

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 48-12

Passed June 11, 2012

5/9/12-gmk
(Comm. & Econ. Dev.)

Ordinance No. 48-12

An ordinance amending Personal Services (b)(83) of Section 1125.02 Definitions of CHAPTER 1125 DEFINITIONS and Land Use Category (d)(2) of Section 1137.03 SCHEDULE OF PERMITTED USES of CHAPTER 1137 Business District Regulations of Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to exclude tattoos and/or body piercing businesses and the like.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Section 1. That Personal Services (b)(83) of Section 1125.02 Definitions of CHAPTER 1125 DEFINITIONS of Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, be, and the same is hereby amended to read as follows:

"SECTION 1125.03 DEFINITIONS

- (a) Words used in this Ordinance are used in their ordinary English usage.
- (b) For the purpose of this Ordinance the following terms, whenever used in this Ordinance, shall have the meaning herein indicated:
 - (1) ACCESS DRIVE: A paved strip, which provides a vehicular connection between off-street parking spaces and a public street.
 - (2) ADULT DAY-CARE FACILITY: An establishment that during any part of the normal business day provides supervised educational, recreational and social activities to elderly and/or handicapped adults, but not including persons suffering from acute or chronic alcoholism or other drug dependency and persons who regularly require restraint.
 - (3) ADULT FAMILY HOME: A residence licensed according to Chapter 3722 of the Ohio Revised Code to provide accommodations to not more than 5 unrelated adults and which provides supervision and personal services to at least 3 of those adults, where the adults live as a single housekeeping unit and the residence serves as the adults' sole, bona fide permanent residence.
 - (4) AUTOMOBILE SERVICE STATION (See also Gasoline Station): A building, part of a building, structure or space which is used for the retail sale of lubricants and motor vehicle accessories, the routine maintenance and service and the making of repairs to motor vehicles, except that repairs described as major repairs in VEHICLE REPAIR FACILITY shall not be permitted.
 - (5) BASEMENT: A portion of a building story all or partly underground having at least one-half of its clear height below the average finished grade.
 - (6) BED AND BREAKFAST: Guest bedrooms within a private dwelling unit which are offered for compensation by the day, week or month, for lodging, or meals and lodging, and in which no cooking or similar housekeeping equipment is provided.
 - (7) BERM: An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.
 - (8) BLOCK FRONT: All the property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or, if the street is dead ended, all the property abutting on one (1) side between an intersecting street and the dead end of a street.
 - (9) BOARD: The Zoning Board of Appeals of the City of North Canton.
 - (10) BUFFER: A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.
 - (11) BUILDING: Any structure, affixed to the land having one or more floors and a roof supported by columns or walls, designed or intended for the enclosure, shelter or protection of persons, animals or property.

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- A. **BUILDING, ACCESSORY:** A subordinate building detached from, but located on the same lot as, the principal building, the use of which is incidental and accessory to the principal building or use and which is constructed subsequent to the principal building or the main use of the land.
 - B. **BUILDING, PRINCIPAL:** A building occupied by the main use of the lot on which said building is located.
 - C. **BUILDING LINE:** An imaginary linear extension of the building wall parallel to the street right-of-way line defining the limits of the front yard, or in the case of a corner lot, the corner side yard.
- (12) **BUSINESS SERVICES:** Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; protective services; equipment rental and leasing; commercial research; personal supply services.
 - (13) **CAMPUS DEVELOPMENT:** A development that contains a number of buildings and supporting ancillary uses planned, developed and operated as an integrated facility with coordinated circulation, parking, access, building design, landscaping and aesthetics.
 - (14) **CAR WASH:** A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices and/or which may employ hand labor.
 - (15) **CEMETERY:** Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums and mausoleums when operated in conjunction with and within the boundaries of such cemetery.
 - (16) **CHILD DAY-CARE:** Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than a child's own home.
 - (17) **CHILD DAY-CARE CENTER:** Any place other than a family day-care home in which child day-care is provided.
 - (18) **CIVIC FACILITY FOR PUBLIC ASSEMBLY:** Buildings and facilities owned by a not-for-profit entity for a social or educational purpose, such as a YMCA or YWCA.
 - (19) **CLUB:** A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.
 - (20) **COMMISSION:** The Planning Commission of the City of North Canton.
 - (21) **CONDITIONAL USE PERMIT:** A permit issued by the Superintendent of Permits and Inspection upon approval by the Planning Commission to allow a use other than a principally permitted use to be established within the district on a specific parcel. See also; Use, Conditional.
 - (22) **COUNCIL:** City Council of the City of North Canton.
 - (23) **DENSITY:** The number of dwelling units permitted per acre of land.
 - (24) **DRIVE-THRU FACILITY:** Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-thru" shall also include "drive-up" and "drive-in" but shall not include Car Wash, Gasoline Station, and Automobile Service Station.
 - (25) **DRIVEWAY, PRIVATE RESIDENCE:** A paved drive extending from the street pavement to a private garage or garages on a residential lot, the width of which is equal to or less than the width of the garage, and which is used by residents of the lot for vehicular access to and from such street and for the temporary storage of registered and licensed motor vehicles.
 - (26) **DRY CLEANING AND LAUNDRY COUNTER OUTLETS:** A business that provides, home-type washing, drying and/or ironing machines for use by customers on the premises, or serves as a drop-off for dry cleaning or laundry.

