

Appendix A

Glossary of Terms



Appendix A

GLOSSARY OF TERMS

A.1 RULES OF CONSTRUCTION AND INTERPRETATION

A.1.1. Intent

All provisions, terms, phrases, and expressions contained in this code shall be construed according to this code's stated purpose and intent.

A.1.2. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as including, such as, or similar language are intended to provide examples, and not to be exhaustive lists of all possibilities.

A.1.3. References to Other Regulations, Publications, and Documents

Whenever reference is made to an ordinance, resolution, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), resolution, statute, or document or to the relevant successor document, unless otherwise expressly stated.

A.1.4. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the City of Tallmadge, Ohio, unless otherwise expressly stated.

A.1.5. Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

A.1.6. Technical Words

Technical words and phrases not otherwise defined in this code that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

A.1.7. Mandatory and Discretionary Terms

The word "shall" is always mandatory, and the words "may" or "should" are always permissive.

A.1.8. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. "And" indicates that all connected items, conditions, provisions, or events shall apply.
- B. "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

A.1.9. Tense and Usage

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

A.1.10. Gender

The masculine shall include the feminine, and vice versa.

A.1.11. Meaning

For the purpose of this code, words and phrases shall have the meanings set forth in this chapter.

A.1.12. Other Terms Not Defined

Words and phrases not otherwise defined in this code shall be construed according to the common and approved usage of American English.

A.2 GENERAL DEFINITIONS**A.****A.2.1. Abandoned.**

The designation given to the lack of building activity or progress towards achieving the scope of work defined in both the zoning certificate and building permit. This does not apply to construction activities that are suspended due to extended illness, building contractors' labor strike, known industry shortage of construction material used in the project, time of war and natural calamities.

A.2.2. Abbreviated Storm Water Pollution Prevention Plan (SWP3).

The written document that sets forth the plans and practices to be used to meet the requirements of this Chapter if requested for project less than one (1) acre in size.

A.2.3. Abutting, Adjoining, or Adjacent.

The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

A.2.4. Access.

Any driveway or other point of entry and/or exit onto or from a street, road, or thoroughfare, which connects to the general street system.

A.2.5. Accessibility Ramps.

Permanent or portable ramps utilized to provide a disable person with accessibility to a structure.

A.2.6. Accessory Structure.

A structure or appurtenance, including but not limited to a shed, carport, detached garage, deck or breezeway, on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

A.2.7. Active Recreational Uses.

Any park or recreational facility that is owned or operated by a government or non-profit agency, which requires grading of the land, construction of facilities, lighting, or is developed for athletic fields, tennis courts, swimming pools, skate parks, disc golf, golf course and other similar outdoor facilities.

A.2.8. Addition.

Any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with, or increasing the size, height, or capacity of the building or structure.

A.2.9. Agriculture.

Farming; ranching; algaculture meaning the farming of alga; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but, not limited to, the care and raising of livestock, equine and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

A.2.10. Agricultural Processing and Storage.

Facilities for the processing, treating, and storing of agricultural products including produce and animal products.

A.2.11. Alley.

A dedicated public right-of-way, other than a street that affords a secondary means of access to abutting property.

A.2.12. Alteration.

- A. As generally applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
- B. As applied to a building in the Design Control Overlay District or a Recognized Heritage Structure, the general definition in (a), above, and also includes any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, addition, sandblasting, water blasting, chemical cleaning, chemical stopping, or removal of any structure, but not including changes to the color of exterior paint.

A.2.13. Animal Care.

- A. General Services. A facility providing grooming, daycare, boarding, and training for household pets.
- B. Veterinary Offices. A facility for medical, dental, or other health services related to the diagnosis and treatment of animals' illnesses, injuries, and physical ailments, but not including crematory services.
- C. Veterinary Urgent Care and Animal Hospitals. A facility utilized for the diagnosis and treatment and for emergency care for the treatment of animal illnesses, injuries, or physical ailments, may include the short-term boarding incidental to the clinical use, but not including crematory services.
- D. Kennel. Any lot or premises on which, for profit, four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained, sold, or which offers provisions for minor medical treatment.

A.2.14. Amusement Arcade.

Any place of business where three or more amusement devices are located for the use or entertainment of persons patronizing the place of business.

A.2.15. Amusement Arcade, Adult

Adult arcade shall mean any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time,

and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas. See also “Sexually Oriented Business.”

A.2.16. Antique Shop.

Any premises used for the retail sale or trading of articles of which eighty percent (80%) or more are over thirty (30) years old or have collectible value. Antique shop does not include a thrift or second-hand store.

A.2.17. Apiculture.

The cultivation of bees for purposes of producing honey, pollination services queen breeding programs, or other products of the hive.

A.2.18. Appeal.

A review procedure by which a person may call into question an administrative decision made in accordance with this code. See Section 1102.16.

A.2.19. Applicant.

The record owner, representative, or party in interest of the real property.

A.2.20. Architect.

A person registered to engage in the practice of architecture under the laws of the State of Ohio.

A.2.21. Assembly/Event Center.

An establishment providing meeting space for social gatherings, including but not limited to wedding receptions, graduations parties and business or retirement functions. This term includes, but is not limited to, a banquet hall or rental hall.

A.2.22. Auction Facility.

a typically enclosed place or establishment conducted or operated for compensation or profit as a private or public market where items are offered for sale through competitive bidding.

A.2.23. Automotive - Sales and Leasing.

Any building or land used for the display, sale or rental, but not auctioning, of new or used motor vehicles in operable condition. This use type is intended to be for the sale or long-term lease (one-year or longer) of typical passenger vehicles including, but not limited to, cars, passenger trucks, and motorcycles.

A.2.24. Automotive - Car Wash.

A facility for the washing or cleaning of vehicles comprised of one or more bays each designed to accommodate one or more vehicles and equipped with high pressure hoses and related equipment.

A.2.25. Automotive Filling Station.

Any building, land or area used or intended to be used for the retail dispensing or sales of vehicular fuels and including as an accessory use convenience retail sales and the sale and installation of lubricants, tires, batteries, and similar accessories.

A.2.26. Automotive – Service, Heavy.

Any general repair, rebuilding, reconditioning, body or fender work, framework, painting or the replacement of major parts of motor vehicles (e.g., major engine repair) and trailers.

A.2.27. Automotive - Service, Light.

Any structure or premises used for dispensing or sale of automotive vehicle lubricants, including lubrication of motor vehicles and replacements or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting. Repairs and uses described under “automotive repair (heavy)” shall not be permitted.

A.2.28. Awning.

A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

B.

A.2.29. Basement

A “story” partially below the level of the finished grade. When a basement floor is less than two feet below the average finished grade, it will be rated as the first story or ground floor.

A.2.30. Bed and Breakfast Establishment.

An owner-occupied residential single-family, detached structure wherein lodging and breakfast only are provided to transient guests for compensation.

A.2.31. Beverage - Alcoholic Production.

Production of alcoholic beverages made on premises and then sold or distributed off-site either by wholesale or retail.

A.2.32. Beverage – Brewing and Distilling.

An establishment that brews 15,000 or more barrels (of ales, beers, meads, spirits, and/or similar beverages annually on the premises and then sold or distributed and may include on-premises consumption. The brewer may sell to a retailer or directly to a customer.

A.2.33. Beverage – Brewpub.

An establishment which produces less than 5,000 barrels annually on-premises of alcoholic beverages, including beers, ales, meads, hard ciders and wines with ancillary activities to include on-site consumption and contains kitchen facilities for consumption of food and beverages. The establishment may include other uses such as a tasting room.

A.2.34. Beverage – Distribution.

A facility for storage and wholesale distribution of alcoholic beverages which excludes direct to consumer retail sales.

A.2.35. Beverage - Microbrewery, Microdistillery, or Microwinery.

An establishment engaged in the production and distribution of less than 15,000 barrels on-premises of beer, ale, wine or spirituous liquors. The establishment may include other uses such as a tasting room or table service restaurant.

A.2.36. Beverage – Non-Alcoholic Production.

Small-scale production of non-alcoholic beverages made on the premises and then sold or distributed. The producer may sell to a retailer or directly to a customer.

A.2.37. Beverage Sales – Liquor and Beer Sit Down/Bar Establishment; Wine-bar.

A venue primarily devoted to serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

A.2.38. Bike and Skateboard Ramps.

An accessory structure utilized for recreational purposes related to bicycle and skateboard use.

A.2.39. Breezeway.

A covered passageway open at both ends which connects two buildings or two portions of a building and is included in the accumulative square footage of accessory structures.

A.2.40. Building.

A permanently located structure having a roof, built or occupied as a shelter or enclosure for persons, animals, or property, and when separated by a fire wall, each such separate portion of such structure shall be deemed a separate building.

A.2.41. Building Height.

The vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof.

A.2.42. Building Line.

A line defining the minimum front, side and rear land requirements in which no building or structure may be located.

C.

A.2.43. Canopy.

A covering of canvas on a framework or similar construction sheltering an area or forming a sheltered walk to the entrance of a building.

A.2.44. Carport.

A covered automobile parking space not completely enclosed by walls or doors. For the purposes of this Zoning Code, a carport shall be subject to all the regulations prescribed in this Zoning Code for a private garage.

A.2.45. Cemeteries.

Land used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

A.2.46. Certificate of Appropriateness.

A certificate issued by the Tallmadge Heritage Commission indicating its approval of plans for alteration, construction, removal, or demolition of a structure, landmark, place, façade, district, fixture, or natural object for a structure and related property designated as a Recognized Heritage Structure.

A.2.47. Chief Building Official.

The Summit County Building Inspector, or his or her designee.

