed to utilize solar energy as an alternate for, or supplement to, a conventional energy system.

**Special Flood Hazard Area**

Also known as "areas of special flood hazard," it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated and defined by the Federal Emergency Management Agency.

**Specified Anatomical Areas**

Specified anatomical areas shall mean human genitals, anus, cleft of the buttocks, or the female breast.

**Specified Sexual Activity**

Specified sexual activity means any of the following:

- Sex acts, normal or perverted, including intercourse, oral copulation, masturbation or sodomy; or
- Excretory functions as a part of or in connection with any of the activities above.

**Waiting Space**

A portion of the vehicular use area on a site that is dedicated to the temporary storage or "standing" of vehicles engaged in drive-through use of the site or development.

**Start of Construction**

The date when either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**Static/Instant Message Change**

On electronic message centers, a static or instant message change is when one message changes to another message instantly without scrolling, flashing, or other movement of the message.

**Story**

The part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above, and having a height consistent with the requirement of occupiable space as defined in the residential building code.

**Stream**

A body of water running or flowing on the earth's surface or a channel in which such flow occurs continuously or that is seasonally intermittent.

**Streamer**

A ribbon-shaped or cord-like rope which may have pennants and/or banners attached and which is stretched or hung between two or more supports.

**Street**

A public right-of-way with of width of 50 feet or more, which provides a public means of access to abutting property, or a public right-of-way more than 30 feet and less than 50 feet in width, provided that it existed prior to the effective date of this code. The term street includes avenue, drive, circle, road, parkway, boulevard, lane, place, highway, thoroughfare or any other similar term.

**Street, Arterial**

Arterial streets are streets designed for the movement of large amounts of fast traffic between points of heavy traffic generation (e.g., freeways, large residential areas or business and industrial areas) and from one section of the community or communities to another. Major arterial streets have the widest rights-of-way and carry the largest volumes of traffic within the City.

**Street, Collector**

Collector streets are designed to collect and distribute traffic between local access streets and other minor street streets to arterial streets and freeways.

**Street, Cul-de-Sac**

A local street of relatively short length with one end open to traffic and the other end permanently terminating in a vehicular turn-around.

**Street, Dead-End**

A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

**Street, Local**

A street designed primarily for providing access to residential, commercial or other abutting property.

**Street, Private**

An area set aside to provide access for vehicular traffic within a development that is not dedicated or intended to be dedicated to the City and that is not maintained by the City.

**Street, Public**

An avenue, highway, road, thoroughfare, boulevard, parkway or other way proposed for vehicular traffic including any existing State, County, or City street or way shown upon a plat heretofore duly approved, filed and recorded in the office of the County Recorder that has been dedicated or deeded to the public for public use and which affords principal access to abutting property. Included in this definition is the land between the street right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulder, gutters, sidewalks, division strips or other areas within the street lines. Roadways defined as alleys in this Zoning Code are not included as public streets by this definition.

**Structural Alteration**

Any change or rearrangement in the supporting members of a building, such as beams, girders, bearing walls, columns or partitions or any increase in the area or cubical contents of the building.

**Structure**

Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, freestanding signs, cabins, manufactured homes, and other similar items. Patios, parking lots, or other similarly paved surfaces shall not be deemed structures.

**Structure, Accessory**

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

**Structure, Nonconforming**

Any structure which was legally constructed prior to the effective date of this zoning code but which does not comply with the applicable setbacks, development standards, site development standards or other dimensional or numerical standards of this code.

**Nonconforming Site**

Any site element (e.g. parking, landscaping, etc.) which was legally constructed prior to the effective date of this code but which does not comply with the applicable setbacks, development standards, site development standards or other dimensional or numerical standards of this code

**Structure, Temporary**

A structure permitted for limited duration with the intent that such use will terminate or the structure will be removed automatically upon expiration of the fixed time period. A temporary structure is without a foundation or footing.

**Subdivider**

Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this code to effect a subdivision of land hereunder for himself or for another.

**Subdivision**

The division of any parcel of land, shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures, not involving the division, combination, alteration, or allocation of land for the opening, widening or extension of any street or streets, and the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities, shall be exempted.

**Subdivision Modification**

A modification to any of the public improvement or subdivision design standards of [Chapter 1129: Subdivision Design](#), as authorized by the Planning Commission in accordance with Section [1105.06\(h\): Subdivision Modifications](#).

**Subdivision, Major**

A subdivision that is not classified as a minor subdivision in Section [1105.06: Major Subdivisions](#).

**Subdivision, Minor**

A division of a parcel of land along an existing street not involving the opening, widening or extension of any street or road and involving no more than five lots after the original tract has been completely subdivided. See further distinction in Section [1105.05: Minor Subdivisions](#).