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- (27) DWELLING: Any building or portion thereof containing one or more dwelling units designed for or occupied exclusively for residential purposes.
- (28) DWELLING, DETACHED SINGLE-FAMILY: A dwelling unit designed and used for one (1) family situated on a lot having a front, side and rear yard and separated from all other dwelling units by open space from ground to sky.
- (29) DWELLING, MULTI-FAMILY: A dwelling designed for three (3) or more dwelling units, occupied by three (3) or more families living independently of each other.
- (30) DWELLING, TWO-FAMILY RESIDENTIAL: A dwelling designed for or converted to contain two (2) dwelling units, occupied by two (2) families living independently of each other.
- (31) DWELLING UNIT: A group of rooms comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one (1) family.
- (32) ESSENTIAL SERVICES: Services and utilities needed for the health, safety, and general welfare of the community, such as underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, telephone, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith and including buildings which are reasonably necessary for the furnishing of an adequate level of service for the area in which the service is located, but not including wireless telecommunication towers.
- (33) FAMILY: One individual, any number of individuals related by blood, adoption or marriage plus no more than two (2) unrelated individuals; or not more than three (3) unrelated individuals occupying a dwelling unit and living as a single housekeeping unit, but not including groups occupying a hotel or motel as herein defined.
- (34) FAMILY DAY CARE HOME, TYPE B: A permanent residence of the provider in which child day-care or child day-care services are provided for one to six children at one time and in which no more than three children may be 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. "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings, nor does it include any child day camp.
- (35) FENCE: Any structure composed of wood, iron, steel, masonry, stone or other material and erected in such a manner and in such location as to enclose, secure, partially enclose or secure, provide privacy, decorate, define or enhance all or any part of any premises.
- (36) FLEET VEHICLES: Trucks, vans, and other vehicles, including motorized equipment, which are used as part of the operation of a principal use, but not including privately owned customer or employee vehicles.
- (37) FLOOR AREA, DWELLING UNIT: The sum of the gross horizontal area of a building devoted to residential use measured from the exterior faces of exterior walls or from the center line of common walls separating two dwelling units. It shall not include unfinished basements, attached garages, attics, terraces, breezeways, open porches, and covered steps.
- (38) FLOOR AREA, GROSS: The total number of square feet of all floor space contained within the outside surface of the exterior walls of a building or from the center line of a common wall separating two buildings 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 purposes, it shall be counted as floor area in computing off-street parking requirements.

