

# Title 04

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Use Regulations



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## USE REGULATIONS

### SECTION 1104.01 PURPOSE AND GENERAL PROVISIONS

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

### SECTION 1104.02 EXPLANATION OF THE TABLE OF USES

This section provides an explanation of all the symbols and information contained within Table 1104.05, which identifies where and how uses are permitted within the City of Tallmadge, 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 the specific use standards in this section and 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 Chapter 1102.) or additional reviews (e.g., certificate of appropriateness, variance, etc.).

#### B. Conditional Uses

- (1) A "C" in a cell indicates that a use may be permitted if approved by the PZC through the conditional use review procedure (See Chapter 1102). 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 Chapter 1102.

#### C. Accessory Uses

- (1) An "A" in a cell indicates that a use may be permitted by right or if approved subject to the specific use standards in this section and to all other applicable standards of this code.

#### D. Prohibited Uses

- (1) A blank cell in a base zoning district indicates that a use is prohibited in the respective zoning district. A blank cell in an overlay district does not indicate a prohibition of use and makes no modification to the underlying base 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 Chapter 1102, 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 1104.05, below.

**E. Permitted Accessory and Temporary Uses**

The following is an explanation of Table 1104.06.

- (1) The symbols for permitted uses (P), are defined in the same manner as Section 1104.02. Temporary uses (T) are uses that are limited by a specified period of time.
- (2) Prohibited Uses: 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 1103.

**F. Essential Services**

Essential services shall be permitted as authorized under any franchise or that may be regulated by any law of the State of Ohio, it being the intention hereof to exempt such essential services from the application of the Zoning Code.

## **SECTION 1104.03 ACCESSORY AND TEMPORARY USES**

- A. 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.
- B. Accessory uses and structures shall be constructed on the same lot as the principal use that it serves.
- C. 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:
  - (1) Up to 12 months consistent with that allowed by section 1102.19: Nonconformities.
  - (2) 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.
- D. 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.
- E. 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.

- F. 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 by common walls. However, connection by a breezeway or roof shall not make the accessory structure, nor the breezeway or roof, considered as an integral part of the principal structure.
- G. The accessory use regulations of this chapter shall not apply to any public park lands owned by the City, Summit County, Portage County, or the State of Ohio.
- H. 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.
- I. Number and Size Requirements
  - (1) Residential Lots
    - i. Accessory Structures for Lots under 1.0 acres:
      - (a) The maximum lot coverage of all accessory structures shall not exceed 50 percent of the total area of the side and rear yards, provided that, in residential districts, the total floor area does not exceed a maximum of 2,500 square feet.
      - (b) Accessory uses and structures shall not exceed 60 percent of the gross floor area (GFA) of the principal use.
    - ii. Accessory Structures for Lots of 1.0 acres or more
      - (a) The maximum lot coverage of all accessory structures shall not exceed a maximum of 2,500 square feet.
  - (2) Within nonresidential districts, accessory structures, except for carports, are prohibited within the side and rear yards of lots adjacent to a residential district. The total floor area of all accessory structures shall not exceed 2,500 square feet.
    - i. For computing the total area, if a detached accessory building is connected to the principal building by a breezeway or other similar structure, the ground area of such breezeway shall be considered as a part of the accessory building and shall be included in the computation.
    - ii. Accessory structures as indicated in Table 1104.06 Accessory Uses shall be considered as part of the maximum lot coverage requirements, including other accessory buildings similar in nature to the identified structures, as determined by the Zoning Administrator.
- J. Setback and Location Requirements
  - (1) Unless otherwise required in this section, accessory uses and structures less than or equal to 200 sq.ft. shall be set back a minimum of five feet from all lot lines. Setbacks for accessory uses and structures more than 200 sq.ft. shall be the same as the setbacks required for the principal building.
  - (2) Additional setbacks may be required from the principal building, adjacent structures, or streets based on the applicable building or fire code regulations.
  - (3) 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.

- (4) Detached accessory structures shall not be located in the front yard, except that porches, patios, and decks associated with the primary entrance of a principal building shall be permitted, and roadside stands may be permitted subject to use-specific standards. Detached accessory structures may be located in the required rear yard and the side yard when behind the front façade of the principal building.

K. Prohibited Structures for Accessory Uses

- (1) 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 this chapter, 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.

## **SECTION 1104.04 SIMILAR USE DETERMINATION AND UNLISTED USES**

- A. When a proposed land use is not explicitly listed in Table 1104.05, the Zoning Administrator shall determine whether it is reasonably included in the definition of a listed use, or that the proposed use meets the following criteria to the extent that it should be treated as a permitted or conditional use in the district.
- (1) The use is not specifically listed in any other zoning district.
  - (2) The use is generally consistent with the intent of the zoning district and this chapter.
  - (3) The use will not materially impair the present or potential use of other properties within the same district or bordering districts.
  - (4) The use has no greater potential impact on surrounding properties than those listed in the district in terms of aesthetics, traffic generated, noise, potential nuisances and other impacts related to health, safety and welfare.
  - (5) The use will not adversely affect the relevant elements of the Comprehensive Plan.
- B. The Zoning Administrator's written determination shall be provided to the applicant and may be appealed to the Planning and Zoning Commission.
- (1) In addition to the other regulations and standards set forth in this Chapter, the following standards shall be considered by the Zoning Administrator and the PZC when making a determination that a use is substantially similar to a permitted or a conditionally permitted use within a specific district:
    - i. The nature, predominant characteristics, and intensity of the proposed uses in relation to those uses specified by this Code as being permitted, or in the case of a conditionally permitted use, in that district.
    - ii. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Code.
  - (2) Similar conditionally permitted uses shall follow the conditional use procedures set forth in this Chapter.

## SECTION 1104.05 PRINCIPAL PERMITTED AND CONDITIONAL USES

### A. Agricultural Uses

KEY FOR TABLE

P: Permitted Use

C: Conditionally Permitted Use

A: Accessory Use

USE	R1	R2	R3	R4	R5	R6	C3	C4	C5	I1	WEST AVE-0	SOUTHEAST GATEWAY-0	NEIGHBORHOOD CENTER-0	INNOVATION EMPLOYMENT-0	DESIGN CONTROL OD	USE-SPECIFIC STANDARDS
Agriculture	P															1104.07B (2)
Agricultural Processing and Storage	C															
Agroforestry	C															1104.07B (3)
Plant Greenhouses	C									P						
Stable	C															1104.07B (4)
Urban Agriculture - Apiculture	P	P	A	A	A		P	P	P	P						1104.07B (5)
Urban Agriculture - Community Garden	C	C	C	C	C	C	C	C	C	C						1104.07B (6)
Urban Agriculture - Poultry and Fowl	P	P	A	A	A											1104.07B (7)
Urban Agriculture - Ungulates	P	P	P	P	P											1104.07B (8)

\* A blank cell in an overlay district does not indicate a prohibition of use and makes no modification to the underlying base district.

B. Residential Uses

KEY FOR TABLE

P: Permitted Use

C: Conditionally Permitted Use

A: Accessory Use

USE	R1	R2	R3	R4	R5	R6	C3	C4	C5	I1	WEST AVE-0	SOUTHEAST GATEWAY-0	NEIGHBORHOOD CENTER-0	INNOVATION EMPLOYMENT-0	DESIGN CONTROL OD	USE-SPECIFIC STANDARDS
Dwelling - Multifamily					P								P		P	1104.07C (1)
Dwelling - Multifamily, Complex													P		P	1104.07C (2)
Dwelling - Single Family, Attached						P							P		P	1104.07C (3)
Dwelling - Single Family, Detached	P	P	P	P		P									P	
Dwelling - Single Family, Flats													P		P	
Dwelling - Townhouse													P		P	1104.07C (4)
Dwelling - Two-Family					P								P		P	1104.07C (5)

\* A blank cell in an overlay district does not indicate a prohibition of use and makes no modification to the underlying base district.

Notes:

- (1) Except where permitted as a Bed and Breakfast Establishment, transient living shall not be permitted in any residential district.

C. Public and Institutional Uses

KEY FOR TABLE

P: Permitted Use

C: Conditionally Permitted Use

A: Accessory Use

USE	R1	R2	R3	R4	R5	R6	C3	C4	C5	I1	WEST AVE-0	SOUTHEAST GATEWAY-0	NEIGHBORHOOD CENTER-0	INNOVATION EMPLOYMENT-0	DESIGN CONTROL OD	USE-SPECIFIC STANDARDS
Cemeteries	C															1104.07D (1)
Educational Institutions	C	C	C	C	C		C			A						1104.07D (3)
Government owned buildings and facilities	C	C	C	C	C		C	C	C	C						1104.07D (4)
Hospitals							C	C	C							1104.07D (5)
Off-street public parking lot and garage							P	P								1104.07D (6)
Public utilities, rights-of-way and pertinent structures	C	C	C	C	C		C	C	C	C						1104.07D (7)
Recreation Facility - Non-commercial	C	C	C	C	C		C	C	C	C						1104.07D (8)
Religious places of worship	C	C	C	C	C		C	C								1104.07D (9)
Telecommunications	C	C	C	C	C	C	C	C	C	C						1104.07D (10)

\* A blank cell in an overlay district does not indicate a prohibition of use and makes no modification to the underlying base district.

D. Commercial Uses

KEY FOR TABLE

P: Permitted Use

C: Conditionally Permitted Use

A: Accessory Use

USE	R1	R2	R3	R4	R5	R6	C3	C4	C5	I1	WEST AVE-0	SOUTHEAST GATEWAY-0	NEIGHBORHOOD CENTER-0	INNOVATION EMPLOYMENT-0	DESIGN CONTROL OD	USE-SPECIFIC STANDARDS
Accessory Structure	A	A	A	A	A	A	A	A	A	A						
Amusement Arcade							P									1104.07E (1)
Adult Amusement Arcades										C						1104.07E (2)
Adult Use Cannabis and/or Medical Marijuana Dispensaries							P	P			P					1104.07E (2.1)
Adult Use Cannabis and/or Medical Marijuana Cultivator, Laboratory, Processor Facilities										P	P					1104.07E (2.1)
Animal Care - General Services								C	P							1104.07E (3)
Animal Care - Kennel	C									P						1104.07E (6)
Animal Care - Veterinary Offices	C						P	P	P					C		1104.07E (4)
Animal Care - Veterinary Urgent Care and Hospitals							P	P	P	P						1104.07E (5)
Antique Shop							P				P					
Auction Facility										C						
Automotive - Car Wash							C	C	A							1104.07E (8)
Automotive - Filling stations							C	P	P							1104.07E (9)
Automotive - Sales and Leasing								P			P					1104.07E (7)
Automotive - Service: Light								P		P	P					1104.07E (11)
Automotive - Service: Heavy										P						1104.07E (10)
Bed and Breakfast Establishments	C	C	C	C	C		C	C				P		P		1104.07E (12)
Beverage - Alcoholic Production											P					

\* A blank cell in an overlay district does not indicate a prohibition of use and makes no modification to the underlying base district.

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D. Commercial Uses (cont'd.)

KEY FOR TABLE

P: Permitted Use

C: Conditionally Permitted Use

A: Accessory Use

USE	R1	R2	R3	R4	R5	R6	C3	C4	C5	I1	WEST AVE-0	SOUTHEAST GATEWAY-0	NEIGHBORHOOD CENTER-0	INNOVATION EMPLOYMENT-0	DESIGN CONTROL OD	USE-SPECIFIC STANDARDS
Beverage - Brewing and Distilling										P				P		
Beverage - Distribution												P		P		
Beverage - Microbrewery, Microdistillery or Microwinery											P		P		P	1104.07E (14)
Beverage - Non-Alcoholic Production										P				P		
Beverage Sales - Liquor and Beer Sit Down/Bar Establishment											C		C		C	1104.07E (13)
Clubs and Lodges							C	C								1104.07E (15)
Contractor Services							C	C		P						1104.07E (16)
Day Care - Child or Adult	A	A					C	C		A	P					1104.07E (17)
Drive-in establishments								P				C	C		C	1104.07E (19)
Event Center - Barn	C															1104.07E (15)
Event Center - Private Events and Conferences											P	P				1104.07E (15)
Event Center - Public Events and Conferences											P	P				1104.07E (15)
Exercise and Fitness							P	P								1104.07E (18)
Financial Institutions							P	P								
Food Sales - Bakery											P		P		P	
Food Sales - Farm Market											P		P		P	1104.07E (21)
Food Sales - Large Format Grocery											P		P			
Food Sales - Small Format Grocery											P	P	P		P	
Food Service - Fast Casual Restaurant											P	P	P		P	

\* A blank cell in an overlay district does not indicate a prohibition of use and makes no modification to the underlying base district.

D. Commercial Uses (cont'd.)

KEY FOR TABLE

P: Permitted Use

C: Conditionally Permitted Use

A: Accessory Use

USE	R1	R2	R3	R4	R5	R6	C3	C4	C5	I1	WEST AVE-0	SOUTHEAST GATEWAY-0	NEIGHBORHOOD CENTER-0	INNOVATION EMPLOYMENT-0	DESIGN CONTROL OD	USE-SPECIFIC STANDARDS
Food Service - Fast Food Restaurant							P	P	P							1104.07E (20)
Food Service - Full Service Restaurant							P	P	P		P	P	P	P	P	
Funeral Home							P	P								
Gallery - Art											P		P		P	
Hotel and motel												P				1104.07E (22)
Live/ Work Unit							C	C	C							1104.07E (23)
Medical - Clinic							P	P	P							
Medical - Emergency Services							C	P	P	P						
Medical - Office							P	P	P							
Mixed Use Building											P	P	P	P	P	1104.07E (24)
Nursing Facility								C								1104.07E (25)
Office							P	P		A						
Office - Data Processing/Call Center													P			
Office - Industrial Office							P	P		P						
Office, Flex										P						1104.07E (26)
Personal services							P	P								
Public storage garage or yards										C						1104.07E (27)
Recreation Facility - Commercial Indoor, excluding amusement arcades							P	P	P	P						1104.07E (28)

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D. Commercial Uses (cont'd.)

KEY FOR TABLE

P: Permitted Use

C: Conditionally Permitted Use

A: Accessory Use

USE	R1	R2	R3	R4	R5	R6	C3	C4	C5	I1	WEST AVE-0	SOUTHEAST GATEWAY-0	NEIGHBORHOOD CENTER-0	INNOVATION EMPLOYMENT-0	DESIGN CONTROL OD	USE-SPECIFIC STANDARDS
Recreation Facility - Commercial Outdoor								P	P				P			1104.07E (28)
Recreational Vehicle Sales										P						1104.07E (29)
Retail - Convenience with gasoline											P	P			C	1104.07E (31)
Retail - Convenience without gasoline											P				C	
Retail: Garden Center - Indoor and Outdoor										P	P					
Retail: Building materials stores							C	C		P						
Retail - Large Format											P					
Retail - Medium Format											P					
Retail - Pharmacy											P				P	
Retail - Shopping Center - Enclosed							C	P			P					
Retail - Shopping Center - Outdoor							C	P			P					1104.07E (32)
Retail - Small Format											P		P		P	
Retail Sales							P	P	P	A						1104.07E (30)
Sexually Oriented Business										C						1104.07E (33)
Similar Use	C	C	C	C	C	C	C	C	C	C						
Vape and/or Smoke Establishment																1104.07E (33.1)
Vape and/or Smoke Shop																1104.07E (33.2)
Vehicles, equipment and tool sales or rental, with service and repair in enclosed buildings								P			P					1104.07E (34)

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E. Industrial Uses

KEY FOR TABLE

P: Permitted Use

C: Conditionally Permitted Use

A: Accessory Use

USE	R1	R2	R3	R4	R5	R6	C3	C4	C5	I1	WEST AVE-0	SOUTHEAST GATEWAY-0	NEIGHBORHOOD CENTER-0	INNOVATION EMPLOYMENT-0	DESIGN CONTROL OD	USE-SPECIFIC STANDARDS
Crematory										C						1104.07F (1)
Food Service - Processing												P		P		1104.07F (2)
Fuel distribution station										C						1104.07F (3)
Laboratories and processing										P						1104.07F (4)
Manufacturing										P						1104.07F (5)
Manufacturing - Artisan/ Small Batch								P				P		P		1104.07F (6)
Motor freight garage										C						1104.07F (7)
Research and development										P						1104.07F (8)
Technology Park								P		P						1104.07F(9)
Warehousing and Distribution										P						1104.07F (10)
Wholesale establishment										P						1104.07F (11)

\* A blank cell in an overlay district does not indicate a prohibition of use and makes no modification to the underlying base district.

## SECTION 1104.06 ACCESSORY AND TEMPORARY USES

### A. Accessory and Temporary Uses

KEY FOR TABLE

A: Accessory Use

T: Temporary Use

USE	R1	R2	R3	R4	R5	R6	PRD	C3, C4, C5	I-1	WEST AVE-0	SOUTHEAST GATEWAY-0	NEIGHBORHOOD CENTER-0	INNOVATION EMPLOYMENT-0	DESIGN CONTROL OD	YARDS PERMITTED F = FRONT S = SIDE R = REAR"	ZONING CERTIFICATE REQUIRED	LOT COVERAGE	USE-SPECIFIC STANDARDS
Accessibility Ramps	P	P	P	P	P	P	P	P	P	P	P	P	P	P	F, S, or R	No	No	1104.08A
Alcoholic Beverage Consumption (ABC)										P	P	P		P	F, S, or R	Yes	No	1104.08Y
Amateur Radio Towers and Antennae	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S, R	Yes	No	1104.08B
ATM								P	P	P	P	P	P	P	F, S, or R	Yes	Yes	1104.08C
Basketball Hoops	P	P	P	P	P	P	P	P	P						F, S, or R	No	No	1104.08D
Bike and Skateboard Ramps	P	P	P	P	P	P	P	P	P						R	Yes	Yes	1104.08E
Crematory								P	P									1104.07F (1)
Columbarium	P or C	C	C	C	C	C	C	C	C							Yes	Yes	1104.07D (2)
Community Activity or Special Event	T	T	T	T	T	T	T	T	T	T	T	T	T	T		Yes	No	1104.09C (1)
Construction Structures	T	T	T	T	T	T	T	T	T	T	T	T	T	T		Yes	No	
Detached Garages and Carports	P	P	P	P	P	P	P								S or R	Yes	Yes	
Detached Storage/ Utility Sheds, Gazebos, Pool Houses, and other Similar Buildings	P	P	P	P	P	P	P								S or R	Yes	Yes	
Drive-Through Facilities								P	P									1104.08F
Fences Walls, and Hedges	P	P	P	P	P	P	P	P	P	P	P	P	P	P	F, S, or R	See text	No	1104.08G
Garage/ Yard Sale	T	T	T	T	T	T	T								F	No	No	
Gravel Surface Parking Lots	T	T	T	T	T	T	T	T	T	T	T	T	T	T	NA	Yes	No	

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A. Accessory and Temporary Uses (cont'd.)

