ORDINANCE NO. 2017-37

AN ORDINANCE AMENDING THE CITY OF KENT'S ZONING CODE CHAPTER 1171 "CONDITIONALLY PERMITTED USE REGULATIONS" TO INCLUDE ADDITIONAL CONDITIONS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to amend Chapter 1171 to include additional conditions to the "Conditionally Permitted Use" of the Kent Zoning Code; and

WHEREAS, the City of Kent wishes to better control the growth of the City and the construction of higher density housing to better maintain necessary services; and to better maintain the essential character of its neighborhoods and to keep a harmonious balance in the surrounding areas; and

WHEREAS, amending the Kent Codified Ordinances including several sections of Chapters 1171 to include additional conditions to the "Conditionally Permitted Use Regulations" will add nearby properties not within the municipal boundary to be included when considering if a proposed project is harmonious and does not change the essential character of the area; and

WHEREAS, the required public hearing on the changes were held in a timely manner.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least a majority of all members elected thereto concurring:

SECTION 1. The Council does hereby accept the amendment to Chapter 1171 of the Codified Ordinances of the City of Kent as shown on the Exhibit "A", attached hereto and made a part hereof and revoke the temporary moratorium.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: May 17, 2017

Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: May 17, 2017

Date

ATTEST: Tara Grimm, CMC
Clerk of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. __________, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON ______________, 20___.

TARA GRIMM, CMC
CLERK OF COUNCIL
(SEAL)
CHAPTER 1171
Conditionally permitted Use Regulations

1171.01 Requirements For Conditionally Permitted Uses.

1171.01 REQUIREMENTS FOR CONDITIONALLY PERMITTED USES

(a) Regulations in this chapter apply to conditionally permitted uses in the various zoning districts.

(1) All structures and activity areas shall be located at least 100 feet from all property lines.

(2) Loudspeakers which cause a hazard or annoyance shall not be permitted.

(3) All points of vehicular entrance or exit shall be located no closer than 200 feet from the intersection of two major thoroughfares, or no closer than 100 feet from the intersection of a major thoroughfare and a local or collector thoroughfare.

(4) There shall be no more than one advertisement oriented to each abutting road identifying the activity.

(5) No lighting shall constitute a nuisance or in any way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.

(6) Elementary school structures shall be located on a collector thoroughfare.

(7) Such developments shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.

(8) Such developments shall be located adjacent to nonresidential uses such as churches, parks, industrial or commercial districts.

(9) Such uses shall not require uneconomical extensions of utility services at the expense of the community.

(10) Site locations shall be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.

(11) Such uses shall be properly landscaped to be harmonious with surrounding residential uses.

(12) An application for a Conditional Zoning Permit shall contain three (3) maps drawn to scale, stating the location, number of acres, property lines, location of all existing structures, size and name (such as house, barn, etc.) and all abutting roads. Also said application shall contain three (3) maps showing the topography of each five (5) feet graduation or elevation; all present drainage ditches, streams, ponds and swamp areas, stating whether wet or dry, at time of application.

           The application shall also contain a plan reviewed and approved by an appropriate State or Federal department concerned with soil science and land conservation (1) indicating proposed stages and specific places of operation; (2) providing for progressive rehabilitation of the land as described in the standards and conditions herein during operations so that at the termination of operations the land will be no more detrimental to persons or property than prior to the start of operations; and (3) providing for adequate safety measures to protect the public.
The Applicant shall cross section bore to measure the strata and also the water table depth. Said borings shall be not more than two-hundred (200) feet apart and one hundred and fifty (150) feet from all property lines or buildings. A drawing of the location of the proposed plant, truck scales, ingress and egress, shall be included.

A Conditional Zoning Certificate, if issued, shall be subject to the following:

(a) A periodic work plan and progress report given in writing by the applicant.

(b) Water discharging from sediment basins shall be ninety (90) percent free of silts determined by inspector.

(c) Silt used for backfill shall be spread in alternate six (6) inch layers with overburden, dirt or gravel.

(d) The area being mined or excavated shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the development. Fences shall be adequate to prevent trespass and shall be placed no closer than fifty (50) feet to the top or bottom of any slope. No sand or gravel shall be removed or stored or overburden stored within one hundred (100) feet of any lot line not owned or controlled by the developer or operator of said business or his/her agent, nor shall mineral extraction business be conducted closer to any lot line or street so that areas contiguous and adjacent thereto do not have adequate lateral support.

