

City of North Canton

NOTICE OF PUBLIC MEETING

Notice is hereby given that:

The City Council of the City of North Canton shall hold a Regular Council Meeting on Monday, August 28, 2023 at 7:00 PM at North Canton Civic Center 845 W Maple St. North Canton, OH.

See attached agenda for matters to be discussed.

Meetings are open to the public or may be livestreamed on the City of North Canton’s YouTube page.

BY THE ORDER OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

08/25/2023

Date

Benjamin R. Young

Clerk

NORTH CANTON REGULAR COUNCIL MEETING
August 28, 2023, 7:00 PM
Agenda

- 1. Call to Order**
- 2. Opening Prayer**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Consideration**
 - 5.a Chapter 907 as amended by Ord. 56-2023
 - 5.b Chapter 1107 as amended by Ord. 38-2023
 - 5.c Chapter 1136 as amended by Ord. 30-2023
 - 5.d Chapter 1153 as amended by Ord. 32-2023.
 - 5.e Chapter 1703 as amended by Ord. 75-2023
 - 5.f Chapter 1739 as amended by Ord. 75-2023
- 6. Recognition of the Public**

Legislation on the Agenda Only
- 7. New Business**
 - 7.a Ord. 70-2023, 1st Reading, Community and Economic Development Committee**

An ordinance amending Chapter 703, Registration of Rental Units, of the Codified Ordinances of the City of North Canton to expand registration requirements to all rental units in the City regardless of building size.
 - 7.b Ord. 76-2023, 1st Reading, Personnel and Safety Committee**

An ordinance amending Chapter 155, Personnel Regulations, specifically Subsection 155.04(f), Full-Time Schedule of Compensation, Item Administrative Specialist, of the Codified Ordinances of the City of North Canton, to reclassify the Administrative Specialist position from hourly to salary in accordance with Federal Fair Labor Standards Act provisions.
 - 7.c Ord. 79-2023, 1st Reading, Ordinance and Rules Committee**

An ordinance authorizing the assessment of costs against the property known as 1646 Westfield Avenue SW, North Canton, Ohio 44709 for abatement actions taken thereat by the City of North Canton, and declaring the same to be an emergency.
- 8. Department Reports**

Director of Administration
Mayor Wilder

Director of Finance
Council Clerk

9. Council Reports

Ward 1 - Jamie McCleaster
Ward 2 - David Metheney
Ward 3 - Stephanie Werren
Ward 4 - John Orr

At Large - Daryl Revoldt
At Large - Christina Weyrick
At Large - Matthew Stroia

10. Final Call for New Business

11. Meetings Calendar

September 4, 2023- No Meeting- Holiday
September 11, 2023- Committee of the Whole and City Council
September 18, 2023- Committee of the Whole
September 25, 2023- City Council

12. Adjourn

CHAPTER 907 – WORK IN PUBLIC RIGHT-OF-WAY

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(Ord. 56-2023 eff. 08/10/2023)

SECTION 907.01 SCOPE OF REGULATIONS

The conditions contained in this chapter apply to any individual, firm, corporation, utility, or governmental subdivision, which finds it necessary to excavate within any dedicated street, alley, or right of way within the corporate limits of the City. The specifications contained in this chapter apply to any and all modifications made within the street lines or right-of-way lines of any dedicated street or alley within the corporate limits of the City.

SECTION 907.02 RIGHT OF WAY PERMIT REQUIRED

(a) Before any work or modification(s) is performed in the rights-of-way, a right-of-way permit must be obtained from the Director of Permits.

(b) A major right-of-way permit is required with any modification(s) that occur in the roadway area or extend beyond a single adjoining property when located outside the roadway area.

(c) A minor right-of-way permit is required where the modification(s) performed is located entirely outside the roadway and limited to the area within a single adjoining property. The City Engineer may determine a project ineligible for a minor right-of-way permit based on the scope of work and therefore require a major right-of-way permit.

(d) The work to be done under a right-of-way permit, and the restoration of the rights-of-way as required herein, must be completed within the dates specified in the permit. In addition to its own work, the permittee must restore the general area of the work, and the surrounding areas, including trench backfill, paving, and its foundations in accordance with any applicable laws and

the standards established by the City Engineer, and must inspect the area of the work and use reasonable care to maintain the same condition for 180 days thereafter.

(e) The Director of Permits shall not issue any right-of-way permit until all requirements of this chapter have been satisfied as determined by the City Engineer and no work shall be commenced until a right-of-way permit is obtained from the Director of Permits.

(f) A right-of-way permit is not required for the replacement of existing sidewalks located in the public right-of-way.

SECTION 907.03 FEES

(a) The cost for a right-of-way permit shall be two hundred and fifty dollars (\$250.00) and shall be paid at the time of application.

(b) Utilities operating under franchise and performing work with their own employees within the City shall pay no permit fee for right-of-way permits, but must obtain a permit prior to commencing work and follow the specifications and procedures of this chapter.

(c) All persons, firms, corporations, partnerships, or other entities that have been issued a right-of-way permit shall be responsible for reimbursing the City for all actual costs of all engineering, surveying, inspections, and/or other costs incurred by the City in the review, checking, and/or inspection of the work being performed. Any such costs not paid after the period specified in Section 907.04 hereof shall be claimed against the performance surety provided by the permittee pursuant to that Section.

SECTION 907.04 PERFORMANCE SURETY REQUIRED

(a) All persons, firms, corporations, partnerships, or other entities, except franchised utility companies performing work with their own employees and the City of North Canton, upon obtaining a right-of-way permit, shall provide surety in the form of a performance bond or certified check in an amount as follows:

- (1) For minor right-of-way permits performance surety shall be provided in the amount of \$10,000.
- (2) For major right-of-way permits performance surety shall be provided in the amount of \$25,000 unless a higher amount is prescribed is determined to be necessary by the City Engineer.

(b) If within one hundred eighty (180) days after completion of the restoration of the rights-of-way and final inspection by the City, the City determines that the rights-of-way have been properly restored, the performance surety shall be released.

(c) The City shall have the authority to prescribe the manner and extent of the restoration and may do so in written procedures of general application or on a case-by-case basis. Any deficiency in the restoration of the rights-of-way shall be corrected in accordance with the standards and materials specified by the City. If within three (3) days of being notified by the City of any deficiency in such work, the permittee has not corrected such deficient work, the City may

complete the restoration and may take action to recover such portion of money or bond posted for the faithful performance of such work. Action to recover such portion of money or bond posted shall not prejudice the City from pursuing any additional cost incurred by the City above and beyond the surety amount provided.

(d) Performance surety shall be held for one hundred eighty (180) days after the final inspection to ensure the quality of work.

(e) All persons, firms, corporations, partnerships, or other entities that have been issued a right-of-way permit shall be responsible for reimbursing the City for all actual costs of all engineering, surveying, inspections, and/or other costs incurred by the City in the review, checking, and/or inspection of the work being performed. Any such costs not paid after the period specified in subsection (c) hereof shall be claimed against the deposit provided by the permittee pursuant to subsection (a) hereof.

SECTION 907.05 EQUIPMENT; BARRICADES; LIGHTS

(a) Equipment. Any equipment used for making excavations covered by this chapter shall be mounted on pneumatic tires, rubber covered tracks, or street pads. Equipment having steel lugs or steel tracks shall not be loaded, unloaded, or operated in any fashion on the improved portion of the street, alley, or right of way.

(b) Barricades and Lights. Barricades strong enough to support a pedestrian shall be placed completely around all excavations. Lights or lanterns shall be placed at all corners of the barricades and at intervals not to exceed ten feet on centers. Lights or lanterns shall be lit thirty minutes before sundown and operate continuously until thirty minutes after sunup. Should the excavation be made on an uninhabited or unimproved street, barricades and lights shall be placed at all entrances and exits and need not be placed along with the excavation.

SECTION 907.06 EXCAVATIONS, SIZE, AND BACKFILLING

(a) Excavations. All excavations shall be made as small as practical for the prosecution of the work.

(b) Backfill.

- (1) Under pavements or traveled alleys. After installation or repair of the structure, which necessitated the excavation, select earth shall be tamped in six-inch layers around the structure and to a depth of six inches above it. The remainder of the backfill shall be a granular material known as crusher run stone, grits, bank-run gravel, or another granular material approved by the Excavation Inspector. The granular material shall be tamped in six-inch layers. The granular backfill shall terminate eight inches from the top of the existing pavement. The final eight inches shall consist of six inches of concrete base and two inches of asphalt concrete.
- (2) Under sidewalks and driveway approach slabs. Excavations under sidewalks and drives shall be backfilled exactly as for that under pavements except that the granular backfill shall be terminated one inch below the

subgrade of the sidewalk and two inches of No. 67 stone shall be evenly spread over the sidewalk area and shall be checked and maintained for a period of thirty days.

- (3) Under areas between the pavement and the sidewalk. Excavations between the sidewalk and the pavement shall be backfilled with select earth, tamped in six-inch layers, and terminated in a neat mound six inches above the surrounding surface. Should the excavation impair the strength of the adjacent pavement or sidewalk, granular backfill shall be placed in the six-inch compacted layers, to a depth of eighteen inches below the existing surface. The remainder of the backfill shall then be select earth placed as described above. The agency making the excavation shall be responsible for replacing all pavement or sidewalk, existing or new, damaged by careless excavation or improper backfilling.

SECTION 907.07 REPLACEMENT OF PERMANENT PAVEMENT

(a) Brick Pavements and Blacktop Streets. If after thirty days, the Excavation Inspector is convinced that further settlement of the backfill will not occur, the temporary surface shall be removed and the granular backfill excavated to a depth of eight inches. The remaining granular backfill surface shall be leveled, tamped, and moistened. Six inches of the concrete base shall be placed on the prepared granular backfill. After the concrete has set, two inches of the asphaltic concrete surface shall then be compacted on the concrete base. All blacktop joints shall be sealed. Based on the existing pavement thickness and the average daily traffic, the City Engineer may specify a different pavement replacement section.

(b) Concrete Pavements. If after thirty days, the Excavation Inspector is convinced that further settlement of the backfill will not occur, the temporary surface shall be removed and the granular backfill excavated to such a depth that a minimum of eight inches of Portland cement concrete pavement can be placed.

SECTION 907.08 TRAFFIC CONTROL

(a) Individuals who receive permits shall notify the City of North Canton Police Department and Street Department with no less than 24 hours prior notice of any planned disruption in traffic patterns.

(b) All traffic safety and control shall be in accordance with the latest version of the Ohio Manual of Uniform Traffic Control Devices as adopted by the Ohio Department of Transportation.

SECTION 907.09 SAFETY MEASURES; MANHOLES; EXCAVATIONS

(a) Barriers, barricades, or standard guard railings shall be provided for guarding open manholes, handholds, gratings, or excavations. Visual warning devices shall be provided for such barricades, barriers, and guard railings.

(b) Testing equipment shall be provided and a standard procedure established by the employer to determine the presence of air contaminants or a deficiency of oxygen.

(c) Air contaminants or oxygen deficiency shall be controlled, minimized, or purged by one or more of the following methods:

- (1) Removed at source by local exhaust ventilation;
- (2) Removed by general ventilation;
- (3) Removed by dilution ventilation; or
- (4) By respiratory equipment furnished by the employer which provides protection equal to or greater than that approved by the U.S. Bureau of Mines, where there are air contaminants or where there is a deficiency of oxygen in the air.

The air or oxygen supplied to a supplied air helmet shall be of the positive pressure type. The air supplied to a supplied air helmet or to other supplied air breathing apparatus shall be filtered.

(d) Ladders shall be provided for entering or leaving a manhole, vault, or other similar underground area.

(e) The fixtures to which lamp sockets and plugs are attached shall, in all cases, be explosion proof, vapor proof, moisture proof, and dust proof. All extension cords shall be made of heavy duty cord. All lamps shall be guarded.

(f) No person shall enter a manhole, in a public right-of-way, or remain inside thereof, and no person, firm, or corporation shall direct, permit or allow another in his employ or under his supervision, to enter a manhole or remain inside thereof without having another employee on the surface at or near the entrance to the manhole.

(g) Where the safety equipment is provided as outlined in subsection (a) hereof it shall be the responsibility of the employee or employees working at or in the manhole to use that equipment.