KEY FOR TABLE										A: Accessory Use					T: Temporary Use				
USE	R1	R2	R3	R4	R5	R6	PRD	C3, C4, C5	I-1	WEST AVE-0	SOUTHEAST GATEWAY-0	NEIGHBORHOOD CENTER-0	INNOVATION EMPLOYMENT-0	DESIGN CONTROL OD	YARDS PERMITTED F = FRONT S = SIDE R = REAR"	ZONING CERTIFICATE REQUIRED	LOT COVERAGE	USE-SPECIFIC STANDARDS	
Ground-Mounted Solar Energy Systems	P	P	P	P	P	P	P								S or R	Yes	Yes	<b>1104.08R</b>	
Helistop/ Heliport	C							C	C						S or R	Yes	Yes	<b>1104.08H</b>	
Home Occupations	P	P	P	P	P	P	P			P		P		P	NA	Yes	No	<b>1104.08I</b>	
Nursery Schools or Day Care Centers (Children or Adults)	P	P	P	P	P	P		P	P	P	P	P	P	P	NA	Yes	Yes	<b>1104.08J</b>	
Outdoor Dining								P		P	P	P	P	P	F, S, or R	Yes	Yes	<b>1104.08K</b>	
Outdoor Displays and Sales								P			P			P	F, S, or R	Yes	Yes	<b>1104.08L</b>	
Outdoor Storage and Bulk Sales								P	P				P		S, R	Yes	Yes	<b>1104.08M</b>	
Outdoor Storage within Accessory Structure									P						R	Yes	Yes	<b>1104.08N</b>	
Outdoor Storage of Vehicles and Equipment									P						S, R	Yes	Yes	<b>1104.08N</b>	
Outdoor Vending Machines and Drop-Off Boxes								P	P						F, S, or R	No / Yes	Yes	<b>1104.08O</b>	
Playsets, Treehouses, and Trampolines	P	P	P	P	P	P	P								R	No	No	<b>1104.08Q</b>	
Porches, Patios, and Decks	P	P	P	P	P	P	P			P		P		P	F, S, or R	Yes	Yes	<b>1104.08P</b>	
Real Estate Sales/ Model Homes	T	T	T	T	T	T	T	T	T	T	T	T	T	T	NA	Yes	Yes		
Renewable Energy Equipment	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S, R	Yes	No	<b>1104.08R</b>	
Renewable Energy Equipment, Wind									P				P		R	Yes	No	<b>1104.08R</b>	
Roadside Stands	P	P	P												F		No	<b>1104.08S</b>	

\* A blank cell in an overlay district does not indicate a prohibition of use and makes no modification to the underlying base district.

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A. Accessory and Temporary Uses (cont'd.)

KEY FOR TABLE

A: Accessory Use

T: Temporary Use

USE	R1	R2	R3	R4	R5	R6	PRD	C3, C4, C5	I-1	WEST AVE-0	SOUTHEAST GATEWAY-0	NEIGHBORHOOD CENTER-0	INNOVATION EMPLOYMENT-0	DESIGN CONTROL OD	YARDS PERMITTED F = FRONT S = SIDE R = REAR"	ZONING CERTIFICATE REQUIRED	LOT COVERAGE	USE-SPECIFIC STANDARDS
Satellite Dishes	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NA	No	No	<b>1104.08T</b>
Swimming Pool - Public, Community, or Club Swimming Pool	P	P	P	P	P	P	P	P	P					P				<b>1104.08V</b>
Swimming Pools - Private Residential Above-ground	P	P	P	P	P	P	P								R	Yes	Yes	<b>1104.08U</b>
Swimming Pools - Private Residential In-ground	P	P	P	P	P											Yes	Yes	<b>1104.08U</b>
Temporary Outdoor Sales									T	T	T	T	T	T	F	Yes	No	
Temporary Storage on a Portable Container	T	T	T	T	T	T	T	T	T	T	T	T	T	T	F, S, or R	Yes	No	
Tennis and Other Recreational Courts	P	P	P	P	P										R	Yes	Yes	<b>1104.08W</b>
Type-B Day Care Home (1-6 Children)	P	P	P	P	P	P	P								NA	No	No	<b>1104.08X</b>

\* A blank cell in an overlay district does not indicate a prohibition of use and makes no modification to the underlying base district.

## **SECTION 1104.07    PRINCIPAL AND CONDITIONAL USE-SPECIFIC STANDARDS**

### **A.    PURPOSE AND APPLICABILITY**

- (1) The regulations of Urban Agricultural Use are established to permit the keeping of farm animals and bees in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe. This section provides site planning, development, and/or operating standards for certain land uses that are permitted with standards or conditionally permitted per 1104.05.
- (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 1103.

### **B.    URBAN AGRICULTURAL USES**

#### **(1)    General to all Urban Agriculture uses**

- i. The City may at its sole discretion require posting a bond or other surety to guarantee restoration of any City roads.
- ii. No loading or unloading of vehicles, equipment or timber product may take place upon City roads. Such activities shall be conducted entirely within the boundaries of the harvest site.
- iii. All roadway access upon entering upon a City road shall have 50 feet long x 15 feet wide #4 stone apron installed.
- iv. Any and all dirt, mud or debris shall be cleaned up off all of the City roads immediately or the City will invoice the property owner for the clean-up charges.

#### **(2)    Agriculture**

- i. The minimum lot area for the use shall be five acres.
- ii. 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.
- iii. Raising of crops: edges of the cultivated area shall be setback a minimum of 5 feet from any property line and right-of-way, and shall not encroach within any sight-visibility triangle at intersections or driveways.

#### **(3)    Agroforestry**

The regulations of Urban Agricultural Use are established to permit tree harvesting practices and allows for and encourages proper forest management that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

- i. It shall be the responsibility of each landowner on whose land tree harvesting is to be carried out to develop or have developed a forest management plan and to submit prior notification to the City. It shall be the joint responsibility of the landowner and the operator to see that the provisions of the forest management plan are properly carried out.

- ii. No clear cutting of any tract will be permitted. Tree harvesting shall be done on a selective thinning basis.
  - iii. The Forest Management Plan at a minimum shall address the following:
    - (a) Forest management plan must be developed by a professional consulting forester.
    - (b) Address and comply with all erosion and sediment control standards under Part 9 of the Tallmadge Codified Ordinances.
    - (c) Address and comply with all Riparian Setbacks under Chapter 1110.09.
    - (d) Stream Crossings.
    - (e) Identification of the owner of the parcel with address.
    - (f) Acres of eligible forest land and total acreage in each parcel.
    - (g) The owner's general timber harvesting objectives.
    - (h) Maps that include the following:
      - 1) Property boundaries indicated on an aerial photo.
      - 2) Topography lines.
      - 3) North Arrow on all maps
      - 4) Layout of stands that comprise all the forest land committed to forest management.
    - (i) A listing of the stands that comprise all of the forest to be committed to forest management. The listing will consist of the following:
      - 1) Tree Species to be harvested
      - 2) Stand number or letter
      - 3) Diameter class or classes
      - 4) Estimated acreage
  - iv. Buffering:
    - (a) As part of the Permanent Clean-up Section: No tops or slash shall be left within a 25' distance to neighboring properties.
    - (b) No tops or slash shall be left within 50' distance of any public roadway.
  - v. Lot Size: Minimum one (1) acre.
  - vi. Compliance with "timber harvesting" chapter in Part 9 of the Codified Ordinances.
- (4) **Stable**
- i. Public stables, including riding academies and hunt clubs, are subject to the following requirements:
    - (a) Minimum Area. The uses may be permitted on parcels of land that are at least five contiguous acres or more in area.
    - (b) Riding Areas. Bridle paths, and all other riding areas, shall be within the confines of the proposed property.
    - (c) Building Setbacks. The stable shall be so situated on the site so as to be at least 300 feet from any residences on abutting parcels or lots.

- (d) Outdoor Use Area Setbacks. Paddocks, instruction areas, pastures, and areas for the purpose of feeding horses shall be confined to the site and shall be located at least 30 feet from the perimeter of the site
  - (e) Access and Frontage. Ingress and egress to the stable area shall be provided solely through the parcel in question, which shall abut a public right of way.
  - (f) Parking. Adequate off-street parking facilities shall be provided on the site, located at least 100 feet from the perimeter of the site.
  - (g) Manure shall be kept in tightly covered boxes and shall be regularly sprayed or limed so as to control flies and other insects.
  - (h) Outdoor Lighting. Floodlights or any other source of artificial lighting provided to facilitate night riding activities shall be properly shielded or directed away from residences or abutting properties and shall be turned off nightly at 11 pm.
- ii. Private stables ancillary to a private residence are subject to the following:
- (a) Public Hearing Required. Prior to granting a permit the PZC shall hold a public hearing to receive public comment regarding the effect that establishment of a private stable will have on the surrounding neighborhood. The public hearing shall be held in accordance with the procedures of Chapter 1102.
  - (b) Maximum Number of Animals. A minimum of one acre of land shall be provided for the first horse. A minimum of 5 acres of land shall be required for more than one horse. The property shall be under control or use of the permit holder with either title or lease.
  - (c) Outdoor Use Area Locations and Setbacks. Confinement areas and/or stables shall, in all instances, be located in the rear and/or side yard. Horses shall be confined to fenced pastures, paddocks or stables unless harnessed and under the direct control of a person.
  - (d) Building Setbacks. An accessory building used as a stable shall not be located nearer than 50 feet to any property line and not nearer than 100 feet to any dwelling.
  - (e) Storage. No storage of manure or odor-producing or dust-producing substances or any activity producing odor or dust shall be permitted within 100 feet of any property line.
  - (f) Nuisance. In each instance when the PZC and Council issue a Conditional Use Certificate for a private stable, the commission shall find that there has been compliance with the conditions of this subsection, that the activity will not or has not been a nuisance to residents in the area, is compatible with adjacent land uses and is consistent with the public health, safety and welfare of the City.

(5) **Apiculture**

Definition:

- (a) Apiculture: The cultivation of bees for purposes of producing honey, pollination services queen breeding programs, or other products of the hive.
  - i. Permitted uses:
    - (a) Apiculture shall be permitted in all residential districts. Apiculture in any other district requires a Site Plan Review.
  - ii. Applicability
    - (a) All beehives (colonies) must be kept with movable combs in good condition.

- (b) Maximum Permitted Quantity of Hives
    - 1) Attached-Single Family, and Multi-Family Lots -- not permitted
    - 2) One-half acre or smaller lot: 2 hives
    - 3) Larger than 1/2 acre but smaller than 3/4 acre lot: 4 hives
    - 4) Larger than 3/4 acre lot but smaller than 1 acre lot: 6 hives
    - 5) One acre but smaller than 5 acres: 8 hives
    - 6) Larger than 5 acres: unrestricted
  - (c) Agribusinesses, Farming Operations or similar Businesses -- beehive quantities are subject to Site Plan application procedures.
  - (d) No hive shall be kept closer than fifteen (15) feet to any lot line or public right of way. The entrance of any hive shall face whichever lot line or public right of way is furthest from the beehive location or the residence. Bees shall only be kept in the rear yard.
  - (e) Building and structures accessory to this use, if less than 50 square feet, are not regulated, except that all these structures need to be located in the rear yard.
  - (f) A solid fence or dense hedge, known as a “flyway barrier,” at least six (6) feet in height shall be placed along the side of the bee hive that contains the entrance to the colony, and shall be located within five (5) feet of the hive and shall extend at least two (2) feet on either side of the hive. No such flyway barrier shall be required if all beehives are located at least twenty-five (25) feet from all property lines, for beehives that are located at least ten (10) feet above grade or for beehives with the sole opening pointed towards the residence of beekeeper.
  - (g) A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day. This water source must be closer than any other water source not owned by the property owner.
  - (h) No Africanized bees may be kept.
  - (i) Must be in compliance with all State of Ohio rules and regulations for the keeping of bees. Property owners keeping bees must post a copy their certificate of registration from the Ohio Department of Agriculture on or near the hives.
  - (j) A Certificate of Use & Compliance must be filed with the City of Tallmadge.
- (6) **Community Gardens**
- A proposed community garden shall comply with the requirements of this Section. Any community garden established prior to the adoption of the ordinance codified in this Section shall be subject to the development and operational standards noted in this Section.
- i. Purpose.  
The provisions of this Section are intended to facilitate the establishment and operation of community gardens in the City while also mitigating potential adverse land use impacts (e.g., traffic, blight, and others) on the peace, health, safety and welfare of residents in nearby areas that may arise from the inappropriate location or operation of community gardens.
  - ii. Application filing and processing.  
An application for a Conditional Use shall be filed and processed in compliance with Chapter 1102 in order to establish a community garden.
    - (a) The application shall be filed by a Community Garden Association (CGA) that will be

responsible for the oversight and operation of the proposed community garden. Details about the CGA's governance, including any organization with which the CGA is, or proposes to be affiliated, shall be provided.

- iii. Site requirements.
  - (a) There is no minimum lot size for a community garden.
  - (b) Any historical sources of contamination identified in the soils testing must be further tested to determine the type and level of contamination. Appropriate remediation measures must be undertaken to ensure that the soil on the community gardens site is suitable for gardening prior to the start date of a community garden.
  - (c) The degree of remediation may be mitigated by the use of raised garden beds or the importation of clean soil.
  - (d) Parking. No on-site parking is required, but the Conditional Use application process will assess the impact of the garden on available street parking. A parking plan shall be provided when the application is submitted.
- iv. Community Gardens Association (CGA) governance, rules and regulations.
  - (a) The CGA's governance shall, at a minimum, address identification of officers and their duties, standing committees and their functions, CGA membership rules, frequency of meetings, and amendment of governance provisions.
  - (b) The CGA shall establish rules and regulations and oversee and maintain the garden. Such rules and regulations shall, at a minimum, address the following terms: hours of operation, prohibited conduct on the site, supervision of children, pets, use of garden plot, disposal of trash, reproduction of garden key, use of garden tools, amendment of rules and regulations and enforcement mechanisms.
- v. Operational standards.
  - (a) The Certificate for Conditional Use application process will determine the following:
    - 1) Permitted hours of operation for the garden on a case-by-case basis, taking into account variables, including the proximity and nature of nearby land uses. In no case shall the permitted opening hour be earlier than dawn or the closing time later than dusk.
    - 2) Standards for floor areas, heights, parking, setbacks, and other structure and property development standards that apply to the zoning district of the subject site shall be used by the PZC as a guide for determining the appropriate development standards for a community garden.
  - (b) Trash. A suitably sized trash receptacle shall be placed on-site. The CGA shall be responsible for arranging for and making payment for regular trash collection. The operating rules shall encourage on-site composting of plant materials only and encourage gardeners to take their trash off-site for disposal.
  - (c) Mechanized tools (tillers, trimmers, etc.) or flame-producing tools are prohibited.
  - (d) The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent property or to the public right of way.
  - (e) Allowable uses include the cultivation of fruits, vegetables, plants, flowers, and herbs. Beekeeping or the raising of poultry or any other animals is prohibited. Plants prohibited by the State of Ohio and/or Federal law are prohibited.

- (f) Only organic farming is permitted. The definition for organic is defined by the United States Department of Agriculture (U.S.D.A). The same standards governed by the City's farmers' market apply to the community garden (regarding organic farming).
  - (g) No fresh manure may be used.
  - (h) Smoking, consuming alcohol, or gambling are prohibited.
  - (i) Entrance gates (if any) shall be secured with a key or combination lock. A copy of the key or the combination code shall be provided to the Planning and Building Department.
  - (j) Sale of produce. No on-site sales of produce or any other items are permitted.
  - (k) Water.
    - 1) If a metered connection to the City's water supply does not already exist at the proposed site, one shall be provided by the City. Water costs shall be paid by the CGA.
    - 2) Informational materials supplied by the CGA to plot holders shall include advice on water conservation, mulching, effective watering techniques, etc.
  - (l) The Commission may impose conditions of approval deemed reasonable and necessary to preserve the public health, safety, and general welfare to include, but not be limited to: site maintenance, irrigation, signs, hours of operation, allowable and prohibited uses, parking, and any other issues that may arise as a result of public testimony and Commission review.
- vi. Required findings for approval.  
The Commission and Council shall not grant a Certificate for Conditional Use for a community garden, unless it first makes all of the following findings, in addition to those required by Section 1102.11:
- (a) The proposed use will not substantially increase vehicular traffic on any street within a residential zoning district;
  - (b) The proposed use will not substantially increase traffic hazards to pedestrians when located near a school, religious facility, auditorium, theater, or other place of assembly; and
  - (c) The proposed use will not adversely reduce available on-street parking for nearby businesses and/or controls have been established to prevent garden users utilizing businesses' off-street parking areas.
- vii. Periodic review.
- (a) The Commission shall review the Certificate for Conditional Use 12 months after the start date of a community garden to assess any impacts on the health, safety, and welfare of garden users, surrounding residents and businesses of the City at large.
  - (b) The CGA shall provide the Zoning Administrator with a copy of the operating rules and regulations and a list of officers on each anniversary of the community garden's start date.
  - (c) The Certificate for Conditional Use may be revoked, and the use of the community garden shall cease if the Zoning Administrator determines that any of the following conditions exist:
    - 1) There is no evidence that the CGA still exists; or
    - 2) Conditions including, but not limited to: overgrown plots, unmaintained common areas, accumulation of trash, blight (as defined in the Municipal Code), nonpayment of water bills, etc.

(7) **Poultry and Fowl**

- i. Permitted uses: The keeping of poultry and fowl and similar animals shall be permitted in all residential districts provided the minimum lot size is met. A Site Plan Review is required in all other districts.
- ii. The keeping of poultry and fowl, similar farm animals, and cages, coops and enclosures for the keeping of such animals, shall be governed by the following regulations in a residential area:
  - (a) Subject to the requirements of this section and any other applicable provision of this chapter, poultry and fowl (and no roosters) may be kept on a lot or parcel of land in a residential district for the sole purpose of producing eggs.
  - (b) Lot Size and maximum animals permitted
    - 1) Less than  $\frac{1}{4}$  acre lot = no poultry or fowl allowed
    - 2) Min.  $\frac{1}{4}$  acre – 1-acre lot = max 8 birds
    - 3) More than 1 acre + = maximum 12 birds
  - (c) Roosters are prohibited.
  - (d) Poultry and fowl shall be confined within a secure outdoor enclosed area.
  - (e) The enclosed area shall include a covered, ventilated, and predator-resistant coop.
    - 1) The coop shall have a minimum floor area of at least two (2) square feet per bird.
    - 2) If poultry and fowl are not allowed to roam within an enclosed area outside the coop, the coop shall have a minimum floor area of six (6) square feet per bird.
    - 3) The coop shall be located in a rear yard at least twenty-five (25) feet from any dwelling located on an adjacent lot and at least five feet from any side and rear property line.
  - (f) The coop and enclosed area shall be maintained in a neat and sanitary condition and shall be maintained per regulations set forth by the Ohio Health Department
  - (g) No poultry and fowl shall be permitted to roam outside the coop or enclosed area.
  - (h) Feed shall be stored and dispensed in rodent-proof and predator-proof containers.
  - (i) Building and structures accessory to this use, if less than 30 square feet, are not regulated, except that all these structures need to be located in the rear yard.
  - (j) Slaughtering of animals on-site shall be prohibited.
  - (k) Poultry and fowl shall not be kept on a residential lot or parcel unless the person keeping the birds first obtains a Use & Compliance Permit from the City of Tallmadge.
  - (l) Any poultry and fowl owned, kept, maintained, or boarded within the City on property or conditions which do not comply with the minimum requirements of this section shall be deemed a non-conforming use.
    - 1) Each person having such a non-conforming use shall register with the Planning & Zoning Department within 180 days of the effective date of this section the name, age, breed, and markings of such poultry and fowl and the name of the harbinger or owner, address of property where the animal is kept, address of owner, and the telephone number of owner and harbinger.
    - 2) Upon the death or permanent removal of any poultry and fowl, the owner or harbinger shall not thereafter be permitted to acquire any other poultry and fowl unless in compliance with the requirements of this section.