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- (39) FUNERAL HOME: A building or part thereof used for human funeral services. Such building may contain space and facilities for: (a) embalming and the performance of other services used in preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; and (d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.
- (40) GARAGE, PARKING: A principal or accessory building or an enclosed space within the principal building in which motor vehicles owned by the general public are parked, including facilities operated as a business enterprise with a service charge or fee paid to the owner or operator of such facility, with no facilities for mechanical service or repair of a commercial or public nature.
- (41) GARAGE, PRIVATE: A detached accessory building or portion of the principal building designed to store motor vehicles and other normal household accessories of the residents of the principal building, with no facilities for mechanical service or repair of a commercial or public nature.
- (42) GASOLINE STATION (See also Automobile Service Station): An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by an attendant or by persons other than the station attendant and may include facilities available for the sale of other retail products.
- (43) GRADE, FINISHED: The average level of the finished surface of ground adjacent to the exterior walls of the building after final grading and normal settlement.
- (44) GRADE, NATURAL: The elevation of the undisturbed natural surface of the ground prior to any recent excavation or fill.
- (45) HANDICAPPED: A physical or mental impairment, as defined in 42 U.S.C. 3602 (h), that substantially limits one or more of such person's major life activities so that such person is incapable of living independently. However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in a home would constitute a direct threat to the health and safety of other individuals.
- (46) HEIGHT: The vertical distance measured from the average elevation of the finished grade to the topmost element of the structure when the structure is not a building.
- (47) HEIGHT, BUILDING: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for hip and gable roofs.
- (48) HOME FOR HANDICAPPED PERSONS, FAMILY: A residential facility that provides room and board, personal care, rehabilitative or habilitative services, and supervision in a family setting for 4 to 8 handicapped persons. (See HANDICAPPED.) One to 3 persons, including resident staff, living in such a residential facility constitute a family for the purposes of this Zoning Ordinance (see FAMILY), and are not subject to the conditional use regulations for family homes. The term "family home for handicapped persons" shall not include a home for persons who are currently addicted to alcohol or narcotic drugs, or are criminal offenders serving on work release or probationary programs, or a nursing home.
- (49) HOME FOR HANDICAPPED PERSONS, GROUP: A residential facility that provides room and board, personal care, rehabilitative and habilitative services, and supervision in a family setting for at least 9 handicapped persons. (See HANDICAPPED.) The term "group home for handicapped persons" shall not include a home for persons who are currently addicted to alcohol or narcotic drugs, or are criminal offenders serving on work release or probationary programs, or a nursing home.
- (50) HOME OCCUPATION: A business enterprise conducted within the confines of a dwelling unit which is subordinate and incidental to the use of the premises as a dwelling, and which is carried on by a person who resides in such dwelling unit.

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- (51) HOSPICE FACILITY: A licensed inpatient care facility that provides care and services to hospice patients, and their families in order to meet the physical, psychological, social, spiritual, and other special needs that are experienced during the final stages of illness, dying, and bereavement, including but not limited to nursing care, physical, occupational, or speech or language therapy, medical social services, and physician's services.
- (52) HOTEL (OR MOTEL): A building in which lodging is provided and offered to the public for compensation on a daily rate and which is open to occupancy for periods of less than one week.
- (53) INDOOR RECREATION: An indoor facility for any number of uses such as game courts, exercise equipment, exercise and/or dance floor area, pools, locker rooms, spa, whirlpool or hot tub, and which may include an accessory retail shop for the sale of related equipment.
- (54) JUNK YARD: The use of more than twenty-five (25) square feet of any land, building, or structure, whether for private and/or commercial purposes, where waste, discarded, or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles or parts of motor vehicles, plastic, iron, paper, rags, rubber, cordage, barrels, or other similar materials, are sold, stored, bought, exchanged, baled, packed, sorted, disassembled, dismantled, or handled.
- (55) LANDSCAPED AREA: An area that is permanently devoted to and maintained for the growing of trees, shrubs, grass or other plant material.
- (56) LOADING SPACE, OFF-STREET: An area located completely outside of any public right-of-way located on the same lot with a building or contiguous to a group of buildings, for the temporary parking of vehicles entering the premises for picking up and making delivery of goods and materials.
- (57) LOT: A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces are herein required. The term "zoning lot" is used synonymously with "lot" in this Zoning Ordinance. A lot may consist of:
- A. A single lot of record;
 - B. A portion of a lot of record;
 - C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- (58) LOT AREA: The area contained within the lot lines exclusive of any portion of the right-of-way of any public street.
- (59) LOT, CORNER: A lot abutting two streets at their intersection where the angle of the intersection is not more than 135 degrees.
- (60) LOT COVERAGE: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
- (61) LOT DEPTH: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or the rear most point of the lot.
- (62) LOT, INTERIOR: A lot abutting or with frontage on only one street.
- (63) LOT LINE: The boundary line defining the limits of the lot. Lot line is synonymous with "property line."
- A. LOT LINE, FRONT: The line separating an interior lot from the street right-of-way on which the lot fronts. In the case of a corner lot, the front lot line separates the lot from the street upon which the major pedestrian entrance of the building fronts.
 - B. LOT LINE, REAR: The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
 - C. LOT LINE, SIDE: Any lot line other than a front or rear lot line.