SECTION 907.99 PENALTY

(a) Whoever violates any provision of this chapter is guilty of a minor misdemeanor, a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(b) The City is authorized to issue a stop work order when any work is in violation of this code and may cause the remedy for any hazardous situations created by the violations present at the sole expense of the responsible parties.

CHAPTER 1107 – SUBDIVISION REGULATIONS

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SECTION 1107.01 PURPOSE AND APPLICATION

(a) The general purpose of these Subdivision Regulations shall be to control the subdivision of all land in the City to promote public health, safety, comfort, convenience, and general welfare.

(b) Whoever subdivides land, as defined herein, whether by an instrument of conveyance or otherwise, shall comply with these regulations and a preliminary and a final plat shall be required in accordance herewith before the land of such subdivision is sold or leased and before a building permit for the improvement of any lot in such subdivision is issued.

(c) Whoever divides any parcel of land, whether by an instrument of conveyance or otherwise, for which division no plat is required by reason of ORC Section 711.131 shall submit such division together with a sketch identifying such division to the City Engineer or their designee who, in their discretion, may require that said division be by plat and shall within seven working days stamp such division of a parcel of land “Approved by the Engineer of the City of North Canton: no plat required” or “Approved by the Engineer of the City of North Canton by plat”, sign their name and date of approval.

SECTION 1107.02 DEFINITIONS

As used in these regulations:

(a) "Commission" means the Planning Commission of the City of North Canton, Ohio.

(b) "Person" includes a private corporation, and when used to designate the owner of the property, includes not only natural persons but also every other owner of the property.

(c) "Plat" means a map of a tract or parcel(s) of land.

(d) "Private street" means a street platted for the exclusive use of owners, occupants, leaseholders, and their invitees of lands platted with such private streets and not dedicated to public use.

(e) "Roadway" means that portion of a street improved, designed, or ordinarily used for public or private vehicular travel, except the berm or shoulder.

(f) "Street" means the entire width between the boundary lines of every public or private way open to the use as a thoroughfare for the purpose of vehicular traffic.

(g) "Subdivision" means:

(1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding general tax list and duplicate of real and public utility property, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the following are exempt:

(A) A division or partition of land into parcels of more than five acres not involving any new streets or easements of access;

(B) The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites.

(2) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any public or private street or streets, except private streets serving industrial structures, or involving the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders or as easements for the extension and maintenance of public or private sewer, water, storm drainage, or other similar facilities.

(h) "Whoever" includes all persons, natural and artificial, partners, principals, agents, and employees.

SECTION 1107.03 PRELIMINARY PLAT

(a) Any person wishing to subdivide land within the City of North Canton except as provided in ORC Section 711.131 shall first submit to the Department of Development Services a preliminary plat at a scale no smaller than 100 feet to one inch. Such plat shall include:

- (1) The name of the subdivision, the subdivider, and the surveyor;
- (2) North point, date, and scale;
- (3) The boundary line of the property to be subdivided;
- (4) The location of the property by township, section, and tract as maintained by the County Recorder;
- (5) The relation of the property to existing streets;
- (6) Abutting properties identified by lot number and street address when applicable;
- (7) Zoning of the property to be subdivided and of all abutting property;

- (8) Topographic information referred to sea-level datum with a contour interval of two feet or less and such additional elevations as may be required because of irregularities of terrain and topographic changes as proposed;
- (9) The location of any drainage channels, streams, wooded areas, or similar significant land features;
- (10) Surface conditions such as a strip-mined area or an area having a known record of past flooding;
- (11) Existing sanitary and storm sewers, culverts, water mains, and other utilities within the land to be subdivided;
- (12) The location and size of water mains, sanitary sewers, and outlets for surface water drainage in the immediate vicinity of the proposed plat;
- (13) The location, widths, and names of all proposed streets, crosswalks, easements, and open spaces;
- (14) The creation of new private streets is hereby prohibited.
- (15) Proposed lots; and
- (16) Location and intended use of sites to be dedicated open spaces;

(b) The submission of a preliminary plat shall be accompanied by the submission of an application, made on forms provided by the Department of Development Services, which shall include:

- (1) The name, address, and contact information of the property owner(s);
- (2) The name, address, and contact information of the developer if other than the owner;
- (3) The name, address, and contact information of the person or firm preparing the plat(s) and application if other than the owner or developer;
- (4) Name of the plat;
- (5) Approximate location by address or other identifiers, and Stark County parcel number(s) of land to be subdivided; and
- (6) Shall be accompanied by payment of the applicable fee.

(c) The Department of Development Services shall first present the preliminary plat to City Council for consideration and approval, by resolution, of the location and intended use of open spaces.

(d) After the approval of City Council with regard to open spaces, the Department of Development Services shall present the preliminary plat to the Planning Commission. The Commission may approve, conditionally approve, or disapprove the preliminary plat.

(e) The approval of preliminary plats shall be valid for a term of one (1) year unless an extension is granted by the Planning Commission.

SECTION 1107.04 FINAL PLAT

(a) After receiving approval of a preliminary plat, any person wishing to subdivide land within the City of North Canton except as provided in ORC Section 711.131 shall submit to the Department of Development Services a final plat at a scale no smaller than 100 feet to one inch for approval by the Planning Commission and City Council.

- (1) Final plats shall not be approved unless the improvements shown therein have been installed or financial guarantees for such installation have been furnished and accepted by City Council as provided in Section 1107.07.
- (2) The acceptance of dedicated streets, utilities, and open spaces for use and maintenance by the City shall be by separate action of City Council.

(b) Final plats may be for all, or part, of the territory shown as subdivided in the preliminary plat, shall be drawn to accepted engineering standards of legibility on mylar or its equivalent, and in addition to all information required of a preliminary plat, shall include:

- (1) All boundary lines of the area being divided including all lot lines; all boundary lines of land dedicated or granted for public use; all easement lines.
 - (A) Street lines, lot lines, and easement or other lines shall be graphically differentiated from each other.
 - (B) Replats shall show eliminated lot lines and differentiate them from new lot lines.
- (2) Accurate distances and bearings of all required lines;
- (3) Widths of streets and easements including the radii, arcs, chords, chord bearings, central angles, and points of tangency for all curves.
 - (A) Linear dimensions shall be given to the nearest one-hundredth of a foot.
 - (B) The creation of new private streets is hereby prohibited.
- (4) Minimum building setback lines in accordance with the North Canton Zoning Code;
- (5) Such control description(s) as may be approved by the City Engineer;
- (6) The names of proposed and adjoining streets and the purposes of easements and other lands provided for public use;
- (7) Identification of each lot in accordance with the City's adopted lot numbering system;
- (8) All section, half-section, township, or City corporation lines;
- (9) Total acreage of land platted, the total acreage of streets dedicated, and the total acreage of lots platted.
- (10) Location and description of all monuments; and
- (11) The following certifications:
 - (A) The certification of a registered surveyor attesting to the accuracy of the survey and the correct location of all monuments shown;
 - (B) The certificate of the owner(s) of the plat acknowledging the proposed plat and all dedications of land for public use;
 - (i) Such acknowledgment shall be before a notary public.

- (C) The certification of the City Engineer certifying that the plat meets all requirements for installed improvements and that lot numbers have been assigned;
 - (D) The certification of the Chairman of the Planning Commission approving the final plat, including Planning Commission record number and date of approval;
 - (E) The certification of the Clerk of City Council attesting to City Council's approval of the plat, including reference to the ordinance number and date of passage;
 - (F) Certification to be completed by the County Board of Health;
 - (G) Certification of the City Law Director that lands offered for public dedication are free from liens and encumbrances and that all premises contained in the plat have adequate access to a public street;
 - (i) The subdivider shall provide to the City Law Director such instruments as are necessary to make this determination, including, but not limited to, all existing title insurance policies and lien searches related to the property in question.
 - (H) Endorsement to be completed by the County Auditor upon transfer of record; and
 - (I) Endorsement to be completed by County Recorder upon the recording of plat.
- (c) The submission of a final plat shall be accompanied by the submission of:
- (1) An application, made on forms provided by the Department of Development Services containing the same information as required for a preliminary plat.
 - (2) Detailed drawings and the plan, profiles, and typical cross-sections of streets and specifications for the improvements to the City Engineer for approval.

SECTION 1107.05 RECORDING

(a) After approval of a final plat by both the Planning Commission and City Council, the plat, together with the necessary monies to pay the costs of recording, shall be filed by the subdivider with the City Engineer and thereupon the City Engineer shall ensure that all necessary certifications and endorsements are made and shall cause such plat to be recorded in the office of the Recorder of Stark County, Ohio at the expense of the subdivider.

(b) The tracing of the final plat, after it has been recorded, shall be filed with, and retained by, the City Engineer, and said tracing shall become and remain the property of the City.

SECTION 1107.06 REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

Whoever subdivides shall construct as hereinafter provided, streets, curbs, gutters, sidewalks, street signs, water mains, storm sewers, and sanitary sewers servicing the subdivision, in

accordance with the following provisions, before the final plat thereof is approved, before the lands of such subdivision are sold or leased, and before a building permit for the improvement of any lot in such subdivision is issued.

(a) Streets. The arrangement, location, extent, width, grade, and character of all streets shall conform to the Plan for the Development of Major Streets and Thoroughfares and shall be appropriate to topography, to proposed uses of land abutting the streets, and to the pattern of surrounding streets and land use.

- (1) Existing or projected major streets in adjoining areas shall be continued in new subdivisions and minor residential streets shall be continued to prevent dead-end streets.
- (2) Collector streets are satisfactory when there are no continuous cross streets and if they exit into only one major street.
- (3) No street arrangement shall be approved that prevents future access to adjoining undeveloped property.
- (4) Streets shall intersect as nearly as possible at right angles and no street shall intersect any angle less than a sixty-degree angle.
- (5) No more than two streets should intersect at one point.
- (6) Street jogs shall have centerline offsets of at least 125 feet.
- (7) The right-of-way lines of intersecting streets shall intersect at all corners with a curve having a radius of at least fifteen feet.
- (8) When the line of a street changes direction by more than ten degrees, a circular curve shall be provided.
 - (A) For minor residential streets, this curve shall be at least 100 feet in radius and for all other streets at least 350 feet in radius.
 - (B) These radii shall be measured along the centerline for all streets.
- (9) On all but minor residential streets, reverse curves shall be connected by a tangent of at least 100 feet.
- (10) Vertical curves shall provide the sight distance suited to their location as determined by the specifications of the City Engineer.
- (11) Permanent dead-end streets or cul-de-sacs shall be used only where a continuous street cannot be developed.
 - (A) Dead-end streets, designed to be so permanently, shall not be longer than 600 feet and shall be provided at the closed end with a turn-around which shall have a minimum radius of fifty feet at the property line.
 - (B) T-shaped or Y-shaped turning areas in place of the circle may be permitted when the topography and shape of the lot makes such a design more desirable.
 - (C) A temporary dead-end street may be permitted if it is part of a required street and a satisfactory turn-around is provided.
- (12) Half-streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided.

- (A) Whenever an existing half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- (B) Half-streets shall not be less than one-half the standard width for the appropriate street classification.
- (13) Any plat dedicating a temporary dead-end or a half-street shall include a plat restriction prohibiting any easement or right-of-way access to the temporary dead-end or half-street from any abutting or adjoining property, except for lots platted in conformity with these regulations.
- (14) Street and pavement widths shall be in accordance with the following schedule:

Street Classification	Right-of-Way Width in Feet	Pavement Width in Feet
Major Thoroughfares	80	48
Collector Streets	60	36
Minor Residential Streets	50	30
All Other	60	36

- (15) Street grades shall be no less than 0.4 percent. Grades shall not exceed 5.0 percent on secondary streets or 8.0 percent on other streets, except in case of unusual topographic conditions. In no event shall any street grade exceed 10.0 percent.
- (16) The pavement and wearing surface shall be installed to meet the design standards established and kept on file by the City Engineer.
- (17) The naming of streets shall conform to the City's adopted street naming system.
- (18) Street signs shall be installed by the developer in accordance with the specifications of the City Engineer.
- (19) Curb and gutter, where installed, shall meet the design standards established by the City Engineer.
- (20) Sidewalks shall be installed on both sides of all streets. The required sidewalks may be placed in the rear of lots in certain types of developments upon Commission approval. Sidewalks shall be at least five feet in width and installed to meet the design standards established by the City Engineer.
- (21) In the event a street is permitted to be constructed without sidewalks and/or of reduced pavement width, the area from the curb line shall be graded as determined by the City Engineer.