(8) **Ungulates**

- i. The keeping of ungulates and enclosures for the keeping of such animals, shall be governed by the following items listed below.
  - (a) Ungulates whose anticipated adult weight is equal or greater than 200 lbs. are limited to a principally permitted agricultural use.
  - (b) Subject to the requirements of this section and any other applicable provision of this chapter ungulates whose anticipated adult weight is less than 200 lbs. may be kept on a lot or parcel of land in a residential district
    - 1) Min 1-acre lot = max 2 ungulates
    - 2) Min 5-acre lot = max 5 ungulates
  - (c) Ungulates shall be confined within a secure outdoor enclosed area.
    - 1) The enclosed area shall be maintained in a neat and sanitary condition and shall be maintained per regulations set forth by the Ohio Health Department
    - 2) No ungulate shall be permitted to roam outside enclosed area.
    - 3) Feed shall be stored and dispensed in rodent-proof and predator-proof containers.
    - 4) Building and structures accessory to this use, if less than 30 square feet, are not regulated, except that all these structures need to be located in the rear yard.
    - 5) The fenced enclosures shall be located a minimum of fifty feet from any existing dwelling except for a dwelling on the same lot as the fenced enclosure; or
    - 6) The proposed placement of the fence shall be located a minimum of 5 feet from any lot line.
  - (d) Ungulates shall not be kept on a residential lot or parcel unless the person keeping ungulates first obtains a Use & Compliance Permit from the City of Tallmadge.
  - (e) Any ungulate owned, kept, maintained, or boarded within the City on property or conditions which do not comply with the minimum requirements of this section shall be deemed a non-conforming use.
    - 1) Each person having such a non-conforming use shall register with the Planning & Zoning Department within 180 days of the effective date of this section the name, age, breed, and markings of such ungulate(s) and the name of the harborer or owner, address of property where the animal is kept, address of owner, and the telephone number of owner and harborer.
    - 2) Upon the death or permanent removal of any ungulate, the owner or harborer shall not thereafter be permitted to acquire any other ungulate unless in compliance with the requirements of this section.

## C. RESIDENTIAL USES

### (1) Dwelling – Multi-family

- i. Comply with the development standards specified in R-5 District.
- ii. Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance.
- iii. 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

### (2) Dwelling – Multi-family, Complex

- i. Comply with the development standards specified in R-5 District.
- ii. Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance.
- iii. 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



*Examples of Multifamily and Multifamily Complex*

### (3) Dwelling - Single Family, Attached

- i. Proposals for façades 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.
- ii. 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.
- iii. Front setbacks for adjacent units should vary a minimum of 3 feet and a maximum of 8 feet.
- iv. 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.

- v. 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.
- vi. Attached garages shall be to the side or rear of the building.
- vii. Attached single-family dwelling developments shall comply with the site development standards district. Setbacks shall be measured from the street right of way or project boundary line.
- viii. The minimum lot area shall be 10,000 square feet with a minimum lot width of 70 feet.
- ix. For developments where individual attached units are to be constructed on individual lots, a subdivision plat shall be submitted with the conditional use application,
- x. Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance.

**(4) Dwelling – Townhouse**

- i. See Dwelling – Single Family, Attached



*Examples of Single Family, Attached and Townhouse*

**(5) Dwelling - Two-Family**

- i. Comply with the development standards specified in R-5 District.
- 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.

v. 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.



*Examples of Two-Family dwelling: side-by-side multistory units.*



*Examples of Two-Family dwelling: stacked flats.*

**D. PUBLIC AND INSTITUTIONAL USES**

**(1) Cemeteries**

- i. Cemeteries shall not be less than 10 acres in area.
- ii. All structures, activity areas, and parking areas should be located at least fifty (50) feet from all property lines.
- iii. All points of driveway entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare or two local or collector thoroughfares.
- iv. The Planning and Zoning Commission shall, in those cases deemed necessary, require streets, storm sewers, sanitary sewers, and sidewalks in such developments. Such facilities shall be equal to minimum requirements for residential use under subdivision regulations.
- v. The Planning and Zoning Commission may require parking facilities in excess of those set forth in Chapter 1105 as they deem necessary.
- vi. There shall be no more than one advertisement oriented to each abutting road identifying the activity.
- vii. Such developments should be located on a collector street or major thoroughfare
- viii. Wall and Fence Standards: All cemeteries shall incorporate a perimeter fence or wall that is at least 48 inches tall but no taller than 72 inches. Fencing shall not be chain-link.
- ix. Setback Standards:
  - (a) Any burial space shall be set back at least 100 feet from any existing or proposed right-of-way.
  - (b) Any permanent structure erected for the interment, entombment, or inurnment of human remains shall be set back at least 100 feet from the nearest property line.
- x. Cemeteries shall demonstrate compliance with state licensing requirements and shall submit a Use and Compliance application to the Zoning Administrator.

**(2) Columbariums**

- i. Columbariums shall be a permitted accessory use with a permitted cemetery, and conditionally permitted as an accessory use to a permitted Religious Place of Worship.
- ii. Columbariums shall be setback a minimum of:
  - (a) Within a Cemetery: 25 feet from any property line
  - (b) At a Place of Worship: 100 feet from any property line.
- iii. The columbarium shall be screened from view from any adjacent residential property. Screening shall consist of a continuous evergreen hedge with a minimum maintained height of 10 to 12 ft. Plant materials shall be a minimum of 8 ft. tall at installation.
- iv. Columbarium wall height shall not exceed 8 feet.
- v. Columbariums shall demonstrate compliance with state licensing requirements and shall submit a Use and Compliance application to the Zoning Administrator.

**(3) Educational Institutions**

- i. All structures, activity areas, and parking areas should be located at least fifty (50) feet from all property lines.

- ii. Loudspeakers which cause a hazard or annoyance shall not be permitted
- iii. All points of driveway entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare or two local or collector thoroughfares.
- iv. The Planning and Zoning Commission shall, in those cases deemed necessary, require streets, storm sewers, sanitary sewers, and sidewalks in such developments. Such facilities shall be equal to minimum requirements for residential use under subdivision regulations.
- v. The Planning and Zoning Commission may require parking facilities in excess of those set forth in Chapter 1105 as they deem necessary
- vi. No lighting shall constitute a nuisance and shall in no way, impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties
- vii. Such developments should be located on a collector street or major thoroughfare
- viii. Such uses should be properly landscaped to be harmonious with surrounding residential uses and to adequately buffer the surrounding residential areas.

**(4) Government owned buildings and facilities**

- i. All structures, activity areas, and parking areas should be located at least fifty (50) feet from all property lines.
- ii. All points of driveway entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare or two local or collector thoroughfares.
- iii. The Planning and Zoning Commission shall, in those cases deemed necessary, require streets, storm sewers, sanitary sewers, and sidewalks in such developments. Such facilities shall be equal to minimum requirements for residential use under subdivision regulations.
- iv. The Planning and Zoning Commission may require parking facilities in excess of those set forth in Chapter 1105 as they deem necessary
- v. Such developments should be located on a collector street or major thoroughfare
- vi. Such uses should be properly landscaped to be harmonious with surrounding residential uses and to adequately buffer the surrounding residential areas.
- vii. Any outdoor areas devoted to the outdoor storage of fleet vehicles shall be screened per Section 1106.05 E. Landscape: Parking Screening.
- viii. Storage of materials shall be screened per section 1104.07 M. Outdoor Storage and Bulk Sales.
- ix. In residential zoning districts:
  - (a) Facilities shall be limited to structures that are essential for the distribution of services to the local area.
  - (b) 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

(5) **Hospitals**

- i. Loudspeakers which cause a hazard or annoyance shall not be permitted
- ii. All points of driveway entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare or two local or collector thoroughfares.
- iii. The Planning and Zoning Commission shall, in those cases deemed necessary, require streets, storm sewers, sanitary sewers, and sidewalks in such developments. Such facilities shall be equal to minimum requirements for residential use under subdivision regulations.
- iv. The Planning and Zoning Commission may require parking facilities in excess of those set forth in Chapter 1105 as they deem necessary
- v. No lighting shall constitute a nuisance and shall in no way, impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties
- vi. Such uses should be properly landscaped to be harmonious with surrounding residential uses and to adequately buffer the surrounding residential areas.
- vii. Such uses shall be conducted not closer than fifty (50) feet from any R- District. Where the use abuts upon but is separated from an R-District by a street, the width of the street may be considered as a part of the required setback. The construction, operation, and maintenance of such uses shall be such that they will not be hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters or water carried wastes.
- viii. New uses shall be on a lot with primary vehicular access on a major thoroughfare or collector street without going through a residential neighborhood to minimize the impact on less intense residential uses.
- ix. 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.
- x. The areas devoted to the outdoor storage of such vehicles shall be enclosed with a fence having a minimum height of six feet. Screening shall be provided per Chapter 1106 Landscape: Parking Screening.

(6) **Off-street public parking lot and garage**

- i. Parking lots and garages shall be subject to the design standards in Chapter 1105: Off-street Parking. Parking garages shall also be subject to the standards in this subsection.
- ii. Parking lots shall comply with the setback requirements of 1105: Off-street Parking.
- iii. Landscaping and screening of surface parking lots shall meet the requirements of Chapter 1106: Landscaping and Buffering.
- iv. Parking shall be located to the rear of any principal building or in a midblock location. Structured parking that has a retail use at the ground floor may be located at the street frontage.
- v. Below-grade parking garages are encouraged over above-grade.
- vi. 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:
  - (a) Parking garages shall meet the architectural standards established for the applicable zoning district.

- (b) Parking garages shall be constructed of materials of similar quality to the principal buildings on the site or compatible with the surrounding properties.
  - (c) The façades 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:
    - 1) Windows or window-shaped openings with decorative mesh or similar features as approved by the City;
    - 2) Masonry columns;
    - 3) Decorative wall insets or projections;
    - 4) Awnings;
    - 5) Changes in color or texture of materials;
    - 6) Approved public art;
    - 7) Integrated landscape planters; or
    - 8) Other similar features approved by the City.
  - vii. 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.
- (7) Public utilities, rights-of-way and pertinent structures**
- i. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
  - ii. Such uses should be properly landscaped to be harmonious with surrounding residential uses and to adequately buffer the surrounding residential areas.
  - iii. Such uses shall be conducted not closer than fifty (50) feet from any R- District. Where the use abuts upon but is separated from an R-District by a street, the width of the street may be considered as a part of the required setback. The construction, operation, and maintenance of such uses shall be such that they will not be hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters or water carried wastes.
- (8) Recreation Facility - Non-commercial**
- i. All structures, activity areas, and parking areas should be located at least fifty (50) feet from all property lines.
  - ii. Loudspeakers which cause a hazard or annoyance shall not be permitted (not applicable to parks and playgrounds).
  - iii. All points of driveway entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare or two local or collector thoroughfares.
  - iv. The Planning and Zoning Commission shall, in those cases deemed necessary, require streets, storm sewers, sanitary sewers, and sidewalks in such developments. Such facilities shall be equal to minimum requirements for residential use under subdivision regulations.
  - v. The Planning and Zoning Commission may require parking facilities in excess of those set forth in Chapter 1105 as they deem necessary

- vi. There shall be no more than one advertisement oriented to each abutting road identifying the activity (not applicable to parks and playgrounds).
  - vii. No lighting shall constitute a nuisance and shall in no way, impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
  - viii. Such developments should be located on a collector street or major thoroughfare
  - ix. Such uses should be properly landscaped to be harmonious with surrounding residential uses and to adequately buffer the surrounding residential areas.
  - x. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.
  - xi. Active Recreational Uses
    - (a) The PZC 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 PZC 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.
    - (d) The PZC may limit the hours of operation to ensure that the proposed use is compatible with the surrounding uses.
  - xii. 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.
  - xiii. 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.
  - xiv. In residential zoning districts:
    - (a) 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.
    - (b) There shall be a minimum setback of 50 feet between buildings and adjacent lots used for residential purposes.
    - (c) Parking areas shall be set back 20 feet from all lot lines.
- (9) **Religious places of worship**
- i. All structures, activity areas, and parking areas should be located at least fifty (50) feet from all property lines.
  - ii. Loudspeakers which cause a hazard or annoyance shall not be permitted
  - iii. All points of driveway entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; not closer than one hundred (100) feet from the

intersection of a major thoroughfare and a local or collector thoroughfare or two local or collector thoroughfares.

- iv. The Planning and Zoning Commission shall, in those cases deemed necessary, require streets, storm sewers, sanitary sewers, and sidewalks in such developments. Such facilities shall be equal to minimum requirements for residential use under subdivision regulations.
- v. The Planning and Zoning Commission may require parking facilities in excess of those set forth in Chapter 1105 as they deem necessary.
- vi. No lighting shall constitute a nuisance and shall in no way, impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties
- vii. Such developments should be located on a collector street or major thoroughfare
- viii. Such uses should be properly landscaped to be harmonious with surrounding residential uses and to adequately buffer the surrounding residential areas.
- ix. Such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities
- x. The PZC 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.
- xi. In order to minimize any effects of the uses, the PZC 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.
- xii. In all residential zoning districts:
  - (a) The building and related uses shall be set back a minimum of 30 feet from all side and rear lot lines.
  - (b) Parking areas are prohibited in the front yard and shall be set back a minimum of 20 feet from all side and rear lot lines unless a larger setback is required by Chapter 1103
  - (c) New uses shall be on a lot with primary vehicular access on a major thoroughfare or collector street without going through a residential neighborhood to minimize the impact on less intense residential uses.
  - (d) 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.

**(10) Telecommunications : Wireless Communications Towers and Antennae**

i. General.

The following requirements apply to all wireless telecommunications facilities regardless of the zoning district in which they are to be located. These general standards are to be supplemented with the specific regulations for nonresidential and residential districts as set forth in Sections (iii) and (iv) which follow.

- (a) When the proposed wireless telecommunications facility is to include a new tower, a plot plan at a scale of not less than one inch is equal to 100 feet shall be submitted. This plot plan shall indicate all building uses within 300 feet of the proposed facility. Aerial photos and/or renderings shall augment the plot plan.
- (b) The location of the tower and equipment shelter shall comply with all-natural resource protection standards established in the Zoning Code, including those for floodplain, wetlands and steep slopes.

- (c) Security fencing eight feet in height shall surround the tower, equipment shelter and any guy wires, either completely or individually as determined by the Planning and Zoning Commission.
- (d) The following buffer plantings may be located around the perimeter of the security fence as deemed appropriate by the Planning and Zoning Commission:
  - 1) An evergreen screen shall be planted that consists of either a hedge, planted three feet on center maximum, or a row of evergreen trees planted five feet on center maximum.
- (e) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- (f) Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a quarter mile radius of the proposed facility. The applicant shall inquire about potential co-location opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within thirty days. The applicant's letter(s) as well as response(s) shall be presented to the Planning and Zoning Commission as a means of demonstrating the need for a new tower.
- (g) No wireless telecommunications facility shall be permitted within the Design Control District defined in Chapter 1103.
- (h) 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 Federal Aviation Administration (FAA).
- (i) No advertising is permitted anywhere on the facility, with the exception of identification signage.
- (j) All providers utilizing towers shall present a report to the Zoning Inspector notifying the Inspector of any tower facility located in the Municipality whose use will be discontinued and the date this use will cease. If at any time the use of the facility is discontinued for 180 days, the Zoning Inspector may declare the facility abandoned. (This excludes any dormancy period between construction and the initial use of the facility.) The facility's owner/operator will receive written notice from the Zoning Inspector and instructed to either reactivate the facility's use within 180 days or dismantle and remove the facility. If reactivation or dismantling does not occur, the Municipality will remove or will contract to have removed the facility and assess the owner/operator the costs.
- (k) The owner or operator shall be required as a condition of issuance of a permit to post a cash or surety bond acceptable to the Director of Law of not less than one hundred dollars (\$100.00) per vertical foot from natural grade of the wireless communication tower which bond shall insure that an abandoned, obsolete or destroyed wireless communication antenna or tower shall be removed within six months of cessation of use and abandonment.
- (l) No tower under 150 feet shall be artificially lighted except to assure safety or as required by the FAA. Any tower between 150 and 200 feet in height shall follow safety marking and obstruction lighting as prescribed by the FAA. Security lighting around the equipment shelter is permitted. No strobe lighting is permitted unless required by the FAA.
- (m) "No Trespassing" signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency.

- (n) Applicants will provide evidence of legal access to the tower site thereby maintaining this access regardless of other developments that may take place on the site.
  - (o) A Certificate for Conditional Use must be approved by the Planning and Zoning Commission and Council with a subsequent Building Permit issued by the Department of Building Standards. Co-location of antennas on a single tower, antennas attached to existing structures/buildings, towers located in industrial districts, or replacement towers to be constructed at the site of a current tower are permitted uses and will not be subject to the Conditional use application process.
  - (p) Regular scheduled maintenance shall be conducted on weekdays from 8:00 a.m. to 5:00 p.m. in all districts. The City shall be notified when emergency maintenance is required.
  - (q) Any decision to deny a request to place, construct or modify a wireless telecommunications antenna and/or tower shall be in writing and supported by evidence contained in a written record of the proceedings of the Planning and Zoning Commission and Council.
  - (r) Underground equipment shelters are encouraged, especially in nonindustrial districts, and may be requested by the Planning and Zoning Commission and Council.
  - (s) Any wireless telecommunications facility built for or by the City for the primary purpose of police, fire, and emergency communications shall be considered an essential service as defined by this code.
- ii. Nonresidential Districts.
- Wireless telecommunications facilities proposed for Commercial-3, Commercial-4, Commercial-5, and Industrial-1 districts are subject to the following conditions:
- (a) Sole Use on a Lot. A wireless telecommunications facility is permitted as a sole use on a lot subject to the following:
    - 1) Minimum lot size allowable for the district.
    - 2) Minimum yard requirements.
      - A) Tower. The minimum distance to any single-family or multi-family residential use or district lot line shall be equal to the vertical height of the wireless telecommunications tower plus 50 feet.
      - B) Equipment Shelter. Must comply with minimum setbacks
    - 3) Maximum height.
      - A) Tower. 200 feet (includes antenna)
      - B) Equipment Shelter. Must comply with maximum building height for the district.
    - 4) Maximum size of equipment shelter.
      - A) 300 square feet for a single shelter, or, if there is more than one, 750 total square feet.
  - (b) Combined with Another Use. A wireless telecommunications facility is permitted on a property with an existing use subject to the following conditions:
    - 1) The existing use on the property may be any permitted use in the district or any lawful nonconforming use and need not be affiliated with the wireless telecommunications provider. The wireless telecommunications facility will not be considered an addition to the structure or value of a nonconforming use.