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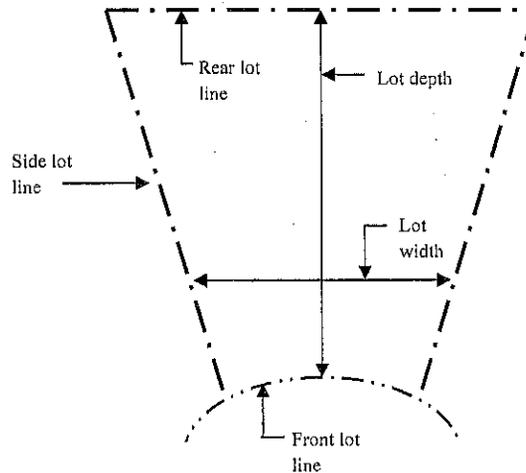
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- (64) **LOT OF RECORD:** A lot that is part of a subdivision recorded in the office of the Stark County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- (65) **LOT, THROUGH:** A lot other than a corner lot, having frontage on two streets, also called a double frontage lot.



LOT WIDTH: The horizontal distance between the side lot lines, measured at the re

- (66) **LOT WIDTH:** The horizontal distance between the side lot lines, measured at the required setback line along a straight line perpendicular to the lot depth.
- (67) **MAINSTREAM MEDIA SHOP:** A retail outlet offering media for sale or rent, for consumption off the premises, including video stores, bookstores, and newsstands, provided that any shop meeting the definition of adult media shop shall be regulated as an adult media shop.
- (68) **MASSAGE STUDIO:** An establishment offering massage therapy and/or body work by a massage therapist licensed under the ORC or under the direct supervision of a licensed physician.
- (69) **MEDIA:** Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspaper, magazines, movies, videos, sound recordings, cd-roms, other magnetic media, and undeveloped pictures.
- (70) **MEMBERSHIP SPORTS/FITNESS CLUB:** An indoor facility for any number of uses such as game courts, exercise equipment, pools, locker rooms, spa, whirlpool or hot tub, and which may include an accessory retail shop for the sale of related equipment.
- (71) **MINI/SELF STORAGE:** A self-service storage facility comprised of individual storage units available for rent restricted to personal, private access.
- (72) **NONCONFORMING LOT:** A lot lawfully existing on the effective date of this Zoning Ordinance or any amendment thereto, which on such effective date, does not conform to the lot area, width or frontage requirements of the district in which it is located.
- (73) **NONCONFORMING SITE CONDITION:** Any structure lawfully existing on the effective date of this Zoning Ordinance or any amendment thereto, which, on such effective date, does not conform to the yard regulations, parking requirements, sign regulations, landscaping or screening requirements or other development standards of the district in which it is situated.