(e) A distance of no less than two-hundred (200) feet must be maintained at all times from the nearest edge of the operating site to any residence existing at the start of operations. The front yard, side yard, rear yard shall have a depth of no less than one hundred (100) feet to the nearest top edge of operations.

(f) Asphalt, cement or resins shall not be brought to the site to be processed nor shall any stone, gravel or sand or another resource not extracted from the site be processed at the site.

(g) All work conducted in connection with such operations shall be done between the hours of 7:30 a.m. and 5:00 p.m., except on Sundays and holidays when there shall be no operations.

(h) The Conditional Zoning Certificate shall pertain to a specific site and acreage as covered by the performance guarantees and shall not be construed as the basis for expansion of an operation into other areas, whether adjacent or removed, not covered by the guarantees. Expansion shall require a new or renewed Conditional Zoning Certificate.

(i) A plan showing provisions for control or erosion and sedimentation during and after the development, construction, extraction, or other use of the site shall be prepared. Such plan shall show proposals for restoration, rehabilitation and reclamation where necessary and shall be accompanied by documentation indicating the review and recommendation on said plan by the County Soil and Water Conservation District, the Division of Lands and Soil of the Department of Natural Resources, or other competent agency or soils scientist.

(j) Effective erosion and sediment controls shall be planned and applied in accordance with the following principles:
1. The smallest practical area of land shall be exposed at any one time during development, construction, extraction, or other use.

2. When land is exposed during development, use, extraction, etc., the exposure shall be kept to the shortest practical period of time.

3. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development, use, etc.

4. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove all sediment from run-off and/or operating waters from land undergoing development, use, etc.

5. Provisions shall be made to effectively accommodate the increased run-off caused by soil and surface conditions during and after development, use, etc.

6. The development, extraction or use plan shall be fitted to the topography and soils so as to create the least erosion potential.

7. Wherever feasible, natural vegetation shall be retained and protected.

8. All excavation shall be made to either a water producing depth, such depth to be not less than six (6) feet below the low water mark, or shall be graded or backfilled to conform, with the surrounding area, with non-noxious, non-flammable and non-combustible solids.

(13) All banks resulting from reclamation of all excavations shall be sloped not greater than one (1) foot vertical to five (5) feet horizontal and said bank shall have a minimum of four (4) inches top soil mixed with four (4) inches of grade, then seeded and sufficiently mulched to eliminate any erosion.

(14) Such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities.

(15) All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous and blended with the general surrounding ground form so as to appear reasonably natural. Areas shall be completely and continually drained of water when not in use or not supervised by a watchman. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration. Such operations shall be conducted so as not to leave or cause to exist spoil banks.

(16) Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.

(a) All ingress and egress roads through existing unimproved highways shall be treated with oil to eliminate all dust conditions.

(b) If deemed necessary by the Planning Commission, truck routes shall be covered by a $25,000 (per year, per mile or part thereof) bond, to assure that
excessive damage to roads caused by such trucks will be repaired.

(17) All permitted installations shall be maintained in a neat orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to insure that this provision will be met.

(18) The area of use shall be completely enclosed by a six foot fence (open or closed) and appropriately landscaped to be harmonious with surrounding properties.

(19) Such uses shall be permitted subject to the following conditions:

(a) Such use shall be conducted entirely within the dwelling unit and no use of any accessory building or yard space shall be permitted.
(b) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
(c) Such use shall be conducted only by persons residing in the dwelling unit and not more than one other person.
(d) There shall be no display nor stock in trade nor commodities sold except those which are produced on the premises.
(e) The use shall not involve the use of more than thirty-three and one-third percent of the floor area of only one story.
(f) One unlighted name plate not more than one square foot in area announcing the name of home occupation shall be permitted.
(g) Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference or other causes.

(20) To guarantee the restoration, rehabilitation and reclamation of mined-out areas, every applicant granted a mining permit as herein provided, shall furnish a performance bond of an amount to be set by the Department of Community Development, to be placed with the City as guarantee that such work will be done in a satisfactory manner. (Ord. 1991-53. Passed 8-7-91.)

(21) Lodging and boarding house uses shall be so designed, maintained and operated as to comply with inspection and rules of the City Board of Health and the regulations of all other applicable City codes, and to minimize possible disruptive effects on the character of adjacent and nearby properties.