- 2) The wireless telecommunications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance (except during construction or an emergency).
  - 3) Minimum lot area: the minimum lot area shall be the area needed to accommodate the tower (and guy wires, if used), the equipment shelter, security fencing and buffer planting.
  - 4) Minimum yard requirements:
    - A) Tower. The minimum distance to any single-family or multi-family residential use or district lot line shall be equal to the vertical height of the wireless telecommunications tower plus 50 feet.
    - B) Equipment Shelter. Shall comply with the minimum setback requirements for the primary lot.
  - 5) Access: The service access to the equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.
  - 6) Maximum height:
    - A) Tower. 200 feet (includes antenna)
    - B) Equipment Shelter. Must comply with maximum building height for the district.
  - 7) Maximum size of equipment shelter: 300 square feet for a single shelter, or, if there is more than one, 750 square feet.
- (c) Combined with an existing structure. Where possible an antenna for a wireless telecommunications facility shall be attached to an existing structure or building subject to the following conditions:
- 1) Maximum height: 20 feet or 20% of the building height above the existing building or structure, whichever is greater.
  - 2) If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located on, or attached to, the building), the shelter shall comply with the following:
    - A) The minimum setback requirements for the subject zoning district.
    - B) A buffer yard may be planted in accordance with 1104.07D.(10)i.(d).
    - C) Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principal use.
    - D) The maximum size of the equipment shelter shall not exceed 300 square feet, or, if there is more than one, 750 total square feet.

iii. Residential Districts.

Wireless telecommunications facilities that include towers are not permitted in residential districts with the exception of placement on any property with an institutional use (e.g., church, park, library, municipal/government, hospital, school, utility) located in this district, it being conditionally permitted. However, antennas attached to existing buildings or structures are permitted. In applying for a permit in any residential district, the applicant must present substantial evidence as to why it is not technically feasible to locate in a more appropriate nonresidential zone. Once those efforts have been exhausted, a wireless telecommunications facility may be located in a residential district subject to the following conditions:

- (a) General. The wireless telecommunications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance. This shall apply to (b) and (c) below.
  - (b) Combined with a nonresidential use: An antenna may be attached to a nonresidential building or structure that is a permitted use in the district, including, but not limited to, a church, a municipal or governmental building or facility, agricultural building, and a building or structure owned by a utility. The following conditions shall be met:
    - 1) Maximum height, twenty feet above the existing building or structure.
    - 2) If the applicant proposes to locate the telecommunications equipment in a separate shelter, the shelter shall comply with the following:
      - A) The shelter shall comply with the minimum setback requirements for the subject zoning district.
      - B) The maximum size of the equipment shelter shall not exceed 300 square feet, or, if there is more than one, 750 total square feet.
      - C) A buffer yard shall be planted in accordance with 1104.07D.(10)i.(d).
      - D) Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principal use.
  - (c) Location on a Nonresidential-Use Property. A tower to support an antenna may be constructed on a property with a nonresidential use that is a conditionally permitted use within the district, including but not limited to a church, hospital, school, municipal or government building, facility or structure, agricultural use and a utility use, subject to the following conditions:
    - 1) The tower shall be set back from any property line abutting a single-family or two-family residential lot by a distance equal to the vertical height of the wireless telecommunications tower plus 50 feet.
    - 2) Maximum height:
      - A) Tower. 200 feet (includes antenna)
      - B) Equipment Shelter. Must comply with maximum building height for district.
    - 3) The maximum size of the equipment shelter shall not exceed 300 square feet, or, if there is more than one, 750 total square feet.
    - 4) Vehicular access to the tower and equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.
- iv. Criteria For A Conditional Use.
- A wireless telecommunications facility which includes a tower may be permitted as a conditional use in a commercial district or located on an institutionally used property in any residential district. In order to be considered for review, the applicant must prove that a newly constructed tower is necessary in that opportunities for co-location on an existing tower is not feasible. The following steps must also be taken for the application to be considered for review in this category:
- (a) The applicant shall present a landscaping plan that indicates how the wireless telecommunications facility will be screened from adjoining uses.

- (b) The applicant shall demonstrate that the telecommunications tower must be located where it is proposed in order to service the applicant's service area. There shall be an explanation of why a tower and this proposed site is technically necessary.
- (c) Where the telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that the vehicular access is provided to the facility.
- (d) Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a quarter mile radius of the proposed facility. The applicant shall inquire about potential co-location opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as response(s) shall be presented to the Planning and Zoning Commission as a means of demonstrating the need for a new tower.

**E. COMMERCIAL USES**

**(1) Amusement Arcades**

- (a) For purposes of this section, an "amusement arcade" shall have the same meaning as set forth in Section 726.02 of the City's Business Regulations.
- (b) The proposed use shall not generate excessive noise beyond the premises.
- (c) In order to minimize any effects of the above, the PZC 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.
- (d) The use shall be entirely contained within an enclosed building. However accessory dining or drinking may be permitted use of a patio.
- (e) The PZC may limit the hours of operation to ensure that the proposed use is compatible with the surrounding uses.
- (f) In a commercial 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.

**(2) Adult Amusement arcades**

- i. Adult Amusement arcades shall be prohibited from being located within any overlay district.
- ii. All structures, activity areas, and parking areas should be located at least fifty (50) feet from all property lines.
- iii. No lighting shall constitute a nuisance and shall in no way, impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- iv. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.
- v. No such business shall be located on any lot fronting thoroughfares as defined in the Tallmadge Thoroughfare Plan.

- vi. No such business shall be located on any lot within 500 feet of any residentially- zoned district or any residentially used lot.
- vii. No such business shall be located within 500 feet of any public library, private or public elementary school, public park or bike path or place of worship.
- viii. No outdoor advertising other than one permitted ground or wall sign.
- ix. No shared access driveways will be permitted.
- x. Such uses shall be permitted under the following conditions:
  - (a) No such business shall be located on any lot within 1,000 feet of any other adult amusement arcade.
  - (b) Arcades shall open not earlier than 6:00 a.m. and shall close not later than 1:00 a.m.
  - (c) All doors to the business used for ingress by patrons shall remain unlocked for purposes of egress during business hours of operation.
  - (d) The owner, lessee, and sublessee of the property shall independently provide a written narrative of the business operation.
  - (e) Exterior lighting shall be maintained of sufficient intensity to illuminate every means of ingress and egress and adjacent parking areas.
  - (f) The premises shall be maintained so that it is handicap accessible throughout.
  - (g) No smoking is permitted in the arcade and adequate signage shall be posted conspicuously.
  - (h) A glass storefront is required allowing full visibility at the sidewalk or right of way from the front through the arcade area to the rear of the facility, exclusive of restrooms. No amusement devices shall be placed in restrooms, offices, or private areas.
  - (i) Windows shall be free and clear of tint. No obstructions shall prevent observing at least fifty percent (50%) of the amusement devices from outside the storefront.
  - (j) On premises food consumption provision and services shall comply with state, county, and local health regulations.
  - (k) The names, residence addresses, and telephone numbers of the owner(s), operator(s), and all managers shall be maintained current on file with the Tallmadge Police Department.
  - (l) No adult amusement arcade shall locate closer than 500 feet to a church, public park, or school in regular use.
  - (m) Shall also comply with Section 726.02 of the City's Business Regulations.

(2.1) **Adult Use Cannabis and/or Medical Marijuana Operators** (ORD 2024-55. Passed 9/26/24)

i. **Purpose & Intent**

- (a) Adult Use Cannabis and Medical Marijuana Dispensaries and Cultivator, Laboratory and Processor Facilities shall be permitted as per the land use table in section 1104.05 D Principal Permitted and Conditional Uses, Commercial Uses and must comply with the requirements set forth within this section.

ii. **Use Regulation**

- (a) No dispensary shall be located within 500 feet of any parcel having the following prohibited facilities: church, public library, private or public school, public playground, public park park, police station, fire station, city hall building, and Metro Parks Freedom Trail. The measure of

distance for this purpose shall be computed by direct measurement from the end boundaries of a parcel having situated on it a prohibited facility.

- (b) No dispensary shall be located within 1 mile of another such use. The measure of distance for this purpose shall be computed by direct measurement from the end boundaries of a parcel having situated on it a similar use.
- (c) Such uses shall be conducted not closer than fifty (50) feet from any R-District. Where the use abuts upon but is separated from an R-District by a street, the width of the street may be considered as a part of the required setback.
- (d) The construction, operation and maintenance of such uses shall be such that they will not be hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water carried wastes.
- (e) All such business must be licensed by the State of Ohio Division of Cannabis Control and be registered with Regional Income Tax Agency (RITA).
- (f) For purposes of parking requirements, dispensaries shall be regulated as retail and cultivator, laboratory and processor facilities shall be regulated as manufacturing as listed in Section 1105 Off-Street Parking. The Planning and Zoning Commission may require reasonable parking facilities in excess of those set forth in Chapter 1105 as they deem necessary.
- (g) Air Quality and Odor. All indoor cultivator, laboratory, processor facility shall be equipped with odor control filtration and ventilation systems to control odors, humidity and mold. Odors shall not be detectable by a person with a normal sense of smell from any adjoining lot, parcel, tract, public right of way or building unit.
- (h) Cannabis Cultivator, Laboratory and Processor Facilities shall comply with Section 1104.06 F (9) ix Technology Park: Design Guidelines.

(3) **Animal Care - General Services**

- i. All activities shall be conducted indoors.
- ii. No outdoor animal exercise or activity areas shall be permitted.
- iii. Overnight boarding shall be prohibited.

(4) **Animal Care - Veterinary Offices**

- i. All activities shall be conducted indoors.
- ii. No outdoor animal exercise or activity areas shall be permitted. Boarding of animals shall only be permitted for the ongoing care of animals in treatment and must be provided within the principal structure.

(5) **Animal Care - Veterinary Urgent Care and Hospitals**

- i. All activities shall be conducted indoors.
- ii. No outdoor animal exercise or activity areas shall be permitted. Boarding of animals shall only be permitted for the ongoing care of animals in treatment and must be provided within the principal structure.

(6) **Animal Care - Kennel**

- i. Care and boarding of animals shall be limited to small animals and may not include cattle, horses, swine, or other similarly sized animals.

- ii. All activities other than off-street parking and loading/unloading shall be conducted within a fully enclosed structure except where outdoor runs are permitted.
- iii. Outdoor runs shall be set back a minimum of 200 feet from any residential or C-3 zoning district and shall only be permitted in the side or rear yard.
- iv. Outdoor run areas shall not exceed 25 percent of the total floor area of the principal use.
- v. 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.
- vi. 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.
- vii. 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.

**(7) Automotive - Sales and Leasing**

- i. Such facilities shall be located on a major thoroughfare or collector street in an area least disruptive to pedestrian and vehicular traffic.
- ii. 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.
- iii. Only repair of automobiles customarily associated with automotive sales and leasing establishment shall be permitted and shall be conducted inside a suitable, enclosed building.
- iv. 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.
- v. No junk or inoperative vehicle will be permitted to remain outdoors.
- vi. Comply with Section 1104.08N: Outdoor Storage of Vehicles And Equipment

**(8) Automotive - Car Wash**

(ORD 2023-82. Passed 10/25/23)

**Purpose & Intent**

To regulate car washing and detailing uses with development standards and operational requirements that will ensure high quality car wash development and address the mitigation of impacts that can be associated with car washes including but not limited to noise, lighting, traffic, environment, aesthetics, use saturation and site location.

- i. Properties with Car wash facilities, as the primary use, must be located at least 500 feet from any property with a Residential Use, public park or trails, private or public school, place of worship or any business offering outdoor consumer services, such as, but not limited to outdoor dining establishments (determined by a straight line from one property line to the other boundary line)
- ii. All structures shall meet the design aesthetics of the surrounding structures and intent of the zoning district.
- iii. The site shall be designed to reduce the visual impacts of vacuum stations and waiting cars as viewed from surrounding development and public streets. The vacuum stations shall be screened to the extent feasible by an intervening building or by a combination of landscaping, wall/fencing and/or berms.
- iv. All accessory fixtures shall be of a muted, non-reflective, non-contrasting color to minimize its visibility.

- v. Car washes shall use façade materials that produce texture. Such materials include, but are not limited to, split-face block, brick, or stucco and shall utilize more than one such material. All colors shall be muted. Bright or reflective colors shall not be allowed except as an accent, up to ten percent (10%) of each façade. No long, continuous rooflines without a horizontal break shall be permitted.
- vi. Such facilities shall be located on a major thoroughfare or collector street in an area least disruptive to pedestrian and vehicular traffic.
- vii. All points of driveway entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare or two local or collector thoroughfares.
- viii. All access drives shall be located as far as practicable from existing intersections in order to minimize congestion and constricted turning movements.
- ix. Alleys or driveways abutting residentially zoned parcels shall not be used for the circulation of customer traffic.
- x. A traffic analysis may be required as determined by the Zoning Administrator.
- xi. Such facilities shall be connected to public water and public sewer.
- xii. No lighting shall constitute a nuisance and shall in no way, impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- xiii. A minimum of 10 off-street stacking spaces shall be provided per car-wash lane. Stacking spaces shall be defined as 8 ft. x 20 ft.
- xiv. All washing, waxing, machine drying and related activities and operations shall be conducted entirely within an enclosed building (except for vehicular openings a maximum of 12 feet in width) except for vacuuming, hand washing, hand drying and hand waxing of vehicles, the sale of items from vending machines and refuse storage and disposal.
- xv. There shall be no outdoor loudspeakers, public-address systems or menu board speakers associated with the car wash facility.
- xvi. Vacuuming facilities shall not be located along public or private streets and shall be completely screened from adjacent residential properties for noise reduction purposes. Additional noise reduction may be required depending on the number of vacuums, including distance separation and additional buffering.
- xvii. Noise generated by all associated equipment on site including vacuums must be designed, oriented and soundproofed to the extent that the cumulative noise does not exceed a noise level reading of 45 dB(A), as measured from the property line, between the hour of 9 PM to 7 AM and 55 dB(A) at all other lawful hours of operation.
- xviii. A noise impact analysis is required and requires approval by the city's engineer.
- xix. All tunnel entrances and exits shall be screened from view from adjoining lots with a landscape buffer having a minimum height of six feet and shall be 80 percent opaque within one year of installation.
  - (a) No vehicular openings providing access to the enclosed building shall face a residential zoning district. For purposes of this section, the building wall providing access shall be at an angle greater than 60 degrees from a residential use property line.

- xx. Landscape buffering shall be installed to provide both visual and acoustical buffering.
- xxi. A water reclamation system shall be installed for the purpose of recycling water to the maximum degree possible given the equipment to be used in conducting car wash activities.
- xxii. The operation shall provide adequate provisions for the collection and disposal of grease, oil and waste and shall comply with applicable local, state and federal guidelines/standards.
- xxiii. Trash receptacles shall be provided and routinely emptied to prevent scattering of litter.
- xxiv. Water from the car wash operation shall not leave the subject property and shall not be permitted to sheet flow from the site or drain into a stormwater conveyance facility and shall comply with applicable local, state and federal guidelines/standards.
- xxv. All mechanical ventilating equipment shall be directed to exhaust vents and cannot face adjacent residential properties. Exhaust systems shall be equipped with appropriate control systems to minimize or eliminate noxious pollutants that may impact ambient air quality and must adhere to all applicable local, state and federal air quality standards.
- xxvi. Accessory car wash facilities shall be prohibited unless one (1) or more of the following exist:
  - (a) The car wash is equipped only with fully automatic wash equipment, so the driver remains in their car during the entire wash process, and all other outdoor on-site customer activities such as vacuuming are prohibited.

**(9) Automotive - Filling stations**

- i. No lighting shall constitute a nuisance and shall in no way, impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- ii. Such uses should be properly landscaped to be harmonious with surrounding residential uses and to adequately buffer the surrounding residential areas.
- iii. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.
- iv. Such uses shall be permitted under the following conditions:
  - (a) Provided that such facilities be located at the extremity of the business district so as not to interfere with the pedestrian interchange between stores in the district and provided further, that it would not limit expansion of the pedestrian oriented facilities.
  - (b) All activities, except those required to be performed at the fuel pumps and car washing, shall be carried on inside a building; if work is performed on a vehicle, such vehicle shall be entirely within a building.
  - (c) If the property fronts on two or more streets, the driveways shall be located as far from the street intersection as practicable.
  - (d) At least a six inch high pedestrian safety curb shall be installed along all street right of way lines except at driveway approaches.
- v. Such uses shall be conducted not closer than fifty (50) feet from any R-District. Where the use abuts upon but is separated from an R-District by a street, the width of the street may be considered as a part of the required setback. The construction, operation, and maintenance of such uses shall be such that they will not be hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters or water carried wastes.

- vi. 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.
  - vii. In any overlay district, the canopy and pumps shall be located behind the principal building. The principal building shall have a primary pedestrian entrance fronting the street, with a walk connecting to the street sidewalk. The front building elevations shall architecturally “front” the street with appropriate detail and fenestration.
  - viii. Except while being serviced at a fuel pump island, no vehicle shall be parked between the fuel pumps and the front property line.
  - ix. When an establishment with automotive fuel sales is located on a corner lot, the following shall apply:
    - (a) The lot shall have a minimum of 100 feet of lot frontage on each of the two intersecting streets;
    - (b) The location of access drives shall be placed as far as possible from the intersection; and
    - (c) Shall be limited to no more than one access drive or driveway per street frontage.
  - x. Activities shall be limited to:
    - (a) The sale of fuel;
    - (b) Automatic or hand washing of vehicles within an enclosed building;
    - (c) 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.
  - xi. 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.
  - xii. 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.
  - xiii. No junk, inoperative, or unlicensed vehicle will be permitted to remain outdoors.
- (10) **Automotive – Service: Heavy**
- i. A heavy automotive repair or towing services establishment shall be subject to the same requirements as “Automotive- Service Light” as established in this Chapter, except that the limitation to “minor repair work” shall not be applicable.
  - ii. There shall be no wrecking or salvaging of parts from vehicles on the site.
  - iii. 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.
  - iv. 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.
- (11) **Automotive – Service: Light**
- i. 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.