A.2.48. Child Day-Care Center.

See "Day Care"

A.2.49. City.

The City of Tallmadge, Ohio.

A.2.50. City Council.

The City Council of the City of Tallmadge, Ohio.

A.2.51. City Engineer.

A person or firm designated by the City as engineer who is authorized to practice engineering in the State of Ohio.

A.2.52. Clothing Services—Dry Cleaners.

A facility where garments are cleaned by the employees of the business for patrons, who are mostly individuals.

A.2.53. Club.

An association of persons who are bona fide members paying regular dues, organized for some common non-profit purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

A.2.54. Comprehensive Plan.

The Comprehensive Plan of the City, as amended from time to time. The current, adopted long-range plan intended to guide the growth and development of the City, based on study and analysis of the City's existing conditions, including population and housing, historic and natural features, general land use patterns and zoning regulations, and other development considerations.

A.2.55. Commercial recreational facilities, excluding amusement arcades.

See "Recreational Facilities"

A.2.56. Community Garden.

A site operated and maintained by an individual or group to cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for the following uses: personal use/consumption, donation or offsite sale of items grown on the site means a site operated and maintained by an individual or group to cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for the following uses: personal use/consumption, donation or sale of items grown on the site.

A.2.57. Construction

The erection of a new structure, a new site element, or any additions to existing structures.

A.2.58. Contractor Services.

Activities involving the construction industry by a licensed individual (e.g. painting, electric, HVAC, plumbing, general construction, etc.).

A.2.59. Convalescent care facility.

See "Nursing Facilities"

A.2.60. County.

Either Summit County or Portage County, Ohio. County specifically excludes any and all contractors, agents or other Persons acting on behalf of said County.

A.2.61. County Soil and Water Conservation District.

See A.3 "Soil and Water Conservation District (SWCD)"

A.2.62. Court.

An unoccupied space on a lot other than a yard, designed to be partially surrounded by group dwellings.

A.2.63. Culvert.

A transverse drain that channels under a bridge, street or driveway.

D.

A.2.64. Data Processing/Call Center.

A facility containing equipment for telecommunications or data processing/storage including switches, routers, operation centers, and other infrastructure critical for telecommunication companies, internet servers, data firms, fiber-optic cable, and other technology providers.

A.2.65. Day Care.

A building or structure where care, protection and supervision are provided on a regular schedule, for a fee, at least twice a week, to at least five (5) persons at one time, including any relation of the day care provider.

A.2.66. Demolition.

Any act or process that destroys in part or in whole a building or a structure.

A.2.67. Density.

The number of families residing on, or dwelling units developed on an acre of land.

A.2.68. Department of Public Service.

The Department of Public Service of the City.

A.2.69. Design Guidelines.

Detailed guidelines and specifications promulgated by the City to establish the framework and set a vision for a desired development in these zoning regulations.

A.2.70. Development.

The improvement of a tract or parcel of land, which results in an alteration of land or vegetation.

A.2.71. Development Area.

A parcel or contiguous parcels owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.

A.2.72. Diameter at Breast Height (DBH).

The diameter of the tree as measured at four and a half (4½) feet above grade. If a tree splits into multiple trunks below four and a half (4½) feet above grade, the trunk is measured at its most narrow point below the split.

A.2.73. Dining Establishments serving Alcoholic Beverages.

See Food Service – Full-Service Restaurant

A.2.74. Director of Finance.

The duly elected Director of Finance, or his/her designee.

A.2.75. Director of Law

The duly elected Director of Law, or his/her designee.

A.2.76. Director of Public Service.

The duly appointed Director of the Department of Public Service, or his/her designee.

A.2.77. District.

A section of the City for which zoning regulations governing the use of land and buildings, the height of buildings, the sizes of yards and the intensity of uses are uniform. Boundaries of the districts are shown on the Zoning Map.

A.2.78. Drainage.

- A. The area of land contributing surface water to a specific point; or
- B. The removal of excess surface water or groundwater from land by surface or subsurface drains.

A.2.79. Drive-in Establishment.

Any building, structure or portion thereof from which business is transacted, or is capable of being transacted, directly with customers who are located in a motor vehicle during such transactions. It includes drive-in theatres food establishments. It is not a Drive-through window.

A.2.80. Drive-Through Window.

A structure or building feature, including but not limited to a service window, automated device, or other equipment that is designed to provide sales and service to patrons who remain in their motor vehicles, including associated driveways and driving aisles by which patrons reach the structure or building feature.

A.2.81. Dwelling.

Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more families, but not including a tent, cabin, trailer or trailer coach, bed and breakfast establishment, hotel/motel, or mobile home.

A.2.82. Dwelling – Accessory Dwelling Unit (Single-Family Flat).

An attached or detached dwelling unit, located on a single parcel with a principal structure, which provides comprehensive facilities for one (1) or more persons, including facilities for living, sleeping, cooking, dining, and bathing.

A.2.83. Dwelling – Assisted.

A residential facility for elderly persons (age 60 or older) and their spouses, or for persons having such disabilities as to require assistance with daily living tasks, as suggested by their physician. The facility contains four or more dwelling units and/or rooming units, and provides, through on-site personnel, such exclusive resident services as meal preparation, laundry services and room cleaning.

A.2.84. Dwelling – Attached Single-Family.

A building consisting of three or more dwelling units, each with independent ground-floor exterior access and each with no less than two exterior walls. This type of dwelling includes condominiums and townhouses.

A.2.85. Dwelling – Detached Single-Family.

A building designed for or occupied by one family or housekeeping unit.

A.2.86. Dwelling – Multi-Family.

A structure on a single lot containing three (3) to eight (8) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

A.2.87. Dwelling – Multi-Family Complex.

A structure on a single lot containing greater than eight dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

A.2.88. Dwelling – Two-Family.

A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

A.2.89. Dwelling Unit

A room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities.

E.

A.2.90. Easement.

A right granted by a written instrument from one owner of land to another for use of a specified portion of the grantor's real property for a specific purpose or purposes as set forth in an easement agreement.

A.2.91. Educational Institutions.

Public or private primary schools, secondary schools or colleges, universities, vocational and technical, trade or business means an institution of higher education providing curricula of a general, religious, or professional nature, typically granting recognized degrees. This classification includes business and computer schools, management training, technical vocational and trade schools, but excludes personal instructional services.

A.2.92. Emergency.

A reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.

A.2.93. Elevation (of a Building).

The front, rear or side exterior surface of a building as viewed in a flat scale drawing.

A.2.94. Engineer.

Any engineer licensed by the State of Ohio State Board of Registration for Professional Engineers.

A.2.95. Equipment Repair.

Businesses primarily engaged in renting or leasing machinery and equipment for use in business or industrial operations. These establishments typically cater to a business clientele and do not generally operate a retail-like or store-front facility. Examples including the leasing of heavy equipment, office furniture or equipment, or off-highway transportation equipment.

A.2.96. Essential Service.

The erection, construction, alteration or maintenance by public utilities or municipal departments, or commissions of underground or overhead gas, electrical, steam, or water transmission or distribution system, collections, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduit, cables, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or for the public health, or safety, or general welfare.

A.2.97. Event Center- Barn.

A former agricultural building, such as a barn or shed, that is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations. Such a use may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens or reception.

A.2.98. Event Center- Private Events and Conferences.

A facility that accommodates small-scale events, conferences, or weddings and has a capacity less than five hundred (500) people.

A.2.99. Event Center- Public Meetings and Conventions.

A facility that accommodates medium- to large-scale events, conferences, and conventions and has a capacity of equal to or greater than five hundred (500) people.

A.2.100. Exercise and Fitness.

A facility or area providing opportunities for exercise or fitness for the general public or members of an organization, including but not limited to health or exercise rooms and swimming pools, when accessory to a principal use of the property.

F.

A.2.101. Façade.

The exterior walls of a building or building face exposed to public view; the exterior face of a building which gives it a distinctive character.

A.2.102. Façade, Front.

The façade of a building that contains the primary entrance of the building.

A.2.103. Façade, Primary

A primary façade shall be deemed a façade that faces directly onto a public street.

A.2.104. Façade, Secondary.

A secondary façade shall be deemed a façade that does not face directly onto a public street.

A.2.105. Family.

One or more persons occupying a premise and living as a single housekeeping unit, whether or not related to each other by birth or marriage and maintaining and using the same and certain other housekeeping facilities in common.

A.2.106. Farm Market.

An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on-site.

A.2.107. Fence or Wall.

Any structure composed of wood, steel, iron, masonry, stone, plastic, vinyl, or other material erected in such a manner and positioned as to enclose or partially enclose any property or any part of any property. Structures erected other than on lot lines or in close proximity to lot lines, which have solely an ornamental purpose and which do not in fact serve the purpose of enclosing or partially enclosing property or of separating property from adjoining property, shall not be included within the definition of the word “fences” or “walls”.

A.2.108. Fence, Barbed Wire.

A fence made with metal wire having sharp points, razors, or barbs along its length.

A.2.109. Fence, Chain Link.

A fence made of metal loops, which may or may not be vinyl clad, interconnected in a series of joined links.

A.2.110. Fence, Electrified.

All fences or structures, included or attached to any device or object which emits or produces an electrical charge, impulse or shock when the same comes into contact with any other object, person or animal or which causes or may cause burns to any person or animal. This shall not include “fence, invisible” as defined in this chapter.

A.2.111. Fence, Invisible.

An electrical fence, buried underground, used to retain animals on-site.