(b) Blocks.

- (1) Block lengths shall not exceed 1,400 feet.
- (2) In blocks longer than 900 feet, easements shall be provided for pedestrian walks for more direct access to a school, playground, public transportation, shopping center, church, or other community facilities. Such easements shall be in or near the center of the block, as extensions of sidewalks, or walks in adjacent blocks. Crosswalk easements when

provided shall be at least ten feet wide and shall be dedicated as public rights of way for sidewalk purposes.

- (3) Blocks that abut a major thoroughfare may be required by the Planning Commission and may be designed to:
 - (A) Align blocks with their greater dimension parallel to and adjoining the major thoroughfares, and
 - (B) Provide property access or service streets parallel to and adjoining the major thoroughfares, or
 - (C) Abut the major thoroughfares with lot lines across which vehicular access is prohibited by plat restriction.
- (4) Irregularly shaped blocks (including super-blocks) and, indented cul-de-sacs, containing interior public spaces, shall be acceptable when adequately designed and fitted to the plan and when adequate provision for the maintenance of public areas is provided.

(c) Lots.

- (1) Lots shall be arranged and designed to meet all the zoning requirements of the district in which the land is located and are appropriate to the location of the subdivision.
- (2) Lots shall be arranged to allow service by public water and public sanitary sewer unless otherwise approved by both the Commission and City Council. Approved lots not served by public water and/or public sanitary sewer shall meet the area requirements established by the County Board of Health.
- (3) Side lot lines shall be at right angles or radial to street lines as nearly as practicable.
- (4) Double-frontage or reversed-frontage lots shall be prohibited except where they are deemed necessary by the Commission to provide separation of residential development from traffic arteries or to overcome unusual topographic conditions.
- (5) The numbering of lots shall conform to the City's adopted lot numbering system.

(d) Easements.

- (1) When utilities are located off the street, easements shall be provided and shall be centered on rear or side lot lines. When electrical or telephone service is in rear lot easements, additional easements shall be provided alongside lot lines at intervals of two hundred and fifty (250) feet or less or at such other intervals as may be established by a street lighting plan approved by the Commission. Easements shall be at least sixteen (16) feet wide except that easements used solely for access to utilities above ground or easements for overhead utilities may be ten (10) feet wide. Utility poles shall be seven (7) feet inside the street right-of-way line.
- (2) Easements shall be provided on both sides of all drainage ditches or open watercourses. The width of drainage easements shall be sufficient

to provide access to the drainage course. It shall be wide enough for its reasonable protection, widening, deepening, realignment, or enclosure.

(e) Open Space. Whoever subdivides an area of ten (10) or more acres under this chapter shall provide open space, which may be dedicated to the City, equal to a minimum of five (5%) percent of the gross area to be subdivided. Open space must be of a usable size and shape for the intended purpose as determined by City Council and must be fully accessible to the public. Open space shall consist of up to three (3) parcels within the proposed subdivision and be wholly located within the City of North Canton. Open space shall not include public street right-of-way, public utility easements, structures or facilities intended for common recreation use such as pools, clubhouses, picnic shelters, play equipment, and similar features, parking areas, required setbacks, required spacing, easements, and private yards. Retention ponds, detention ponds, and wetlands can make up half of this open space requirement.

(f) Storm Sewer. Subdivisions shall be protected from flood hazards and inundation by stormwater. Existing water courses entering the subdivision shall be received and discharged from the subdivision, as nearly as possible in the manner which existed prior to the construction of the subdivision. Runoff originating in a subdivision shall be drained to an adequate outlet. This termini location shall be approved by the City Engineer, and when the termini is located outside the City limits, after consulting the Stark County Hydraulics Engineer. The City is part of the National Flood Insurance Program. Any subdivision located within a flood hazard area designated by the Federal Insurance Administration (FIA) shall comply with all regulations established by the FIA. Stormwater quantity design shall be in accordance with the Stark County Subdivision Engineer's latest drainage design criteria and the stormwater quality design shall be in accordance with the Stark County Soil and Water Conservation District's latest water quality regulations.

(g) Sanitary Sewer. A complete sanitary sewer system of an adequate size discharging into an approved outlet in accordance with the specifications established by the City Engineer shall be provided. If the subdivision is in an area where sanitary sewer mains are not presently accessible, the developer shall reimburse the City for the total costs of extending sewer lines from the nearest point to the property being subdivided.

(h) Water Mains. Adequate-size water mains properly connected to the public water supply system to serve all lots for domestic use and fire protection shall be provided in accordance with the specifications established by the City Engineer. Shut-off valves for water services shall be in the street right of way in the lawn strip between the curb and sidewalk. In no case shall such a valve be located under a paved area or driveway in any residential district.

(i) Monuments. Monuments shall be placed in accordance with the standards and specifications established by the City Engineer. If monuments are not installed prior to recording, a certified check shall be deposited with the City in an amount to be specified by the City Engineer to act as a security deposit to adequately cover the estimated costs of the monuments; this check shall be returned when monuments are installed according to plat requirements.

(j) Utilities to be Constructed before Streets. Utilities in street rights of way shall be placed in the ground before any pavement is constructed in the proposed street unless otherwise provided for by joint agreement of the City Engineer and the utility company.

(k) Whoever subdivides shall notify the City Engineer whenever constructed improvements require inspection preparatory to approval by the City Engineer. If the improvements have not been installed as required, such improvements shall be installed or reinstalled to conform to these regulations.

SECTION 1107.07 DEVELOPER'S BONDS

(a) The developer shall execute and file with the Clerk of City Council financial guarantees for the completion of the required improvements. Such guarantees may be in the form of a performance or surety bond, a certified check, or any other type of surety approved by City Council.

- (1) The financial guarantees shall be in an amount equal to the estimated total cost of materials and labor required to install or construct the improvements. Such costs shall be verified by the City Engineer. When any portion of an improvement has, upon inspection, been found to be satisfactorily completed, a reduction in the bond, or partial withdrawal of funds equal to the estimated costs of such completed improvements, may be authorized by City Council.
- (2) The terms of such guarantees shall be determined by the City Council; however, they shall not be for a period of more than two (2) years unless City Council, by resolution, extends the time.
- (3) In the event the installation of all land improvements, according to the terms of the agreement, is not completed, the City, upon proper notice, may complete the improvements and may take action to recover such portion of money or bond posted for the faithful performance of such work.

(b) Once all improvements have, upon inspection, been found to be satisfactorily completed the performance bond, or other surety, may be reduced to ten percent (10%) of the initial surety amount. Such new surety shall be known as a maintenance bond and shall be held by the City for a period of one (1) year. In the event that any improvement is damaged by the developer or a builder, fails, or otherwise requires repairs during the term of the maintenance bond, the City, upon proper notice, may affect the repair of the improvements and may take action to recover such portion of money or bonds posted for the faithful performance of such work.

(c) Sidewalk Bond. The developer shall execute and file with the Clerk of City Council financial guarantees for the completion of the required sidewalk improvements. Such guarantees may be in the form of a performance or surety bond, a certified check, or any other type of surety approved by City Council.

- (1) The financial guarantees shall be in an amount equal to the estimated total cost of materials and labor required to install or construct the all sidewalks within the subdivision. Such costs shall be verified by the City Engineer. When any portion of an improvement has, upon inspection, been found to be satisfactorily completed, a reduction in the bonds, or partial withdrawal of funds equal to the estimated costs of such completed improvements, may be authorized by City Council.

- (2) The terms of such guarantees shall be determined by the City Council.
- (3) In the event the installation of all sidewalks, according to the terms of the agreement, is not completed, the City, upon proper notice, may complete the improvements and may take action to recover such portion of money or bonds posted for the faithful performance of such work.

SECTION 1107.08 DEVELOPER'S DUTY TO PROVIDE FOR INSPECTIONS

The developer shall reimburse the City for the actual cost of all engineering, surveying, or construction inspection, and any other costs incurred by the City in the review, field checking, and construction inspection of the improvements denoted on the construction plans. No performance bond shall be released until all such fees have been paid in full.

SECTION 1107.09 DEVELOPER'S DUTY TO GRADE WITHIN SUBDIVISION

(a) The developer shall submit to the City, at the same time as presenting a final plat for a subdivision a grading plan of the area to be developed. The developer shall do the grading in accordance with the plans approved by the City and shall not deviate from such plans except upon written permission from the City Engineer. Upon completion of the work and with the approval of the Engineer for all changes, the developer will furnish the City with "as-built" plans for the subdivision's grading.

(b) The developer or builder shall grade to establish street, blocks, and lot grades in proper relation to each other, as follows:

- (1) Streets. Grading of streets shall extend the full width of the right of way. Tree lawns shall be graded at a gradient and prescribed in the City standard details upward from the curb to the right-of-way line whenever possible.
- (2) Blocks. Grading shall be designed to divert water from structures, to prevent standing water and soil saturation detrimental to structures and the use of lots, and to preserve desirable site features and grades for safe and convenient access to and around structures.
- (3) Lots. The floor elevation of each structure shall be established in proper relation to surrounding grades, driveways, and streets. There shall be a minimum grade of 5.0 percent around each structure so that water drains to lower areas. Drainage swales shall have a minimum grade of 0.5 percent. Lot grading shall be designed so that surface water will drain into the driveway, a drainage structure on the lot, a street gutter and storm sewer, or a natural drainage way. Minimum and maximum grades of driveways shall be 0.5 percent and 10.0 percent, respectively. Grade breaks must be no greater than 15.0 percent. Grading shall be adjusted so there will be no abrupt grades in front yards and alongside lot lines. Earth terraces shall have a maximum side slope ratio of 2.5:1.
- (4) Topsoil. If grading results in the stripping of topsoil, such soil shall not be removed from any subdivision or used as fill but shall be saved and uniformly spread over the lots as grading is finished.

SECTION 1107.10 MODIFICATION

The Zoning Board of Appeals may, through a variance, modify the application of these regulations where unusual or exceptional factors or conditions require such modification. In granting such modification, the Board shall:

- (a) Find that unusual topographical or exceptional physical conditions exist, and
- (b) Find that strict compliance with these standards would create an extra hardship in the face of the exceptional conditions, and
- (c) Permit any modification to depart from these standards only to the extent necessary to remove the extraordinary hardship, and
- (d) Find that any modification granted will not be detrimental to the public interest or in conflict with the intent and purposes of these regulations, and
- (e) Require such other conditions to be met by the proposed plat as the Board may find necessary to accomplish the purposes of these regulations when modified.

SECTION 1107.11 FEES

There shall be a fee of one hundred and fifty dollars (\$150.00) paid upon the filing for approval of either a preliminary or final plat.

SECTION 1107.99 PENALTY

- (a) Whoever willfully violates any rule or standard herein adopted by City Council or fails to comply with any order issued pursuant thereto shall forfeit and pay not less than ten dollars (\$10.00) or more than one thousand dollars (\$1,000.00).
- (b) Such sum may be recovered with costs in a civil action brought in the court of common pleas in the county in which the land lies relative to which such violation occurred, by the legal representative of the City, in the name of the City.
- (c) Written notice shall be served upon persons acting in violation of these regulations. Such written notice shall describe the violation, remedies required, and penalties provided by law.

CHAPTER 1136 – MAIN STREET DISTRICTS REGULATIONS

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(Ord. 31-2021 eff. 07/29/2021)

SECTION 1136.01 INTENT

(a) North Canton’s Main Street is the City’s central commercial corridor and is comprised of five primary districts: Main Street Center (MS-C); Main Street North (MS-N); Main Street South (MS-S); Main Street North Gateway (MS-NG); and Main Street South Gateway (MS-SG) (together, the “Main Street Districts”). These districts are established to promote the development of a higher density, more consistent, walkable urban fabric, and attract increased investment in key commercial corridors and nodes. The Main Street Districts are intended to respect existing surrounding development patterns while promoting desired development patterns within each district.

(b) The following are the general characteristics of the Main Street Districts that these regulations advance:

- (1) A mixture of storefront retail, professional offices, and dwelling units located in residential buildings and in the upper stories or rear and mixed-use buildings;
- (2) Buildings with active building façades set at or close to the sidewalk with parking located along the side and in the rear of buildings; and
- (3) Pedestrian-oriented scale development with sidewalks wide enough for activation and regularly-spaced street trees that promote a walkable environment.