- ii. Activities shall be limited to:
  - (a) The servicing of motor vehicles with minor repair work;
  - (b) Automatic or hand washing of vehicles within an enclosed building;
  - (c) 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.
- iii. 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)” as specified by this Chapter.
- iv. There shall be no parking in the required front yard area, other than employees and/or customers waiting for service.
- v. Vehicles being serviced or awaiting same shall be stored for no longer than 14 days on the site if in unenclosed areas.
- vi. Sales Prohibited. No vehicle shall be displayed for sale on the property. No vehicle parked on the property shall be dismantled for the purposes of selling, bartering, swapping or giving of any part or parts of said vehicle “or vehicle as a whole”.
- vii. Large Vehicles. No trucks with a capacity over one ton, buses, camping trailers, truck or trailers shall be permitted on the property at any time unless the said vehicles are being repaired in the garage.
- viii. 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.
- ix. 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.
- x. No junk, inoperative, or unlicensed vehicle will be permitted to remain outdoors.
- xi. Rubbish. The premises shall be devoid of all rubbish, litter, debris, automobile parts, etc. in accordance with Chapter 521.08.
- xii. Trash Containers. There shall be trash containers of sufficient size and capacity to contain any and all wastes generated by the operation of business (in accordance with Chapter 521).
- xiii. Drainage and Mud. The parking and drive area shall have a suitable cover to contain any mud that might be carried onto the roadway and shall have proper drainage.
- xiv. Storage or Impounding Prohibited. The storage or the impounding of vehicles shall not be permitted pursuant to the conditions of this Section.

(12) **Bed and breakfast establishments**

- i. All structures, activity areas, and parking areas should be located at least fifty (50) feet from all property lines.
- ii. There shall be no more than one advertisement oriented to each abutting road identifying the activity.

- iii. No lighting shall constitute a nuisance and shall in no way, impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- iv. Such developments should be located on a collector street or major thoroughfare.
- v. Such uses should be properly landscaped to be harmonious with surrounding residential uses and to adequately buffer the surrounding residential areas.
- vi. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.
- vii. Such use shall also be used for family dwelling purposes.
- viii. Single Facility. An owner of a bed and breakfast shall be permitted to operate and maintain only one facility and hold one conditional use certificate for such facility.
- ix. To the maximum extent feasible, deliveries of food and other items shall be made at the rear of the building.
- x. In all Residential Districts where the bed and breakfast establishments are permitted, the use shall comply with the following:
  - (a) The use shall only be permitted in an existing structure that is currently used, or has previously been used, for residential purposes.
  - (b) Such use shall comply with all of the site development standards of the applicable zoning district.
  - (c) All bedrooms shall be located in the principal building and there shall be a maximum of three guest bedrooms.
  - (d) Meals shall be provided only to guests or boarders taking lodging in the facility.
  - (e) Guestrooms shall not contain cooking facilities.
  - (f) A common lounge area may be provided for guests.
  - (g) The building owner shall reside on the premises.
- xi. In all nonresidential districts where the bed and breakfast establishments are permitted, the uses shall comply with the following:
  - (a) There shall be a maximum of 12 guest sleeping rooms.
- xii. Limitation on Stay. The same guest or group of registrants shall not stay at the facility for a period of more than seven consecutive days or more than 14 total days within a given calendar year.
- xiii. Employment. Only the owner or owner's immediate family shall be employed at the facility.
- xiv. Health and Safety. Home occupancy must meet state, health and safety requirements.
- xv. Establishments shall comply with all food service licensing requirements, or exemptions, as defined by the Ohio Revised Code.
- xvi. Signs. Signage shall be subject to Chapter 1108.
- xvii. Cause for Repeal of Permit. Failure to comply with these conditions, the Ohio Revised Code, the State Health Department or other such agencies shall be cause for repeal of the conditional use certificate.

(13) **Beverage Sales - Liquor and Beer Sit Down/Bar Establishment**

- i. Business shall be conducted within an enclosed building, except that meal service may be provided on an outside patio, provided the patio is no more than one-third the floor area of the entire use.
- ii. Amplified outdoor live performances shall not be permitted for uses within 200 feet of a residential district.
- iii. The use shall be screened from adjacent residential properties.
- iv. Compliance with Section 1104.08 Y

(14) **Beverage - Microbrewery, Microdistillery, or Microwinery**

- i. Each brewpub, micro-brewery, micro-winery or micro-distillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the Ohio Division of Liquor Control and shall maintain current licenses as required by said agency.
- ii. No outdoor storage shall be permitted.
- iii. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
- iv. The emission of odors, excessive noise or other external effects in violation of Chapter 521 shall be prohibited.
- v. Compliance with Section 1104.08 Y

(15) **Assembly / Event Center**

- i. Clubs and Lodges, Public and Private Event Centers
  - (a) All points of driveway entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare or two local or collector thoroughfares.
  - (b) The Planning and Zoning Commission shall, in those cases deemed necessary, require streets, storm sewers, sanitary sewers, and sidewalks in such developments. Such facilities shall be equal to minimum requirements for residential use under subdivision regulations.
  - (c) The Planning and Zoning Commission may require parking facilities in excess of those set forth in Chapter 1105 as they deem necessary.
  - (d) No lighting shall constitute a nuisance and shall in no way, impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
  - (e) Such uses should be properly landscaped to be harmonious with surrounding residential uses and to adequately buffer the surrounding residential areas.
  - (f) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.
  - (g) Such uses shall be conducted not closer than fifty (50) feet from any R-District. Where the use abuts upon but is separated from an R-District by a street, the width of the street may be considered as a part of the required setback. The construction, operation, and maintenance of such uses shall be such that they will not be hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters or water carried wastes.

- (h) The proposed use shall not generate excessive noise beyond the premises. In order to minimize any effects of the above, the PZC may require additional noise reduction measures to assure that the level of noise is in compliance with Chapter 530, and any other applicable noise regulations. In addition, the PZC may limit the hours/days of operation to ensure that the use is compatible with surrounding land uses.
- (i) The use may be permitted as an accessory to restaurants, places of worship, and schools.
- ii. Event Center – Barn
  - (a) Conversion of existing farm buildings or construction of new buildings of a farm, rustic, or similar style, and the use of surrounding grounds for organized meeting and/or reception space as a gathering place for weddings, parties, corporate events.
  - (b) The minimum parcel size shall be five (5) acres.
  - (c) A two hundred (200) foot open buffer shall be provided on all sides of the property not abutting a public roadway. Special events/ commercial business activities shall not be permitted within the buffer area. Where possible, agricultural crops shall remain or be grown in the buffer area, or suitable landscaping, to maintain the rural/ agricultural character of the site.
  - (d) Buffer plantings shall be provided along a property line where there is an abutting residence, and which are intended to screen views, lights, and noise from the operation. Plantings shall be as specified in the conditional use certificate.
  - (e) Parcels shall have frontage on and direct access from a public right of way. Access drives on private easements shall be prohibited.
  - (f) All ingress/egress and parking areas shall be located in such a manner to minimize traffic hazard associated with entering and existing the public roadway.
  - (g) Parking and driveways may be either gravel or paved as determined by the PZC. Sufficient parking spaces to accommodate the guest capacity of the events facility shall be provided, with stormwater management addressed. Overflow parking on grass shall be permitted and the areas shall be indicated on the site plan.
  - (h) Parking areas of any type shall not be permitted within any required buffer area or setback.
  - (i) Accessible parking and associated accessible routes to the building and event spaces shall be provided conforming to Americans with Disabilities Act and shall be paved with concrete or asphalt.
  - (j) Signage and site lighting shall conform with City of Tallmadge Zoning Code. Lighting shall be directed away from adjacent properties.
  - (k) Structures shall meet Fire Code standards and shall be inspected by the Fire Inspector and the Building Inspector prior to occupancy.
  - (l) The use of fireworks shall be prohibited.
  - (m) Amplified music and dancing are permitted only within an enclosed structure and shall comply with city noise ordinances.
  - (n) The sale and consumption of alcoholic beverages on the premises are subject to City licensing requirements. A license is not required for events where alcoholic beverages are brought to the barn premises and offered on a complimentary basis to guests. The serving area for alcoholic beverages shall not exceed one thousand two hundred (1,200) square feet.

- (o) The following affiliated uses shall be permitted on the site following issuance of the required conditional use certificate:
  - 1) Non-motorized playground equipment
  - 2) Wagon, sleigh, and hayrides
  - 3) Animal displays, petting farms, and pony rides
  - 4) An outdoor site for conducting wedding ceremonies
  - 5) Food preparation facilities to support on-site activities
  - 6) A gift-shop area for the sale of agricultural-related products. The sale of agricultural-related products (crafts, antiques, clothing, etc.) is limited to twenty-five percent (25%) of gross facility sales. "Nonagricultural-related products" are items not connected to agriculture or the farming operation, such as imported knick-knacks, novelty t-shirts, etc.
  - 7) Seasonal outdoor mazes of agricultural origin, such as corn or hay/straw bale design.

**(16) Contractor Services**

- i. For uses located in a C3 or C4 district:
  - (a) Building area shall not exceed 20,000 sq.ft.
  - (b) Outdoor storage shall be prohibited.
  - (c) Parking and storage of vehicles in excess of 10,000 pounds gross vehicle weight shall be prohibited.
- ii. No lighting shall constitute a nuisance and shall in no way, impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- iii. Such uses should be properly landscaped to be harmonious with surrounding residential uses and to adequately buffer the surrounding residential areas.
- iv. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.
- v. Such uses shall be conducted not closer than fifty (50) feet from any R-District. Where the use abuts upon but is separated from an R-District by a street, the width of the street may be considered as a part of the required setback. The construction, operation, and maintenance of such uses shall be such that they will not be hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters or water carried wastes.

**(17) Day Care - Child or Adult**

- i. Loud speakers which cause a hazard or annoyance shall not be permitted
- ii. Such uses should be properly landscaped to be harmonious with surrounding residential uses and to adequately buffer the surrounding residential areas.
- iii. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.
- iv. 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.
- v. 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.

- vi. 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 major thoroughfare street location.
  - vii. A day care center for children shall comply with the following:
    - (a) 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.
    - (b) 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.
  - viii. In the R-1, R-2 Districts:
    - (a) The minimum lot area shall be two acres with a minimum lot width of 200 feet.
    - (b) The building and related uses shall be set back a minimum of 20 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.
- (18) **Exercise and Fitness**
- i. Outdoor gym areas, parkour, and fitness equipment shall be limited to the side and rear yards.
  - ii. Permanent outdoor equipment shall be either
    - (a) If visible from any street or adjacent property, aesthetically high quality, not appearing as junk, and compatible with the intended character of the district and building architecture.
    - (b) Or completely enclosed and screened with a fence, wall, or with landscape material.
  - iii. Temporary/ movable outdoor equipment shall be stored within an enclosed building when not in use.
- (19) **Drive-in Establishments**
- i. Loud speakers which cause a hazard or annoyance shall not be permitted
  - ii. The Planning and Zoning Commission may require parking facilities in excess of those set forth in Chapter 1105 as they deem necessary.
  - iii. No lighting shall constitute a nuisance and shall in no way, impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
  - iv. Such developments should be located on a collector street or major thoroughfare.
  - v. Such uses should be properly landscaped to be harmonious with surrounding residential uses and to adequately buffer the surrounding residential areas.
  - vi. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.
- (20) **Food Service - Fast Food Restaurant**
- i. Drive-through facilities shall comply with this chapter: Accessory Use – Drive Through Facilities
- (21) **Food Sales - Farm Market**
- i. The minimum setback for the sale and display area is 25 feet from the paved edge of the roadway. No portion of the Farm Market shall be permitted to encroach into a right of way.

- ii. Firewood sold at a Farm Market must be cut and split on the farm where the wood is harvested, and which is under the control of the owner or operator of the Farm Market.
- iii. A maximum of 25% of the Farm Market display and sales area may be used for agricultural products not produced on a farm under the control of the owner or operator of the Farm Market.

(22) **Hotel and Motel**

- i. Loud speakers which cause a hazard or annoyance shall not be permitted
- ii. All points of driveway entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare or two local or collector thoroughfares.
- iii. The Planning and Zoning Commission shall, in those cases deemed necessary, require streets, storm sewers, sanitary sewers, and sidewalks in such developments. Such facilities shall be equal to minimum requirements for residential use under subdivision regulations.
- iv. The Planning and Zoning Commission may require parking facilities in excess of those set forth in Chapter 1105 as they deem necessary.
- v. No lighting shall constitute a nuisance and shall in no way, impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- vi. Such uses should be properly landscaped to be harmonious with surrounding residential uses and to adequately buffer the surrounding residential areas.
- vii. Each lot shall provide and dedicate for public use a parallel frontage access right of way of not less than forty (40) feet in width and running the full width of the lot. Pavement meeting the requirements of the City construction standards shall be provided. Pavement and rights-of-way of adjacent lots shall connect and no driveway to the existing thoroughfare shall be permitted closer than two hundred (200) feet from the ramp of any interchange. Temporary driveways shall be permitted closer than two hundred (200) feet to the interchange ramp only until such time that the parallel frontage road is constructed.

(23) **Live/Work Unit**

- i. Any nonresidential use permitted in the applicable zoning district is permitted in the live/work unit.
- ii. The majority of the floor area of the unit shall be designated for the nonresidential use
- iii. A minimum of 50 percent of a structure's street front façade, at street level, shall be occupied by nonresidential uses.
- iv. No more than two non-resident employees are permitted in addition to the resident(s) of the dwelling.
- v. The non-residential use must be operated by a resident of the live-work dwelling unit.
- vi. 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.
- vii. Parking shall be prohibited in front of the building unless located on an approved driveway.
- viii. Signs are permitted in accordance with Chapter 1108

(24) **Mixed Use Building**

- i. Location of Uses and Density
  - (a) Locational criteria: Where permitted by the zoning district and/or in any adaptive reuse project
  - (b) Permitted Density: The building is subject to the density, setback and dimensional requirements of the applicable zoning district or overlay.
  - (c) Distribution of Uses
    - 1) Uses permitted on first floor: Retail, Office, Industrial Office
    - 2) Uses permitted on second floor: Residential, retail, office, industrial office
    - 3) Uses permitted above second floor: Residential, Office
- ii. Parking
  - (a) Number of Spaces. The minimum and maximum number of parking spaces to which mixed-use buildings are subject shall be determined by the gross square footage by use, and by dwelling unit. The total required parking shall be reduced by a shared-parking calculation to arrive at the minimum number of spaces. See Chapter 1105 Off-street Parking
  - (b) Location of Spaces. Parking spaces shall be located to the side and/or rear of the principal building.
- iii. Adaptive Reuse. In order to encourage mixed-use buildings, adaptive reuse, and to protect the character of residential neighborhoods, maximum parking ratios and location of parking shall not apply to existing parking areas for mixed-use buildings that are established in an existing commercial building.

(25) **Nursing Facility**

- i. Loud speakers which cause a hazard or annoyance shall not be permitted
- ii. All points of driveway entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare or two local or collector thoroughfares.
- iii. The Planning and Zoning Commission shall, in those cases deemed necessary, require streets, storm sewers, sanitary sewers, and sidewalks in such developments. Such facilities shall be equal to minimum requirements for residential use under subdivision regulations.
- iv. The Planning and Zoning Commission may require parking facilities in excess of those set forth in Chapter 1105 as they deem necessary.
- v. No lighting shall constitute a nuisance and shall in no way, impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- vi. Such uses should be properly landscaped to be harmonious with surrounding residential uses and to adequately buffer the surrounding residential areas.
- vii. Such uses shall be conducted not closer than fifty (50) feet from any R- District. Where the use abuts upon but is separated from an R-District by a street, the width of the street may be considered as a part of the required setback. The construction, operation, and maintenance of such uses shall be such that they will not be hazardous, noxious or offensive due to the emission of odor, dust, smoke,

cinders, gas, fumes, noise, vibration, refuse matters or water carried wastes.

- viii. The building shall be set back a minimum of 40 feet from all side and rear lot lines.
- ix. All parking areas shall be set back a minimum of 10 feet from all side and rear lot lines.
- x. New uses shall be on a lot with primary vehicular access on a major thoroughfare or collector street without going through a residential neighborhood to minimize the impact on less intense residential uses.

**(26) Office, Flex**

- i. Flex office must include a minimum of 30% office use. Remaining space may be used for any combination of research and laboratory space, clean manufacturing and assembly, wholesaling and/or related showroom, warehousing and or distribution purposes.
- ii. Loading bays and doors shall be screened from public rights-of-way or utilize architecture consistent with the other buildings on the site (i.e. glass or steel to match façade systems).
- iii. The use may not emit sound from the manufacturing operation beyond the walls of the structure.
- iv. Sales Office and Showrooms. Sales offices and showrooms for permitted uses shall comply with the following:
  - (a) Any showroom component shall not exceed 10% of the gross floor area of the principal structure and shall not count toward office calculations.
  - (b) Sales offices and showrooms shall be in the primary structure;
  - (c) Used for the sale or display of products manufactured and/or warehoused on site; and
  - (d) Clearly incidental, accessory and subordinate to the operation of the primary use of the lot.

**(27) Public Storage Garage or Yards**

- i. No lighting shall constitute a nuisance and shall in no way, impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- ii. Such uses should be properly landscaped to be harmonious with surrounding residential uses and to adequately buffer the surrounding residential areas.
- iii. The area of use shall be completely enclosed by a six foot fence, as the Planning and Zoning Commission shall determine to be appropriate, and appropriately landscaped to be harmonious with surrounding properties.
- iv. Such uses shall be conducted not closer than fifty (50) feet from any R- District. A buffer yard in accordance with Chapter 1106 Perimeter Landscape Standards must be established along all property lines abutting a residential use. Where the use abuts upon but is separated from an R-District by a street, the width of the street may be considered as a part of the required setback. The construction, operation and maintenance of such uses shall be such that they will not be hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters or water carried wastes.
- v. The minimum size of the site is at least two (2) acres.
- vi. The leases for all self-storage units shall include clauses prohibiting the following:
  - (a) The storage of flammable liquids or radioactive, highly combustible, explosive or hazardous materials; and
  - (b) The use of property for uses other than dead storage.

- vii. 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 forfeited goods stored in units.
- viii. The Tallmadge Fire Department shall be provided with 24-hour access to the grounds. A lockbox shall be provided for its use.
- ix. The maximum size of individual storage compartments shall be 500 square feet.
- x. All storage shall be contained within a fully enclosed building. However, the storage of boats, RV's or other similar vehicles may be permitted in accordance with Section 1104.07 N. Outdoor Storage of Vehicles and Equipment.
- xi. A landscape buffer in accordance with Chapter 1106 Perimeter Landscape Standards must be established along all shared property lines, except for an adjacent self-service storage, light industrial use, or waste-related service.
- xii. A 10-foot wide landscape area with a minimum of 30 shrubs every 100 feet must be established along all property lines abutting a public right-of-way. Shrubs must be a minimum of 3 feet 6 inches tall when planted. A decorative block wall equal to the height of the shrubs may be planted in lieu of the shrub plantings.