Parking shall be provided in accordance with Chapter 1167. The design and construction of parking areas, service areas and access drives shall be approved by the Planning Commission. The property must have approved sewer and water facilities and meet applicable fire and safety standards. In no case shall total lot area or lot dimensions for each dwelling be less than those required for multifamily dwelling. For the purpose of lot area and lot dimensions every four boarders or lodgers constitute a dwelling unit.

(22) Special provisions for group dwellings:

(a) Group dwellings shall be considered as one building for the purpose of deter-mining required frontage on a public street, front, side and rear yard requirements, the entire group as a unit requiring one front and rear and two side yards as specified for dwellings in the appropriate district.

(b) Each two or two and one-half story group dwelling development shall have a minimum court of forty feet in width and forty feet in length, in addition to its required yards, and each one story group dwelling development shall have a
minimum court of thirty feet in width and thirty feet in length, in addition to its required yards.

(c) In a group dwelling development, no two separate dwelling structures shall be closer to each other along the sides or end of a court than fifteen feet.

(d) The court shall be unoccupied by any building or other structures, except fire hydrants, utility poles or other street improvements.

(e) The court shall have an unobstructed opening, not less than thirty feet wide, on to the front yard of a lot which has a width not less than that required in the district in which it is located.

(f) All dwelling structures of the group except those facing a public street shall face upon the court.

(23) Such uses shall be permitted under the following conditions:

(a) Provided that such facilities are located at the extremity of the business districts so as not to interfere with the pedestrian interchange between stores in the district and provided further, that it would not limit expansion of the pedestrian-oriented facilities.

(b) No more than two driveway approaches shall be permitted directly from any thoroughfare and shall not exceed thirty feet in width at the property line.

(c) If the property fronts on two or more streets, the driveways shall be located as far from the street intersections as is practical.

(d) At least six-inch pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches and landscaped areas.

(e) Pump Islands: Gasoline pumps and pump islands may be located in any required yard space but shall be located not less than twenty (20) feet from any street line.

(f) Rental Equipment: If trailers, trucks or other automotive equipment are stored on or rented from the premises, they must be stored behind all building lines and on land in excess of the 15,000 square feet required landscaping:

(g) Landscaping occupying not less than ten (10) percent of the lot shall be provided at all service stations or car washes which adjoin or face across a street property located in any residential district. If the location of the operation is on a corner lot, it shall be mandatory to provide a lawn area in a triangular area formed by the intersecting street lines. The minimum dimension of this lawn area along each street line shall be twenty (20) feet.

(h) Abandoned Service Station or Car Wash: Whenever any such establishment shall be abandoned, and such building is deemed as a hazard to public safety, the Building Inspector shall take whatever action necessary in order to bring the abandoned structure into compliance with all applicable building and safety regulations adopted by the City of Kent. Above ground and underground appurtenances such as pumps and storage tanks shall be removed in accordance with accepted safe practice as prescribed by the National Fire
Protection Association under the supervision and approval of the Kent City Fire Department, and including the filling of depressions to the grade level of the lot.

(24) Any temporary structures shall be indicated as such on site plans submitted to the Planning Commission for approval. Such structures shall not be continued as permanent structures. The period of continuance shall be set by the Commission.

(25) Such uses shall be located on a major thoroughfare, adjacent to nonresidential uses such as commerce, industry or recreation, or adjacent to sparsely settled residential uses.

(26) Such uses shall be conducted not closer than 100 feet from any R District or a street right-of-way which abuts an R District. Where the I District abuts upon but is separated from an R District by a street, the width of the street may be considered as part of the required setback. The construction, operation and maintenance of such uses shall be such that they will not be hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters or water-carried wastes. (Ord. 1985-79, effective 11-16-85)

(27) Truck parking areas, maneuvering lanes and access ways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks and truck parking shall be limited to a time not to exceed twenty-four hours.

(28) The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:

(a) Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.

(b) Minimum area required for a cemetery site shall be forty acres.

(c) A building of brick and/or stone, solid and/or veneered, shall be provided if storage of maintenance equipment and/or materials is to be necessary.

(d) Pavement width of driveways shall be at least twenty feet - ten feet per moving lane.

(e) Drives shall be of usable shape, improved with bituminous, concrete or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within the area.

(f) Pavement is to be installed as development progresses and as indicated on the final plans approved by the Planning Commission.

(g) Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.