A.2.112. Fence, Ornamental

A fence constructed for its beauty or decorative effect and when viewed at a right angle, has not less than 75 percent of the area of its vertical plane, the area within a rectangular outline enclosing all parts of the fence in its plane, open to light and air. Ornamental fences include:

- A. Rail fence or split-rail fence means a fence constructed of narrow, whole or split, wooden timbers placed horizontally between upright supporting posts; and
- B. Wrought iron fences, decorative steel fences, and aluminum fences.

A.2.113. Final Plat.

See "Plat, Final"

A.2.114. Financial Institution.

Any building, property or activity of which the principal use or purpose of which is the provision of financial services including but not limited to banks, facilities for automated teller machines (ATM's), credit unions, savings and loan companies, and mortgage companies.

A.2.115. Flag.

Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device

A.2.116. Floor Area, Gross.

The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls of a building or from the center line of a common wall separating two or more units of a building, including accessory storage areas located within selling or working space, but not including space in cellars or basements, space in machinery penthouses or floor space used for accessory off-street parking. However, if the cellar or basement is used for business or commercial activities related to the principal but use but not including storage, it shall be counted as floor area in computing off-street parking requirements.

A.2.117. Food Sales – Bakery.

An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service.

A.2.118. Food Sales - Large Format Grocery.

A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies at least ten thousand (10,000) square feet. A section for fresh fruits and vegetables no less than forty (40) square feet must be visible within the retail area of the establishment.

A.2.119. Food Sales- Small Format Grocery.

A retail establishment of less than ten thousand (10,000) square feet engaged in selling food stuffs containing only the incidental sale of retail home goods. A section for fresh fruits and vegetables no less than twenty (20) square feet must be visible with the retail area of the establishment.

A.2.120. Food Service – Production.

An establishment for the small-scale production of a finished food product for consumption off-site through retail or wholesale sales. It may not produce odors, fumes or noise that is discernable from the exterior of the structure. Outdoor storage is not permitted.

A.2.121. Food Service – Processing.

Manufacturing establishments processing foods for human consumption and certain related products. Includes: (1) bakery products, sugar and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution); (2) dairy products processing; (3) fats and oil products (not including rendering plants); (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and seafood canning, curing, and byproduct processing (not including facilities that also slaughter animals); and (7) miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

A.2.122. Food Service – Full-Service Restaurant.

An establishment where the principal business is the sale and service of unpackaged food and beverages in a ready-to-consume state where (1) fermented malt beverages, malt, special malt, and vinous and spirituous liquors may be served, (2) the minimum sales attributable to food is sixty-five percent (65%), (3) there is no service to a customer in an automobile, and (4) the design or principal method of operation is a sit down establishment where customers, normally provided with an individual menu, are generally served food and beverages in non-disposable containers by an establishment employee at the same table or counter at which the food and beverages are consumed.

A.2.123. Food Service - Fast Food.

An establishment whose principal business is the sale of prepared or rapidly prepared food, in disposable containers and without table service, directly to the customer in a ready-to-consume state.

A.2.124. Food Service - Fast Casual Restaurant.

A self-service food service establishment whereby meals are served at a faster rate than a full-service restaurant, and food offerings are more extensive in variety than a fast-food restaurant.

A.2.125. Footcandle.

A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle.

A.2.126. Fraction or Fraction Thereof.

Thereof where a calculation required by this code results in a fraction, the fraction shall be rounded to the closest whole number. Any fraction one-half or less shall rounded down and any fraction over one-half (#.5) shall be rounded up to the next highest whole number.

A.2.127. Frontage.

See the definition of “frontage, street or lot.”

A.2.128. Frontage, Building.

The length of an enclosed building facing a public or private street. When a business does not front a public right-of-way the Zoning Administrator shall have the authority to designate the building frontage. In structures with more than one business, the frontage of each business shall be calculated separately in determining its sign area

A.2.129. Frontage, Street or Lot.

The distance between the side lot lines measured along the front lot line. In the case of a corner lot, frontage shall be measured along the shortest front lot line. Property lines which abut limited access roads shall not be construed to be included within any calculation of frontage. S

A.2.130. Funeral Homes and Mortuaries.

Any dwelling or establishment used and occupied by a professional licensed mortician for human burial preparation and funeral services.

G.

A.2.131. Gallery – Art.

An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This classification does not include libraries, museums, or non-commercial art galleries.

A.2.132. Garden Center – Indoor and Outdoor.

A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouse, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils. For the purposes of this code, it is treated as a retail use.

A.2.133. Garage, Private.

An accessory building or an accessory portion of the main building, enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling to which it is accessory.

A.2.134. Garage, Public.

A building, other than a private garage, enclosed on all sides and used for the care, repair or equipping of automobiles, or where such vehicles are kept for hire or sale or are stored.

A.2.135. Garage/Yard Sales.

Sales by residents of used or surplus personal possessions including, but not limited to all sales entitled garage, yard, lawn, basement, attic, porch, room, tent, backyard, patio, or moving. This term shall include garage sales, lawn sales, attic sales, rummage sales or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large can be made aware of such sale.

A.2.136. Glare.

Direct light that causes annoyance, discomfort or loss in visual performance and visibility.

A.2.137. General Development Plan (GDP).

a concept plan with the general development criteria as enumerated in Section 1110

A.2.138. Government owned buildings and facilities.

Property that is owned by the City of Tallmadge or any agency of the state or federal government.

A.2.139. Grade.

The average level of the finished surface of the ground adjacent to the sign, building, or other structure being measured.

A.2.140. Grading.

The stripping, cutting, filling or stockpiling, or any combination thereof of earth-disturbing activity, inclusive of land in its cut or filled conditions.

A.2.141. Grass.

A species of perennial grass grown as permanent lawns or for landscape purposes.

A.2.142. Gravel Surface Parking Lots.

Temporary parking lots paved with gravel that may be utilized on a temporary basis while a site is under construction.

A.2.143. Green Infrastructure.

Stormwater management techniques that use natural systems or engineered systems that mimic natural process.

A.2.144. Greenhouses and Nurseries.

An establishment used for the growing, storage, and sale of legal garden plants, shrubs, trees, or vines for retail or wholesale sales. Greenhouses and nurseries that are part of a larger agricultural use shall be considered accessory to the principal agricultural use of the land. This term does not include a garden supply or landscaping center that may be accessory to another principal use.

A.2.145. Ground Cover.

A plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal

A.2.146. Guiding Plans.

The Comprehensive Plan, the Thoroughfare and such other plans as City Council may adopt from time to time to inform the development land within the City.

H.

A.2.147. Hedge.

A barrier of natural vegetation usually consisting of evergreen trees, shrubs, or tall grasses that can be used to enclose, screen, or separate areas.

A.2.148. Heliport.

Any land area used by helicopters which, in addition, includes all necessary passenger and cargo facilities, maintenance and overhaul, fueling, service storage, tie-down areas, hangars, and other necessary buildings and open spaces.

A.2.149. Helistop.

Any landing area for the purpose of taking off or landing of private helicopters for the purpose of picking up and discharging passengers or cargo. This facility is not open to use by any helicopter without prior permission having been obtained from the city and all other local, state and federal agencies if required. The surface, in which a helicopter lands, is called a helipad.

A.2.150. Heritage Commission.

The Tallmadge Heritage Commission.

A.2.151. Historic Structure.

Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- B. Certified or preliminarily determined by the U.S. Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or

D. Individually listed on the inventory of historic places maintained by City of Tallmadge's historic preservation program, at such time the program is certified by the Ohio Historic Preservation Office.

A.2.152. Home Occupation.

Any occupational profession, activity or use conducted entirely within a dwelling unit and carried on by persons residing in the dwelling unit which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the exterior of the property or affect the residential character of the neighborhood, as further described under Section 1103: Use Regulations.

A.2.153. Hospital.

An institution providing health services primarily for human in-patient medical/surgical care for the sick or injured and including related facilities such as laboratories. The use may also include out-patient departments, training facilities, central service facilities and staff offices that are an integral part of the facility and goes beyond general care typically administered within a doctor's office.

A.2.154. Hotel and Motel.

A place of transient occupancy which includes any structure consisting of one or more buildings containing any combination of more than five (5) guestrooms that are each approved by the Chief Building Official and the fire chief as meeting the requirements for transient sleeping rooms or extended stay temporary residence dwelling units, or as having features of such sleeping rooms and dwelling units within the same room, and such structure is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where transient sleeping accommodations or temporary residence is offered for pay to persons. "Hotel" does not include agricultural labor camps, apartment houses, apartments or other similar places of permanent personal residence, lodging houses, rooming houses, or hospital or college dormitories.

A.2.155. Household.

A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

I.

A.2.156. Improvements.

Grading, draining, sanitary and storm sewers, water mains, pavement, curbs and gutters, sidewalks, street signs, streetlights, parks, monuments and the appropriate appurtenances required to render land suitable for the use proposed.

J.

A.2.157. Junk.

Old or scrap copper, brass, rope, gas, trash, waste, batteries, paper or rubber, junked, dismantled or wrecked, automobiles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous materials.

K.

A.2.158. Kennel

See "Animal Care – Kennel"

L.

A.2.159. Laboratories and processing.

A facility that provides controlled conditions in which scientific or technological research, experiments, and measurement may be performed, or performs a series of mechanical or chemical operations on something in order to change or preserve it.

A.2.160. Landscape Architect.

A Professional Landscape Architect registered in the State of Ohio.

A.2.161. Landscape Material.

Materials such as, but not limited to, living trees, shrubs, vines, lawn grasses, ground cover, landscape water features and non-living, durable material commonly used in landscaping, including, but not limited to, rocks, pebbles, sand, decorative walls and fences, earthen mounds, but excluding pavements or surfaces for off- street parking facilities.

A.2.162. Landscaping.