**(28) Recreation Facility**

- i. Commercial Indoor, excluding amusement arcades
  - (a) The proposed use shall not generate excessive noise beyond the premises.
  - (b) In order to minimize any effects of the above, the PZC 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 PZC may limit the hours of operation to ensure that the proposed use is compatible with the surrounding uses.
  - (e) In the C-3 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.
- ii. Commercial Outdoor
  - (a) All structures, activity areas, and parking areas should be located at least fifty (50) feet from all property lines.
  - (b) Loudspeakers which cause a hazard or annoyance shall not be permitted.
  - (c) All points of driveway entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare or two local or collector thoroughfares.
  - (d) The Planning and Zoning Commission shall, in those cases deemed necessary, require streets, storm sewers, sanitary sewers, and sidewalks in such developments. Such facilities shall be equal to minimum requirements for residential use under subdivision regulations.

- (e) The Planning and Zoning Commission may require parking facilities in excess of those set forth in Chapter 1187 as they deem necessary
- (f) No lighting shall constitute a nuisance and shall in no way, impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties
- (g) Such developments should be located on a collector street or major thoroughfare
- (h) Such uses should be properly landscaped to be harmonious with surrounding residential uses and to adequately buffer the surrounding residential areas.
- (i) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.
- (j) Active Recreational Uses
  - 1) The PZC may require active recreation areas to be enclosed by a fence having a minimum height of six feet.
  - 2) 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 PZC 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.
  - 3) Rifle ranges, skeet shooting ranges, pistol ranges, and other activities involving the discharge of firearms shall not be permitted.
  - 4) The PZC may limit the hours of operation to ensure that the proposed use is compatible with the surrounding uses.

**(29) Recreational Vehicle Sales**

- i. Such facilities shall be located on a major thoroughfare or collector street in an area least disruptive to pedestrian and vehicular traffic.
- ii. A recreational vehicle service station, leasing department or other activities customarily incidental to recreational 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.
- iii. Only repair of recreational vehicle customarily associated with recreational vehicle sales and leasing establishment shall be permitted and shall be conducted inside a suitable, enclosed building.
- iv. 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.
- v. No junk, inoperative or unlicensed vehicle will be permitted to remain outdoors.

**(30) Retail Sales**

- i. In the C3 District, no accessory outdoor display or storage shall be permitted in the minimum front yard setback. Outdoor display or storage shall otherwise comply with accessory uses “Outdoor Displays and Sales” and “Outdoor Storage and Bulk Sales”
- ii. In the C4 and C5 Districts, no accessory outdoor display or storage shall be permitted within 10 feet of the right of way. Outdoor display or storage shall otherwise comply with accessory uses “Outdoor Displays and Sales” and “Outdoor Storage and Bulk Sales”

(31) **Retail - Convenience with gasoline**

- i. Gasoline fueling uses shall comply with Automotive – Filling Stations (Section 1104.07 E 9)

(32) **Retail - Shopping Center - Outdoor**

- i. Loud speakers which cause a hazard or annoyance shall not be permitted
- ii. All points of driveway entrance or exit should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; not closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare or two local or collector thoroughfares.
- iii. The Planning and Zoning Commission shall, in those cases deemed necessary, require streets, storm sewers, sanitary sewers, and sidewalks in such developments. Such facilities shall be equal to minimum requirements for residential use under subdivision regulations.
- iv. The Planning and Zoning Commission may require parking facilities in excess of those set forth in Chapter 1105 as they deem necessary.
- v. No lighting shall constitute a nuisance and shall in no way, impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- vi. Such developments should be located on a collector street or major thoroughfare.
- vii. Such uses should be properly landscaped to be harmonious with surrounding residential uses and to adequately buffer the surrounding residential areas.
- viii. Such uses shall be permitted under the following conditions:
  - ix. Provided that such facilities be located at the extremity of the business district so as not to interfere with the pedestrian interchange between stores in the district and provided further, that it would not limit expansion of the pedestrian oriented facilities.
  - x. All activities, except those required to be performed at the fuel pumps and car washing, shall be carried on inside a building; if work is performed on a vehicle, such vehicle shall be entirely within a building.
  - xi. If the property fronts on two or more streets, the driveways shall be located as far from the street intersection as practicable.
  - xii. At least a six-inch-high pedestrian safety curb shall be installed along all street right of way lines except at driveway approaches.
  - xiii. Such uses shall be conducted not closer than fifty (50) feet from any R-District. Where the use abuts upon but is separated from an R-District by a street, the width of the street may be considered as a part of the required setback. The construction, operation, and maintenance of such uses shall be such that they will not be hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters or water carried wastes.

(33) **Sexually Oriented Business**

- i. Sexually Oriented Businesses shall be prohibited from being located within any overlay district.
- ii. All structures, activity areas, and parking areas should be located at least fifty (50) feet from all property lines.
- iii. No lighting shall constitute a nuisance and shall in no way, impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.

- iv. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.
- v. No such business shall be located on any lot fronting thoroughfares as defined in the Tallmadge Thoroughfare Plan.
- vi. No such business shall be located on any lot within 500 feet of any residentially- zoned district or any residentially used lot.
- vii. No such business shall be located within 500 feet of any public library, private or public elementary school, public park or bike path or place of worship.
- viii. No such business shall be located on any lot within 1,000 feet of any other sexually oriented business.
- ix. No outdoor advertising other than one permitted ground or wall sign.
- x. No nude graphics allowed in building exterior or sign.
- xi. No shared access driveways will be permitted.
- xii. Sexually Oriented Business will be limited to hours of operation of 10:00 a.m. to 1:00 a.m.

(33.1) **Vape and/or Smoke Establishment** (ORD 2025-86. Passed 12/11/25)

i. Purpose & Intent

- (a) A Vape and/or Smoke Establishment (“Smoke Establishment”) shall be conditionally permitted as per the land use table in Section 1104.05 D (Principal Permitted and Conditional Uses, Commercial Uses) and must comply with all requirements set forth within this Section.
- (b) No state-licensed medical or adult-use marijuana operator, cultivator, processor, dispensary, laboratory, or entity as defined in Section 1104.07 E (2.1) and Appendix A.7 shall constitute a Smoke Establishment for the purposes of this Section.

ii Use Regulation

- (a) No Smoke Establishment shall be located within five hundred (500) feet of any parcel having the following prohibited facilities: church, public library, private or public school, public playground, public park, police station, fire station, city hall building and Metro Parks Freedom Trail. The measure of distance for this purpose shall be computed by direct measurement from the closest property line of a parcel having situated on it a prohibited facility to the closest property line of the subject parcel.
- (b) No Smoke Establishment shall be located within one (1) mile of another Smoke Establishment or Vape and/or Smoke Shop (as defined in Appendix A.8) The measure of distance for this purpose shall be computed by direct measurement from the closest property line of a parcel having situated on it a similar use to the closest property line of the subject parcel.
- (c) Such uses shall be conducted no closer than fifty (50) feet from any R-District. Where the use abuts upon but is separated from an R-District by a street, the width of the street may be considered as a part of the required setback.
- (d) The construction, operation and maintenance of such uses shall be such that they will not be hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water carried wastes.

- (e) Business must be licensed by the State of Ohio and be registered with Regional Income Tax Agency (RITA).
- (f) Smoke from the establishment and/or outdoor space must not migrate into any enclosed area where smoking is prohibited.
- (g) Business must submit ODH approval letter to the Planning and Zoning Department annually.
- (h) The establishment must be served by a dedicated, negative-pressure ventilation system that prevents smoke or vapor migration.
  - 1) The system shall be designed and maintained by a licensed HVAC professional to exhaust smoke and air directly to the outdoors and shall not be recirculated to any other portion of the building or adjacent structure.
  - 2) The exhaust point must be located on the rooftop and a minimum of fifty (50) ft from any operable window, door, or air intake of an adjacent property.
- (i) The establishment must comply with all applicable State, Federal, and local laws and regulations.
- (j) For purposes of parking requirements, Establishments shall be regulated as Clubs and Lodges.

**(33.2) Vape and/or Smoke Shop** (ORD 2025-86. Passed 12/11/25)

**i. Purpose & Intent**

- (a) Vape and/or Smoke Shop (“Smoke Shop”) shall be permitted as per the land use table in section 1104.05 D Principal Permitted and Conditional Uses, Commercial Uses and must comply with the requirements set forth within this section.
- (b) No state-licensed medical or adult-use marijuana operator, cultivator, processor, dispensary, laboratory, or entity as defined in Sections 1104.07E (2.1) and Appendix A.7 shall constitute a Smoke Shop for the purposes of this section.

**ii Use Regulation**

- (a) No Smoke Shop shall be located within five hundred (500) feet of any parcel having the following prohibited facilities: church, public library, private or public school, public playground, public park, police station, fire station, city hall building and Metro Parks Freedom Trail. The measure of distance for this purpose shall be computed by direct measurement from the closest property line of a parcel having situated on it a prohibited facility to the closest property line of the subject parcel.
- (b) No Smoke Shop shall be located within one (1) mile of another Vape and/or Smoke Shop or Smoke Establishment (as defined in Appendix A.8). The measure of distance for this purpose shall be computed by direct measurement from the closest property line of a parcel having situated on it a similar use to the closest property line of the subject parcel.
- (c) Such uses shall be conducted no closer than fifty (50) feet from any R-District. Where the use abuts upon but is separated from an R-District by a street, the width of the street may be considered as a part of the required setback.
- (d) The construction, operation and maintenance of such uses shall be such that they will not be hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water carried wastes.

- (e) All such business must be licensed by the State of Ohio and be registered with Regional Income Tax Agency (RITA).
  - (f) The business must comply with all applicable State, Federal, and local laws and regulations.
  - (g) On-site consumption of any product, including but not limited to tobacco, electronic smoking devices, vapor products, or hemp-derived products, is prohibited.
  - (h) For purposes of parking requirements, Shops shall be regulated as retail.
- (34) **Vehicles, Equipment and Tool Sales or Rental, With Service and Repair in Enclosed Buildings**
- i. Such facilities shall be located on a major thoroughfare or collector street in an area least disruptive to pedestrian and vehicular traffic.
  - ii. Equipment servicing, leasing department, or other activities customarily incidental to equipment sales or leasing establishments shall be permitted as accessory to the sale or rental of equipment provided these activities are conducted in a wholly enclosed building.
  - iii. Only repair of equipment and tools customarily associated with equipment and tool sales and leasing establishment shall be permitted and shall be conducted inside a suitable, enclosed building.
  - iv. All equipment 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 Chapter 1103
  - v. No junk, inoperative or unlicensed vehicle will be permitted to remain outdoors.

## F. INDUSTRIAL USES

### (1) **Crematory**

- i. No lighting shall constitute a nuisance and shall in no way, impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- ii. Such uses should be properly landscaped to be harmonious with surrounding residential uses and to adequately buffer the surrounding residential areas.
- iii. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.
- iv. Such uses shall be conducted not closer than fifty (50) feet from any R-District. Where the use abuts upon but is separated from an R-District by a street, the width of the street may be considered as a part of the required setback. The construction, operation and maintenance of such uses shall be such that they will not be hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters or water carried wastes.
- v. Permitted as an accessory use to Funeral Home principal uses only.

### (2) **Food Service - Processing**

- i. Comply with Section 1104.06F(9)ix. Technology Park: Design Guidelines

### (3) **Fuel Distribution Station**

- i. No lighting shall constitute a nuisance and shall in no way, impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- ii. Such developments should be located on a collector street or major thoroughfare.
- iii. Such uses shall not require uneconomical extensions of utility services at the expense of the community.

- iv. Such uses should be properly landscaped to be harmonious with surrounding residential uses and to adequately buffer the surrounding residential areas.
  - v. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.
  - vi. Such uses shall be conducted not closer than fifty (50) feet from any R-District. Where the use abuts upon but is separated from an R-District by a street, the width of the street may be considered as a part of the required setback. The construction, operation and maintenance of such uses shall be such that they will not be hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters or water carried wastes.
- (4) **Laboratories and processing**
- i. Comply with Section 1104.06 F.(9) ix. Technology Park: Design Guidelines
- (5) **Manufacturing**
- i. Sales Office and Showrooms. Sales offices and showrooms for permitted uses shall comply with the following:
    - (a) Any auxiliary showroom areas associated with the primary use shall not exceed 10% of the gross floor area of the principal structure.
    - (b) Sales offices and showrooms shall be in the primary structure;
    - (c) Shall be used for the sale or display of products manufactured and/or warehoused on site; and
    - (d) Shall be clearly incidental, accessory and subordinate to the operation of the primary use of the lot.
  - ii. Comply with Section 1104.06 F.(9) ix. Technology Park: Design Guidelines
- (6) **Manufacturing – Artisan/ Small Batch**
- i. Outdoor storage. Any activity storing materials outdoors shall comply with Section 1106.05 F. Landscape: Screening Requirements for Service Structures.
  - ii. Loading docks. Where the site abuts a residential zone district or a district permitting residential use, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the residential zone district or district permitting residential use.
  - iii. Loading bays and doors shall be screened from public rights-of-way or utilize architecture consistent with the other buildings on the site (i.e. glass or steel to match façade systems).
  - iv. The use shall not be within 1,000 feet of a residential zone.
  - v. The use may not emit sound from the manufacturing operation beyond the walls of the structure.
  - vi. Comply with Section 1104.06 F.(9) ix. Technology Park: Design Guidelines
- (7) **Motor Freight Garage**
- i. Vehicular approaches to the property shall be so designed as not to create an interference with traffic on surrounding public roads.
  - ii. Applications for this use must demonstrate roadway suitability for the weights of the proposed vehicle for the routes to be used in accessing the facility or agree to terms for repair and maintenance with the City.
  - iii. Paved, off street parking and service areas shall be required. All parking and service areas shall be

paved with concrete or asphalt. Paved vehicular access drives of at least ten (10) feet in width shall be required for parking areas of ten (10) vehicles or less capacity, and two way drives of twenty (20) feet paving width minimum shall be required for parking areas of eleven (11) or more vehicle capacity.

- iv. Freight vehicle and trailer parking shall be screened from any public right of way with a 4 ft. to 6 ft. undulating height mound, and a staggered planting of evergreen trees on either side of the crest so as to provide a continuous visual screen.
- v. The facility may include fueling pumps, truck wash, and a maintenance/ repair garage for private use. All maintenance and repair shall be performed within an enclosed building.
- vi. Truck and trailer parking and storage shall be setback a minimum of 100 feet from any residentially zoned property.
- vii. Truck and/or trailer sales and/or leasing shall not be permitted.
- viii. Warehousing and distribution shall not be permitted.

**(8) Research and Development**

- i. Comply with Section 1104.06 F.(9) ix. Technology Park: Design Guidelines

**(9) Technology Park**

- i. Intent Statement. The Technology Park Use provides for a broad range of research, office, laboratory and clean manufacturing uses that will foster a well-rounded and diverse economy for the City. The Technology Park Use supports appropriate light-industrial options, while encouraging greater opportunity for research and office uses that will improve Tallmadge's competitive edge within the region. Flexible architectural spaces are desired that will accommodate the expansion and changing operations of various size companies.
- ii. Development Standards for Uses within the Technology Park Use. Uses not listed here shall comply with applicable conditions as otherwise specified by this chapter.
  - (a) Office-flex. Flex office must include a minimum of 30% office use. Remaining space may be used for any combination of research & laboratory space, clean manufacturing and assembly, wholesaling and/or related showroom, warehousing and or distribution purposes. Any showroom component shall not exceed 10% of the gross floor area of the principal structure and shall not count toward office calculations.
  - (b) Transportation- park-and-rides. Park and ride facilities shall provide only one shelter per bus route.
  - (c) Educational facility. These uses shall have no rooms for the regular housing or sleeping of students.
  - (d) Manufacturing & assembly and wholesaling & distribution. Any auxiliary showroom areas associated with the primary use shall not exceed 10% of the gross floor area of the principal structure.
  - (e) Motor vehicle repair-major. A vehicle may not be stored for more than 30 days. All inoperable vehicles must be parked in a defined service area providing screening in accordance with Section 1106.05 F. Landscape: Screening Requirements for Service Structures.
  - (f) Utilities- renewable energy facilities. Renewable energy facilities shall be located at least 750 feet from all residential districts or residential subarea of a planned development district, unless otherwise approved by the Planning and Zoning Commission. Property owners must

sufficiently demonstrate that adequate measures are provided to minimize off-site impacts relating to the facility's operation.

- (g) Utilities- electric substation. Electric substations shall be located at least 700 feet from all residential districts or residential subarea of a planned development district.
  - (h) Utilities- wireless communications. For regulations governing wireless communication uses, Chapter 1104.06 D.(10) of the Tallmadge Codified Ordinances shall apply.
  - (i) Child day care. Day care components shall not exceed 20% of the gross floor area of the principal structure.
  - (j) Truck and van rental establishments.
    - 1) The minimum lot size shall be 20,000 square feet. For uses that have more than ten vehicles for rent, an additional 1,500 square feet of lot area shall be required for each additional vehicle over ten, provided that not more than 40 vehicles may be displayed on any site. Permitted vehicles shall not exceed 26 feet in length. To minimize views from adjacent streets, this use shall not be permitted on a lot abutting a major thoroughfare or freeway or on any lot that abuts or is directly across the street from a residential district or use.
    - 2) Areas specifically set aside for parking of vehicles for rent shall be specifically designated on the site plan submitted with the application. Trucks and vans for rental shall not be parked in any other area, except as may be needed for the staging of vehicles for customer use. Minor servicing may be permitted on site provided it is done within an enclosed facility, not including vehicle washing or cleaning which may be permitted within the designated parking areas.
    - 3) The designated parking area for trucks or vans for rental shall meet the requirements of Section 1106.05 F. Landscape: Screening Requirements for Service Structures. Interior parking landscaping shall not be required.
- iii. Site development requirements.
- (a) Intensity of use. Lot size shall be sufficient to provide the yard spaces required by this section:
    - 1) Maximum lot coverage and building height: for principal and accessory structures shall comply with Chapter 1103 Zones and Overlays, unless otherwise specified by this section.
  - (b) Setback requirements. Placement of structures and improvements shall provide sufficient separation to the adjacent site or use according to the following provisions. Setbacks shall be provided as necessary to accommodate any additional site requirements such as landscaping, mounding and buffering:
    - 1) Lot width, front yards, side and rear yards: for principal and accessory structures shall comply with Section 1103 Zones and Overlays, unless otherwise specified by this section.
    - 2) Required side and rear setbacks for accessory structures shall in no case be less than 25 feet from any residential zoning district or a residential subarea of a planned development district.
    - 3) Side pavement setbacks. Required side yard setbacks for pavement, which includes open storage, service and loading areas, shall be at least 5 feet, except for common access drives or shared service courts. Required side pavement setbacks shall be at least 50 feet from any residential zoning district or a residential subarea of a planned development district.