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- (74) **NONCONFORMING STRUCTURE:** A building or other structure existing when this Ordinance or any amendment thereto became effective which does not conform to the regulations governing structures of the district in which it is located.
- (75) **NONCONFORMING USE:** A use of a structure or land which was lawful when this Ordinance or any amendment thereto became effective but which does not conform to the use regulations or performance standards of the district in which it is located.
- (76) **NURSING HOME:** An extended or intermediate care facility which provides skilled nursing and dietary care for persons who are ill or incapacitated or which provides service for the rehabilitation of the persons who are convalescing from illness or incapacitation, excluding homes or similar institutions or facilities for persons suffering from acute or chronic alcoholism, or other drug dependency, or persons who are mentally incapacitated from causes other than simple senility or who regularly require restraint. The term "nursing home" shall also include the terms "rest home" and "home for the aging".
- (77) **OUTDOOR DISPLAY:** The placing of merchandise in an outdoor area that is open to the general public when the merchandise on display is removed from its shipping packaging and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area.
- (78) **OUTDOOR STORAGE:** The keeping, in an area outside of a building, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, except for merchandise placed in an area for outdoor display.
- (79) **PARKING:** The temporary storage of registered vehicles in operable condition.
- (80) **PARKING LOT:** A paved area made up of marked parking spaces. Also known as a parking area.
- (81) **PARKING SPACE:** An open or enclosed area outside the public street right-of-way that is used for the parking or temporary storage of registered and licensed motor vehicles.
- (82) **PERFORMANCE STANDARD:** A criterion established to control enclosure, dust, smoke, fire and explosive hazards, lighting, glare and heat, noise, odor, toxic and noxious matter, vibrations and other conditions created by or inherent in uses of land or buildings.
- (83) **PERSONAL SERVICES:** Any legal enterprise conducted for gain which offers services directly to the public at the site of the business, and which includes but is not limited to shoe repair, watch repair, barber shops, beauty parlors, photography studios and massage studios as herein defined, but specifically excluding tattoo and/or body piercing businesses and the like.
- (84) **PLACES OF WORSHIP:** A building, structure, or other indoor or outdoor facility used for public worship. The word "place of worship" includes the words "church," "chapel," "synagogue" and "temple" and their uses and activities that are customarily related.
- (85) **PLAN, DEVELOPMENT:** Drawing(s) and map(s) illustrating the proposed design, layout and other features for the development of one or more lots.
- A. **GENERAL DEVELOPMENT PLAN:** Drawings and maps including all the elements set forth in Section 1175.05.
- B. **FINAL DEVELOPMENT PLAN:** Drawings and maps including all the elements set forth in Section 1175.06.
- (86) **PROJECT BOUNDARY:** The boundary defining the tract(s) of land that are included in a proposed development to meet the minimum required project area for a multi-family development. The term "project boundary" shall also mean "development boundary".
- (87) **PUBLIC SAFETY FACILITY:** A governmentally owned and operated facility established to provide local police or fire safety services to the surrounding area.
- (88) **PUBLIC SERVICE/MAINTENANCE FACILITY:** A governmentally owned and operated facility that provides for the upkeep and maintenance of the community such as but not limited to a service garage, maintenance building, and salt dome.

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- (89) RECREATION, CONCENTRATED OUTDOOR COMMERCIAL: A recreational land use conducted outside of a building, characterized by potentially substantial impacts on traffic, the environment and the surrounding neighborhood, including but not limited to uses involving firearms including high powered air rifles; paint ball activities, motor-cross and/or go-cart tracks/racing; outdoor/drive-in movie theatres; and amusement parks.
- (90) RECREATION, OUTDOOR COMMERCIAL: An outdoor area operated for profit and devoted to facilities and equipment for recreational uses, upon the payment of a fee or service charge, and which may include an accessory retail shop for the sale of related equipment. The term "outdoor commercial recreation" shall not include concentrated outdoor commercial recreation uses as defined herein.
- (91) RECREATIONAL VEHICLE/EQUIPMENT: A portable structure designed to be mounted on or drawn by a motor vehicle or trailer, or built on a chassis, and intended to be used for recreational use. For the purposes of this Code, recreational vehicle/equipment shall include a recreational vehicle, boat, boat trailer, pick-up truck camper, motorized home, snow mobile, folding tent trailer, or other camping or recreational equipment, and any trailer that may be used to convey such vehicle or equipment.
- (92) RESEARCH AND TESTING LABORATORY: A building or group of buildings for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- (93) RESIDENTIAL CARE FACILITY: A facility that provides a combination of residential accommodations for seventeen or more unrelated individuals, congregated dining facilities and a licensed, certified or otherwise state-approved care facility that provides supervision and personal care services for at least 20 percent of such unrelated individuals due to their being dependent on the services of others by reason of age or physical or mental impairment.
- (94) RESTAURANT - COUNTER SERVICE: A retail service establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed.
- (95) RESTAURANT - TABLE-SERVICE: A retail service establishment wherein the entire business activity, or substantially all of the business activity, consists of the sale of food and service to patrons seated at tables for consumption within the building.
- (96) RETAIL ESTABLISHMENT: An establishment engaged in the selling of goods or merchandise to the general public for personal or household consumption, which is open to the general public during regular business hours and which has display areas that are designed and laid out to attract the general public. In determining a use to be a retail use, the Planning Commission may consider the proportion of display area vs. storage area and the proportion of the building facade devoted to display windows.
- (97) RIGHT-OF-WAY: A strip of land taken, dedicated, or otherwise recorded as an irrevocable right-of-passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, water and sewer lines, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.
- (98) RIGHT-OF-WAY LINE: The line between a lot, tract, or parcel of land and a contiguous public street, and demarcating the public right-of-way. "Right-of-way line" also means "street line."
- (99) SCHOOL FACILITIES: Publicly or privately owned facilities providing full-time day instruction and training at the elementary, junior high and high school levels in accordance with the requirements of Chapter 3313 of the Ohio Revised Code; or publicly or privately owned facilities providing kindergarten or nursery school training and care which are operated by a board of education or an established religious organization.