The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects. In no case shall landscaping include the use of artificial plants or flowers as a replacement for living plant material unless such artificial plant closely resembles its natural counterpart in size, form, and color.

A.2.163. Live/work unit.

A structure or portion of a structure:

- A. That combines a commercial or manufacturing activity allowed in the zoning district with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household;
- B. Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and
- C. Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

A.2.164. Loading Area.

An off-street space or berth for the loading or unloading of freight carriers on the same lot as the structure they serve.

A.2.165. Loading Space.

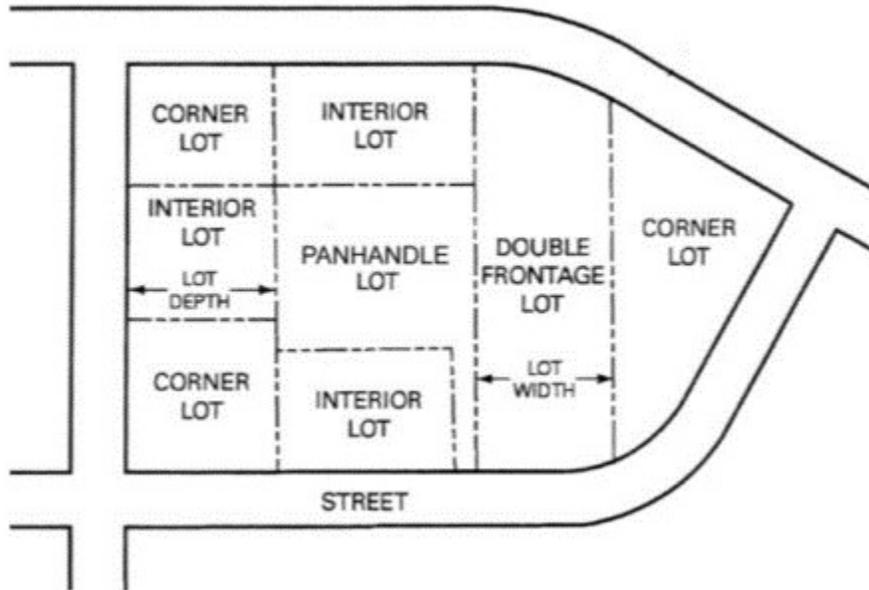
An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle or vehicles while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

A.2.166. Lodge.

A non-profit organization with its basic principal being benevolent fraternal, social, religious and/or patriotic, and which does not customarily render a service or perform a function usually carried on as a business.

A.2.167. Lot.

A parcel of land occupied or capable of being occupied by one or more buildings and the accessory buildings customarily incident to it, including such open spaces as are required by these regulations.



A.2.168. Lot Area, Net.

The total horizontal area included within the rear, side and front lot lines of the lot excluding any street or highway, whether dedicated or not dedicated to public use, but including off-street automobile parking areas and other accessory uses.

A.2.169. Lot, Corner.

A lot at the point of intersection of and abutting on two or more intersecting streets. The angle of intersection being not more than 135 degrees.

A.2.170. Lot Coverage.

That portion of a lot, which when viewed directly above, which would be covered by a building or structure, parking and loading areas and other surfaces that are impermeable or substantially impervious to water.

A.2.171. Lot, Depth of.

The mean distance from the right-of-way line of the street at the front of the lot to its opposite rear line measured in the general direction of the side lines of the lot. Where a major thoroughfare or collector thoroughfare is designated on the Land Use and Thoroughfare Plan then the lot depth shall be measured from the proposed right-of-way line of the designated major thoroughfare or collector thoroughfare. Where the right-of-way is not established, it shall be assumed to be sixty (60) feet.

A.2.172. Lot, Double Frontage.

A lot, other than a corner lot that abuts more than one street.

A.2.173. Lot, Front of.

An interior lot's frontage shall be a line separating the lot from the street. A corner lot's frontage shall be either street line separating the lot from the street.

A.2.174. Lot, Interior.

A lot other than a corner lot.

A.2.175. Lot, Lines.

The lines defining the boundaries of a lot.

A.2.176. Lot of Record.

A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Summit County, or a lot described by metes and bounds, the deed to which has been recorded in the office of the Recorder of Summit County.

A.2.177. Lot, Width.

The width of a lot measured along the minimum front yard setback line.

M.

A.2.178. Makerspace.

A shared workspace comprised of individual workstations, located within a structure that provides access to education, resources, and hardware and tools to manufacture or craft small-scale works either independently or with the assistance of an instructor.

A.2.179. Major Tree.

Any tree measured with a diameter-at-breast height equal to or greater than six inches (6”).

A.2.180. Manufactured Home.

Any non-self-propelled vehicle transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards. The term “manufactured home” does not include a “recreational vehicle”.

A.2.181. Manufactured Home Park.

Any tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three (3) or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

A.2.182. Manufacturing.

The process of making or fabricating raw materials by hand, machinery or the combination thereof into finished parts or products.

A.2.183. Manufacturing – Artisan/Small-Batch.

A business primarily engaged in the on-site production of goods by hand manufacturing which involve the use of hand tools and small-scale equipment.

A.2.184. Marquee.

A permanent structure fastened entirely to the building and projecting from the wall above an entrance and extending over the street right-of-way to provide shelter for automobile passenger loading and unloading entrance.

A.2.185. Mayor.

The duly elected mayor of the City of Tallmadge, Ohio or his/ her designee.

A.2.186. Medical – Clinic.

A building containing offices organized as a unified facility to provide medical and/or dental treatment as contrasted with an unrelated group of such offices, but not including bed-patient care.

A.2.187. Medical – Emergency Services.

An establishment for the provision of emergency medical care, which includes emergency ambulance services, urgent care, and the subsequent inpatient medical care or outpatient services provided by an adjoining health care facility.

A.2.188. Medical – Office.

A building used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

A.2.189. Minimum Building Setback Line.

A line parallel to the street right-of-way line at a distance therefrom equal to the required depth of the front yard and extending across the full width of the lot. Where the right-of-way line is not established it shall be assumed to be sixty (60) feet. Where a major thoroughfare or collector thoroughfare is designated on the Thoroughfare Plan the setback line shall be measured from the proposed right-of-way line.

A.2.190. Minimum Living Floor Area.

The living floor area and may consist of areas such as living room, bedroom, bathroom, dining room, rooms for cooking, den, library and family rooms, but shall not include areas such as porches, breezeways, terraces, utility rooms, garages, and basements.

A.2.191. Mixed-Use Building.

A building that contains two or more of the following major use types: residential, office, or retail.

A.2.192. Monument.

A permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners, and points of change in street alignment.

A.2.193. Motor Freight Garage.

A facility used for the purpose of storing and dispatching trucks and tractor trailers for transporting goods.

N.

A.2.194. Native Plant Species.

A plant species, other than noxious weeds, that are indigenous to the area and usually do not need human intervention to grow or reproduce.

A.2.195. Natural Succession.

A gradual and continuous replacement of one kind of plant and animal group by a more complex group. The plants and animals present in the initial group modify the environment through their life activities, thereby making it unfavorable for themselves. They are gradually replaced by a different group of plants and animals better adapted to the new environment.

A.2.196. Non-conforming Use.

See “Use, Non-Conforming”

A.2.197. Non-commercial recreation facility.

A business which is operated as a recreational enterprise, either publicly or privately owned, for nonprofit. Examples include, but are not limited to fishing areas, parks, archery ranges, etc.

A.2.198. Nursing Facility.

A facility operated and dedicated to the care of persons who cannot care for their own needs either partially or totally. This term includes nursing homes, skilled nursing facilities, convalescent homes, rehabilitation, special care facilities (e.g., Alzheimer Unit), assisted living facilities, adult day care facilities, independent living units such as patio homes, and other similar facilities.

O.

A.2.199. Office.

A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

A.2.200. Office, Flex.

A building designed to accommodate a combination of office, wholesale, and warehousing functions, the exact proportions of each use being subject to user needs

over time. Flex-space buildings are typically located in business or industrial parks, which usually have a footprint exceeding 10,000 square feet, and which are usually designed with loading docks to the rear and parking in the front. The front façade is often treated with a higher quality of architectural finish than the rear and sides.

A.2.201. Office – Industrial Office.

an architectural, engineering and related services including landscape architects; drafting services; consultant service providers in the building inspection, architectural, geophysical surveying and mapping, environmental, agricultural, motion picture, biology and life sciences, biotechnology, physics, chemistry, economics, energy, and engineering fields; medical, dental, and veterinary labs primarily engaged in providing testing services to practitioners; interior, industrial, and graphic design services; commercial photography studios; computer system, software, or internet content design services where all support occurs off-site; data processing and hosting services.

A.2.202. Off-Street public parking lot or garage.

See “Parking Garages” and “Parking Lot”

A.2.203. Open Space.

An area of land that is intended and used for environmental, scenic, or recreational purposes and which may include lawns, landscaping, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, and wooded areas. Open space shall not be deemed to include paved areas such as roads, driveways, or parking lots, and shall not be deemed to include spaces required for minimum yards. Open spaces may be public or private ownership.

A.2.204. Original Tract.

A contiguous quantity of land held in common ownership which has not been platted by the existing owner or owners.

A.2.205. Owner/Operator.

Any individual, firm, association, syndicate, co-partnership, corporation, trust, or other legal entity having sufficient proprietary interest in real property to commence and maintain proceedings with respect to any land use approval sought hereunder or on the owner's behalf.

A.2.206. Outdoor Lighting.

Any source of light that is installed or mounted outside of an enclosed building or structure, but not including streetlights installed or maintained along public streets by a government agency or public utility.

A.2.207. Outdoor Storage.