(h) Area drainage and/or sanitary facilities are subject to approval by the Board of Health and the Development Engineer prior to the issuance of a Conditional Zoning Certificate. (Ord. 1991-53. Passed 8-7-91.)

(i) Only signs designating entrances, exits, traffic direction and titles shall be
permitted, and must be approved by the Commission.

(j) Adequate screening with shrubs, trees or compact hedge shall be provided parallel to property lines adjacent to or abutting residential dwellings; such shrubs, trees and hedges shall be maintained in good condition.

(k) Provisions shall be made for landscaping throughout the cemetery.

(l) Location of cemetery buildings and all other structures shall conform to front, side and rear yard building lines of the particular district in which it is located.

(m) No grave sites shall be located within 100 feet of the right-of-way lines of any publicly dedicated thoroughfare.

(n) A grave site shall not be within 200 feet of an existing residence.

(o) Guarantees shall be made that the cemetery will be developed as proposed on the plans approved by the Commission, the Development Engineer and the City Board of Health. Guarantees shall be as follows:

1. A performance bond in the amount of twenty-five thousand dollars ($25,000) for cemeteries of forty acres. An additional five thousand dollars ($5,000) shall be required for each ten acres over forty acres or for each ten added at a later date. The amount of the bond shall be reduced annually, and by an amount that will leave the balance of the bond proportional to the portion of the cemetery not developed to the specifications of the plans approved by the Commission, the Development Engineer and the City Board of Health. (Ord. 1991-53. Passed 8-7-91.)

2. Other methods as might be worked out by the Commission, the developers and their legal advisors.

(p) A trust fund of an amount set by the Commission shall be established by the cemetery developers for the perpetual maintenance of the cemetery grounds. Such trust fund shall be established before any burial spaces are sold or used and shall be held and invested by a financial institution mutually agreed upon by the developers and the Commission. A percentage of the money from the sale of each burial space shall be put into the maintenance trust fund. The percentage shall be an amount set by the Commission. Interest yielded by the fund shall be applied toward the maintenance of the cemetery grounds.

(29) An integrated planned commercial development which is a grouping of three or more commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan, shall be permitted providing the following conditions are met:

(a) Only those types of business uses permitted for conventional development in the district shall be permitted in integrated planned business developments.

(b) The minimum setback building line shall be fifty (50) feet measured from the street right-of-way line.
(c) Side yards and rear yards shall be required only on the perimeter of the
planned development and shall be fifty feet except that where the business
development is adjacent to a residential zone the side and/or rear yard shall be
seventy-five feet on the side(s) abutting the residential zone only.

(d) All points of entrance and/or exit shall be located no closer than seventy-five feet
to the intersection of two thoroughfares.

(30) Only retail uses which are customarily accessory or incidental to the main recreational use
shall be permitted; and shall include such uses as refreshment stands, souvenir stands and
concession stands.

(31) A Conditional Zoning Certificate for a use permitted under these regulations shall be
issued for a three year period only. After a three year period has elapsed, a new
Conditional Zoning Certificate shall be required and may be issued provided that the
Planning Commission and the Zoning Inspector determine that such use has been and is
being operated according to the specifications of the Zoning Ordinance and the previous
Conditional Zoning Certificate. If necessary, the Commission may make additional
requirements for the continued operation of the use as a prerequisite for reissuance of
the Conditional Zoning Certificate.

(32) No campsite shall be occupied by the same occupant or group and/or tent, trailer or other
camping equipment for a period longer than fourteen consecutive days. No cabin, lodge,
room or other rental accommodations shall be occupied by the same occupant or group
for a period longer than thirty consecutive days.

(33) Only retail uses which are customarily accessory or incidental to the main recreational
use shall be permitted as part of the park, recreational area or campground. Included as
such retail uses are refreshment stands, souvenir stands, concession stands, park office,
and the limited sale of groceries when the customers are primarily the campers using the
park.

(34) Vehicular approaches to the property shall be so designed and sufficient off-street
transient parking or waiting area provided as not to create an interference with traffic on
the street. Activities shall be conducted within an enclosed building.

(35) All facilities and structures shall meet all City, County and/or State of Ohio health, building,
electrical and other applicable codes.

(36) All activities, programs and other events shall be adequately and properly supervised so
as to prevent any hazard and to assure against any disturbance or nuisance to
surrounding properties, residents or to the community in general.

