



PLANNING & ZONING DEPARTMENT | 46 NORTH AVE, TALLMADGE, OH 44278 | P 330.633.0090 | F 330.633.1359 | ZONING@TALLMADGE-OHIO.ORG | WWW.TALLMADGE-OHIO.ORG

OFFICE USE ONLY			
RCT		FEE	
<input type="checkbox"/> PZ	<input type="checkbox"/> SVC	<input type="checkbox"/> STR	<input type="checkbox"/> UTIL <input type="checkbox"/> ENG <input type="checkbox"/> B/C

## PLANNING & ZONING CERTIFICATE APPLICATION

**BASIC APPLICATION REQUIREMENTS** (See the appropriate application guide for any additional requirements)

- Completed & Signed Application Form  
  Application Fee  
  Plot Plan  
  Building Plan  
  Additional per Application Guide

**APPLICATION TYPE** (Check all that apply)

SITE DEVELOPMENT		DEVELOPMENT	USE PERMIT
<input type="checkbox"/> Residential Construction	<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> Preliminary Plat/RePlat/Vacation	<input type="checkbox"/> Use & Compliance
<input type="checkbox"/> Non-Residential Construction	<input type="checkbox"/> Signage	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Conditional Use
<input type="checkbox"/> Demolition	<input type="checkbox"/> Engineering Review	<input type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Similar Use

**PROJECT DETAILS**

PROJECT: \_\_\_\_\_

PROJECT ADDRESS/LOCATION \_\_\_\_\_

**EXISTING CONDITIONS** **PROPOSED PROJECT DETAILS, WHERE APPLICABLE**

ACREAGE: \_\_\_\_\_ NO. OF LOTS \_\_\_\_\_ SQ.FT OF PROPOSED STRUCTURE: \_\_\_\_\_

ZONING DISTRICT: \_\_\_\_\_ PROPOSED ZONING DISTRICT: \_\_\_\_\_

EXISTING LAND USE: \_\_\_\_\_ PROPOSED LAND USE \_\_\_\_\_

CHECK ALL THAT APPLY AND PROVIDE DOCUMENTATION: \_\_\_\_\_ EST COST (TRACKING PURPOSE ONLY): \_\_\_\_\_

EASEMENT  
  FEMA FLOODPLAIN  
  RIPARIAN  
  WETLANDS

**CONTACT INFORMATION**

**Applicant** \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

**Architect/Engineer/Surveyor/Other:** \_\_\_\_\_

Name \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

**Owner** \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

**Architect/Engineer/Surveyor/Other:** \_\_\_\_\_

Name \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

**SIGNATURES & ENDORSEMENTS**

\_\_\_\_\_ I UNDERSTAND THAT I MUST CONTACT SUMMIT COUNTY DEPARTMENT OF BUILDING STANDARDS (330-630-7280) TO VERIFY BUILDING DEPARTMENT REQUIREMENTS FOR APPLIED PROJECTS.

\_\_\_\_\_ I UNDERSTAND THAT I MUST CONTACT THE CITY OF TALLMADGE ZONING DEPARTMENT WHEN THE PROJECT IS STAKED OUT FOR SETBACK COMPLIANCE. I AM RESPONSIBLE FOR DETERMINING PROPERTY LINES AND MAINTAINING THE APPROVED SETBACKS.

The undersigned hereby certifies that the information in and with this application is accurate, and consents to employees and/or agents of the City entering the premises for inspection verification of the information submitted.

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

<b>OFFICE USE ONLY</b>	
REVIEWED BY:	DATE:
<input type="checkbox"/> APPROVED <input type="checkbox"/> APPROVED AS NOTED <input type="checkbox"/> DENIED	

**CERTIFICATE OF USE & COMPLIANCE APPLICATION (ACCESSORY)**

**ADDRESS OR TAX PARCEL ID:** \_\_\_\_\_

A Certificate of Use & Compliance must be obtained for the subject activities. Complete the appropriate section and submit with all applicable forms, plans and fees to the Planning & Zoning Department. Additional applications may be required depending the use.

**OUTDOOR DINING PERMIT in ROW**                      **Section 1104.08 K (12)**                      **Fee: \$25.00**

A zoning permit is required any outdoor dining in the public right-of-way. A completed application includes:

Completed Zoning Permit Application (Title page & page 2)                       Signed Statement of Understanding (page 3)

Workers Compensation Certificate Copy

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Business Name: \_\_\_\_\_

Outdoor Seating Area	sf	Indoor Seating Area:	sf	<input type="checkbox"/> Barrier Requirement (fence application required)
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**TEMPORARY OUTDOOR SALES**                      **Section 1104.09 C (6)**                      **Fee: \$25.00**

Temporary outdoor merchandising activities directed at the general public may be allowed as an accessory use in nonresidential districts and on the premises of permitted and conditional uses.