- 4) Rear pavement setbacks. Required rear yard setbacks for pavement, which includes open storage, service and loading areas, shall be at least 10 feet, except for common access drives or shared service courts. Required rear pavement setbacks shall be at least 50 feet from any residential zoning district or a residential subarea of a planned development district.
- iv. Exterior Development.
    - (a) Exterior Operations. Exterior operations include: outdoor processing, assembly or fabrication of goods; movement of bulk goods not in containers or pipelines; maintenance, repair and salvage of equipment. Exterior operations shall not be permitted in the O-IE overlay District.
    - (b) Exterior Storage. Exterior storage includes the outdoor storage of raw or finished goods (packaged or bulk) including gases, chemicals, gravel, building materials, packing materials, salvage goods, machinery, equipment, damaged vehicles, etc. Exterior storage shall be permitted and shall comply with Section 1106.05 F. Landscape: Screening Requirements for Service Structures and Section 1104.07 M. accessory use "Outdoor Storage and Bulk Sales".
    - (c) Exterior Display. Exterior display includes the display of products, vehicles, equipment and machinery for sale or lease. Display items are intended to be viewed by customers and are not just being stored or parked. Exterior display does not include damaged vehicles, vehicles or equipment being serviced, bulk goods and materials, or other such products. Exterior display shall be permitted and shall comply with the Section 1104.07 L. accessory use "Outdoor Displays and Sales".
    - (d) Service areas. Overhead doors shall be located to the side or rear of structures to minimize visibility from public streets. Open service areas and loading docks shall be screened by walls a minimum of 6 feet in height, but not greater than 12 feet. Walls, fences or landscape screening shall have 100% opacity to effectively conceal service and loading operations from adjoining streets and from any residential zoning district or a residential subarea of a planned development district. Compliance with the provisions of Section 1105 Landscaping shall also be required.
  - v. Off-site impacts. No land or structure in Technology Park use shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district. Such impacts may result from noise, vibration, odor, smoke or dust or glare. Statements in writing that such uses comply or will comply with such uses may be required by the PZC from the owner. In cases of doubt, the City shall select and arrange for an independent survey by a professional engineer qualified in the particular field and the costs for such service shall be paid by the owner.
    - (a) Noise. The sound pressure level of any operation on a lot shall not exceed the average intensity of street traffic noise in the nearest residential districts, and no sound shall be objectionable due to intermittence, best frequency or shrillness.
    - (b) Vibration. No vibrations which are perceptible without the aid of instruments shall be permitted, as measured on the lot within the non-industrial district.
    - (c) Odor. No emission of odorous matter in any quantities so as to produce a public nuisance shall be permitted, as measured on the lot within the non-industrial district.
    - (d) Dust and Smoke. The emission of smoke, soot, fly ash, fumes, dust or other types of pollutants borne by the wind shall be controlled so that the rate of emission and quantity

deposited do not create a public nuisance, as measured on the lot within the non-industrial district.

- (e) Glare. Exterior lighting shall be used in a manner that produces no glare on public highways or non-industrial zoned land.
- vi. Architecture and design requirements.
  - (a) Architectural intent. While there is no prescribed architectural style or design, all structures within the district are expected to be thoughtfully designed with materials, detailing, scale, and proportion that is intentional and carefully thought through and with specific attention toward aesthetics.
  - (b) Accessory structures. Accessory structures shall be constructed of identical materials, style, quality and appearance as the principal building.
- vii. Landscape requirements.
  - (a) Compliance. All sites shall be required to comply with applicable Code requirements for landscaping in Chapter 1105
- viii. Alternative energy & design.
  - (a) Alternative energy integration. Use of on-site alternative energy sources for greater self-sufficiency is highly encouraged. Other types of alternative energy not addressed by this Code may be approved if demonstrated to be of similar character or impact of those types permitted.
    - 1) Wall and roof-mounted or applied thermal and PV solar units are permitted and shall include side and rear screening as applicable for supporting infrastructure;
    - 2) Ground-mounted solar units are permitted, in accordance with applicable setback requirements and shall include side and rear screening for supporting infrastructure;
  - (b) Alternative design methods. Integration of architectural and site design methods and materials that promote sustainability and lower energy use are strongly encouraged.
- ix. Design Guidelines: In addition to the requirements established by this section, proposed improvements shall comply with the site and architectural design guidelines as much as possible to the approval of PZC. Guidelines shall be maintained by the Zoning Administrator.

**(10) Warehousing and Distribution**

- i. Comply with Section 1104.06F(9)ix. Technology Park: Design Guidelines

**(11) Wholesale establishment**

- i. Comply with Section 1104.06F(9)ix. Technology Park: Design Guidelines

**SECTION 1104.08 ACCESSORY USE-SPECIFIC STANDARDS**

The following requirements apply to the specific types of accessory uses and structures listed, in addition to the requirements of Section 1104.03 Permitted Accessory and Temporary Uses above.

**A. Accessibility Ramps**

- (1) 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.

**B. Amateur Radio Towers and Antenna**

- (1) No more than one amateur radio tower and/or antenna shall be permitted on each lot.
- (2) Ground-mounted amateur radio towers, antennas, and related guy wire anchors must be located in the rear yard.
- (3) Building-mounted amateur radio towers and antennas must be located to the rear of the centerline of the principal building.
- (4) 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.
- (5) Antennas and guy wire anchors shall not overhang or otherwise be located within required accessory structure setbacks or on adjacent lots.
- (6) 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.
- (7) Amateur radio towers and antennas that do not comply with the provisions of this section shall require a conditional use approval (See Section 1102.). 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 PZC 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.

**C. ATM**

- (1) Comply with standards for “Drive-Through Facilities” as specified in this section.

**D. Basketball Hoops**

- (1) Basketball courts shall be subject to the standards of Section 1104.07 W. Tennis and Other Recreational Courts.
- (2) Movable basketball hoops shall not be located in rights-of-way or be so located as to require play in any right of way.

**E. Bike and Skateboard Ramps**

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

**F. 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).

- (1) 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.
- (2) 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.

- (3) If the drive-through window, drive-through signage, or any audio equipment are located in the front yard, they shall be screened with an opaque, landscaped screen of 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.
- (4) **Building Design.** Drive-through uses must be built as an integral architectural element of the primary structure and use. Building materials shall be the same as those used in the primary structure. Drive-through facilities and structures separate from the primary structure are prohibited.
- (5) **Building Location and Orientation.** The principal building to which the drive-through use is accessory should be located at or near the front and, if applicable, side street setback lines. Any building with a drive-through use shall have a prominent entrance facing each street upon which it has frontage.
- (6) **Drive-Through Setback.** Drive-through uses, including the drive-through window and any canopies, shall be located to the rear or side of the primary structure, and set back a minimum of 10 feet from the front or side street building wall of the primary structure.
- (7) **Stacking Lane Location.** Stacking lanes shall not be located between the building and a street and may not be located in a required front yard.
- (8) **Headlight Glare.** Drive-through uses shall be configured and screened such that glare from the headlights of vehicles waiting in the stacking lane is obstructed from shining into a public right of way or neighboring residential use.
- (9) **Landscaping.** A landscape buffer meeting the requirements of Chapter 1106 Landscape shall be provided along rear and side lot lines of a drive-through use located adjacent to a residentially zoned or used property.

#### **G. Fences, Walls, and Hedges**

- (1) **General Requirements**
  - i. **Zoning Certificate Requirement**
    - (a) 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.
    - (b) 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.
  - ii. Small portions of fences and walls, such as decorative fencing used for landscaping, that are not longer than 20 feet in length or more than 3 feet in height, but which comply with the yard and maintenance requirements set forth in this subsection, shall not require a zoning certificate.
  - iii. 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.

- iv. 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.
- v. 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.
- vi. Fences, walls and hedges shall not impede, inhibit, or obstruct culverts, drains, natural watercourses, or storm water drainage in any zoning district.

(2) Additional Location Requirements

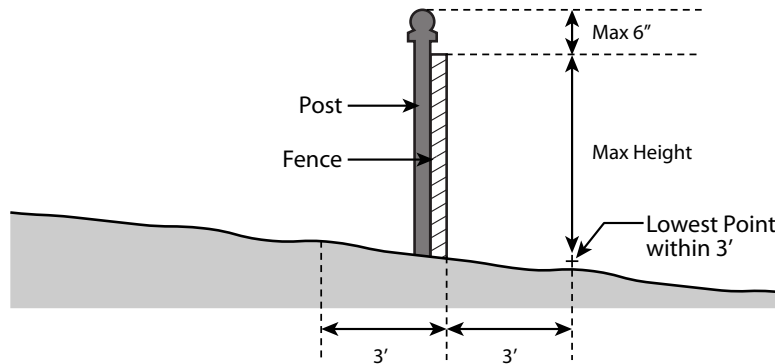
The following additional locational requirements shall apply to fences and walls in all nonresidential zoning district.

- i. 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.
- ii. All fences, walls and hedges shall be subject to the visibility at intersection requirements of Section 1106.06 F. 2. Sight Distance.

(3) Materials and Design

- i. No fence shall be composed of scrap materials, tires, canvas, visqueen or similar plastic sheet materials, plastic bags, 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 R1 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 and style.
- iii. 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.
- iv. All fences, walls and hedges shall be maintained in a neat and orderly manner.
- v. Fencing that is electrically charged shall only be permitted for the containment of livestock on lots used for agricultural purposes in the R1 District. Such fencing shall be set back a minimum of 50 feet from all adjacent lot lines of lots used for residential purposes.
- vi. Fencing that includes barbed wire, razor wire, or other sharp-pointed material shall be prohibited except in the I-1 District 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.
- vii. All latches, hinges and hardware shall be made of non-rusting materials.
- (4) Materials for Fences and Walls in Commercial and Industrial Districts
  - i. Fences and walls shall be constructed of stone, brick, finished wood, iron, metal, or synthetic look-alike products.
  - ii. In the any commercial and industrial 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 PZC; whichever is applicable according to the procedures in Chapter 1102: Review Procedures.
- (5) 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 topmost portion of the fence between posts. The structure posts may exceed the maximum height allowed in this section by up to six inches including any decorative features.

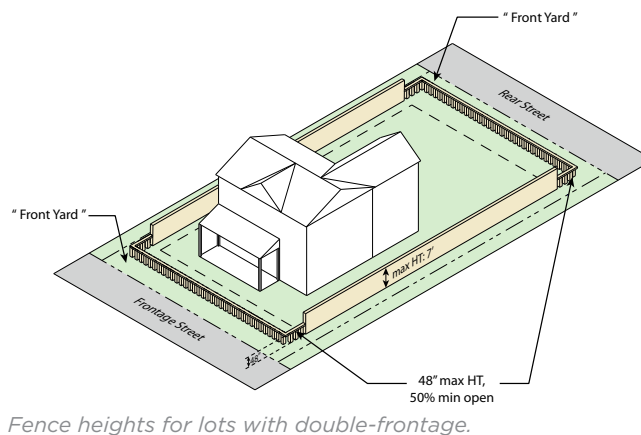


*Fence height measurement.*

- ii. 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.
- (6) Retaining Walls
  - i. Retaining walls shall be measured from the bottom 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.
  - iii. Retaining walls over four feet in height 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.

(7) Fences, Walls and Hedges in Front Yards. The following shall apply to fencing, walls and hedges in front yards:

- i. Fencing between a building façade and a street shall be decorative in style and appropriate for the principal building architecture.
- ii. 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 and double frontage lots. Such requirement shall not apply to lot lines that run parallel and adjacent to an alley.
- iii. 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 and double frontage 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.
- iv. For double frontage lots, any yard fronting a street shall be considered a front yard and fencing shall meet the front yard height and opacity requirements. 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.



(8) 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 7 feet in any side or rear yard within any residential zoning district.
- iii. Fences and walls shall not exceed 10 feet in any side or rear yard within any nonresidential zoning district.
- iv. Fences and walls greater than 6 feet in height require a building permit

(9) 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.

**H. Helistop/ Heliports.**

- (1) Applicability.
  - i. Heliports, as defined pursuant to section Appendix A Definitions, are prohibited.
  - ii. All permits issued shall be only to the original property owner/applicant or original lessee/applicant. If the ownership or tenancy has changed, a new application shall be required.
  - iii. This section shall apply to all helistops established within the municipality
- (2) Permit process. Permits for establishing and maintaining helistops shall be issued to the owner or lessee of the helistop by the Zoning Administrator after approval of a special permit by the PZC and, after the applicant has submitted an application providing written proof that:
  - i. The helistop when located in zoning districts, other than residential:
    - (a) Has been inspected and, if applicable, approved and registered or licensed by either the Division of Aviation of the Ohio Department of Transportation (ODOT) or the Federal Aviation Administration for compliance with the criteria set forth in the transportation Laws of Ohio, annotated with Rules and Regulations, Chapter TRa-1, TRa-2 and TRa-5 and amendments thereto and applicable federal regulations;
    - (b) Has received such approval and clearance from the Federal Aviation Administration (FAA) as may be required by the Federal Aviation Regulations (FARs); and
    - (c) Is an accessory use to a permitted principal use in the zoning district in which the helistop is located.
  - ii. The helistop when located in residential zoning districts:
    - (a) Complies with the above requirements for helistop in zoning districts other than residential;
    - (b) Shall be limited to helicopters of 12,000 pounds gross weight or less (executive-type helicopters) for the purpose of internal cargo or personnel transportation only;
    - (c) Shall be a minimum of one acre, and when in use shall be marked in such a way as to be clearly visible;
    - (d) Shall be a minimum of 500 feet from the nearest occupied structure, expressway, major thoroughfare or collector streets within the municipality; and
    - (e) Is an accessory use to a permitted principal use in the zoning district in which the helistop is located.
- (3) Fee. A non-refundable fee as set forth from time to time by ordinance shall be paid to the municipality for each application for a registration application to establish a helistop.
- (4) Exceptions. No person shall take-off or land a helicopter anywhere within the municipality except at a helistop for which a permit, issued by the municipality, as hereinafter provided, is in force unless such landing or take-off is done:
  - i. When necessary for law enforcement or other public safety purposes;
  - ii. When necessary for aircraft or medical emergencies;
  - iii. For a single or one-time landing at a site not regularly used for landings when prior approval is obtained from the City. Such approval shall not be unreasonably withheld when the Ohio State Transportation Department has issued a temporary helistop certificate for such an activity.

## I. Home Occupations

A home occupation, in districts where allowed, shall meet the following standards to maintain the residential character of the neighborhood while providing opportunities for home-based businesses.

- (1) Home occupations shall be conducted entirely within the main building.
  - i. 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.
- (2) All storage of materials, goods, supplies or equipment related to the operation of a home occupation is limited to the dedicated space for the home occupation. Home occupations shall not produce any alteration or change to the exterior appearance of the residence which is inconsistent with the typical appearance of a residential dwelling.
  - i. No external evidence of the occupation shall be detectable at any lot line, including advertising, signs, smoke, dust, noise, fumes, glare, vibration, electrical disturbance, or outside storage of materials or equipment.
  - ii. Not more than two patron or business-related vehicles shall be present at any one time, and the proprietor shall provide adequate off-street parking for such vehicles. 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.
  - iii. A maximum of one commercial vehicle, capacity not exceeding ten thousand (10,000) pounds gross vehicle weight or twenty-five (25) feet in length, including but not limited to tractors, trailers, semi-trailers and trucks may be used or parked on the property in connection with the home occupation. The commercial vehicle shall not be parked in the street.
  - iv. The home occupation shall not require regular or frequent deliveries by large delivery trucks or vehicles in excess of ten thousand (10,000) pounds gross vehicle weight or twenty-five (25) feet in length.
  - v. The home occupation shall not display advertising signs or other visual or audio devices which call attention to the business use.
- (3) The home occupation shall be clearly incidental and secondary to the use of the premises for residential purposes.
- (4) The home occupation shall not change the fire safety or occupancy classification of the premises.
- (5) The home occupation shall employ no more than one individual who is not an occupant of the residence.
- (6) The home occupation shall not offer a ready inventory of any commodity for sale, except as specifically listed under subsection 8 of this section.
- (7) The home occupation shall not accept clients or customers before 7:00 a.m. or after 10:00 p.m. This limitation on hours of operation shall not apply to allowed childcare home occupations.
- (8) Uses allowed as home occupations shall include the following:
  - i. Office of an accountant, architect, attorney, engineer, realtor, minister, rabbi, clergyman, or similar profession.
  - ii. Office of a salesman or manufacturer's representative; provided that no retail or wholesale transactions or provision of services may be personally and physically made on premises, except as otherwise expressly permitted by this chapter.

- iii. Author, artist, sculptor.
  - iv. Dressmaker, seamstress, tailor, milliner.
  - v. Music/dance teacher, tutoring or similar instruction, provided that no more than three pupils may be present at any one time.
  - vi. Swimming lessons or water safety instruction, provided that no more than six pupils may be present at any one time.
  - vii. Home craft, such as weaving, model making, etc.
  - viii. Repair shop for small electrical appliances, cameras, watches, or other small items, provided that items can be carried by one person with no special equipment, and provided that no internal combustion engine repair is allowed.
  - ix. Food preparation such as cake decorating, catering, etc., provided that no on-premises consumption by customers is allowed, and provided that the business is in full compliance with all health regulations.
  - x. Day care: registered family home in compliance with state law, with a maximum of six children at any one time.
  - xi. Barbershop, beauty salon, or manicure studio; provided that no more than two customers are served at any one time.
- (9) Uses prohibited as home occupations shall include the following:
- i. Animal hospital, commercial stable, kennel,
  - ii. Bed and breakfast inn, boardinghouse or rooming house,
  - iii. Day care center with more than six children,
  - iv. Schooling or instruction with more than one pupil (except as noted above),
  - v. Fitness/health facilities that provide group activities or services,
  - vi. Restaurant or on-premises food/beverage consumption of any kind,
  - vii. Automobile, boat or trailer repair, small engine or motorcycle repair, large appliance repair, repair of any items with internal combustion engine, or other repair shops except as specifically provided for in subsection 8,
  - viii. Cabinetry, metal work, or welding shop,
  - ix. Office for doctor, dentist, veterinarian, or other medical-related profession,
  - x. On-premises retail or wholesale sales of any kind, with the following exceptions:
    - (a) Home craft items produced entirely on premises
    - (b) Garage sales as provided for within TCO Chapter 719 Home Sales
    - (c) Sales incidental to a service; and
    - (d) Orders previously made by telephone, internet or at a sales party as provided for within TCO Chapter 719 Home Sales.
  - xi. Commercial clothing laundering or cleaning,
  - xii. Mortuary or funeral home,
  - xiii. Trailer, vehicle, tool or equipment rental,
  - xiv. Junkyard, scrap yard and the scrap metal and material processing,

- xv. Construction, landscaping or similar contractor facilities and storage and outside storage, except as office-only use as provided within Section 8,
  - xvi. Parking on, or dispersing/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 homeowner or tenant,
  - xvii. Antique, gift or specialty shop; and
  - xviii. Any use defined by the building code as assembly, factory/industrial, hazardous, institutional, or mercantile occupancy.
- (10) The Zoning Administrator shall determine whether a proposed use not specifically listed is appropriate as a home occupation. The Zoning Administrator shall evaluate the proposed home occupation in terms of its impact on neighboring property, its similarity to other allowed and prohibited uses, and its conformance with the regulations herein. If the applicant disagrees with the determination of the Zoning Administrator, the applicant may request that the use be evaluated by PZC.
- (11) Any home occupation that was legally in existence as of the effective date of the ordinance from which this chapter is derived and that is not in full conformity with these provisions shall be deemed a legal nonconforming use.