(37) The proposed project shall conform to all requirements and/or conditions as the Planning
Commission may deem necessary to meet the following criteria:

(a) Vehicular approaches to the property shall be so designed as not to create an
interference with traffic on surrounding streets or roads.

(b) Maximum possible privacy for each apartment shall be provided through good
design and the use of proper building materials and landscaping. Visual privacy
shall be provided through structural screening and landscaping treatment.
Auditory privacy should be provided through sound-proofing.
(c) The architectural design of apartment buildings shall be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, line and pattern and character.

(d) Building location and placement shall be developed with consideration given to minimizing removal of trees and change of topography.

(e) Television antenna shall be centralized.

(f) On-Site circulation shall be designed to make possible adequate fire and police protection.

(g) In large parking areas, visual relief shall be provided through the use of tree planted and landscaped dividers, islands and walkways. No parking or service areas shall be permitted between any street and the main building.

(h) Paved off-street parking and service areas shall be required; parking spaces shall contain at least 200 square feet and shall be provided at the rate of two spaces per dwelling unit in each apartment building; all parking and service areas shall be paved with concrete, asphalt or equivalent and shall be located no closer than twenty feet from any residential structure. Paved vehicular access drives of at least ten feet in width shall be required for parking areas of ten vehicles or less capacity, and two-way drives of twenty feet paving width minimum shall be required for parking areas of eleven or more vehicle capacity.

(i) The property must be served by centralized sewer and water facilities approved by the City Board of Health and operated and maintained according to the inspection and rules of the City Board of Health and all other applicable regulations.

(38) No Zoning Certificate shall be issued until final site plans have been submitted and approved by the Planning Commission. Site plans shall show the following: drainage (including storm water), location of all buildings, fuel tanks (if any), off-street parking and service facilities, water supply, sanitation, walks, fences, walls, landscaping, outside lighting, traffic flow and its relation to abutting streets. No Zoning Certificate shall be issued until the approval by the City Board of Health has been obtained concerning the proposed sanitary sewerage facilities.

(39) The design and construction of all access drives, access points to public streets, and parking and service areas shall be approved by the Planning Commission.

(40) A performance bond or other financial guarantee acceptable to the Planning Commission shall be placed with the City to insure that the landscaping be installed, and that the hard surfacing of the access drives and parking and service areas be installed, and that adequate storm water drainage be installed, all in accordance with the Commission’s approved plans.

(41) All activities, except those required to be performed at fuel pumps, shall be carried on inside a building; if work is performed on a vehicle, such vehicle shall be entirely within a building.

(42) In the interests of health, safety, general welfare and the protection of property values of the community, the area adjoining land uses and the other industries within the I District,
the Commission may require expert advice on what conditions should be imposed, if any, on the particular industrial operation to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.

(43) The use shall be permitted under the following conditions:

(a) All sanitary landfill sites shall be subject to approval by the City Board of Health.

(b) A topographic map showing the design of the sanitary landfill site at a scale of not over 200 feet to the inch and with five foot contour intervals shall be submitted with the application.

(c) The applicant shall submit information describing the geological characteristics of the site.

(d) The site shall be limited to areas where water pollution will not occur.

(e) The site shall be accessible from at least two directions.

(f) The site shall be so located as to minimize the effect of winds carrying objectionable odors to urbanized or urbanizing areas.

(g) The sanitary landfill site shall be designed and submitted to the City Board of Health for approval.

(h) Shelter for landfill equipment shall be provided.

(i) Shelter and sanitary facilities shall be provided for personnel.

(j) Suitable measures shall be taken to control fires.

(k) An attendant shall be on duty, during the time the sanitary landfill site is open, to supervise the unloading of refuse.

(l) Blowing paper shall be controlled by providing a portable fence near the working area.

(m) Sewerage solids or liquids and other hazardous materials shall not be disposed on the site.

(n) There shall be no open storage or burning of refuse or garbage.

(o) No bulky items such as car bodies, refrigerators and large tires shall be disposed on the site.

(p) Refuse shall be spread and compacted in shallow layers not exceeding a depth of two feet of compacted material.

(q) A compacted layer of at least six inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.
(r) In all but the final layer of a land-fill, a layer of suitable cover material compacted to a minimum depth of one foot shall be placed daily on all surfaces of the fill except those where operations will continue on the following working day.

(s) A layer of suitable cover material compacted to a minimum thickness of two feet shall be placed over the entire surface of each portion of the final fill not later than one week following the placement of refuse within that portion.