The keeping, in an unroofed area, of any goods, junk, material, or merchandise in the same place for more than 24 hours.

A.2.208. Outdoor Storage and Bulk Sales.

A facility or lot used for the outdoor storage of materials and/or vehicles that are to be used for construction or for manufacturing processes and where such uses are the principal use of the lot. Such use may also include the sales of materials related to construction or manufacturing where the sales are direct to contractors or business and not open to the general public for retail sales. This use may also include the outdoor storage of fleet vehicles.

A.2.209. Outdoor Vending Machines and Drop-Off Boxes.

Vending machines are small machines that can accept money in return for the automatic dispensing of goods (e.g., drink machines, snack machines, video machines). Drop-off boxes are small collection facilities where recyclable materials, clothing, or household goods are accepted from the public (e.g., neighborhood recycling stations and thrift store collection boxes).

P.

A.2.210. Parapet or Parapet Wall.

A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.

A.2.211. Parcel.

A division of real property contained in a single legal description that is recorded in the official land records of the Recorder's office.

A.2.212. Parking Aisle.

The driveway or access drive by which a car enters and departs a parking space.

A.2.213. Parking Area.

An area designed for the parking of vehicles that includes parking spaces and any driveways or access drives specifically related to the parking spaces.

A.2.214. Parking Garages.

Structures used to provide parking spaces along with adequate drives and aisle, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles. This may be permitted as a principal use of the lot in accordance with Chapter 1104: Use Regulations

A.2.215. Parking Lots.

An outdoor area made up of marked parking spaces and associated access drives where motor vehicles may be stored for the purpose of temporary off-street parking. Also known as a parking area.

A.2.216. Parking Space.

An off-street space for the temporary parking of a vehicle for a period longer than required to load or unload persons or goods.

A.2.217. Patios (Unenclosed).

Uncovered, non-enclosed outdoor hard surfaced areas that are no higher than 18 inches above the ground and does not require a building permit for construction.

A.2.218. Pedestrian Walkway.

A dedicated public right-of-way limited to pedestrian use.

A.2.219. Person.

A firm, association, organization, partnership, trust, company or corporation as well as an individual.

A.2.220. Personal Services.

Activities conducted in an office, store or other place of business catering to the personal needs of a customer, such as normally conducted by a barber, beautician, tailor, dressmaker, doctor, attorney, architect, or a photocopy duplication center.

A.2.221. Planned Residential Development (PRD).

A residential development consisting of single-family detached and single-family attached residential units in a variety of densities and styles, supported by adequate public or private infrastructure and open space and implemented in accordance with an overall plan approved by the Commission and Council.

A.2.222. Planning and Zoning Commission.

The Planning and Zoning Commission of the City of Tallmadge.

A.2.223. Plat, Final.

A final tracing of all or a phase of a subdivision, a planned residential development, or other land development and its complete survey information.

A.2.224. Plat, Preliminary.

A drawing of a major subdivision, planned residential development, or other land development for the purpose of study and which, if approved, permits proceeding with the preparation of the final plat

A.2.225. Playsets, Treehouses, and Trampolines.

Recreational equipment for children that may include, but is not limited to, swings, slides, monkey bars, and play enclosures.

A.2.226. Porches and Decks.

An enclosed or unenclosed surface area attached to, or abutting, a building, that is not used for livable space but that is elevated above the ground, at its highest point, by at least 18 inches.

A.2.227. Poultry and Fowl.

A domesticated or wild, heavy-bodied, largely terrestrial bird including pheasants, turkeys, grouse, peacock, the common domestic chicken, and waterfowl such as ducks.

A.2.228. Project Boundary.

The boundary defining the tract(s) of land that is included in a proposed development to meet the minimum required project area for a planned development, multi-family development, or similar project. The term “project boundary” shall also mean “development boundary”.

A.2.229. Public.

Owned, operated or controlled by a public or governmental agency, either Federal, State, County, township or City, including a corporation created by law to perform certain specialized governmental functions.

A.2.230. Public Hearing.

An official meeting called by the City Council, the Planning & Zoning Commission, or the Board of Zoning Appeals, duly noticed, which is intended to inform and obtain public comment or testimony, prior to the governing body rendering a decision.

A.2.231. Public Improvements.

The term means street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, streetlights, flood control and drainage facilities, utility lines, structures, landscaping, and other related matters normally associated with the subdivision of raw land into building sites.

A.2.232. Public Utility.

Any person, firm or corporation, governmental agency or board having a public utility commission permit to furnish to the public, under regulations, electricity, gas, sewer, water, telephone, transportation, steam or other similar public services.

Q.

R.

A.2.233. Raising of Small Livestock.

The noncommercial raising of chickens, rabbits, or other similarly small livestock on a lot used for residential purposes, as an accessory use.

A.2.234. Real Estate Sales/Model Homes.

A dwelling unit temporarily converted into a sales and display office or a temporary sales office established in a development or subdivision for the purpose of providing an example of the units in the development.

A.2.235. R.C.

The Ohio Revised Code.

A.2.236. Recognized Heritage Structures (RHS).

The structures with historical importance as recommended by the Tallmadge Heritage Commission and adopted by Tallmadge City Council.

A.2.237. Reconstruction.

The act or process of reproducing by new construction, the form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

A.2.238. Recreation: Active Recreational Uses.

a structured individual or team activity that requires the use of special facilities, courses, fields, or equipment.

A.2.239. Recreation: Passive Recreational Uses.

recreational activities that do not require prepared facilities like sports fields or pavilions. Passive recreational activities place minimal stress on a site's resources; as a result, they can provide ecosystem service benefits and are highly compatible with natural resource protection.

A.2.240. Recreational Vehicle.

A vehicle type unit primarily designed as temporary living quarters for recreation, camping, or travel use only, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are boat, travel trailer, camping trailer, truck camper, and motor home.

A.2.241. Recreation Facility, Commercial Indoor.

Any land or facility privately operated as a business and open to the general public, for a fee, that may include indoor facilities such as, but not limited to fitness centers, racquetball, in-line skating, billiard parlors, bowling alleys, video amusement arcades, excluding adult-oriented.

A.2.242. Recreation Facility, Commercial Outdoor.

Any land or facility privately operated as a business and open to the general public, for a fee, that may include outdoor facilities such as, but not limited to miniature golf, batting cages, tennis courts, volleyball courts, athletic fields, golf courses, swimming pools, and campgrounds.

A.2.243. Recreation Facility, Non-commercial.

Any land or facility operated by a governmental agency or a non-profit organization and open to the general public or members of the non-profit organization with or without a fee that shall include, but is not limited to picnic areas, bike/hike trails, athletic fields, swimming pools.

A.2.244. Rehabilitation.

The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

A.2.245. Religious Places of Worship.

A permanently located church, cathedral, synagogue, temple, mosque, or other place dedicated to religious worship. As part of its function it may include the following incidental and subordinate uses subject to applicable federal, state and local regulations: offices, residences for clergy, religious instruction, educational institutions, private and special schools, day care centers, emergency shelters, and community and recreational activities.

A.2.246. Relocation.

Any repositioning of a structure on its site or moving it to another site.

A.2.247. Renewable Energy Equipment, Wind.

Equipment for the collection of wind energy or its conversion to electrical energy or heat for use on the same property or for incidental sale to a utility when that equipment is accessory to a permitted or approved conditional use of the property. Includes both building mounted and ground mounted units. Ground mounted units have a foundation and are not dependent on a building for structural support.

A.2.248. Repair Services.

A building, lot, or portion of a lot used or intended to be used for the retail dispensing of vehicle fuels and including as an accessory use minor mechanical repair such as brake, exhaust and muffler work, and the dispensing of lubricants, tires, batteries, similar accessories, and convenience food items.

A.2.249. Research and Development.

A facility primarily for medical, optical, orthotic, prosthetic, or dental laboratory services, photographic, analytical, or testing services and/or engaged in the research, development and controlled production of high technology electronic, industrial or scientific products or commodities for sale.

A.2.250. Restaurant

See “Food Service”

A.2.251. Restaurant, Fast Food

See “Food Service”

A.2.252. Restoration.

The act or process of accurately taking a building’s appearance back to a specific period of time by removing later work and by replacing missing earlier features to match the original.

A.2.253. Retail: Building Materials Stores.

Retailing, wholesaling or rental of building supplies or construction equipment. This use classification includes lumberyards, home improvement sales and services, tool and equipment sales or rental establishments.

A.2.254. Retail Business.

Any business selling goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale.

A.2.255. Retail – Large Format.

A retail establishment containing consumer goods that exceeds twenty thousand (20,000) square feet.

A.2.256. Retail – Medium Format.

A retail establishment containing consumer goods that is between five thousand (5,000) and twenty thousand (20,000) square feet.

A.2.257. Retail – Pharmacy.

An establishment substantially devoted to the sale of pharmaceutical items, supplies, and equipment such as prescription drugs.

A.2.258. Retail – Shopping Center – Enclosed.

A group of commercial establishments planned, constructed, and managed as a single entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, and protection from the elements.

A.2.259. Retail – Shopping Center – Outdoor.

A group of commercial establishments planned, constructed, and managed as a single entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, whereby access to individual shops requires outdoor access from a shared sidewalk or road.

A.2.260. Retail – Small Format.

A retail establishment containing consumer goods that is no greater than five thousand (5,000) square feet.

A.2.261. Right of Way.

The width between property lines of a street, pedestrian walkway, or easement.

A.2.262. Roadside Stand.

Outdoor merchandise sales in Residential Districts, for the sale of products produced on the lot, such as but not limited to sale of wood or produce.

A.2.263. Roof Line.

Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette. In regard to sign placement, where a building has several roof levels, the pertinent roofline or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

S.

A.2.264. Satellite Dish.

A parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

A.2.265. Screening.

A method of visually shielding or obscuring a structure, parking, mechanical equipment, refuse collection center or incompatible land use, from another and from public view by fencing, walls, beams or densely planted vegetation.

A.2.266. Self-Storage Facilities.

A facility consisting of a building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customers' residential goods or wares.

A.2.267. Setback.

Setback means the required minimum horizontal distance between a lot line or the proposed right-of-way, whichever is more restrictive and a building, surface parking lot or structure as established by this code.

A.2.268. Setback, Building.

The setback required from any right-of-way and the principal or accessory building as established in this code.

A.2.269. Setback Line.

A line established by this code generally parallel with and measured from the lot line or the right-of-way, whichever is more restrictive, defining the minimum distance a building, structure, parking area or outdoor storage area shall be located from the said lot or thoroughfare line, except as may be provided in this code.

A.2.270. Setback, Front.

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the front lot line.

A.2.271. Setback, Rear.

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the rear lot line. Setback, Side The minimum distance required between a building, structure, parking

area, outside storage area, or other use of the property, and a lot that is shared with another lot where such lot line is defined as a side lot line.

A.2.272. Sexually Oriented Business

An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, semi-nude model studio, and/or sexual encounter establishment. The definition of “sexually oriented business” shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

A.2.273. Shopping Center

See “Retail”

A.2.274. Shrub.

A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

A.2.275. Sidewalk.

That portion of the road right-of-way, easement, or private property that is improved for the use of pedestrian traffic by the general public. See also “walkway.”

A.2.276. Significant or Substantial Portion.

Ten percent or more.

A.2.277. Site Element.

Significant objects or features, excluding structures, located on a property including, but not limited to, walkways, signage, railings and independent lighting features.

A.2.278. Site Element Change.

Any alteration, demolition, or construction (as those terms are defined herein) to a site element.

A.2.279. Sketch Plan.

A drawing of a proposed subdivision, planned residential development, or other land development for the purpose of study and which, if approved, permits proceeding with the preparation of the final plat.

A.2.280. Skilled Nursing.

Those nursing services and procedures employed in caring for the sick which require training, judgment, technical knowledge, and skills beyond those which the untrained person possesses. It involves administering medications and carrying out procedures in accordance with the orders, instructions, and prescriptions of the attending physician or surgeon.

A.2.281. Skilled Nursing Facility.

A long-term or short-term residential facility that provides skilled nursing services in a facility that is not in a traditional dwelling type (e.g., single-family dwelling). Such facility shall not mean the same as “hospitals” or “group home or residential facility.” See also “personal care facility” or “transitional housing.”

A.2.282. Slope.

The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slope is usually expressed in a percentage based upon vertical differences in feet per 100 feet of horizontal distance.

A.2.283. Soil.

All earth material of whatever origin that overlies bedrock, which may include the decomposed zone of bedrock which can be readily excavated by mechanical equipment.

A.2.284. Solar Energy Systems.

A structure designed to utilize solar energy as an alternate for, or supplement to, a conventional energy system.

A.2.285. Stable.

An establishment for-profit providing boarding, grooming, and training of horses, and riding.

A.2.286. Stabilization.

The act or process of applying measures essential to the maintenance of a deteriorated building as it exists at present, establishing structural stability and a weather resistant enclosure.

A.2.287. Start of Construction.

The date when either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

A.2.288. State.

The State of Ohio.

A.2.289. Story.

That portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the top surface of the ceiling joints above it shall be considered a story. A basement shall not be considered as a story when computing the height of the building.

A.2.290. Street.

The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic.

A.2.291. Street, Collector

A traffic connection from local streets to major arterial thoroughfare, may contain relatively large number of intersections with local street and few intersections with major arterial thoroughfares and per the Thoroughfare Plan has a minimum right-of-way width of 80 feet.

A.2.292. Street, Local

A street providing direct and full access to each lot, laid out so that the use by through traffic is discouraged and per the Thoroughfare Plan has a minimum right-of-way width of 60 feet.

A.2.293. Street, Major Arterial Thoroughfare

A street planned for continuous movement of faster traffic from one section of the community another, containing relatively few intersections and per the Thoroughfare Plan has a minimum right-of-way width of 80 feet.

A.2.294. Street, Cul-de-sac.

A local street having one end open to vehicular traffic and the other end permanently closed with a vehicular turnaround.

A.2.295. Street, Dead End.

A street temporarily having only one outlet for vehicular traffic but intended to be extended or continued in the future and provided with a vehicular turnaround on a temporary easement.

A.2.296. Street, Private.

A roadway which affords principal means of access to abutting property, but which has not been dedicated or deeded to the public.

A.2.297. Street, Public.

A fully improved public thoroughfare which has been dedicated or deeded to the public for public use and accepted by the City and which affords the principal means of access to abutting property.

A.2.298. Structural Alterations.

Any change in the supporting members of a building such as bearing walls, columns, beams, girders or any substantial changes in the roof and exterior walls, partitions or any increase in the area or cubical contents of the building.

A.2.299. Structure.

Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences, or walls used as fences.

A.2.300. Structure, Principal.

The building or structure on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of group dwellings, each such permissible building on one lot as defined by this Zoning Code shall be construed as constituting a principal building.

A.2.301. Structure, Temporary.

A structure permitted for limited duration with the intent that such use will terminate, or the structure will be removed automatically upon expiration of the fixed time period. A temporary structure is without a foundation or footing.

A.2.302. Subdivider.

Any individual, firm, association, corporation, trust or any legal entity, including agents, commencing proceedings under these regulations to subdivide land.

A.2.303. Subdivision.

The division of any parcel of land, shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures, not involving the division, combination, alteration, or allocation of land for the opening, widening or extension of any street or streets, and the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities, shall be exempted.

A.2.304. Subdivision, Major.

A subdivision that is not classified as a minor subdivision.

A.2.305. Subdivision, Minor.

A division of a parcel of land along an existing street not involving the opening, widening or extension of any street or road and involving no more than five lots after the original tract

A.2.306. Substantial Expansion

COA: An increase of ten (10%) or more of the built footprint of the principal structure proposed.

SITE PLAN REVIEW: an increase of twenty-five (25%) or more of the built footprint of the principal structure

A.2.307. Surveyor.

A person registered to engage in the practice of surveying under the laws of the State of Ohio.

A.2.308. Swimming Pool.

A body of water of artificial construction, used for swimming or recreational bathing, which is over eighteen inches (18”) in depth at any point, and has more than one hundred (100) square feet of area on the water surface when filled to capacity, and including the bottom and sides of the pool, and the equipment appurtenances thereof.

T.

A.2.309. Technology Park.

Research and laboratory facilities, higher quality manufacturing and industrial using an organized, master-planned industrial park/ campus setting.

A.2.310. Telecommunication.

The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

A.2.311. Temporary Outdoor Sales.

Temporary outdoor sales activities include sidewalk sales, inventory reduction or liquidation sales, seasonal merchandise sales, itinerant vendors, and transient produce merchant sales. Seasonal merchandise sales include the sale of plants (also vegetables), flowers, shrubs, trees, mulch, fertilizer, weed killer products, soil, peat moss, lime, small decorative stones, landscape timbers, railroad ties, pumpkins, salt (for ice removal) and similar products, and Christmas trees.

- A. Temporary outdoor sales activities shall not include carnivals, festivals, promotional events or any City-sponsored function that may or may not include outdoor sales of food and/or merchandise related to such events.
- B. A transient produce merchant sale involves the selling of products of the farm or garden occupied and cultivated by that person on property other than that which the produce is grown.

A.2.312. Temporary Storage in a Portable Container.

A portable structure or container that allows for storage of goods or materials, on or off-site and which is not permanently affixed to a foundation. This category may be further divided into temporary storage for commercial uses and residential uses.

A.2.313. Tennis and Other Recreational Courts (Outdoor).

An area of a yard that is permanently improved and surfaced for the recreational use of the property owner for games such as tennis, basketball, racquetball, and similar sports or games.

A.2.314. Tent.

Any temporary structure used for temporary sleeping purposes, or for temporarily sheltering a gathering, constructed

wholly or in part from canvas, tarpaulin, cotton, fabric or other similar materials.

A.2.315. Thoroughfare Plan.

The adopted City Thoroughfare Plan and any amendments thereto.

A.2.316. Trailer, Trailer Coach, or Automobile Trailer.

A vehicle used or intended for use as a conveyance upon the public streets or highways, so designed, constructed, reconstructed, or added to by means of portable accessories in such manner as will permit the occupancy thereof as a mobile home or sleeping place.

A.2.317. Transient Living.

Occupying a dwelling unit, including rental of a home or room, for a period of less than 30 days. The definition also includes usage of a property for a daily or weekly rental as a commercial business.

A.2.318. Tree, Medium.

Any tree which normally attains a mature height greater than twenty-five (25) feet and less than forty (40) feet.

A.2.319. Tree, Small.

Any tree which normally attains a mature height greater than fifteen (15) feet and less than twenty-five (25) feet.

A.2.320. Tree, Standard.

A tree planted with a trunk caliper (diameter) of at least one and 3/4 (1¾) inches measured six inches (6") above grade.

A.2.321. Type-B Day Care Home (1-6 Children).

A permanent residence of the provider in which childcare is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted; or as defined in the Ohio Revised Code.

U.

A.2.322. Ungulate.

A hooved mammal including horse, cow, goat, pig, and sheep.

A.2.323. Use.