**Swimming Pools (Outdoors)**

Any pool, lake, or open tank, primarily used for swimming or wading, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than two feet.

**Technically Suitable**

The location of a wireless telecommunication antenna that reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna has been licensed by the FCC to operate without a significant loss of communication capability within developed areas of the City.

**Telecommunications**

The technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.

**Temporary Outdoor Sales**

Temporary outdoor sales activities include sidewalk sales, inventory reduction or liquidation sales, seasonal merchandise sales, itinerant vendors, and transient produce merchant sales. Seasonal merchandise sales include the sale of plants (also vegetables), flowers, shrubs, trees, mulch, fertilizer, weed killer products, soil, peat moss, lime, small decorative stones, landscape timbers, railroad ties, pumpkins, salt (for ice removal) and similar products, and Christmas trees.

- Temporary outdoor sales activities shall not include carnivals, festivals, promotional events or any City-sponsored function that may or may not include outdoor sales of food and/or merchandise related to such events.
- A transient produce merchant sale involves the selling of products of the farm or garden occupied and cultivated by that person on property other than that which the produce is grown.

**Temporary Storage in a Portable Container**

A portable structure or container that allows for storage of goods or materials, on or off-site and which is not permanently affixed to a foundation. This category may be further divided into temporary storage for commercial uses and residential uses.

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

An area of a yard that is permanently improved and surfaced for the recreational use of the property owner for games such as tennis, basketball, racquetball, and similar sports or games.

**Tent**

Any temporary structure used for temporary sleeping purposes, or for temporarily sheltering a gathering, constructed wholly or in part from canvas, tarpaulin, cotton, fabric or other similar materials.

**Theaters**

Any building or part of a building used for the showing of motion pictures or for dramatic, dance, musical, live or pre-recorded performances. Such use may include a lobby area and refreshment stand for the patrons.

**Trailer**

Any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle.

**Trailer, Commercial**

A trailer that is used by the owner for commercial purposes.

**Trailer, Noncommercial**

A trailer used by the owner for the transport of personal property that is not used for any commercial purposes.

**Transfer of Ownership or Control (Adult Uses)**

Transfer of ownership or control of an adult use shall mean any of the following:

- The sale, lease, or sublease of the business;
- The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

**Transitional Housing**

A temporary housing arrangement designed to assist persons to obtain skills, financial wherewithal and/or the physical, psychological and emotional stability necessary for independent living in permanent housing in a community. Transitional housing is housing in which:

- An organization provides a program of therapy, counseling, supervision and/or training for the occupants;
- The organization operating the program may or may not be licensed or authorized by a governmental authority; and
- The program is for the purpose of assisting the occupants in one or more of the following types of care:
  - Protection from abuse and neglect;
  - Developing skills and the personal stability that is necessary to adjust to life in the community; and
  - Treatment of the effects of substance abuse, even if under criminal justice supervision.

The definition of “transitional housing” includes the terms halfway house, safe house, temporary care home, and other similar uses. The definition of “transitional housing” does not include the terms “group home”, as defined in the code, or other similar permanent group living facilities.

**Tree, Deciduous**

Generally, a tree that loses all of its leaves for part of the year. Sometimes called a broad-leaf tree or a hardwood tree.

**Tree, Evergreen**

A tree that remains green throughout the year.

**Tree, Shade**

A tree with foliage that usually sheds annually and is planted primarily for its high crown of foliage or overhead canopy.

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

A permanent residence of the provider in which child care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted; or as defined in the Ohio Revised Code.

**Use**

Any purpose for which a lot, building, or other structure, or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

**Use, Accessory**

A use located on the same lot with the principal use of building or land, but incidental and subordinate to and constructed subsequent to the principal use of the building or land.

**Use, Conditional**

A use which may be appropriate or desirable in a specified zoning district, but requires special approval through the conditional use approval (See Section [1105.04.](#)) because, if not carefully located or designed, it may create special problems such as excessive height or bulk or abnormal traffic congestion.

**Use, Nonconforming**

Any use which was legally established and in operation or use on the effective date of this zoning code but which does not comply with the applicable use regulations of this code

**Use, Principal or Main**

The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted, permitted with standards, or conditionally permitted.

**Use, Temporary**

A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure. See Section [1113.02.](#)

**Utility Facilities and Buildings**

Buildings, structures, or facilities used by a public utility or similar agency for the provision of water, sewer, electric, and other public utilities that is not exempted as essential services. This use may include, but not limited to, electric substations, sewer plants, etc.