(t) Conditions unfavorable for the production of insects and rodents shall be maintained by carrying out routine landfill operations promptly in a systematic manner.

(u) Suitable control measures shall be taken whenever dust is a problem.

(v) The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosions or washing of the fill, to drain off rain water falling on the fill, and to prevent the collection of standing water.

(w) An inspection of the entire site shall be made by a representative of the City Board of Health before the earth-moving equipment is removed from the site. Any necessary corrective work shall be performed before the landfill project is accepted as completed. Arrangements shall be made for the repair of all cracked, eroded and uneven areas in the final cover during the year following completion of the fill.

(x) Domestic animals shall be excluded from the site.

(44) The scrap yard or junk yard use shall be permitted under the following conditions:

(a) All sites, procedures and processes shall be subject to the approval of the appropriate City, County and State agencies; no Conditional Zoning Certificate shall be issued until the necessary approvals are obtained.

(b) The site shall be located so as to minimize the potential effect of winds carrying objectionable odors to urbanized or urbanizing areas.

(c) Suitable control measures shall be taken whenever dust is a problem or potential problem.

(d) There shall be no burning of refuse, garbage or other waste materials.

(e) Scrap yards or junk yards shall be located no closer than 500 feet to any R District, or a street right-of-way which abuts a R District, or public street right-of-way line, and shall otherwise have front, side and rear setbacks of at least 150 feet. At least a 100 foot wide strip in the 500 foot setback shall be planted for camouflaging purposes according to the following specifications (Ord. 1985-79, effective 11-16-85)

1. The 100 foot wide strip shall be planted with pine, Norway Spruce or other plants of similar screening value.

2. Such trees shall be planted on a staggered pattern with no more than ten feet between trees.
3. The 100 foot wide planting strips shall be so located as to achieve the greatest screening or camouflaging effect and no visual openings shall exist.

4. Trees should be planted that are at the optimum transplanting size and age while still being as large as possible

(f) A minimum of twenty acres shall be required for a use proposed under this category.

(45) Trucking terminals shall be permitted in the Industrial District only upon compliance with the following provisions of this subsection, and the approval by the Planning Commission of a site plan of the proposed development;

(a) Every portion of the property used for buildings shall be located not closer than 100 feet to any R District, or a street right-of-way which abuts a R District; at least fifty (50) feet (nearest the residential zone) of the 100 feet shall be landscaped and orderly fashioned and a solid board fence, masonry wall or other type fence approved by the Commission shall be constructed along the interior line of the required landscaped area to a height of six feet effectively screening truck loading, unloading and maneuvering activities from the view of any abutting R Zone. (Ord. 1985-79, effective 11-16-85)

(b) Access for motor freight vehicles shall be by way of streets of adequate width, construction and existing or planned function according to the Land Use and Thoroughfare Plan of current adoption.

(c) In addition to adequate area within the site for docking, manipulation and maneuvering of motor freight vehicles, a reservoir of parking area for motor freight vehicles waiting to be loaded or unloaded, shall be provided at the rate of one parking space sufficient to park a motor freight vehicle for every four loading docks.

(d) The site shall be designed in such a manner as to permit forward movement of all vehicles both upon entering and upon leaving the site.

(e) The number, location and width of entrances to and exits from the site shall be determined by the Commission. The Commission may obtain expert opinion on the specific site proposal.

(46) The architectural design should be developed with consideration given to the purposes of this district and commercial uses shall be so designed as to minimize possible disruptive effects on the character of properties in adjacent residential zones. Parking shall be provided for each commercial use according to the provisions of Chapter 1167.

Parking for commercial uses shall be in addition to that required for the multifamily dwellings. Parking areas should be designed to separate parking oriented to commercial enterprises from parking oriented to the multifamily portions of the structure. Signs shall conform to the provisions of Chapter 1165, except as otherwise provided in this Code.

(47) Multifamily dwelling uses shall be permitted only where such uses occupy the upper floors of a commercial structure and are so designed as to provide maximum practical safety and visual and auditory privacy. All applicable multifamily dwelling criteria and
requirements of this Zoning Ordinance shall apply and any additional condition imposed as deemed necessary by the Commission to insure the intent and objectives of this Ordinance. Parking shall be provided in accordance with Chapter 1167. Parking for multifamily uses shall be in addition to that required for commercial uses. Parking areas shall be designed to separate parking oriented to commercial enterprises from parking oriented to commercial traffic from parking oriented to the multifamily portions of the structure. Multifamily dwellings shall conform to specified density requirements.