The purpose for which a building or premises is or may be occupied. In the classification of uses, a "use" may be a use as commonly understood or the name of an occupation, business, activity or operation carried on, or intended to be carried on; in a building or on premises, or the name of a building, place or thing which name indicates the use or intended use.

A.2.324. Use, Accessory or Accessory Structure.

A use or structure subordinate to the principal use of a building or to the principal use of land, which is located on the same lot as the principal use, and which is serving a purpose customarily incidental to the use of the principal building or land use.

Use, Conditional. A use which is permitted in a district only if a zoning certificate therefore is expressly authorized by the Planning and Zoning Commission and Council.

A.2.325. Use, Conditional.

A use which may be appropriate or desirable in a specified zoning district but requires special approval through the conditional use approval (See Chapter 1102 Administration and Procedures.) because, if not carefully located or designed, it may create special problems such as excessive height or bulk or abnormal traffic congestion.

A.2.326. Use, Non-Conforming.

A building, structure or use of land used or lawfully existing at the time of the enactment of this Zoning Code, or any amendment or supplement thereto, and which does not conform to the district regulation other than height, area, and yard requirements for the district in which it is situated.

A.2.327. Use, Principal Permitted.

A use which is permitted outright in a district for which a zoning certificate shall be issued by the Zoning Inspector provided that the applicant meets the applicable requirements of the Code.

Utility(ies). Any water, sewer, gas, drainage, sprinkler or culvert pipe and any electric power, telecommunications, signal, communications, or cable television or video service Provider conduit, fiber, wire, cable, or operator thereof.

A.2.328. Use, Temporary.

A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure. See Chapter 1104 Use Regulations].

V.

A.2.329. Variance.

A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public health, safety, or welfare and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

A.2.330. Vehicular Use Area.

The entire paved area that encompasses all parking spaces, loading areas, waiting spaces, and the access drives that provide access to those spaces but that does not include the entry drive or driveway with no direct access to a parking space, waiting space, or loading space.

A.2.331. Violation.

The failure of a structure or other development to be fully compliant with these regulations.

W.

A.2.332. Wall, Retaining.

Any structure which prevents the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another.

A.2.333. Warehousing and Distribution.

Facilities and accessory uses for the mass storage and movement of goods as well as transportation, logistics, maintenance and fleet parking.

A.2.334. Wholesale establishment.

A business that engages in the sale of goods, merchandise and commodities for resale by the purchaser.

X.

Y.

A.2.335. Yard.

An open area other than a court, on a lot, unoccupied and unobstructed from the ground upward.

A.2.336. Yard Width, Side.

The perpendicular distance between the established side lot line and any portion of any structure existing or to be constructed on such lot.

A.2.337. Yard Depth, Front.

The perpendicular distance between the street right-of-way line and the nearest portion of any structure existing or to be constructed excluding steps and uncovered porches. Where the right-of-way is not established it shall be assumed to be sixty (60) feet. Where a major thoroughfare or collector thoroughfare is designated on the Thoroughfare Plan the front yard depth shall be measured from the proposed right-of-way line.

A.2.338. Yard Depth, Rear.

An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

Z.

A.2.339. Zoning Certificate.

A document issued by the Zoning Inspector authorizing buildings, structures, or uses consistent with the terms of this Chapter and for the purpose of carrying out and enforcing its provisions.

A.2.340. Zoning Code.

The part of the Codified Ordinances Zoning Code of the City of Tallmadge, Ohio.

A.2.341. Zoning Inspector.

The administrative officer for the purpose of affecting the proper administration of this Zoning Code of the City of Tallmadge, Ohio and shall have the powers of a police officer when enforcing the requirements of this Zoning Code.

A.2.342. Zoning Map.

The Zoning District Map of the City of Tallmadge, Ohio.

A.3 SIGN SPECIFIC DEFINITIONS

A.3.1. Channel Letters.

A sign that consists of custom-made metal or plastic that are covered in a translucent plastic material, often internally illuminated. The space between the letters is not part of the sign structure but rather the building façade though the space may count toward the sign area depending on how the letters are grouped and calculated in accordance with Section 1108.05 C.

A.3.2. Decorative Pole.

A pole, arch, or structure other than a streetlight pole placed in the Right-of-Way specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments have been placed except for the following:

- A. Electric lighting;
- B. Specifically designed information or directional signage; or
- C. Temporary holiday or special event attachments.
- D. Illumination, External.

For signage, the illumination of a sign by projecting light on to the face of the sign from a light source located outside of the sign, such as “goose-neck” lamp.

A.3.3. Illumination, Halo or Back-lit.

The illumination of a sign by projecting light behind an opaque letter or emblem which results in the appearance of ring of light around the unilluminated letter or emblem.

A.3.4. Illumination, Internal.

The illumination of a sign by projecting light on a translucent panel from a light source located inside an enclosed sign cabinet or channel-letter.

A.3.5. Pennants.

A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands, or supported on small poles, intended to flap in the wind.

A.3.6. Sign.

Any display, figure, painting, placard, poster, drawing, letter, word, symbol, number, or any combination of these or any other device visible, with or without verbiage, which can be seen from the right-of-way and is designed to inform or attract the attention of persons not on the premises on which the sign or street graphic is located. Used to convey a message, advertise, inform or direct attention to a person, institution, organization, activity, place, object or product.

A.3.7. Sign, Attached.

A sign permanently affixed to a wall, canopy or awning of a building or structure, if permitted and includes projecting signs.

A.3.8. Sign, Awning, Canopy or Marquee.

A sign that is mounted on or painted on or attached to an awning, canopy or marquee.

A.3.9. Sign, Banner.

A temporary sign made of any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners.

A.3.10. Sign, Changeable Copy.

A portion of a sign with letters, characters, or graphics that are not permanently fixed to the structure, framing or background, or not permanently displayed on the sign face, which allows the letters, characters or graphics to be modified from time to time manually or by electronic or mechanical devices, such as a bulletin board or electronic message board. Changeable copy signs may not be used to display commercial messages relating to products or services that are not offered on the property.

A.3.11. Sign, Directional.

A sign directing vehicular or pedestrian movement onto or within a premise with no identification or advertising on

the sign.

A.3.12. Sign, Electronic Message Center (EMC).

An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a lighting source.

A.3.13. Sign, Entrance/Exit.

An on-premises sign located at the entrance/exit drives, near the street, giving directional information.

A.3.14. Sign, Feather Banner.

A lightweight portable advertising medium, mounted on a pole that resembles a sail. Also described as “sail banner” or “feather flag”.

A.3.15. Sign, Flag.

Signs printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, text or symbols, and attached to a pole or staff anchored along only one edge or supported or anchored at only two corners. Flags with noncommercial speech shall not be considered flag signs.

A.3.16. Sign, Freestanding Sign.

A sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

A.3.17. Sign, Identification.

A sign which displays only the same address and/or use of the premises upon which the sign is located or to which it is affixed, or the product or service offered therein.

A.3.18. Interactive Sign.

An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.

A.3.19. Sign, Limited Duration.

A non-permanent sign that is displayed on private property for more than 30 days, but not intended to be displayed for an indefinite period.

A.3.20. Sign, Monument.

A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building.

A.3.21. Sign, Non-conforming.

Any sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

A.3.22. Sign, Permanent.

A sign designed for use for an indefinite period of time. Permanent signs may be free-standing or attached to buildings or other structures.

A.3.23. Sign, Personal Expression.

An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

A.3.24. Sign, Portable.

A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

A.3.25. Sign, Projecting.

A sign suspended from or supported by a building structure, or column and extending therefrom, more than fifteen (15) inches.

A.3.26. Sign, Pole.

See Sign, Freestanding Sign.

A.3.27. Sign, Public Interest.

A sign intended for the identification of events, services, or other needs related to the public interest to the City of Tallmadge, as specifically authorized by the Mayor, which may include, but is not limited to not-for-profit service organizations, religious institutions, community festivals, or governmental announcements, etc.

A.3.28. Sign, Real Estate/Construction Project.

A temporary sign identifying a project while it is under construction and typically includes the architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

A.3.29. Sign, Roof.

Any sign which is erected over the roof or parapet above the roofline and/or receives any or all its support from the roof structure.

A.3.30. Sign, Sandwich Board

A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians (Also known as A-frame sign)

A.3.31. Sign, Snipe.

A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner.

A.3.32. Sign, Temporary.

A banner, pennant, poster display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, person, institution, organization or business and is constructed of cloth, canvas, plastic sheet, cardboard or other like materials and which is intended to be displayed for a limited period of time.

A.3.33. Sign, Vehicular.

A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.

A.3.34. Sign, Wall.

A sign which is affixed, painted on or attached to the wall of the building or other structure and which extends not more than fifteen (15) inches from the face of the wall.

A.3.35. Sign, Window.

A sign attached to, in contact with, placed upon or painted on the window or door of a building which is intended for viewing from the outside of such building. This does not include merchandise located in a window.

A.4 WIRELESS COMMUNICATION TOWERS SPECIFIC DEFINITIONS

A.4.1. Antenna.

Communications equipment that transmits or receives radio frequency signals in the provision of wireless service.

A.4.2. Co-Location.

To install, mount, maintain, modify, operate, or replace Wireless Facilities on a Wireless Support Structure.

A.4.3. Facility(ies).

Any tangible thing located in any Rights-of-Way within the City and includes Wireless Facilities and Wireless Support Structures; but shall not include boulevard plantings, ornamental plantings or gardens planted or maintained in the Rights-of-Way between a Person's property and the street edge of pavement.

A.4.4. FCC.

The Federal Communications Commission, or any successor thereto.

A.4.5. Height.