**Variance**

A modification of the strict terms of these regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of these regulations would result in a practical difficulty. See Section [1105.11: Variances.](#)

**Variance, Area/Dimensional**

A procedure whereby the strict application of the provisions of this code relating to height, area, yard requirements, and the like may be modified by the BZA in a particular instance, without changing the zoning ordinance or the underlying zoning district of the parcel.

**Variance, Use**

A procedure whereby the BZA may allow the establishment of a land use that is not permitted within a particular zoning district without changing the zoning code or the underlying zoning district of the parcel where the land use is to be located.

**Vehicle Washing Establishments**

A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices and/or which may employ hand labor.

**Vehicle, Commercial Motor**

Any motor vehicle designed or used to transport persons or property that meets the definition of such vehicle in the ORC.

**Vehicle, Fleet**

Trucks, vans, and other vehicles, including motorized equipment, which are used as part of the operation of a principal use, but not including privately owned customer or employee vehicles.

**Vehicle, Operable**

A motor vehicle whose engine can be started and the vehicle can be driven under its own power at least one hundred (100) yards immediately upon request, or within 24 hours of the initial request, and which does not have disabling damage.

**Vehicular Use Area**

The entire paved area that encompasses all parking spaces, loading areas, waiting spaces, and the access drives that provide access to those spaces but that does not include the entry drive or driveway with no direct access to a parking space, waiting space, or loading space.

**Veterinarian Offices/Animal Hospital**

A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding of animals being treated at the facility and shall not include outdoor runs.

**Viewing Room**

Viewing room shall mean the room, booth, or area where a patron of an adult use would ordinarily be positioned while watching a film, videocassette, DVD, or other video reproduction.

**Violation**

The failure of a structure or other development to be fully compliant with these regulations.

**Walkway**

A dedicated public way, four feet or more in width, for pedestrian use only, whether along the side of a road or not.

**Wall**

An architectural partition with a height and length greater than its thickness; used to divide or enclose an area or to support another structure.

**Wall, Retaining**

A retaining wall is a structure that holds back soil or rock from a building, structure or area. Retaining walls prevent downslope movement or erosion and provide support for vertical or near-vertical grade changes.

**Warehouses**

A business establishment primarily engaged in the storage of merchandise, goods, and materials, not including "self-storage facilities."

**Watercourse**

Any natural or artificial waterway (including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, drainageways, waterways, gullies, ravines or washes) in which waters flow in a definite direction or course, either continuously or intermittently, and including any area adjacent thereto which is subject to inundation by reason of overflow of flood water.

**Wetland**

Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**Wholesale Sales and Distribution Centers (Indoors)**

Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such companies. Such uses shall also include activities where goods are received and/or stored for delivery to the ultimate customer or user at remote locations. All such activities take place inside principal or accessory buildings.

**Wholesale Sales and Distribution Centers (Outdoors)**

Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such companies. Such uses shall also include activities where goods are received and/or stored for delivery to the ultimate customer or user at remote locations. Such activities may take place outside of the principal or accessory buildings.



**Wireless Telecommunications Antenna**

The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communication Commission (FCC) are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

**Wireless Telecommunications Facilities**

A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

**Wireless Telecommunications Tower**

A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

**Yard**

An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this code. See Section [1115.01\(d\)](#) for rules of measurement and determination for all yard types.

**Yard, Front**

Unless otherwise stated in Section [1115.01\(d\)](#), a front yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

**Yard, Rear**

Unless otherwise stated in Section [1115.01\(d\)](#), a rear yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.

**Yard, Side**

Unless otherwise stated in Section [1115.01\(d\)](#), a side yard is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

**Zoning Administrator**

The individual designated to administer the Planning and Zoning Code of the City of Wooster, Ohio.

**Zoning Certificate**

A permit issued by the Zoning Administrator stating that a proposed development or activity complies with this code as established in Section [1105.12: Zoning Certificate](#).

**Zoning District**

An area within the City limits for which the regulations and requirements governing use are uniform as defined by [1107.01: Establishment of Zoning Districts](#).

**Zoning District, Nonresidential**

The term “nonresidential zoning district” shall include the C-1, C-2, C-3, C-4, I-1, I-2, and I-3 districts, regardless if residential uses are permitted.

**Zoning District, Residential**

The term “residential zoning district” shall include the R-1, R-2, R-T, R-3, R-4, and R-5 districts.

**Zoning District, Special**

The term “special zoning district” shall include the CF, AG, and PD districts.

**Zoning Map**

An accurate map depicting the City of Wooster, Ohio, and indicating the official boundaries of the zoning districts established by this Planning and Zoning Code.

**Zoning Map Amendment**

An amendment or change to the Wooster Zoning Map reviewed and decided upon by the City Council in accordance with [1105.03\(d\): Code Text or Map Amendment Review Procedure](#).

# Official Zoning Map