(48) Every family care home or group home shall comply with all licensing requirements of the Ohio Department of Mental Health and Mental Retardation. Such home shall be operated in compliance with every State law and City ordinance applicable to building, fire, health and safety requirements. There shall be no more than one family care home or group home per block face for the purpose of avoiding excessive concentration of such homes.

(49) Upon special permit of the Planning Commission, an adult book store, adult motion picture theater or an adult cabaret may be located within a C, CR, ICR or I District. Adult bookstores, adult motion-picture theaters and adult cabarets shall be permitted under the following conditions:

(a) That the proposed use shall not be contrary to the public interest or be injurious to nearby properties;

(b) That the proposed use shall not enlarge or encourage the development of a blighting influence;

(c) That the establishment of an additional regulated use in the area shall not be contrary to any program of neighborhood conservation;

(d) No adult cabaret, adult book store or adult motion-picture theater shall be established within five hundred (500) feet of any R-1, R-2, R-3, R-4 or R-C District or any residential use, whether in the City of Kent or in surrounding cities or townships or within five hundred (500) feet of any school, church, day care center, park or library;

(e) No adult cabaret, adult book store or adult motion-picture theater shall be established within one thousand (1000) feet of any other adult cabaret, adult book store or adult motion-picture theater;

(f) Any display, device or sign that depicts or describes specified sexual activities or specified anatomical areas shall be out of view of the public way and surrounding property;

(g) No adult cabaret or theater shall be established in the same building with another adult cabaret or adult book store or adult motion-picture theater;

(h) Adult cabarets, adult bookstores, and adult motion-picture theaters shall only operate during hours reasonably designated by the City of Kent Planning Commission.

(i) Businesses authorized under this section shall have entrances to the establishment shielded in such a way that individuals outside the business building will not be able to see the entertainment area inside the building. Additionally, said shielding shall not consist of a curtain alone, shall not obstruct
any exit sign or panic hardware for any exit, nor shall the shielding be 
constructed in such a way as to block any exit. All shielding shall be approved by 
the City Fire Chief.

(j) All entertainment shall be conducted on a stage, or upon an open floor area such as 
a dance floor. While entertainment is being conducted, the entertainment area shall 
be separated from the areas occupied by customers or patrons.

(k) No adult book store or adult motion picture theater shall be established within 
one thousand (1,000) feet of another adult book store or adult motion picture 

(50) In granting approval of a conditional zoning certificate for an "open air market!", the 
Commission shall specify the exact dates, time and location of the sales and any other 
conditions. This information shall be supplied by the applicant at the time of application. 
In considering the request for approval, the Commission shall use the following criteria:

(a) The operation of the market shall be limited to the period of the day between 6:00 
am. and 6:00 p.m.

(b) Adequate parking shall be provided in the event that an "open air market" should 
be proposed for a parking lot; it shall not compromise usage of the lot as would 
be required for other businesses or activities.

(c) "Open air markets" shall not be disturbing or adverse to residential areas.

(d) All operations shall comply with all other applicable local and State codes and 
regulations.

(e) A permit shall be issued for a period not to exceed three years. (Ord. 1986-11. 
Passed 3- 5-86.)

(51) The commercial parking lot use shall be permitted under the following conditions:

(a) Conformance to all specifications for site access and design as described in 
Chapte1167.

(b) The location of points of access in relation to surrounding traffic patterns shall 
have the approval of the Planning Commission, but the centerline of any access 
driveway shall not be closer than fifty feet to any street line of an intersecting side 
street

(c) The following handicapped parking specifications shall be incorporated into all 
commercial parking lot layouts:

1. At least two percent (2%) of all parking should be designated for physically 
disabled persons;

2. Spaces should be twelve feet minimum width and as close to an 
accessible parking lot entrance as possible;

3. Reserved space should be clearly identified with signs displaying the 
International Symbol of Access.
(d) Parking areas, refuse containers and driveways adjacent to or within residential districts shall be screened by either a solid wall, solid fencing or dense landscaping; a screen fence or wall shall be a minimum of six (6) feet high while a landscape planting screen should be at least eight feet high. A buffer strip for planting shall be provided of a minimum width equal to the height of the screen fence or wall. Materials selected for screen walls or fences should complement the material of adjacent buildings.