Completed Zoning Permit Application (Title page & page 2)                       Signed Statement of Understanding (page 3)

Sale type (*sidewalk, inventory reduction, liquidation, damaged goods, transient product, seasonal*)

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Sale Start Date: \_\_\_\_\_                      Sale End Date: \_\_\_\_\_                      Sale \_\_\_\_\_ of \_\_\_\_\_

Outdoor Sale area:	sf	Indoor gross floor area:	sf
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**(INTENTIONALLY LEFT BLANK)**

**COLUMBARIUM**                      **Section 1104.07 D (2)**                      **Fee: \$25.00**

A zoning permit is required any Columbarium as accessory use.

Completed Zoning Permit Application (Title page & page 2)

State License Certificate attached                       Conditional Certificate:

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Place of Worship/Cemetery:                       Number of Niches

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24/7 Contact:                       24/7 Contact Phone: \_\_\_\_\_

# OUTDOOR DINING IN PUBLIC RIGHT-OF-WAY

## Section 1104.07 K OUTDOOR DINING

- (1) Outdoor dining areas shall be located along a sidewalk adjacent to the principal building the dining is connected with or between the principal building the dining is connected with and an adjacent parking area. Outdoor cafes and food service areas shall not be located in such a manner as to require customers/employees to cross driveways or parking areas to go between the café/food service area and principal building.
- (2) Outdoor dining areas shall meet the parking area setbacks established in Section 1105 Parking.
- (3) Outdoor dining shall not be located within 10 feet of fire hydrants, Fire Department standpipe connections, fire escapes, bus stops, loading zones, mailboxes, or traffic signal stanchions.
- (4) The seating capacity of the outdoor seating areas shall not exceed the seating capacity of the indoor seating area.
- (5) If no grade separation is provided between vehicular traffic and the outdoor dining area, permanent railings or fencing shall be provided around the dining area. If the outdoor dining area is adjacent to a street or area that is closed to vehicular traffic, no railing or fencing required.
- (6) Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital or any other individual, group or mechanical device shall not be permitted in any outside dining facility if the noise from such entertainment is of such a volume so as to cause a disturbance to abutting property owners.
- (7) If the outdoor dining area is located on a sidewalk, the area shall be designed so there is a minimum of 6 feet of clearance adjacent to the dining area to allow for safe pedestrian circulation. Such areas shall also not block any areas of ingress or egress from the principal building.
- (8) All applicable Health Department sanitation requirements shall be followed, and permits obtained for outdoor food handling. The permittee shall be responsible for posting the outdoor seating area as to any special Health Department requirements.
- (9) Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.
- (10) Enclosing outdoor dining areas either by a permanent roof or to expand the existing structure shall meet all requirements of a building within the applicable zoning district and shall require issuance of a new zoning certificate.
- (11) Temporary stanchions with chains or ropes may be approved for the outdoor dining facility, the extent and nature of which shall be set out in the application. If the area is adjacent to vehicular traffic, permanent railings or fencing shall be provided around the dining areas. For example, permanent railings or fencing may be an ornamental fence constructed of stone, wood, vinyl, wrought iron, hedges or shrubbery.
- (12) Requirements for Outdoor Dining in the Public ROW Outdoor dining shall be permitted on public sidewalks provided that:
  - i. An Outdoor Dining Permit shall be obtained from the Zoning Administrator prior to placing tables, chairs, or any other equipment (including fences, planters, light posts, etc.) on any public sidewalk. Permits issued hereunder shall be valid from date of approval and each year thereafter until such time as the outdoor dining facility ceases operations.
  - ii. All sidewalks encompassed by the Outdoor Dining Permit shall be maintained, by the permittee, in a sanitary manner at all times. Food scraps and containers shall be disposed of in appropriate refuse containers on a regular basis during the day by the permittee. Sweeping of refuse or food scraps into tree grates is not permitted.
  - iii. The proposed use shall not unreasonably interfere with pedestrian or vehicular traffic or with access to parked vehicles, and in no event, shall the uses permitted by an Outdoor Dining Permit reduce the open portion of any sidewalk to less than six feet in width. Sidewalks that include a tree and/or any other permanently affixed objects shall be measured from the building side of the object.
  - iv. Permittees shall see that the public areas encompassed by their Outdoor Dining Permit are kept clean throughout the day and at the end of each business day, so as not to have any food, scraps or drink leftovers remaining which would pose an attraction to animals or insects. Each permit holder shall wash, as needed, the public area to remove any food or drink residue that may attract animals and/or create a pedestrian slip hazard.
  - v. No tables, chairs or other equipment shall be attached or affixed to the sidewalk, poles or any other public facilities, without first obtaining permission from the Director of Public Service.
  - vi. The applicant for an Outdoor Dining Permit shall provide at its sole cost and expense and shall maintain in effect during the entire period of the permit, insurance in the following manner:
    - (a) Worker’s Compensation insurance in at least the required statutory limits;
    - (b) Comprehensive general liability insurance, including owner’s protective liability insurance and contractual liability insurance covering claims for personal injury and property damage with limits of at least one million dollars (\$1,000,000) per occurrence, and one million dollars (\$1,000,000) for any single injury; and
    - (c) Prior to issuance of an Outdoor Dining Permit, the permittee shall provide the City with copies of the certificates of insurance for the required policies for each type of insurance naming the City as an additional insured party.
    - (d) The required insurance policies shall each provide that they shall not be changed or canceled during the life of the Outdoor Dining Permit until thirty days after written notice of such change has been delivered to the City.
  - vii. The permittee shall hold harmless, indemnify, and defend the City of Tallmadge from and against any and all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses, consequential or otherwise, including reasonable attorneys’ fees, which may in any way arise out of or be connected with the granting of an Outdoor Dining Permit which may in any way result therefrom, or from any act or failure to act by the permittee, its agents or employees.
  - viii. The City shall have the right and power, acting through the Public Service Director to prohibit the operation of an outdoor dining area at any time because of anticipated or actual problems and conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events or parades or marches, or repairs to the street or sidewalk, or from demonstrations or emergencies occurring in the area.