SECTION 1136.02 APPLICABILITY

(a) This Chapter contains the use regulations and development standards for new construction within the five Main Street Districts. Except as otherwise set forth herein, the provisions of this Chapter shall apply, govern, control, and supersede all other regulations of the City of North Canton Zoning Ordinance (“Zoning Ordinance”).

(b) All terms not expressly defined herein shall have the meaning set forth in the Zoning Ordinance. All administrative procedures of the Zoning Ordinance shall apply to this Chapter except that any dimensional or area standard herein may be varied by an amount of up to twenty percent (20%) upon a determination by the Director of Administration, or their designee, that the variance would satisfy the variance standards set forth in the Zoning Ordinance.

SECTION 1136.03 GRAPHIC ILLUSTRATIONS

Graphics are used throughout this Chapter to illustrate the development standards. Graphics are either illustrative or regulatory as indicated.

SECTION 1136.04 USE REGULATION GUIDELINES

(a) Uses Permitted by Right. A use listed in Section 1136.05 shall be permitted by right as a principal use for either the entire building/site or part thereof provided that all requirements of other City ordinances and this Zoning Ordinance have been met according to the following:

- (1) When denoted with the letter “P” the use is permitted by right for the entire building or site meaning such uses may be located within the entire structure, inclusive of the first floor and all upper floors. Furthermore, whole building uses may also be located solely on upper floors or street level floors in addition to the whole building.
- (2) When denoted with the letters “FF” the use is permitted by right on the street level or first floor of a building meaning such uses must exist on the ground floor of the structure accessed by a ground floor entrance.
- (3) When denoted with the letters “UF” the use is permitted by right on the upper floors of a building meaning such uses may not be located on the street level/first floor, but may exist on all other floors above.

(4) Figure 1136.04(d)(4) Regulatory Graphic Illustrating Uses Permitted Within Multi-Story



(b) Conditional Uses. A use listed in Section 1136.05 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Planning Commission first makes the determination that the requirements of Chapter 1145 have been met according to the procedures set forth in Chapter 1177;

(c) Accessory Uses. A use listed in Section 1136.05 shall be permitted as an accessory use in a district when denoted by the letter "A". Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections of this Ordinance.

(d) Use Not Listed in Schedule. It is recognized that this Code may require interpretation to assign all possible uses to individual zones or districts. Therefore, any use which is not specifically set forth in this Code shall be reviewed by the Development Services Director to identify the most similar use identified within the Schedule of Permitted Uses and to determine consistency with the intent set forth in the Code and compatibility with districts. Based upon this determination, the proposed use would only be permitted in districts identified within the Schedule of Permitted Uses for the most similar use. Any aggrieved party may file an appeal of this determination with the Zoning and Building Standards of Appeals.

SECTION 1136.05 SCHEDULE OF PERMITTED USES

Land Use Category	MS-C	MS-NG	MS-N	MS-S	MS-SG
Residential					
Multi-Unit Dwelling	UF(a)	UF(a)	UF(a)	UF(a)	UF(a)
Office and Professional Services					
Administrative Government Services	P	P	P	P	P
Business Equipment and Supplies Sales	FF	P	P	P	P
Experimental Testing and Research Facilities	NP	NP	NP	NP	NP

Land Use Category	MS-C	MS-NG	MS-N	MS-S	MS-SG
Hospital and Associated Medical Offices	NP	P	P	P	P
Veterinary Hospital	NP	P	NP	NP	P
Research and Testing Laboratory	NP	P	P	P	P
Office Warehouse and Storage	NP	P	NP	P	P
Offices including Administrative, Medical, Business and Professional	P	P	P	P	P
Funeral Home	NP	P	P	P	P
Call Center	NP	P	NP	NP	P
Distributors, Warehouse and Wholesale Outlet (Including Break-Bulk Operations Such as Bottling and/or Packaging)	NP	P	NP	NP	P
Retail/Services					
Bed and Breakfast	P	NP	P	P	NP
Essential Services	P	FF	FF	FF	FF
Financial Office, Bank with Walk up ATM Access only	FF	FF	FF	FF	FF
Personal Services	FF	FF	FF	FF	FF
Restaurant – Counter Service	FF	FF	FF	FF	FF
Restaurant – Table Service	FF	FF	FF	FF	FF
Retail Establishment	FF	FF	FF	FF	FF
Business Services	UF	UF	UF	UF	UF
Massage Studio	UF	UF	UF	UF	UF
Photographic Reproduction Services	UF	UF	UF	UF	UF
Sales Offices with only Sample of Goods	UF	NP	UF	UF	NP
Studios for Instruction	UF	NP	UF	UF	NP
Drive-thru Facility (Ord. 72-2022 eff. 03/16/2022)	NP	C	NP	C	C
Car Wash	NP	C	NP	NP	C
Dry Cleaning and Laundry Counter Outlets	NP	FF	FF	FF	FF
Vehicle Repair Facility	NP	C	C	C	C
Pharmacy	NP	P	FF	FF	P
New car sales	NP	P	NP	NP	NP
Gasoline Station	NP	NP	NP	NP	NP
Entertainment and Recreation					
Outdoor Commercial Recreation	NP	P	NP	NP	P
Concentrated Outdoor Commercial Recreation	NP	P	P	P	P
Indoor Recreation	NP	P	P	P	P
Library or Museum	P	P	P	P	P
Membership Sport/Fitness Club	NP	P	P	P	P
Dance Studios and Schools	FF, UF	FF, UF	FF, UF	FF, UF	FF, UF

Land Use Category	MS-C	MS-NG	MS-N	MS-S	MS-SG
Public Park and/or Playground	P	P	NP	NP	P
Mainstream Media Shop	NP	NP	P	P	NP
Community Facilities					
Adult Day-Care Facility	NP	P	P	P	P
Child Day-Care Center	NP	P	P	P	P
Civic Facility for Public Assembly	P	P	P	P	P
Clubs, Lodges, or Other Assembly Halls	FF	P	P	P	P
Post Secondary School Facilities and Buildings	C	C	C	C	C
K through 12 School Facilities and Buildings	P	C	C	C	C
Facility Providing Government Sponsored Adult Education	NP	P	NP	NP	NP
Public Safety Facility	P	P	P	P	P
Places of Worship	C	P	P	P	P
Parking Garage	C	C	C	C	C
Wireless Telecommunications Facility	See Chapter 1157				
Accessory Uses					
Child Day-Care	A	A	A	A	A
Home Occupation	A	A	A	A	A
Outdoor Dining	A	A	A	A	A
Parking Lot	A	A	A	A	A
Swimming Pool	A	A	A	A	A
Parish Residence, Convent, or other Residential Use Associated with a Place of Worship	NP	A	A	A	A
Flag Poles subject to 1123.04(b)(1)	A	A	A	A	A
Used car sales when accessory to new car sales as the primary use	NP	A	NP	NP	NP
Gasoline Station when accessory to retail use as primary use on 5 or more acres (Ord. 24-2022 eff. 07/22/2022)	NP	A, C	NP	NP	NP
<p>(a) Multi-Unit Dwellings permitted by right for full site/building if property does not have frontage on any of the following roadways: Main St. N or S, Maple St. E or W, Charlotte St. NW, 7th St. NE or NW, or Applegrove St. NE or NW. (Ord. 30-2023 eff. 09/22/2023)</p>					
<p>Notes: P = Principal use permitted by right in full site/building. FF = Principal use permitted by right in street level/first floor of building. UF = Principal use permitted by right in upper floors of site/building. C = Conditional use A = Accessory use NP = Use Not Permitted</p>					

SECTION 1136.06 BUILDING PLACEMENT

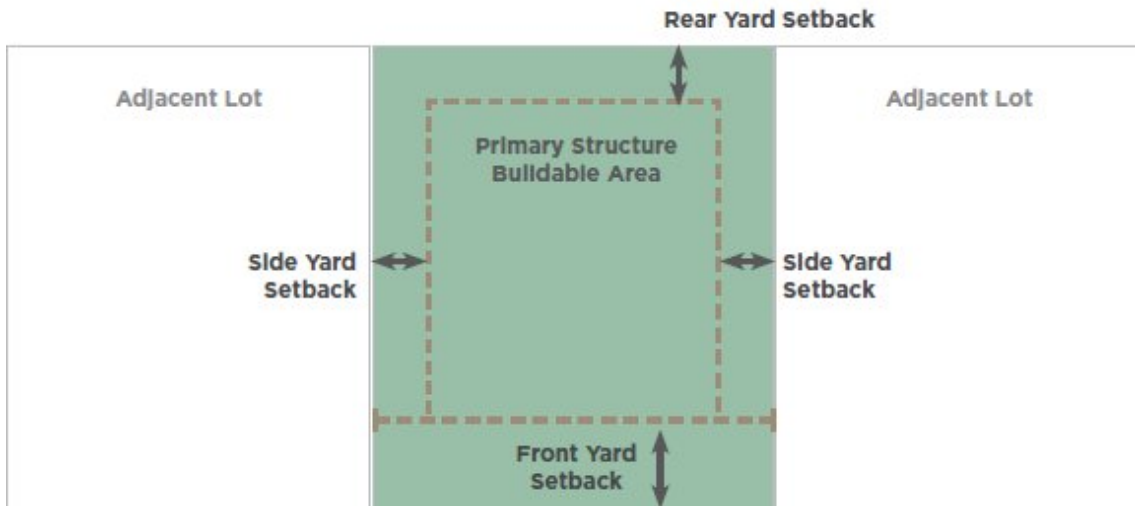
Every building shall be located on a lot in compliance with the setback and spacing requirements set forth in this Section.

(a) Schedule 1136.06(a) Schedule of Building Setbacks.

	MS-C	MS-NG	MS-N	MS-S	MS-SG
Minimum Front Yard Setback	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
Maximum Front Yard Setback	0 ft. (a)	N/A	20 ft. (a)	20 ft. (a)	N/A ft.
Minimum Side Yard Setback	0 ft.	10 ft.	0 ft.	0 ft.	10 ft.
Maximum Side Yard Setback	5 ft.	N/A ft.	20 ft.	20 ft.	N/A ft.
Minimum Rear Yard Setback	0 ft.	30 ft.	20 ft.	20 ft.	30 ft.

Notes:
 (a) Up to 25 feet with outdoor dining.

(b) Figure 1136.06(b) Regulatory Graphic Illustrating Lot Standards



(c) Spacing between Buildings on the Same Lot. Whenever two or more buildings are located on the same lot and such buildings do not share a common wall, the buildings shall maintain the minimum separation specified in the Building Code.

SECTION 1136.07 RESIDENTIAL DENSITY REQUIREMENTS

Land areas shall be divided and developed, and buildings shall be erected, altered, moved, and maintained in Business Districts only in compliance with the following regulations.

(a) Schedule 1136.07(a) Schedule of Permitted Residential Density Per Acre.

	MS-C	MS-NG	MS-N	MS-S	MS-SG
Maximum Units Per Acre	18	7	7	7	7

SECTION 1136.08 HEIGHT REGULATIONS

The height of all buildings and structures shall conform to the following:

(a) Schedule 1136.08(a) Schedule of Permitted Building Heights.

	MS-C	MS-NG	MS-N	MS-S	MS-SG
Minimum Building Height	25 ft.	0 ft.	25 ft.	25 ft.	25 ft.
Maximum Building Height	50 ft.	45 ft.	45 ft.	45 ft.	45 ft.

(b) Principal buildings in excess of stated maximums up to fifty percent (50%) over stated maximums may be permitted as a conditional use when the Planning Commission determines that the conditional use criteria set forth in Sections 1145.02 and 1145.03 have been met.

(c) Wireless telecommunication facilities shall comply with the height regulations set forth in Chapter 1157.

SECTION 1136.09 BUILDING DESIGN STANDARDS

(a) Figure 1136.09(a) Illustrative Graphic from North Canton Master Plan 2012.



- (b) In all Main Street Districts:
 - (1) The front elevation of all structures must be comprised of any or all of the following exterior-rated materials:
 - (A) Masonry, including “Hoover” brick or natural cut stone;
 - (B) Natural stucco; or
 - (C) Stained or painted exterior finish wood clapboard siding, engineered wood, or fiber cement siding.
 - (2) Concrete Masonry Units (CMUs), whether split-faced or decorative, may not be used on any portion of the exterior of any building within any of the Main Street Districts.