The distance measured from the pre-existing grade level to the highest point on the structure, including any Small Cell Facility, even if said highest point is an Antenna or lightening protection device.

A.4.6. Lattice Tower.

A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

A.4.7. Micro Wireless Permit.

A Permit, which must be obtained before a Person can construct, modify, collocate, or replace a Small Cell Facility or Wireless Support Structure.

A.4.8. Monopole.

A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

A.4.9. Supplementary Application.

Any application made to Construct on or in more of the Rights-of-Way than previously allowed, to extend a Permit that had already been issued, or to otherwise modify or amend the specifics of a Permit application.

A.4.10. System.

Any system of conduit, cables, ducts, pipes, wires, lines, towers, antennae wave guides, fiber optics, microwave, laser beams and any associated converters, equipment or Facilities or Utilities designed and constructed for the purpose of producing, receiving, amplifying, delivering or distributing Services within the City. A System shall specifically include, but not necessarily be limited to electric distribution and/or transmission systems, natural or artificial gas distribution and/or transmission systems, water distribution systems, storm sewer systems, sanitary sewer systems, cable television systems, video service networks, telecommunications systems (whether voice, video, data, or other), fiber optic systems, and wireless communications systems.

A.4.11. System Representative.

The specifically identified agent/employee of a Provider who is authorized to direct field activities of that Provider and serve as official notice agent for System-related information. Any such System Representative shall be required to be available at all times to receive notice of and immediately direct response to System related emergencies or situations.

A.4.12. Wireless Telecommunications Equipment Shelter.

The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is

housed.

A.4.13. Wireless Telecommunications Facility.

A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

A.4.14. Wireless Telecommunications Tower.

A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

A.5 RIPARIAN SETBACK SPECIFIC DEFINITIONS

A.5.1. Best Management Practices (BMPs).

Conservation practices or protection measures which reduce impacts from a particular land use. Best Management Practices for construction are outlined in “Rainwater and Land Development, Ohio’s Standard for Storm Water Management, Land Development, and Urban Stream Protection” prepared by the Ohio Department of Natural Resources.

A.5.2. Channel

Defined Channel: A natural or man-made depression in the terrain which is maintained and altered by the water and sediment it carries.

Natural Channel: A natural stream that conveys water; a ditch or channel excavated for the flow of water.

A.5.3. Damaged or Diseased Trees.

Trees that have split trunk, broken tops, heart rot, insect or fungus problems that will lead to imminent death, undercut root systems that put the tree in imminent danger of falling, lean as a result of root failure that puts the tree in imminent danger of falling, or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a stream or onto a structure.

A.5.4. Federal Emergency Management Agency (FEMA).

The federal agency with overall responsibility for administering the National Flood Insurance Program.

A.5.5. Impervious Cover.

Any surface that cannot effectively absorb or infiltrate water. This may include roads, streets, parking lots, rooftops, sidewalks and other areas not covered by vegetation.

A.5.6. Noxious Weed.

Any plant defined as “Prohibited Noxious Weeds” under the applicable provisions of the Ohio Administrative Code, including but not limited to, Goldenrod, Poison Hemlock, Poison Ivy, Poison Oak, Ragweed, Stinging Nettle, and other plants capable of causing skin reactions upon contact or producing severe allergic respiratory reactions.

A.5.7. Ohio Rapid Assessment Method.

A multi-parameter qualitative index established by the Ohio Environmental Protection Agency to evaluate wetland quality and function.

A.5.8. Ohio Utility Protection Service.

The utility protection service as defined in R.C. 153.64 and/or R.C. 3781.26 or a statutory successor thereto.

A.5.9. One Hundred Year (100-year) Floodplain.

Any land susceptible to being inundated by water from a base flood, which is the flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year. For the purposes of these regulations, the 100-year floodplain shall be defined by FEMA and subject to review and approval by the City Engineer.

A.5.10. Ordinary High-Water Mark.

The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. The ordinary high-water mark defines the channel of a stream.

A.5.11. Pollutant.

Anything that causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, hazardous materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.

A.5.12. Pollution.

Any contamination or alteration of the physical, chemical, or biological properties of any waters that will render the waters harmful or detrimental to public health, safety or welfare; domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; livestock, wildlife, including birds, fish or other aquatic life.

- A. Point Source Pollution. Pollution that is traceable to a discrete point or pipe.
- B. Non-point Source Pollution. Pollution generated by various land use activities rather than from an identifiable or discrete source, and is conveyed to waterways through natural processes, such as rainfall, storm runoff or ground water seepage rather than direct discharge.

A.5.13. Riparian Area.

A transitional area between flowing water and terrestrial ecosystems which provides a continuous exchange of nutrients and woody debris between land and water. This area is at least periodically influenced by flooding.

A.5.14. Riparian Setback.

The area set back from each bank of a stream to protect the riparian area and stream from impacts of development, and streamside residents from impacts of flooding and land loss through erosion. "Riparian setbacks" are those lands within the city that fall within the area defined by the criteria set forth in these regulations.

A.5.15. Soil and Water Conservation District (SWCD).

An entity organized under R.C. Chapter 940 referring to either the Soil and Water Conservation District Board or its designated employees, hereinafter referred to as the SWCD.

A.5.16. Soil-disturbing Activity.

Clearing, grading, excavating, filling or other alteration of the earth's surface where natural or human-made ground cover is destroyed, and which may result in, or contribute to, erosion and sediment pollution.

A.5.17. Soil and Water Conservation District (SWCD).

An entity organized under R.C. Chapter 940 referring to either the Soil and Water Conservation District Board or its designated employees, hereinafter referred to as the SWCD.

A.5.18. Stream.

A surface watercourse with a well-defined bed and bank, either natural or artificial, which confines and conducts

continuous or periodic flowing water in such a way that terrestrial vegetation cannot establish roots within the channel.

A.5.19. Storm Water Pollution Prevention Plan (SWPPP).

The plan which describes all the elements of the storm water strategy implemented during and after construction. The plan addresses erosion control and storm water quality.

A.5.20. Storm Water Quality Treatment.

The removal of pollutants from urban runoff and improvement of water quality, accomplished largely by deposition and utilizing the benefits of natural processes.

A.5.21. Watercourse.

A natural or artificial waterway, such as a stream or river, with a defined bed and channel and a definite direction of course that is contained within, flows through or borders the community.

A.5.22. Wetlands.

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

A.6 FLOOD DAMAGE REDUCTION SPECIFIC DEFINITIONS

A.6.1. Appeal.

A request for review of the Floodplain Administrator's interpretation of any provision of these regulations or a request for a variance.

A.6.2. Basement.

A story all or partly underground but having at least one-half (1/2) of its height below the average level of the adjoining ground.

A.6.3. Base Flood.

The flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one percent (1%) chance annual flood or one hundred (100) year flood.

A.6.4. Base (100-Year) Flood Elevation (BFE).

The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

A.6.5. Enclosure Below the Lowest Floor.

"Lowest Floor."

A.6.6. Federal Emergency Management Agency (FEMA).

The federal agency with overall responsibility for administering the National Flood Insurance Program.

A.6.7. Fill.

A deposit of earth material placed by artificial means.

A.6.8. Floatable Material.

Any foreign matter that may float or remain suspended in the water column, and includes but is not limited to, plastic,

aluminum cans, wood products, bottles, and paper products.

A.6.9. Flood or Flooding.

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

A.6.10. Flood Hazard Boundary Map (FHBM).

Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

A.6.11. Flood Insurance Rate Map (FIRM).

An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

A.6.12. Flood Insurance Risk Zones.

Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. The following are the zone definitions:

- A. Zone A - special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
- B. Zones A1-30 and Zone AE - special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
- C. Zone AO - special flood hazard areas inundated by the 100-year flood; with flood depths of one (1) to three (3) feet (usually sheet flow on sloping terrain); average depths are determined.
- D. Zone AH – special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.
- E. Zone A99 - special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
- F. Zone B and Zone X (shaded) - areas of 500-year flood; areas subject to the 100-year flood with average depths of less than one (1) foot or with contributing drainage area less than one (1) square mile; and areas protected by levees from the base flood.
- G. Zone C and Zone X (unshaded) - areas determined to be outside the 500-year floodplain.

A.6.13. Flood Insurance Study (FIS).

The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

A.6.14. Floodplain Administrator.

The Floodplain Administrator of the City of Tallmadge or his or her designee.

A.6.15. Flood Protection Elevation (FPE).

The base flood elevation plus zero (0) feet of freeboard. In areas where no base flood elevations exist from any

authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the Floodplain Administrator.

A.6.16. Floodway.

The channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

A.6.17. Freeboard.

A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

A.6.18. Hydrologic and Hydraulic Engineering Analysis.

An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

A.6.19. Letter of Map Change (LOMC).

A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

- A. Letter of Map Amendment (LOMA). A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
- B. Letter of Map Revision (LOMR). A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
- C. Conditional Letter of Map Revision (CLOMR). A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

A.6.20. Lowest Floor.

Lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an “enclosure below the lowest floor” which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

A.6.21. New Construction.

Structures for which the “start of construction” commenced on or after the initial effective date of the City of Tallmadge Flood Insurance Rate Map, April 15, 1981, and includes any subsequent improvements to such structures.

A.6.22. Person.

Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the General Assembly, the Controlling Board, the Adjutant General's Department, or any court.

A.6.23. Special Flood Hazard Area.

Also known as "Areas of Special Flood Hazard." The land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1 30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal, state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

A.6.24. Substantial Improvement.

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

- A. Any improvement to a structure that is considered "new construction".
- B. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- C. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

A.6.25. Watershed.

An area of land that drains into a particular watercourse, usually defined by topography.