## STATEMENT OF UNDERSTANDING | ACKNOWLEDGMENT & AGREEMENT:

I have read and understand the standards and regulations applying to Outdoor Dining as identified in Section 1104.08 K.

APPLICANT/OWNER SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

# TEMPORARY OUTDOOR SALES

## Section 1104.09 C (6) TEMPORARY OUTDOOR SALES

- i. Temporary outdoor merchandising activities directed at the general public may be allowed as an accessory use in nonresidential districts and on the premises of permitted and conditional uses subject to the requirements of this section. It is the intent of this section to provide for temporary outdoor sales which are distinguished from permanent outside business activities that are permitted or conditional uses in a zoning district.
- ii. The following shall apply to all proposed temporary outdoor sales activities allowed by this section in addition to other applicable building and safety code requirements as determined by the Director of Public Safety, Fire Department and/or City Engineer.
  - (a) Sidewalk sales, inventory reduction sales, liquidation sales, damaged goods sales, and transient produce merchant sales shall not exceed a maximum of seven consecutive calendar days, per event. Two such outdoor sales activities per calendar year shall be permitted, per property.
  - (b) Seasonal merchandise sales shall not exceed a total of 30 calendar days per year, per property. Only 4 seasonal sales activities per calendar year, per property, shall be permitted. Bagged seasonal merchandise, such as mulch, peat moss, soil, fertilizer, decorative stones, lime, sale and other similar goods as well as landscape timbers, railroad ties, bicycles, lawn mowers, tractors, wheel barrows, snow blowers, leaf blowers and other large lawn equipment items which are stored, displayed and/or sold outdoors shall be subject to Section 1104.07 M. Outdoor Storage and Bulk Sales.
  - (c) All sales activities, including any temporary structures, tents, and stands, shall not be located within a required building setback or public right-of-way, must be in an area that is paved, shall not interfere with parking, sight distance, traffic circulation or emergency vehicle access on-site or upon a public street, alley, sidewalk or other public area within the City, and shall not reduce the required number of parking spaces required to serve the principal use on the site.
  - (d) Temporary sales on unpaved, landscaped areas is prohibited.
  - (e) Temporary outdoor sales activities within all temporary structures, tents, stands, under canopies or awnings and in all unroofed areas shall be limited to 10% of the enclosed gross floor area of the principal building on the lot associated with the temporary outdoor sales activity. Existing fenced-in outdoor storage areas and permanent accessory structures shall be excluded from the 10% calculation.
  - (f) The temporary outdoor sales activity shall be clearly accessory to the permitted or conditional use(s) approved for the site. Only merchandise which is normally sold or stocked by the occupant(s) on the subject premises shall be sold, provided that seasonal merchandise, licensed transient produce merchant activities and itinerant vendors as defined by this Chapter or Chapter 733 Business Regulations may be allowed.
  - (g) With the exception of itinerant vendors, tents, stands and other similar temporary structures may be utilized, provided that they will not impair the parking capacity, emergency access or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.
  - (h) The required number of off-street parking spaces for the principal use(s) shall be provided for the duration of the sale. Determination of compliance with this requirement shall be made by the Zoning Administrator.
  - (i) All temporary sales activities in the O-DC may be permitted on sidewalks located in the public right of way if approved by the Zoning Administrator
  - (j) Additional Standards for Itinerant Vendors.
    - 1) Itinerant Vendors are permitted provided these vendors comply with Business Regulations listed in TCO 733.

### STATEMENT OF UNDERSTANDING | ACKNOWLEDGMENT & AGREEMENT:

I have read and understand the standards and regulations applying to Temporary Outdoor Sales as identified in Section 1104.09 C (6).

APPLICANT/OWNER SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_