- (3) Synthetic stucco or exterior insulation finish systems (EIFS) may not be used on any portion of the exterior of any buildings within any of the Main Street Districts.
- (4) Decorative concrete simulated stone masonry may be used on the front elevation of a structure in place of natural cut stone if the Director of Development Services determines that the substitute material is consistent with the quality, level of aesthetics, and maintenance rating of the material otherwise required herein.
- (5) Durable masonry brick veneer panels may be used on the front elevation of a structure in place of cut stone if the Director of Development Services determines that the substitute material is consistent with the quality, level of aesthetics, and maintenance rating of the material otherwise required herein.
- (6) Woodgrain texture vinyl siding may be used as trim material on the front elevation of a structure in place of engineered wood or fiber cement siding if it comprises less than 10% of the total front elevation materials and if the Director of Development Services determines that the substitute material is consistent with the quality, level of aesthetics, and maintenance rating of the material otherwise required herein.
- (7) Pre-cast concrete panels may be used as trim material on the front elevation of a structure in place of any other required exterior materials if it comprises less than 25% of the total front elevation materials and if the Director of Development Services determines that the substitute material is consistent with the quality, level of aesthetics, and maintenance rating of the material otherwise required herein.
- (8) Architectural metal siding panels may be used as a primary material on the front elevation of a structure in place of any other required exterior materials if it comprises less than 60% of the total front elevation materials and if the Director of Development Services determines that the substitute material is consistent with the quality, level of aesthetics, and maintenance rating of the material otherwise required herein.
- (9) The Director may approve other substitute materials not yet developed or unknown to the city as of the date of adoption of this Chapter 1136 if the Director determines that the substitute material is consistent with the quality, level of aesthetics, and maintenance rating of the material otherwise required herein.

(c) Schedule 1136.09(c) Schedule of Ground Floor Design Standards.

	MS-C	MS-NG	MS-N	MS-S	MS-SG
Minimum Commercial Ground Floor Area	100%	75%	100%	100%	75%
Minimum Ground Floor Frontage Transparency	70%	50%	50%	50%	50%

SECTION 1136.10 SITE LAYOUT STANDARDS

(a) In the event of any plat, replat, or subdivision of land within any Main Street District no lot smaller than half an acre may be created if such lot has, or will have, frontage on any of the following roadways:

- (1) Main St. N or S,
- (2) Maple St. E or W,
- (3) Charlotte St. NW,
- (4) 7th St. NE or NW, or
- (5) Applegrove St. NE or NW.

(b) In all Main Street Districts:

- (1) Main entrance locations must be oriented to the front lot line; and
- (2) Walkways must be built to connect the main entrance to both the site driveway or parking area and the sidewalk.

(c) In MS-C, MS-N, and MS-S Districts accessory structures are not permitted.

(d) In MS-NG and MS-SG Districts accessory structures are permitted with Multi-Family residential uses only.

(Ord. 30-2023 eff. 09/22/2023)

SECTION 1136.11 PARKING REGULATIONS

Off-street parking areas shall conform to the parking requirements specified below.

(a) In all Main Street Districts:

- (1) There is no required minimum number of parking spaces;
- (2) Parking spaces may be angled, perpendicular, or parallel and must be at least 9 feet by 18 feet (9 x 18);
- (3) Drive aisles shall be a minimum of twelve (12) feet wide and a maximum of sixteen (16) feet wide except in MS-C which shall have a minimum width of ten (10) feet and a maximum width of fourteen (14) feet;
- (4) Parking Areas may connect to adjoining parking areas located on adjacent lots; and
- (5) Parking shall be set back a minimum of five (5) feet from the public right-of-way and adjacent property except as provided below.

(A) In the MS-C District parking has nonminimum setback from adjacent properties.

(b) In MS-C, MS-N, and MS-S Districts:

- (1) A maximum of one (1) curb cut is permitted per street frontage;
- (2) Parking must be located in the rear or side yards;
- (3) Loading locations must be located in the rear yard.

(c) In MS-NG and MS-SG Districts:

- (1) A maximum of two (2) curb cut is permitted per street frontage;
- (2) Parking must be located in the rear, side, or front yards provided that no more than one-third (1/3) of the total parking is located in the front yard; and
- (3) Loading locations must be located in the rear or side yards.

SECTION 1136.12 FOOD AND BEVERAGE PICK-UP STANDARDS

(a) Drive-Thru Standards. In all Main Street Districts drive-thru facilities shall comply with the following:

- (1) Have a minimum vehicle stacking capacity of six (6) vehicles;
- (2) Have a maximum of one (1) lane which shall have a minimum width of ten (10) feet, and be set back a minimum of ten (10) feet from both the curb cut and any property line with no more than two (2) windows for service;
- (3) Have a maximum of one (1) menu board located in the rear yard which is no larger than thirty-six (36) square feet and no taller than eight (8) feet; and
 - (A) Such menu board does not count towards the property's total sign allowance.
- (4) May use video and sound equipment to provide service but only when open for business.

(b) Drive-Up Window Standards. In all Main Street Districts drive-up facilities shall comply with the following:

- (1) Have a minimum vehicle stacking capacity of four (4) vehicles;
- (2) Have a maximum of one (1) lane which shall have a minimum width of ten (10) feet, and be set back a minimum of ten (10) feet from both the curb cut and any property line with no more than one (1) window for service;
- (3) Have a maximum of one (1) menu board located in the rear yard which is no larger than thirty-six (36) square feet and no taller than eight (8) feet; and
 - (A) Such menu board does not count towards the property's total sign allowance.
- (4) May not use video and sound equipment to provide service.

(c) Walk-Up Window Standards. In all Main Street Districts walk-up facilities shall comply with the following:

- (1) Have a maximum of one (1) window for service;
- (2) Have a maximum of one (1) menu board affixed to a building wall which is no larger than four (4) square feet; and
 - (A) Such menu board does not count towards the property's total sign allowance.
- (3) May not use video and sound equipment to provide service.

SECTION 1136.13 OUTDOOR DISPLAY

Outdoor display of merchandise for sale, when permitted, shall comply with the following:

- (a) The outdoor display of merchandise for sale shall:
 - (1) Outdoor display of merchandise for sale shall be limited to products that are customarily associated with the operation of the principal business located on the premises and conducted by employees of such principal business. There shall be no outdoor display of merchandise for sale by any person operating or conducting a business that is different or distinct from the principal business conducted at that location except for temporary displays pursuant to Section 1123.06(b).
 - (2) The area of the lot devoted to outdoor display shall not exceed 25 percent of the ground floor area of the building(s) on the lot.
 - (3) The outdoor display area shall comply with the building setback requirements set forth in Schedule 1137.05 for the district in which the lot is located.
 - (4) The outdoor display area shall not be located in areas intended for traffic circulation as identified on the site plan.

SECTION 1136.14 ACCESSORY USE REGULATIONS

Accessory uses permitted in any Business District shall conform to the regulations of this Section.

(a) Accessory Buildings. Accessory buildings that have a gross floor area greater than 200 square feet shall conform to all lot and yard regulations and development plan review and approval requirements of the zoning district in which the parcel or lot is located. All other accessory buildings shall be located in a side or rear yard, shall comply with the parking setbacks.

(b) Accessory Outdoor Swimming Pools and other Accessory Recreational Facilities. Accessory outdoor swimming pools and other accessory recreational facilities shall comply with the following requirements:

- (1) Such accessory facilities shall be adequately fenced to prohibit unauthorized access to the facility.
- (2) Such accessory facilities and their enclosures shall comply with the building setback requirements.
- (3) The enclosure required in subsection (c)(1) above shall be kept locked at all times the facility is not in use.

SECTION 1136.15 FENCES AND SCREENING

(a) Fences. Fences are permitted in all Main Street Districts except MS-C in accordance with the following:

- (1) Fences may be no more than eight (8) feet tall;
- (2) Fences may only be in rear or side yards;
- (3) Fences must be made out of, vinyl, or non-chain-link metal fence except as provided below.

(A) Gates must be made from the same material as the corresponding fence.

(B) In MS-SG fences may not be made out of vinyl.

Wrought Iron or wrought iron simulation fences may be supported by brick and/or stone supports or foundations.

(b) Dumpster Screening. Dumpster screening is permitted in all Main Street Districts in accordance with the following:

(1) Screening must be at least six (6) feet tall but no more than eight (8) feet tall; and

(2) May only be located in the rear yard, or located in rear or side yards for MS-NG and MS-SG districts.

SECTION 1136.16 LANDSCAPING AND SCREENING REQUIREMENTS

(a) In all Main Street Districts a landscaping plan must be submitted as part of the site development plan.

(b) Except in the MS-C District, parking lots must have a five (5) foot planted perimeter using native shrubs, trees, and plants planted at their minimum planting distance.

(1) Figure 1136.16(b)(1) Illustrative Parking Lot Perimeter.



(c) Except in the MS-C District, landscaping plans must include permitted shade trees planted in the front yard, corner yard where applicable, and/or tree lawn so as to provide shade over the sidewalks right-of-way abutting the site. The following varieties of trees are permitted:

- (d) Eastern Red Bud
- (e) Eastern Red Cedar
- (f) Pagoda Leaf Dogwood
- (g) Black Gum
- (h) Amur Cork Tree*
- (i) Norway Maple*

(j) Hedge Maple*

(k) Japanese Cherry*

*Non-Native

SECTION 1136.17 (REPEALED)

Repealed by Ord. 69-2022 effective 02/24/2023.

SECTION 1136.18 PERFORMANCE STANDARDS

All uses shall comply with the following performance standards.

(a) Waste Receptacles. All solid waste products, including empty packing boxes, that result from any permitted, conditional or accessory use shall either be disposed of, stored in buildings, or completely enclosed in containers. Such building, container, or dumpster shall be located in a side or rear yard and shall comply with the minimum parking setbacks established and be screened.

(b) Lighting. The placement, orientation, distribution patterns, and fixture types of outdoor lighting shall comply with the regulations set forth in Section 1155.11.

(c) Enclosure. All uses and operations, except off-street parking and loading facilities, shall be performed wholly within enclosed buildings unless specifically permitted otherwise.

SECTION 1136.19 SUPPLEMENTAL REGULATIONS FOR MAINSTREAM MEDIA SHOPS

In addition to the above regulations, a mainstream media shop may carry adult media provided the mainstream media shop shall comply with the following standards:

(a) The amount of an area devoted to adult media shall comply with the following:

- (1) Adult media shall not constitute more than 33 percent of the shop's stock in trade; and
- (2) Adult media shall not occupy more than 33 percent of the shop's floor area.

(b) All adult media shall be confined to a separate room or section of the shop and such room or section shall:

- (1) Not be open to any person under the age of 18;
- (2) Be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching at least eight (8) feet high or to the ceiling, whichever is less;
- (3) Be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children.
- (4) Have access controlled by electronic or other means to provide assurance that persons under age 18 will not easily gain entrance and that the general

public will not accidentally enter such room or section or provide continuous video or window surveillance of the room by store personnel; Provide signage at the entrance stipulating that persons under 18 are not permitted inside.

SECTION 1136.20 DEVELOPMENT PLAN REVIEW

(a) All conditional uses in a nonresidential district shall be permitted only after development plans have been reviewed and approved by the Planning Commission according to the procedures set forth in Chapter 1175.

(b) All permitted uses in a nonresidential district shall be permitted only after development plans have been reviewed and approved by either the Director of Permits or the Planning Commission according to the procedures set forth in Chapter 1175.

**CHAPTER 1153 – OFF-STREET PARKING AND LOADING
REGULATIONS**

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(Ord. 32-2023 eff. 09/22/2023)

SECTION 1153.01 PURPOSE

Off-street parking regulations are established to achieve, among others, the following:

- (a) To relieve congestion so streets can be utilized more fully for movement of vehicular traffic;
- (b) To promote the safety and convenience of pedestrians and shoppers by separating parking areas and extensive car movements in the vicinity of pedestrian ways;
- (c) To protect adjoining residential neighborhoods from on-street parking; and
- (d) To promote the general convenience, welfare, and prosperity of residential, business, service, and manufacturing developments which depend on off-street parking facilities.

SECTION 1153.02 GENERAL PARKING REGULATIONS

(a) In addition to specific requirements contained in each district’s regulations, the location of off-street parking facilities shall further be regulated according to this Chapter.