(e) Parking lots of more than twenty cars shall have islands planted with trees and grass or shrubbery. Minimum width of planted islands running parallel to car parking stalls shall be five feet and exist no fewer than one every ten stalls. If islands are laid out perpendicular to the parking stalls, they shall be a minimum of eight to ten feet wide. Shrubbery plantings around urban parking lots shall be hardy, require little care and be able to survive with normal rainfall. Evergreen shrubbery is preferred.

(f) Lights for the purposes of security are required, the number depending on the brightness of the fixture. Sharp cut-off light fixtures shall be used to minimize glare, especially when it could spill onto adjacent properties. To reduce such glare, light location shall be approximately two times the mounting height away from the lot perimeter.

(g) Commercial parking lots in the R-4 District shall only be permitted on parcel(s) containing a minimum total land area of 25,000 square feet and which will provide for a minimum of twenty parking spaces. (Ord. 1992-44. Passed 6-17-92.)

(52) A Bed and Breakfast is a detached, single family or two family structure wherein only lodging and breakfast are provided to transient guests for compensation. The same guest or group of registrants cannot stay at the facility for a period of more than seven (7) consecutive days or more than fourteen (14) total days within a given calendar year. In addition to any specific conditions imposed by the Planning Commission, the following conditions shall apply:

(a) Up to four guest units are permitted in the facility. A guest unit is defined as one or more bedrooms occupied by the same family or group of registrants.

(b) A minimum of one parking space shall be provided for each guest unit. If the structure is also occupied by the owner-operator, two additional spaces shall be provided in addition to those for the guest units.

(c) One advertising sign may be placed on the structure used as a bed & breakfast. This sign may be up to four square feet in size, must be secured flat to the wall of the building and may not be illuminated. No other signage shall be permitted.

(d) The operator of the bed & breakfast facility must be the owner of record and hold no less than 50% interest in the property. The owner must occupy the bed & breakfast property.

(e) Each facility shall be treated as a "multiple use structure" and be subject to the requirements of the Kent Environmental Housing Code. Failure to obtain, renew or comply with licensing procedures specified in said code shall be cause for repeal of the conditional zoning permit.

(f) Only the owner and their immediate family may be employed at the facility. (Ord.
(53) Crematories, as defined under Section 1109.01(51.1), are subject to the following conditions:

(a) Crematories shall be located not closer than 600 feet of a residential district and of any non-conforming dwelling within the City.

(b) Crematories shall be operated in conformance with all applicable local, state and Federal laws. A crematory may not burn infectious, toxic or other hazardous substances.

(c) The remains may not be retained within the crematory facility for more than 30 days after the cremation is completed.

(d) The crematory shall comply with all applicable performance standards as set forth in Chapter 1163 of the Kent Zoning Ordinance. (Ord. 1996-36. Passed May 8, 1996)

(54)

(a) That an outdoor recreation or play area be provided in order to accommodate the number of children being cared for at the facility. This area shall be fenced so as to provide a secure play area.

(b) That a noise and visual buffer be installed on the portion of the site abutting a roadway and/or residential use.

(c) That the facility comply with all applicable codes, as well as the specific requirements for child day care facilities as set forth in Chapter 5104 of the Ohio Revised Code. (Ord. 1996-45. Passed 7-10-96.)

(55) Clubs, lodges, charitable, fraternal or social organizations shall be permitted:

(a) Where it is determined that the conditions of the property on which said use is to be permitted are not generally suitable for the construction of an industrial use, and

(b) Such parcel shall be less than ten (10) acres in size and shall be located on major thoroughfares or near intersections (within 500 feet of major and/or collector thoroughfares); and

(c) Such use may have no more than two (2) building structures together with appropriate and related recreational facilities. (Ord. 2000-16. Passed 2-16-00)

(56) There shall be one parking space for every person that lives in said structure of building. (Ord. 2002-90. Passed Sept. 18, 2002)

(57) Such uses shall be conducted in a commercial building meeting all applicable building code requirements (Ord. 2010-21. Passed 02-17-10).

(57)(58) When considering whether proposed development meets the General Standards requirement found in KCO 1107.05(a), including the requirement for developments to be "harmonious and appropriate in appearance with the existing or intended character of
the general vicinity and that such use shall not change the essential character of the same area" (KCO 1107.05(s)(2)), the Planning Commission may consider all nearby properties, including properties outside the jurisdiction of the City of Kent.