**J. Nursery Schools or Day Care Centers (Children or Adults)**

- (1) 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.

**K. Outdoor Dining**

- (1) 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.
- (2) Outdoor dining areas shall meet the parking area setbacks established in Section 1105 Parking,
- (3) Outdoor dining shall not be located within 10 feet of fire hydrants, Fire Department standpipe connections, fire escapes, bus stops, loading zones, mailboxes, or traffic signal stanchions.
- (4) The seating capacity of the outdoor seating areas shall not exceed the seating capacity of the indoor seating area.
- (5) 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.
- (6) 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.
- (7) If the outdoor dining area is located on a sidewalk, the area shall be designed so there is a minimum of 6 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.

- (8) 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.
- (9) Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.
- (10) 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.
- (11) Temporary stanchions with chains or ropes may be approved for the outdoor dining facility, the extent and nature of which shall be set out in the application. If the area is adjacent to vehicular traffic, permanent railings or fencing shall be provided around the dining areas. For example, permanent railings or fencing may be an ornamental fence constructed of stone, wood, vinyl, wrought iron, hedges or shrubbery.
- (12) 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. 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.
  - iii. 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.
  - iv. 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.
  - v. 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 Public Service.
  - vi. 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.
- vii. The permittee shall hold harmless, indemnify, and defend the City of Tallmadge 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.
- viii. The City shall have the right and power, acting through the Public Service Director 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.

#### **L. 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:

- (1) 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.
- (2) 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.
- (3) Outdoor displays and sales areas shall not cover an area more than 25 percent of the ground floor area of the principal building.
- (4) Outdoor displays and sales areas shall be shown on the plan approved as part of the applicable zoning certificate application.
- (5) 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.
- (6) At a minimum, outdoor displays and sales areas shall comply with the parking area setbacks established in Section 1105 Parking.
- (7) 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.
- (8) The placement of the merchandise shall not interfere with pedestrian movement on any sidewalk or walkway. A minimum of 5 feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.

- (9) The outdoor display and sales areas shall be maintained in good order and appearance.
- (10) 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 1104.07 M. Outdoor Storage and Bulk Sales
- (11) Loud speakers which cause a hazard or annoyance shall not be permitted
- (12) Such uses should be properly landscaped to be harmonious with surrounding residential uses and to adequately buffer the surrounding residential areas.
- (13) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.

**M. Outdoor Storage and Bulk Sales**

- (1) Outdoor storage and bulk sales shall comply with associated standards within conditions for principal uses as established in this chapter.
- (2) Accessory outdoor storage and bulk sales in a parking lot shall be prohibited unless allowed as a temporary use pursuant to Section 1104.08.
- (3) At a minimum, outdoor storage and bulk sales areas shall comply with the parking area setbacks established in Section 1105 Off-Street Parking.
- (4) 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 Districts where the area shall not exceed 30 percent of the ground floor area of the principal building.
- (5) Outdoor storage and bulk sales areas shall be shown on the plan approved as part of the applicable zoning certificate application.
- (6) Areas devoted to outdoor storage shall be paved with asphalt or concrete and free of dust.
- (7) 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. Screening shall be provided per Section 1106.05 F. Landscaping: Screening Requirements for Service Structures.
- (8) If the wall or fence needs to exceed 8 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.
- (9) All materials shall be stored in such a fashion as to be accessible to fire fighting equipment at all times.

**N. Outdoor Storage of Vehicles and Equipment**

The accessory outdoor storage of vehicles and equipment shall be an accessory use associated with a permitted use and shall comply with the following:

- (1) All stored vehicles or equipment shall be necessary to and customarily associated with the principal use.
- (2) All vehicles or equipment shall be in an operable state. In no case shall inoperable vehicles be stored.
- (3) 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 6 feet. The solid wall or fence and the associated gates shall be maintained in good condition.

- (4) All materials shall be stored in such a fashion as to be accessible to firefighting equipment at all times.
- (5) 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).
- (6) Storage of equipment within accessory containers.

**Accessory Container:** A container, including but not limited to portable containers, shipping containers, semi-tractor trailers (with or without wheels), used solely for the storage of materials and equipment customarily used in the operation of the primary business conducted on the premises of the industrial property.

- i. Number:** Accessory containers shall not occupy more than 20% of the total lot area provided that the placement of the containers does not result in an increase of more than 15% of impervious surface area on the entire lot. All areas of the lot not occupied by buildings, paved surfaces, or accessory containers shall be maintained as pervious surfaces. Lot area shall be defined as the total parcel size as recorded by the county auditor. Based on the increase of impervious surface, stormwater review may be necessary.
- ii. Parking:** Containers shall not occupy required parking spaces.
- iii. Location:** Containers are prohibited in any Overlay District, except the Innovation and Employment Overlay District. Containers shall only be placed in the defined rear yard. Containers are prohibited in the defined front and side yard areas.
- iv. Surface:** Containers shall be placed on a compacted gravel surface at least 6 inches deep, or a concrete or asphalt surface at least 4 inches thick.
- v. Obstructions:** Containers shall not block sidewalks, shared-use paths, or interfere with electrical or plumbing fixtures.
- vi. Setbacks:** Containers shall be set back at least 10 feet from all property lines, other principal and accessory structures, and utility easements. Where the property line abuts a residential use, a minimum 25-foot setback is required. All setback measurements shall be taken from the outermost edge of the container to the property line, structure, or easement.
- vii. Size:** The maximum dimensions for any container shall be 40 feet in length, 9 feet in width, and 8 feet in height.
- viii. Stacking:** Containers shall not be stacked.
- ix. Screening:** Containers shall be fully screened from public view by a fence at least or a dense landscape buffer, consistent with TCO 1106.05 F Screening Requirements for Service Structures. A landscape plan or fence specifications must be submitted for approval prior to container placement.
- x. Prohibited Uses:** Containers shall not be used for living space, commercial sales, or the storage of illegal or hazardous materials unless such storage is explicitly permitted by other codes and regulations. Hazardous materials shall include, but is not limited to, compressed gasses or flammable materials.
- xi. Fire Safety:** Container contents must comply with all applicable State of Ohio Fire Ordinances and is subject to fire inspections.
- xii. Permitting:** A zoning permit is required prior to the placement of any accessory container.

**O. 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:

- (1) Such uses shall be required to submit for a Site Plan Review for approval as specified in Chapter 1102 Administration and Procedures.
- (2) 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 1106.06 F. 2.
- (3) The facility or equipment shall be maintained in good operating order and appearance.
- (4) 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.
- (5) Drop-off boxes shall only be permitted in the side or rear yard.
- (6) Donation drop-boxes will be viewed as an accessory structure and will require a zoning certificate. Existing donation boxes/drop boxes must “register” their drop box with a zoning certificate.
- (7) 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.
- (8) 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.

**P. Patios (Unenclosed), Porches and Decks**

- (1) Unenclosed patios are permitted in any yard. Such patios may extend up to 10 feet into the minimum front yard setback and may be located in any side or rear yard provided they are set back a minimum of 5 feet from all lot lines.
- (2) Patios in the rear yard may have built-in grills or kitchen areas provided such use complies with any applicable building code requirements.
- (3) Porches or decks that are enclosed (with walls made of screening or other materials), have a roof, 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.

**Q. Playsets, Treehouses, and Trampolines**

- (1) If a playset, treehouse or trampoline has more than 100 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.

**R. Renewable Energy Equipment**

- (1) 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 1106.05 F. Landscaping: Screening Requirements for Service Structures.

- (2) 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 5 feet above the roof surface.
- (3) Ground-mounted Geothermal Systems
  - i. Ground-mounted equipment for the collection of geothermal energy is permitted only to the rear of and within 5 feet of the principal structure.
- (4) Renewable Energy Equipment: Wind
  - i. Ground-mounted equipment for the collection of wind energy is permitted to the rear of the principal structure, may not exceed the maximum permitted height of the principal structure by more than 40 feet, and must be set back from each property line a distance equal to the height of the equipment that exceeds the height of the principal structure.
    - (a) Height of the equipment is measured to the farthest extent of any part of the equipment.
  - ii. Building-mounted equipment for the collection of wind energy must be integrated into the architectural character of the principal structure.
  - iii. Rooftop-mounted equipment for the collection of wind energy shall be permitted to exceed the maximum permitted height of the principal structure by no more than 15 feet.

**S. Roadside Stands**

- (1) Roadside stands are permitted in residential districts on properties larger than 5 acres.
- (2) Roadside stands shall only be permitted for the sale of products grown on the premises.
- (3) Roadside stands shall be set back a minimum of 30 feet from the road right-of-way and located in front yard or side yard in relations to primary structures.
- (4) Roadside stands, sign and required off-street parking shall be located and set back in such a manner so as to not create a traffic hazard.
- (5) Roadside stands shall not exceed 100 square feet in floor area.
- (6) Roadside stands may only be located in the front yard setback for 90 days within a calendar year.

**T. Satellite Dishes**

- (1) Satellite dishes of 3 feet in diameter or less shall be exempt from the provisions of this section and shall not require a zoning certificate.
- (2) To the maximum extent feasible, the dish should be located in the side or rear yard and screened from view any street and from adjacent properties with landscaping.

**U. Swimming Pool: Private Residential Outdoor, Above and In-ground**

- (1) Pools shall comply with the latest edition of the International Residential Code /International Swimming Pool and Spa Code (ISPSC).

- (2) 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;
- (3) 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.
- (4) The pool shall be set back a minimum of 10 feet from all side lot lines and 25 feet from the rear lot line.
- (5) 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.
- (6) Above-ground pools
  - i. All above ground swimming pools with a wall height four (4) feet or more shall be secured with one of the following:
    - (a) The pool shall have steps or a ladder that swings up and locks in place off the ground or removed when the pool is unattended,
    - (b) the pool platform or deck has a gate with a locking device to prevent uncontrolled access from adjacent properties, or
    - (c) the pool area or the entire property on which it is located shall be enclosed with a wall or fence having a minimum height of four (4) feet and be equipped with a gate and locking device that is securely latched to prevent uncontrolled access from adjacent properties.
  - ii. All enclosures shall be maintained in good condition.
  - iii. All above ground swimming pools less than forty-eight (48) inches in height but more than twenty-four (24) inches in height shall be covered when not in use to prevent uncontrolled access.
  - iv. Swimming pools two (2) feet or less shall not be regulated.
- (7) Proper drainage shall be provided to ensure that pool overflow does not affect adjacent properties.
- (8) The construction and operation of a pool shall meet all other applicable City and County regulations.
- (9) 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.

**V. Swimming Pools: Public, Community or Club**

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:

- (1) 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;
- (2) 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;
- (3) 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 6 feet in height

and maintained in good condition, with a gate and automatic lock.

- (4) Proper drainage shall be provided to ensure that pool overflow does not affect adjacent properties.
- (5) The construction and operation of a pool shall meet all other applicable City and County regulations.

**W. 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:

- (1) Tennis courts or other full-size recreational courts shall only be permitted on lots with a minimum lot area of one acre.
- (2) The court shall be set back a minimum of 10 feet from all lot lines.
- (3) 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 1104.07 G. Fencing. The fencing may be a chain link fence. Any fencing that exceeds the maximum height allowed in Section 1104.07 G. Fencing, shall be limited to the area that encloses the court.
- (4) If the fencing surrounding the court exceeds 6 feet in height, it shall be planted with a continuous row of large shrubs or hedges with a minimum, mature growth height of 3 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.
- (5) Any lighting for the court shall not exceed 20 feet in height and shall be directed downward and only illuminate the court.

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

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

**Y. Alcoholic Beverage Consumption (ABC)**

- (1) Purpose and Intent  
The provisions of this Section are intended to mitigate potential adverse land use impacts (e.g., littering, loitering, and others) on the peace, health, safety and welfare of residents in nearby areas, that may arise from the undue proliferation and/or inappropriate location of establishments selling alcoholic beverages.
- (2) Applicability  
This accessory use shall be limited to commercial principal uses.
- (3) Desired Development Patterns  
The desired pattern of new development or redevelopment is for buildings with appropriate architectural detailing, fronting the street with active pedestrian space, and parking located to the side or rear. Establishments may be added as tenants within existing buildings.
- (4) Development Typologies  
Lot development and building typologies shall be as specified by the underlying zoning district or other applicable overlay standards applied to the site.
- (5) Development Standards
  - i. Establishments shall be limited to the following use-area restrictions:
    - (a) Restaurant is limited to a 20% floor area dedication maximum for bar services.

- (b) Brewpub
    - 1) The production of beverages for on and off premise consumption shall not exceed 40% of the total gross floor area.
    - 2) The establishment must include other uses such as a tasting room, taproom or table service restaurant that entails 60% of gross floor area.
  - (c) Microbrewery, Microdistillery, or Microwinery
    - 1) The production and packaging of beverages for on and off premise consumption shall not exceed 75% of the total gross floor area.
    - 2) The establishment must include other uses such as a tasting room, taproom or table service restaurant that entails at least 25% percent of gross floor area.
  - (d) Liquor and Beer Sit Down/Bar Establishment; Wine-bar.
    - 1) No minimum area required.
  - (e) Brewing equipment or storage is permitted on the exterior of the building subject to outdoor storage standards of Section 1104.07 M.: Outdoor Storage.
- ii. The establishment shall not be located within 500 feet to any Adult Entertainment Business, including those located beyond the city boundary.
  - iii. The noise levels generated by the operation of the establishment shall not exceed the level of background noise normally found in the area or would otherwise be intrusive, with exception to when a temporary permit for amplified sound is attained.
  - iv. Signs and other advertising on the exterior of the premises would be compatible with the character of the area.
  - v. The site and building development shall comply with the criteria of the underlying overlay district.

## **SECTION 1104.09**      **TEMPORARY USES AND STRUCTURES SPECIFIC STANDARDS**

### **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. 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) Community Activity and Special Event.**

- i. The site of the activity or event shall be adequately served by utilities and sanitary facilities.
- ii. The activity or event shall not become a safety hazard or public disturbance and shall not cause substantial adverse impacts on surrounding properties or land uses by creating excessive noise, glare, heat, dust, odors, or pollutants as determined by the Zoning Administrator and Fire Marshal.
- iii. A permit shall be obtained for the community activity or special event from the City of Tallmadge.
- iv. Temporary Events. Permits may be granted for temporary events on private property in all zoning districts subject to the following:
  - (a) A permit for events up to three (3) days may be granted but only upon a review of the application by the City and applicable agencies.
  - (b) Greater than three (3) days in duration. Any events which propose a duration greater than 45 days shall only be approved when a conditional use certificate has been issued pursuant to the procedures in Chapter 1102
  - (c) Decision Criteria. Temporary events are permitted when it is determined during the review of the application (according to this section, as applicable) that the proposed location and scope:
    - 1) Does not create any safety hazards;
    - 2) Does not unreasonably disrupt traffic or parking;
    - 3) Does not disrupt daily operations of the principal business located on the lot; and
    - 4) Does not adversely impact the health, welfare and safety of the community.
    - 5) The temporary use of trailers in connection with temporary outdoor sales, displays, and events is permitted and need not comply with the yard or height requirements of this Zoning Ordinance except that trailers shall not be located within the sight triangle pursuant to Section 1106.06 F.2.
- v. Mobile food vendors providing food service to special events
  - (a) Does not offer drive-thru or drive-in service.
  - (b) Provides a trash receptacle for use by customers and keeps the surrounding area free of trash and debris at all times.
  - (c) Maintains all equipment and vehicles free of rust, dents, peeling paint, and in good maintenance and appearance at all times.
  - (d) Obtains, displays, and keeps current all applicable health, food, safety, vehicle, vending, and other licenses.

- (e) Is registered for tax purposes with the City of Tallmadge.
  - (f) Does not operate any equipment that exceeds the background decibel level or 70 DBA, whichever is greater, as measured at a distance of 20 feet from the equipment.
- vi. Itinerant Vendors are permitted provided these vendors comply with the Business Regulations in the TCO and 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 8:00 PM to 10:00 AM.
  - (e) Itinerant vendors shall obtain all other required permits, such as permits required from the Summit County Health Department or any other permits required by the City of Tallmadge.
  - (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.
- vii. Signs related to temporary outdoor sales, displays, and events, excluding mobile food vendors, shall be approved pursuant to the approval of a temporary use permit.
- viii. The recipient of a temporary use permit for events shall provide for a thorough cleanup of the site upon termination of the event.
- ix. Temporary permits pursuant to this subsection may be issued to applicants other than the owner of the property or tenant when such owner or tenant has granted written permission for the proposed activity on the property.

(2) **Construction Structures**

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

- i. The use of such structures shall be limited to offices; buildings for the storage of lumber, equipment, and other building material, and construction dumpsters.
- ii. All temporary structures shall be set back a minimum of 25 feet from the nearest occupied residential dwelling.
- iii. 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.
- iv. The structure shall not be located within a floodplain or in a location that will obstruct drainage flow.
- v. The structure shall not block or prevent access to any fire hydrant.
- vi. 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.

(3) **Home Sales**

- i. Refer to the Business Regulations of the Tallmadge Code of Ordinances Chapter 719.

(4) **Gravel Surface Parking Lot**

- i. 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.
- ii. The gravel parking area must be paved in accordance with Chapter 1105 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.
- iii. A solid surface or gravel driveway shall be provided so vehicles may access the parking lot from a public street.

(5) **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:

- i. 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;
- ii. Is operated by a developer or builder active in the same phase or section where the use is located; and
- iii. 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.

(6) **Temporary Outdoor Sales**

- i. 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.
- ii. 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 Director of Public Safety, Fire Department and/or City Engineer.
  - (a) Sidewalk sales, inventory reduction sales, liquidation sales, damaged goods sales, and transient produce merchant sales shall not exceed a maximum of (7) consecutive calendar days, per event. Two (2) such outdoor sales activities per calendar year shall be permitted, per property.
  - (b) Seasonal merchandise sales shall not exceed a total of 30 calendar days per year, per property. Only 4 seasonal sales activities per calendar year, per property, shall be permitted. 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 1104.07 M. Outdoor Storage and Bulk Sales.

- (c) 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.
- (d) Temporary sales on unpaved, landscaped areas is prohibited.
- (e) 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.
- (f) 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 733 Business Regulations may be allowed.
- (g) 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.
- (h) 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.
- (i) All temporary sales activities in the O-DC may be permitted on sidewalks located in the public right of way if approved by the Zoning Administrator
- (j) Additional Standards for Itinerant Vendors.
  - 1) Itinerant Vendors are permitted provided these vendors comply with Business Regulations listed in the TCO Chapter 733.

(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:

- i. Temporary storage in a portable container is permitted only once within any six-month period, for a maximum of 14 consecutive days.
- ii. The container shall be placed on a paved area, existing driveway, or existing parking area and shall not block a public street or sidewalk.
- iii. The portable containers shall not be placed in any right of way.
- iv. Only one container shall be placed at any property at one time.