(b) Minimum Parking Spaces.

- (1) In residential districts governed by Chapter 1133 there shall be a minimum required parking spaces of two (2) enclosed parking spaces per dwelling unit.
- (2) In residential districts governed by Chapter 1135 or for any multi-family dwelling use, regardless of district, there shall be a minimum required parking space of one (1) parking space per dwelling unit which must be enclosed.
- (3) For any short-term occupancy use regardless of district, including but not limited to hotels, motels, bed and breakfasts, and vacation rentals, there shall be a minimum required parking spaces of one (1) parking space for every two (2) adult guests permitted on the property at maximum occupancy.
- (4) In all other districts, excluding the uses identified above, there is no required minimum number of parking spaces.

(c) Design of Spaces. Parking spaces may be angled, perpendicular, or parallel and must be at least 9 feet by 18 feet (9 x 18).

(d) Drive Aisles. Drive aisles shall be a minimum of twelve (12) feet wide and a maximum of sixteen (16) feet wide except as otherwise provided in district-specific regulations.

SECTION 1153.03 LOCATION OF PARKING

(a) Setback. Off-street parking shall have a minimum setback of five (5) feet from the public right-of-way and adjacent properties except as otherwise provided in district-specific regulations.

(b) Located on Site. All required off-street parking spaces shall be located on the same lot as the use served. Where land is not available on the same lot or an adjoining lot, nearby off-site parking spaces may be approved in accordance with the provisions of the following:

- (1) All off-site parking spaces, except spaces intended for employee spaces, shall be located within 400 feet walking distance of a public entrance of a principal building housing the use for which the parking spaces are intended to serve.
- (2) Off-site parking spaces intended for employee use may be located within any reasonable distance.
- (3) Residential Uses may not have off-site parking intended for residents.

(c) Shared Parking. Shared parking shall be permitted if any of the following conditions are met:

- (1) A mixed-use project for which the different uses have varying peak parking demands, and the uses can be adequately accommodated, as determined by the recommended minimums in Section 1153.04, with shared parking.
- (2) The parking spaces for a proposed use can be accommodated on an adjacent or nearby site and a binding arrangement has been made between the property owners.

SECTION 1153.04 RECOMMENDED OFF-STREET PARKING MINIMUMS

The recommended number of off-street parking spaces for each facility or use is set forth in the schedule below. For a use not specified in this Schedule, the developer should apply the standard for a specified use that would be most similar to the proposed use.

Schedule 1153.04 Recommended Off-Street Parking Spaces

Principal Use or Building	Recommended Minimum Spaces
Residential Uses	
Dormitory	1 space per 4 beds
Residential care facility, unless otherwise stated below	1 space per 2 beds
Nursing home	1 space per 4 beds
Community Facilities	
Place of worship	1 space for every 4 seats in principal assembly rooms
Art gallery, library, museum	1 space for every 4 seats in assembly rooms plus 1 space for every two employees
Primary and secondary schools	1 space for every 4 seats in assembly rooms plus 1 space for every two employees
High School	1 space per 2 teachers, employees and administrators, plus 1 space per 10 students, plus 1 space for every 4 seats in largest assembly hall
College, university, classroom	1 space per 200 square feet of gross floor area in classrooms
Auditorium and other place of public assembly	1 space for every 4 seats in building
Public safety	1 space for every 2 employees
Eating Establishments	
Restaurant (including bars/taverns) - Table Service	1 space per 50 square feet of floor area, or 1 space for every 2 seats, whichever requires the greater number of spaces
Restaurant - Counter Service when located in a shopping center (b)	10 spaces, or 1 space per 50 sq. ft. of floor area, whichever is greater, plus one space for each delivery vehicle
Restaurant - Counter Service when located as the only use in a freestanding building	20 spaces, or 1 space per 50 sq. ft. of floor area whichever is greater, plus one space for each delivery vehicle
Office, Professional Service Uses	
Business, professional, and administrative office (excluding medical and dental)	1 space per 300 square feet of floor area
Medical, dental office and/or clinic	1 space per 200 square feet of floor area

Section 1153.05 Chapter 1153 – Off-Street Parking and Loading Regulations

Funeral home, mortuary	1 space per 50 square feet of floor area in the public rooms, plus one space for each vehicle maintained on the premises
Hospital	1 space for each two beds plus 1 space for every two employees
Veterinary hospital	1 space per 400 square feet of floor area, plus 1 space for every 2 employees
Retail / Service Uses	
Retail store, bank, service establishment	1 space per 200 square feet of floor area
Entertainment / Recreation	
Motion picture and theatrical playhouse	1 space per 3 seats in building
Bowling alley	4 spaces per bowling lane
Outdoor commercial recreation	1 space per 200 square feet of outdoor area used for active recreation
Indoor recreation/membership sports fitness center	1 space per 200 square feet of exercise area, including locker and equipment rooms
Miniature golf club	2 spaces per hole
Stadium	1 space for every 4 seats
Automotive Uses	
Gasoline station	1 space for every employee
Automotive service station, vehicle repair facility	2 spaces per service bay, plus 1 space for every employee
Car wash	1 space for every employee
Vehicle and farm implement sales, lease and/or rental facility	1 space for every employee plus 1 space per 200 square feet of floor area of sales and service areas
Motor freight garage, truck or transfer terminal	1 space for every employee plus 1 space per 200 square feet of office area
General Commercial Industrial Uses	
Industrial use unless otherwise stated below	1 space per 400 square feet of floor area
Experimental testing and research facility	1 space per 400 square feet of floor area
Distributor, warehouse, and wholesale outlet (including break-bulk operations such as bottling and/or packaging)	1 space per 800 square feet of floor area
Notes:	
(a) A blanket minimum of five (5) spaces is recommended for each facility other than a single-family detached, single-family attached, or two-family dwelling even when calculations would recommend a lower number.	
(b) For the purposes of this Section, a shopping center shall include one or more multi-tenant building(s) and or groups of buildings where the required parking spaces are provided in a shared parking lot.	

SECTION 1153.05 UNITS OF MEASURE

In computing the number of parking spaces recommended by this Ordinance, the following rules shall apply:

(a) Floor Area. Where floor area is designated as the standard for determining parking space requirements, gross floor area shall be used for all land uses.

(b) Seats. The number of seating units installed or indicated, or every 24 lineal inches of benches, pews, or space for loose chairs or similar seating facilities.

(c) Employees. Where employees are the standard for determining parking space requirements, employees shall mean the sum of all employees on any two successive shifts.

(d) Fractional Numbers. Where the computation results in a fractional unit, one additional off-street parking space shall be provided.

(e) Parking for Mixed Uses. A building or group of buildings containing 2 or more uses, operating normally during the same hours, and which have different off-street parking requirements, may jointly provide spaces for not less than the sum of the spaces required for each use.

SECTION 1153.06 OFF-STREET WAITING SPACES FOR DRIVE-THRU FACILITIES

Drive-thru establishments and other establishments which, by their nature, create lines of customers waiting to be served within automobiles shall provide off-street waiting areas, on the same lot as the use, in accordance with the following:

(a) Minimum Number of Waiting Spaces:

Establishments serving and/or selling food and/or drinks	8 waiting spaces
Automatic car wash facilities where a chain conveyor or other similar method is used to move the vehicle through the structure:	15 waiting spaces
Facilities with service windows or service entrances such as banks, ticket booths, and other similar facilities	8 waiting spaces, but not less than 6 spaces per window or stall when there are 2 or more windows or stalls
Pharmacies	3 waiting spaces
Self-serve car wash facilities	3 waiting spaces per stall
Gasoline stations	2 waiting spaces per accessible side of a gasoline pump island

SECTION 1153.07 PARKING SPACES FOR PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act (ADA) of 1990, all new construction and alterations to places of public accommodation and commercial facilities shall provide parking spaces that are designed and constructed to be readily accessible to persons with disabilities.

SECTION 1153.08 REGULATIONS FOR ACCESS DRIVES

The location, width, and number of entrance and exit access drives to accessory parking spaces shall be in accordance with the following:

(a) Location. The location and width of entrance and exit driveways to parking facilities shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets. Access driveways in residential districts shall be located at least 28 feet from the right-of-way line of the nearest intersecting street. Access driveways in a park and institutional, business, or industrial district shall be located at least 75 feet from the right-of-way of the nearest intersecting street.

(b) Number of Drives.

- (1) Entrances and exits shall be limited to two lanes, except where one driveway provides the sole access to the property and serves as both an entrance and exit, and then it shall be limited to three lanes.
- (2) The width of such entrance and exit lanes shall be not less than 9 feet or more than 12 feet per lane.

(c) Radius. The radius of the edge of the access drive apron shall be at least 30 feet so that a vehicle may enter from or exit onto the curb lane without obstructing vehicles in other traffic lanes.

SECTION 1153.09 OFF-STREET LOADING REQUIREMENTS

Off-street loading spaces shall be provided and maintained for all business, commercial and industrial buildings in compliance with the following regulations:

(a) All loading spaces shall be located on the same lot as the use served and no part of any required yard, off-street parking area, or access drive thereto, shall be used for loading or unloading purposes.

(b) Access to truck loading and unloading space shall be provided directly from a public street or alley or from a right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of trucks.

(c) Streets, sidewalks, alleys, or other public rights-of-way or other public property shall not be used for loading purposes nor shall vehicles be parked on such areas during loading and unloading.

(d) Off-street loading spaces shall not be used for the repair or servicing of motor vehicles.

(e) Each space shall have a minimum vertical clearance of 14 feet.

SECTION 1153.10 IMPROVEMENT AND MAINTENANCE STANDARDS

All driveways, parking areas, curbs, and bumper guards shall be constructed in accordance with standards established by the City Engineer and the following:

(a) Paving. All parking and loading areas and access driveways shall have asphalt or other similar hard surface approved by the City Engineer.

(b) Drainage. Parking areas shall be graded to provide for drainage so that injury will not be caused to adjacent properties nor will water drain across a public sidewalk.

(c) Illumination in Open Areas. Parking areas shall be illuminated whenever necessary to protect public safety. Light sources shall be designed and located in compliance with the regulations set forth in Section 1155.11.

(d) Curbs and Wheel/Bumper Guards. Appropriate bumper guards and markings shall be provided in order to define parking spaces or limits of paved areas and to prevent vehicles from projecting into required yards, walkways, or alleys.

(e) Marking. Any off-street parking area for 5 or more parking spaces shall indicate the location of each parking space, the location of spaces for persons with disabilities, and the location and direction of movement along the aisles and access drives providing access thereto by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surface.

(f) Maintenance. A parking area or loading space shall be maintained in a manner to keep it as free as practicable from rubbish, paper, and other loose particles, and snow and ice shall be promptly removed by the operator. All adjacent sidewalks shall be kept free from dirt, ice, sleet, and snow and in a safe condition for use by pedestrians. All signs, markers or any other methods used to indicate the direction of traffic movement and the location of parking and/or loading spaces shall be maintained in a neat and legible condition. Any walls, trees, and shrubbery, as well as surfacing of the parking lot, shall be maintained in good condition throughout its use for parking purposes.

SECTION 1153.11 PARKING LOT LANDSCAPING AND SCREENING

Parking lots must have a five (5) foot planted perimeter using native shrubs, trees, and plants planted at their minimum planting distance except as otherwise provided in district specific regulations.

SECTION 1153.12 DEVELOPMENT PLAN REVIEW

Detailed drawings showing the features of off-street parking and loading areas shall be submitted for development plan review as required by Chapter 1175.

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SECTION 1703.01 PREMISES IDENTIFICATION

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than four (4) inches in height with a minimum stroke width of one-half (0.5) inch.

SECTION 1703.02 STRUCTURAL REQUIREMENTS

(a) Structural members shall be maintained structurally sound and be capable of supporting the imposed loads.

(b) Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(c) Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

(d) The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(e) Cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(f) Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(g) Chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

(h) Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

SECTION 1703.03 STAIRWAYS, HANDRAILS, AND GUARDRAILS

(a) Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(b) Every exterior and interior flight of stairs having four or more risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than thirty (30) inches above the floor or grade below shall have guards. Handrails shall be not less than thirty (30) inches in height or more than forty-two (42) inches in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than thirty (30) inches in height above the floor of the landing, balcony, porch, deck, ramp, or other walking surface, except that guards shall not be required where exempted by the adopted building code. (Ord. 75-2023 eff. 08/22/2023)

SECTION 1703.04 SURFACES

(a) Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

(b) Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

(c) Exterior Surfaces. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.