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- (100) SCHOOL, BUSINESS AND TRADE: A higher education facility primarily teaching useable skills that prepare students for jobs in a trade.
- (101) SCREEN: A method of reducing the impact of noise and unsightly visual intrusions with more harmonious elements, such as plants, berms, fences, walls, or a combination thereof, in compliance with this Ordinance.
- (102) SETBACK: The required minimum horizontal distance between a lot line and a structure as established by this Ordinance.
- (103) SETBACK LINE (See also "Yard, Required"): A line established by this Zoning Ordinance generally parallel with and measured from the lot line, defining the limits of the required yard in which no building, or structure may be located above ground, except as may be provided in this Zoning Ordinance. The term "setback line" shall also include "required setback line."
- (104) SIGN: Any identification, description, illustration or device which is affixed to or integrated into a building, structure or land, or otherwise situated on a lot and which is intended to direct or attract attention to, or announce or promote a product, place, activity, person, institution or business by means of letters, words, designs, colors, symbols, flags, banners, fixtures, images or illuminations.
- (105) SIMILAR USE: A use not specifically listed in any of the schedules of permitted uses of any district, but which may be found similar by the Planning Commission and added to a schedule for a particular district.
- (106) STREET, ARTERIAL: A street primarily for through traffic usually on a continuous route. This facility provides for through traffic movement between areas, across the county, and to and from expressways.
- (107) STREET, COLLECTOR: A street that primarily carries traffic from local to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- (108) STREET, LOCAL: A street primarily for providing access to residential or other abutting property.
- (109) STREET, PRIVATE: A local private way which provides vehicular access to more than one residential structure that is not and will not be dedicated to public use, but which is owned and maintained by an Association.
- (110) STREET, PUBLIC: An existing State, County, or City street or public road shown on the recorded subdivision plat.
- (111) STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground including buildings, walls or fences.
- (112) STUDIOS FOR INSTRUCTION: A building or portion thereof that is used or intended to be used for nonacademic group instructional purposes, which include, but are not limited to arts, crafts, dance and computer instruction.
- (113) SWIMMING POOL: An outdoor structure capable of containing in excess of two feet of water at its deepest point and having more than 100 square feet of water surface.
- (114) TRUCK OR TRANSFER TERMINAL: A building, including accessory buildings and uses, in which merchandise and freight from various sources brought by motor truck is assembled, sorted or reloaded for shipment by motor truck.
- (115) USE: The purpose for which land, a building or structure is arranged, designed, intended, maintained or occupied; or any occupation, activity or operation carried on in a building or structure or on land.
- A. USE, ACCESSORY: A use of land incidental to the principal use of a lot or building located on the same lot.
- B. USE, CONDITIONAL: A use permitted in a district, other than a principal use permitted by right, which is allowed only under certain conditions as set forth in Chapter 1145, and which requires a conditional use permit and approval of the City Planning Commission, in accordance with the standards and procedures set forth in Chapter 1177.
- C. USE, PERMITTED: A use that is authorized by this Zoning Ordinance as either a use permitted by right, a conditional use or an accessory use.

