

# 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.

<b>TABLE 1109-1: PERMITTED PRINCIPAL USES</b>																
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
<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	

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	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]		
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		

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	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]			
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			
<b>Industrial Uses</b>																		
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	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	C	X	X	X				
Manufacturing and Production (Heavy or Outdoors)	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	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			

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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	
<b>Public and Institutional Uses</b>																
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>

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<b>P = Permitted</b>	<b>PS = Permitted with Standards</b>						<b>C = Conditional Use</b>				<b>X = Prohibited</b>					
<b>Use Type</b>	<b>R-1</b>	<b>R-2</b>	<b>R-T</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-4</b>	<b>I-1</b>	<b>I-2</b>	<b>I-3</b>	<b>AG</b>	<b>CF [1]</b>	<b>Use-Specific Standards</b>
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> .															
<p>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).</p>																

### **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 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.