- (1) Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted.
- (2) Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and watertight.
- (3) Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.
- (4) Oxidation stains shall be removed from exterior surfaces.

- (5) Surfaces designed for stabilization by oxidation are exempt from this requirement.

SECTION 1703.05 DOORS, WINDOWS, AND SECURITY

(a) Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers, or tracks as intended by the manufacturer of the attachment hardware.

(b) Doors, windows or hatchways for dwelling units, room units, or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

(c) Doors providing access to a dwelling unit, rooming unit, or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of one (1) inch. Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

(d) Operable windows located in whole or in part within six (6) feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased, or let shall be equipped with a window sash locking device.

(e) Basement hatchways that provide access to a dwelling unit, rooming unit, or housekeeping unit that is rented, leased, or let shall be equipped with devices that secure the units from unauthorized entry.

(f) Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 1719.02 of this Code.

(g) Every window, skylight, door, and frame shall be kept in sound condition, good repair and weather tight and glazing materials shall be maintained free from cracks and holes.

(h) Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(i) During the period from April 1 to November 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum sixteen (16) mesh per inch and every screen door used for insect control shall have a self-closing device in good working condition except that screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(j) Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

(k) Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

(l) Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 1703.06 BURYING OF MATERIALS PROHIBITED

(a) No person shall bury or cause to be buried any cardboard, paper, plastic, fiberglass, metal, lumber, asphalt or any other construction materials, tree trunks, stumps, branches, or any other rubbish on any property or lot within the corporate limits of the City.

(b) However, stone, bricks, concrete, masonry and other generally acceptable fill material may be deposited at appropriate locations.

CHAPTER 1739 – VIOLATIONS AND ABATEMENT

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SECTION 1739.01 NOTICE OF ADMINISTRATIVE WARNING

(a) Whenever the code official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, the code official may issue a Notice of Administrative Warning to the property owner, occupant or agent having charge of the property. The code official is authorized to issue a single Notice of Administrative Warning for a particular property to the property owner, occupant, or agent having charge of the property in order to address multiple violations of this Code.

(b) Such notice shall be in writing and shall include all of the following:

- (1) The address or real property description reasonably sufficient to identify the property in question;
- (2) A brief statement of the violation or violations of this Code;
- (3) A brief statement of what must be corrected to bring the property into compliance with the provisions of this Code and a correction order allowing a reasonable time to take such action and/or make the repairs and improvements required to bring the property into compliance with the provisions of this Code. For the purposes of this section, two (2) days shall be conclusively determined to be a reasonable time to remediate violations of Section 1705.07 of this Code; (Ord. 54-2022 eff. 07/11/2022)
- (4) Notification of the penalties which may result from non-compliance, including a statement of the City’s right to file a lien against the property;

- (5) Notification of the opportunity to enter into a corrective action plan with the City to abate the violations; and
- (6) Notification of the right to appeal the determination that the property is not in compliance with this Code to the Property Maintenance Review Board.

(c) In addition to the Notice of Administrative Warning for violations of Section 1705.07, the Director of Administration shall publish in one newspaper of local circulation on or about the first day of April each year notice of the City's determination that noxious weeds and rank vegetation are public nuisances. The notice shall further demand that all owners of improved property within the City remove all noxious weeds and regularly cut rank vegetation to a height of less than eight inches on improved property and twelve inches on unimproved property.

SECTION 1739.02 FINDING OF NON-COMPLIANCE; NOTICE

(a) At any time after the expiration of the time period for the correction of violations as specified in a Notice of Administrative Warning, a property shall be deemed to be non-compliant with this Code and the owner, occupant, or agent having control of the property may be issued a Notice of Non-Compliance if either of the following apply:

- (1) Said property is not brought into compliance with the contents and provisions of any Notice of Administrative Warning and no request for a hearing before the Property Maintenance Review Board has been filed nor has a corrective action plan been entered into under Section 1739.04; or
- (2) Said property owner, occupant, or agent having control of the property fails to bring the property into compliance with the decision of the Property Maintenance Review Board rendered as the result of a hearing before the Board within fourteen (14) days of issuance of the decision of the property Maintenance Review Board or within the time frame set by the Board and no judicial review is sought.

(b) Such notice shall be in writing and shall include all of the following:

- (1) The address or real property description reasonably sufficient to identify the property in question;
- (2) A brief statement of the violation or violations of this Code;
- (3) A brief statement of what must be corrected to bring the property into compliance with the provisions of this Code and a correction order to take such action and/or make the repairs and improvements required to bring the property into compliance with the provisions of this Code;
- (4) Notification that an Affidavit of Non-Compliance may be filed with the Stark County Recorder's Office;
- (5) Notification of the penalties which may result from non-compliance, including a statement of the City's right to file a lien against the property;
- (6) Notification of the opportunity to enter into a corrective action plan with the City to abate the violations; and
- (7) Notification of the right to appeal the determination that the property is not in compliance with this Code to the Property Maintenance Review Board.

(c) Once a property has been deemed to be non-compliant, such determination shall attach to the owner, occupant, or agent having control of the property for a period of seven (7) years for purposes of Section 1739.13 of this Code.

(d) When a property is found to be non-compliant with this Code, the code official may file an Affidavit of Non-Compliance with the Stark County Recorder's Office.

- (1) The Affidavit of Non-Compliance shall contain all of the following:
 - (A) The legal description of said property.
 - (B) Notification that the property is deemed to be non-compliant for and that such determination shall attach to the owner, occupant or agent having charge of the property for a period of seven (7) years for purposes of Section 1739.13 of this Code.
 - (C) The name of the owner(s) of the record of the property at the time of said non-compliance.
 - (D) An address at which the owner, occupant or agent having control of the property may obtain copies of the file concerning the property.
 - (E) A statement that costs have been incurred by the City and how all information regarding such costs can be obtained by the owner, occupant or agent having control of the property.
- (2) Upon completion of the corrective actions, repairs and improvements required to bring the property into compliance with the provisions of this Code and payment of the established fees, the code official shall file an Affidavit of Compliance with the Stark Country Recorder stating that prior concerns raised by the Affidavit of Non-Compliance have been corrected.

SECTION 1739.03 METHODS OF ABATEMENT

(a) When a property is found to be non-compliant with this Code, the code official may take any or all of the following actions upon giving a) two (2) days prior written notice of abatement for violations of Section 1705.07; or b) for all other violations, thirty (30) days prior written notice of abatement to the owner, occupant, or agent having control of the property, via notice of Administrative Warning, provided, however, no notice of abatement need be given by the code official if exigent circumstances necessitate the immediate or prompt abatement of a violation.

- (1) Cause the property to be brought into compliance with this Code, which shall include the right of the City to contract with third parties, through the completion of the necessary work and/or the supply the necessary materials to bring the property into compliance, including, but not limited to, the remediation and/or removal of weeds, rank vegetation, or noxious weeds and the demolition and removal of any structures located on the property. (Ord. 54-2022 eff. 07/11/2022)
 - (A) The property owner, occupant, or agent having charge of the property shall be invoiced by the City for all abatement costs incurred or to be incurred by the City, including all costs to third parties, in order to bring the property into compliance with this Code, and such invoice shall be paid by the owner, occupant, or

agent having charge of the property within thirty (30) days of the date of the invoice.

- (B) If after such a thirty (30) day period the invoice has not been paid, the City may certify these costs, along with a five percent (5%) administrative fee to the County Auditor to place a charge against the tax list and duplicate pursuant to ORC 715.261. (Ord. 75-2023 eff. 08/22/2023)
- (2) Issue a written citation to the owner, occupant, or agent having control of a property. The code official is further authorized to assess a fine as provided in Section 1739.11(b), in addition to any other fees, costs, or charges authorized by this Code or Ohio law.
- (3) Request the Law Director to institute appropriate action to restrain, correct, or abate a violation of this Code, or to prevent illegal occupancy of a building, structure, or premises, or to stop an illegal act, conduct, business, or utilization of the building, structure, or premises.
- (A) The property owner, occupant, or agent having control of the property shall be invoiced by the City for the costs of any such action taken by the Law Director, and such invoice shall be paid by the owner, occupant, or agent having control of the property within thirty (30) days of the date of the invoice.
- (B) If after such thirty (30) day period the invoice has not been paid, the costs therein shall be assessed as a lien against the property and certified to the County Auditor.

(b) The costs for taking any of the above actions may include, but are not limited to, any costs incurred due to the use of employees, materials, or equipment of the City of North Canton, any costs arising out of contracts for labor, materials, or equipment, costs of service of notice(s), filing of an affidavit(s), title searches, attorney's fees, or any other necessary costs in seeking remedies for violations of this Code.

(c) The City of North Canton may cause a civil action to be commenced to recover the total costs incurred pursuant to this Chapter from the owner, occupant or agent having control of the property. All attorney's fees and court costs incurred by the City shall be considered "costs" as provided for in Section 1739.03(b).

(d) Any contract entered into between the City and a third party to enforce this Code may contain a provision that some or all of the consideration to be paid by the City under said contract, may be deferred and shall only be payable upon the City's collection of same from the owner, occupant or agent having control of the property and/or other collection after being certified to the City treasurer and collected thereby. Any interest and/or penalties attributable to said deferred payments shall bear the same rates allowed by law for delinquent real property taxes and shall be added to said deferred payments, provided, however, that any such interest and/or penalties attributable to said deferred payments shall only be payable by the City to a third party upon the City's collection of same from the owner, occupant, or agent having control of the property.

(e) With respect to any action taken by the City relating to properties found to be in violation of this Code, the costs of which are assessed as a lien against the real estate, the City reserves the right to take such legal steps as may be necessary to subordinate all other mechanics liens, mortgages, or other liens assessed against the property.

(f) Notice of abatement as provided for in Section 1739.03 shall include:

- (1) The address or real property description reasonably sufficient to identify the property in question;
- (2) A brief statement of the violation or violations of this Code;
- (3) A brief statement of what must be corrected to bring the property into compliance with the provisions of this Code and a correction order allowing (a) two (2) days to take such action required to bring the property in compliance with Section 1705.07 of this Code and (b) thirty (30) days to take such action and/or make the repairs and improvements required to bring the property into compliance with the remaining provisions of this Code; (Ord. 54-2022 eff. 07/11/2022)
- (4) Notification of the penalties which will result from failure of compliance with the correction order, including a statement of the City's right to file a lien against the property;
- (5) Notification of the right to appeal the determination that the property is not in compliance with this Code to the Property maintenance Review Board.

(g) For purposes of this Section, a Notice of Administrative Warning as described in Section 1739.01 will qualify as notice of abatement.

SECTION 1739.04 CORRECTIVE ACTION PLANS

(a) Upon agreement of the owner, occupant, or agent having control of the property and the code official, a corrective action plan may be prepared to identify the specific steps which need to be taken to cure violations of this Code at the property, establish reasonable deadlines for the correction of issues at the property, establishment of a payment plan in which outstanding administrative fees will be remitted to the Division of Property Maintenance and any other criteria which is necessary for the correction of conditions at the property.

(b) Both the property owner, occupant, or agent having control of the property and the code official shall execute the corrective action plan for it to be valid.

- (1) Upon the corrective action plan becoming valid, any proceedings relevant to the property that is the subject matter of the corrective action plan shall be stayed.
- (2) If the property owner, occupant, or agent having charge of the property fails to adhere to the corrective action plan, the stay of any such proceedings shall be lifted and the code official may continue any proceedings permitted by this Code.

(c) The code official is authorized to assess the fee specified in Section 1739.11 for the creation of the corrective action plan.

(d) Violations of Section 1705.07 of this Code shall not be subject to a corrective action plan. (Ord. 54-2022 eff. 07/11/2022)

SECTION 1739.05 CONDEMED STRUCTURES

(a) When a structure or equipment is found by the code official to be unfit for human occupancy or service such structure or equipment shall be condemned pursuant to the provisions of this code.

(b) Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 1739.10. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 1739.01(b).

(c) Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(1) The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

(d) Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

(e) The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

(f) The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

SECTION 1739.06 EMERGENCY MEASURES

(a) When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or

operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

(b) Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

(c) When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

(d) For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(e) Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises or owner’s authorized agent where the unsafe structure is or was located for the recovery of such costs.