RECORD OF ORDINANCES

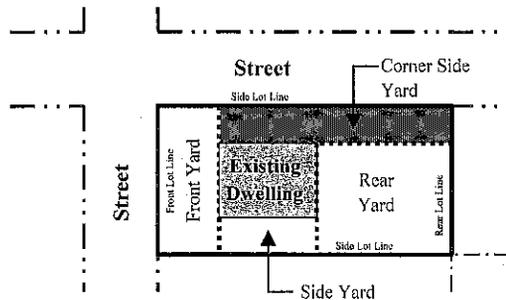
Dayton Legal Blank, Inc.

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- D. **USE PERMITTED BY RIGHT:** A permitted use that is approved administratively when it complies with the standards and requirements set forth in the Zoning Ordinance, the approval of which does not require a public hearing.
- E. **USE, PRINCIPAL:** The primary or main use or activity of a building or lot.
- (116) **VARIANCE:** A grant by the Board of Zoning Appeals to a property owner authorizing the property owner to vary from the literal terms of the relevant regulations where such variance will not be contrary to the public interest.
- (117) **VEHICLE/FARM IMPLEMENT SALES AGENCY:** Any establishment engaged in activities such as displaying, offering for sale and selling vehicles or farm implements, and which may include operating an accessory service facility to perform repairs and maintenance on vehicles and farm implements, offering for sale and selling vehicle or farm implement parts at retail, offering for sale and selling used vehicles and farm implements at retail, but only as incidental to the sale of new vehicles and farm implements, and conducting all other acts that are usual and customary to the operation of a new vehicle and farm implement dealership.
- (118) **VEHICLE REPAIR FACILITY:** The repair, rebuilding or reconstruction of motor vehicles or parts thereof including collision service, painting, washing and steam cleaning of vehicles.
- (119) **VETERINARY HOSPITAL:** A place where animals are given medical or surgical treatment and the boarding of animals occurs only as an incidental use.
- (120) **WALKWAY:** A public way, four or more feet in width, for pedestrian use only, which may or may not be located along the side of a road.
- (121) **YARD:** An open space on the same lot with a principal building or structure extending between the lot line and the extreme front, rear or side wall of the main building or structure.
- A. **YARD, CORNER SIDE:** On a corner lot, the yard between the principal building and the side lot line adjacent to the street and extending from the front yard to the rear lot line. See illustration below.



- B. **YARD, FRONT:** The area across the full width of the lot between the front of the principal building and the front line of the lot.
- C. **YARD, REAR:** The area between the rear of the principal building and the rear line of the lot across the full width of the lot, except that for corner lots, the rear yard extends from the interior side lot line to the corner side yard.
- D. **YARD, REQUIRED (See also Setback Line):** The open space between a lot line and a setback line for a building, parking area or use that is Corner lots, the rear yard extends from the interior side lot line to the corner side yard.

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- E. YARD, REQUIRED (See also Setback Line) The open space between a lot line and a setback line for a building, parking area or use that is the minimum area required to comply with the regulations of the district in which the lot is located, and within which no structure shall be located except as expressly permitted in this Zoning Ordinance.
- F. YARD, SIDE: The area between the main building and the side line of the lot extending from the front wall to the rear wall of the main building, except as otherwise defined for corner side yards.

Section 2. That Land Use Category (d)(2) of Section 1137.03 SCHEDULE OF PERMITTED USES of CHAPTER 1137 Business District Regulations of Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, be, and the same is hereby amended to read as follows:

SECTION 1137.03 SCHEDULE OF PERMITTED USES

| Land Use Category | Office Building District | Main Street District | General Business District | |
|---|-------------------------------|----------------------|---------------------------|------|
| | OB | MSB | GB-A | GB-B |
| (a) Residential | | | | |
| (1) Multi-family dwellings | P | | P | P |
| (2) Residential units accessory to a commercial use | | C | C | C |
| (3) Residential care facility | C | | C | C |
| (b) Office and Professional Services | | | | |
| (1) Offices, including administrative, business and professional | P | P | P | P |
| (2) Sales office with only samples of products | P | P | P | P |
| (3) Banks or banks with accessory drive-through lanes | C | P | P | P |
| (c) Medical Facilities | | | | |
| (1) Medical or dental office | P | P | P | P |
| (2) Hospital | C | | C | C |
| (d) Retail/Services | | | | |
| (1) Retail in completely enclosed building | A, subject to Section 1137.09 | P | P | P |
| (2) Personal service establishment including barber, beauty shops, and repair shop for personal items such as shoes, watch, camera, but excluding tattoo and/or body piercing businesses and the like | A, subject to Section 1137.09 | P | P | P |
| (3) Business equipment and supplies | | | P | P |

P = Principal use permitted by right
 C = Conditional use
 A = Accessory use

*Amended 11-14-03; Ord. 107-03

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| Land Use Category | Office Building District | Main Street District | General Business District | |
|--|--------------------------|----------------------|---------------------------|------|
| | OB | MSB | GB-A | GB-B |
| (4) Studios for instruction | C | C | P | P |
| (5) Drive-through facility in association with a permitted use | | C | C* | C* |
| (6) Dry cleaning counter service | | P | P | P |
| (7) Funeral home, mortuary | P | C | P | P |
| (8) Furniture, home furnishing, office equipment and office supplies store | | | P | P |
| (9) Motels, hotels | C | | C | P |
| (10) Mainstream media shop in compliance with Section 1137.13 | | P | P | P |
| (11) Photographic reproduction services | | P | P | P |
| (12) Restaurant in completely enclosed building | | P | P | P |
| (13) Outdoor dining | | C | C | C |
| (14) Self serve laundry facility | | | P | P |
| (15) Veterinary hospitals with associated cages, runs and kennels | | | C | P |
| (16) Adult uses | | | | C |
| (e) Automotive Transportation | | | | |
| (1) Parking as principal use (lot or garage) | | P | P | P |
| (2) Vehicle and farm implement sales, lease, and/or rental facility | | | | P |
| (3) Car wash | | | C* | C* |
| (4) Gasoline station | | | C* | C* |
| (5) Automobile service station | | | C* | C* |
| (6) Vehicle, repair facility | | | | P |
| (f) Entertainment, Recreation, Community Facility | | | | |
| (1) Clubs, lodges, or other assembly halls | C | C | P | P |
| (2) Civic facility for public assembly | | P | P | P |
| (3) Day care facility, adult | C | C | P | P |
| (4) Day care facility, child | C | C | P | P |
| (5) Indoor recreation facility | | | P | P |

P = Principal use permitted by right
 C = Conditional use
 A = Accessory use

*Amended 11-14-03; Ord. 107-03

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| Land Use Category | Office Building District | Main Street District | General Business District | |
|---|--------------------------|----------------------|---------------------------|------|
| | OB | MSB | GB-A | GB-B |
| (6) Library, museum | P | P | P | P |
| (7) Outdoor commercial recreation | | | C | P |
| (8) Motion picture and theatrical playhouse | | | P | P |
| (9) Public parks and/or playgrounds | P | | P | P |
| (10) Places of worship | C | C | P | P |
| (11) School, public or private | C | C | P | P |
| (12) Business and trade school | | C | C | C |
| (13) Safety facility, public | P | P | P | P |
| (14) Service facility, public | P | | P | P |
| (g) Wireless telecommunications facility | See Chapter 1157 | | | |
| (h) Accessory uses | | | | |
| (1) Off-street parking and loading areas | A | A | A | A |
| (2) Fencing and screening | A | A | A | A |
| (3) Outdoor display of merchandise for sale | | C | A | A |
| (4) Outdoor storage of goods and supplies | | | | A |
| (5) Outdoor swimming pools, other recreational facilities in connection with motels | A | A | A | A |
| (6) Signs | A | A | A | A |
| (7) Trash receptacles | A | A | A | A |
| P = Principal use permitted by right C = Conditional use A = Accessory use | | | | |

Section 3. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

North Canton, OH
 Passed: 6/11/12


 MAYOR

SIGNED: 6/11, 2012

ATTEST:


 CLERK OF COUNCIL