(f) Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

(g) The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Chapter 1743 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner or owner’s authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner’s authorized agent or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

SECTION 1739.07 DEMOLITION

(a) The code official shall order the owner or owner’s authorized agent of any premises upon which is located any structure, which in the code official’s or owner’s authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and

hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

(b) Notices and orders shall comply with Section 1739.10.

(c) If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(d) Where any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 1739.08 STOP WORK ORDER

(a) Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

(b) A stop work order shall be in writing and shall be given to the owner of the property, to the owner's authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

(c) Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

(d) Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$150.00 or more than \$1000.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 1739.09 TAMPERING WITH POSTED SIGNS

Signs, tags, or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

SECTION 1739.10 METHOD OF SERVICE

(a) Service of any notice or other documentation as required by this Code shall be deemed to be effective if sent by regular mail or if the code official shall hand deliver said documents to the property by posting such documents in a conspicuous location on the property or delivering such documents to the property owner, occupant, or agent having charge of the property.

(b) In the event that service is returned as undeliverable, refused or if any other unforeseen circumstances with respect to service arise, the Ohio Rules of Civil Procedure shall govern service for the purposes of this Code.

SECTION 1739.11 FEES AND FINES

(a) The fees related to the provisions of this Code, and for the activities and services performed by the Division of Property Maintenance in carrying out its responsibilities under this Code, shall be as indicated in the following schedule.

Event	Fee
File Appeal to Property Maintenance Review Board:	
5 or fewer violations	\$150.00
6 to 10 violations	\$200.00
11 to 15 violations	\$250.00
16 to 20 violations	\$350.00
21 or more violations	\$500.00
Corrective Action Plan Development	\$150.00
Affidavit of Compliance	\$150.00

(b) The fines for citations issued under this Code shall be as indicated in the following schedule.

Event	Fines
First Offense Citation	\$150.00
Second Offense Citation	\$250.00
Third and subsequent Offense Citation	\$500.00

(c) Fines unpaid after a thirty (30) day period shall be certified by the City, along with a five percent (5%) administrative fee, to the County Auditor to place a charge against the tax list and duplicate pursuant to ORC 715.261. (Ord. 75-2023 eff. 08/22/2023)

(d) Fines issued under any individual notice of abatement shall at no point exceed a maximum cumulative dollar value of \$25,000 for One-, Two- or Three-Family residential property and \$100,000 for Commercial, Industrial, Multi-Family, or mixed-use property. (Ord. 75-2023 eff. 08/22/2023)

SECTION 1739.12 EXCEPTION TO ADMINISTRATIVE PROCESS

(a) If the violation is deemed such that the structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy or is found unlawful,

nothing in this Code will be construed as to preclude the City of North Canton from pursuing any additionally available remedies pursuant to Chapter 1733, Unsafe Structures and Equipment, or Ohio law.

(b) The provisions in this Code shall not be construed to abolish or impair existing procedures or remedies of the City or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe, and unsanitary.

(c) Whenever there are practical difficulties involved in carrying out the provisions of this Code, the code official shall have the authority to grant modifications for individual cases upon application of the owner, occupant or agent having control of the property, provided that the code official shall first find that a special individual reason or reasons makes the strict letter of this Code impractical, the modification is in compliance with the intent and purpose of this Code, and that such modification does not lessen health, life, and safety requirements. The details of any modifications granted, including the special individual reason or reasons, shall be recorded and entered in the Property Maintenance Enforcement Division files.

SECTION 1739.13 VIOLATIONS AS UNLAWFUL ACTS

(a) Any person failing to comply with a notice or order served in accordance with this Chapter shall be deemed to be in violation of this Code, which shall be a minor misdemeanor or civil infraction as determined by the City, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the property in violation of the provisions of this Code or of the order or direction made pursuant thereto.

(b) Any person who violates any provision of this Code and is found by the code official to be non-compliant on four (4) separate occasions within a seven (7) year period shall be deemed on the fourth occasion to be in violation of this Code, a misdemeanor of the first degree and the offense shall be deemed a strict liability offense. This does not preclude the issuance of fees on the fourth and subsequent violations. Each day that a violation continues after a Notice of Non-Compliance has been served shall be deemed a separate offense.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: August 28, 2023

SUBMITTED BY: Administration

ITEM TYPE: Ordinance

AGENDA SECTION: New Business

SUBJECT: **Ord. 70-2023, 1st Reading, Community and Economic Development Committee**

An ordinance amending Chapter 703, Registration of Rental Units, of the Codified Ordinances of the City of North Canton to expand registration requirements to all rental units in the City regardless of building size.

DESCRIPTION: The proposal would expand the City's rental registration program to all rental units within the City regardless of building size with three exceptions.

1. Units operated as part of a state-licensed or certified healthcare facility such as a hospital, surgery recovery center, or nursing home.
2. Units owned and operated by an accredited university and intended for use by students thereof.
3. Units let for occupancy for a term of thirty (30) consecutive days or less as part of a state-licensed hotel, motel, or bed and breakfast.

If adopted, the expansion would take effect on January 1, 2024. Similar to the implementation of the previous group for registration, the City intends to send pre-effective date notice letters and to offer early voluntary enrollment beginning in November for those who wish to start the process early. It is estimated the expansion will encompass another 1,400 units.

ATTACHMENTS:

[Ord. 70-2023 Rental Registration Expansion.docx](#)

North Canton City Council
Community and Economic Development Committee

ORDINANCE 70 - 2023

An ordinance amending Chapter 703, Registration of Rental Units, of the Codified Ordinances of the City of North Canton to expand registration requirements to all rental units in the City regardless of building size.

WHEREAS, the City wishes to expand the rental registration program such that all rental units in the City, regardless of building size, must register with, and be licensed by, the City.

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

Section 1. That Chapter 703, Registration of Rental Units, specifically Subsection 703.02(b), Rental Unit, of the Codified Ordinances of the City of North Canton be, and is hereby, amended to read as follows:

(b) "Rental Unit" means any premises or portion thereof containing units being occupied, intended to be occupied, or designed to be occupied for residential purposes by a tenant or person in like circumstances of a tenant. Rental Unit shall not include any of the following:

- (1) Units operated as part of a state-licensed or certified healthcare facility such as a hospital, surgery recovery center, or nursing home.
- (2) Units owned and operated by an accredited university and intended for use by students thereof.
- (3) Units let for occupancy for a term of thirty (30) consecutive days or less as part of a state-licensed hotel, motel, or bed and breakfast.

Section 2. That Chapter 703, Registration of Rental Units, specifically Section 703.03, Registration of Rental Units Required, of the Codified Ordinances of the City of North Canton be, and is hereby, amended to read as follows:

SECTION 703.03 REGISTRATION OF RENTAL UNITS REQUIRED

On and after January 1, 2024, no owner, agent, or person in charge of any Rental Unit shall rent or let for occupancy such unit(s) or any part thereof for use as rental of residential or temporary occupancy, nor shall a person occupy such premises unless the owner thereof holds a Rental License and a Rental License has been issued for the unit by the Director of Permits, which license has not expired, been revoked, or otherwise become null and void.

Section 3. That Chapter 703, Registration of Rental Units, specifically Subsection 703.04(a), Rental License; Issuance and Term, of the Codified Ordinances of the City of North Canton be, and is hereby, amended to read as follows:

(a) Any building containing a Rental Unit(s) shall be required to apply for and maintain a valid Rental License.

Section 4. That the Clerk of Council and Mayor of the City of North Canton be, and are hereby, authorized to make such amendments as may be needed to the Codified Ordinances of the City of North Canton to accurately reflect this ordinance upon approval of such amended pages by a voice vote of Council.

Section 5. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 6. That this ordinance shall take effect and be in full force from and after January 1, 2024.

Passed in Council this _____ day of _____, 2023.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: August 28, 2023

SUBMITTED BY: Finance

ITEM TYPE: Ordinance

AGENDA SECTION: New Business

SUBJECT: **Ord. 76-2023, 1st Reading, Personnel and Safety Committee**
An ordinance amending Chapter 155, Personnel Regulations, specifically Subsection 155.04(f), Full-Time Schedule of Compensation, Item Administrative Specialist, of the Codified Ordinances of the City of North Canton, to reclassify the Administrative Specialist position from hourly to salary in accordance with Federal Fair Labor Standards Act provisions.

DESCRIPTION: Amend Chapter 155.04(f) Personnel Regulations- Full-Time Schedule of Compensation to reclassify the Administrative Specialist position from hourly to salary, citing FLSA's administrative exemption exception, at the current maximum annualized pay rate from \$31.35/hour to \$65,208.00 salary.

ATTACHMENTS:
[Ord. 76-2023 Making Admin Specialist Salaried.docx](#)

North Canton City Council
Community and Economic Development

ORDINANCE 76 - 2023

An ordinance amending Chapter 155, Personnel Regulations, specifically Subsection 155.04(f), Full-Time Schedule of Compensation, Item Administrative Specialist, of the Codified Ordinances of the City of North Canton, to reclassify the Administrative Specialist position from hourly to salary in accordance with Federal Fair Labor Standards Act provisions.

WHEREAS, the City has found that the Administrative Specialist position should more appropriately be salaried than hourly due to the administrative nature of the position.

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

Section 1. That Chapter 155, Personnel Regulations, specifically Subsection 155.04(f), Full-Time Schedule of Compensation, Item Administrative Specialist, of the Codified Ordinances of the City of North Canton, be, and is hereby, amended to read as follows:

(f) Full-Time Schedule of Compensation. Full-time employees shall be paid an amount equal to or less than the amount set forth in the following schedule:

Position	Maximum Annual Compensation
Administrative Specialist	\$65,208

Section 2. That the Clerk of Council and Mayor of the City of North Canton be, and are hereby, authorized to make such amendments as may be needed to the Codified Ordinances of the City of North Canton to accurately reflect this ordinance upon approval of such amended pages by a voice vote of Council.

Section 3. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 4. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____, 2023.

Attest: _____

Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: August 28, 2023

SUBMITTED BY: Administration

ITEM TYPE: Ordinance

AGENDA SECTION: New Business

SUBJECT: **Ord. 79-2023, 1st Reading, Ordinance and Rules Committee**
An ordinance authorizing the assessment of costs against the property known as 1646 Westfield Avenue SW, North Canton, Ohio 44709 for abatement actions taken thereat by the City of North Canton, and declaring the same to be an emergency.

DESCRIPTION: An emergency is requested to permit the prompt assessment of abatement costs by the Stark County Auditor.

City Council will need to suspend Council Rule 23 in order to consider this item.

ATTACHMENTS:
[Ord. 79-2023 1646 Westfield Abatement.docx](#)

North Canton City Council
Ordinance and Rules Committee

ORDINANCE 79 - 2023

An ordinance authorizing the assessment of costs against the property known as 1646 Westfield Avenue SW, North Canton, Ohio 44709 for abatement actions taken thereat by the City of North Canton, and declaring the same to be an emergency.

WHEREAS, the property located at 1646 Westfield Avenue SW, North Canton, Ohio 44709, and structures therein, further known as Parcel Numbers 9200844 and 9200843 (the "Property") was subject of abatement action and subsequent demolition on May 15, 2023 by the City of North Canton; and

WHEREAS, The Property is owned by Dorothy L. Furlong and Deborah L. Furlong-Juliana ("Owner"), the latter of whom is and has been deceased with no estate; and

WHEREAS, On January 13, 2022, the City of North Canton (the "City") filed a Complaint in the Stark County Court of Common Pleas (Case Number 2022CV00047) seeking a declaratory judgment and/or permanent injunction for enforcement of its rights under the North Canton Ordinances and Zoning Code (the "Code") relating to the condemnation and demolition of structures unfit for human occupancy, and which posed a danger to the health, safety, and well-being of the public; and

WHEREAS, On February 14, 2023, the City and Owner reached a settlement in a Stipulated Consent Order ("Order") in which the Stark County Common Pleas Court authorized the City to demolish and remove the structures on the Property and cause the property to be brought into compliance with the Code no earlier than May 1, 2023; and

WHEREAS, As agreed in the February 14, 2023 Stipulated Consent Order, the City subsequently fulfilled its obligation to keep Owner's counsel, Jennifer Schandel Bergert, Esq., informed of the estimated costs of abatement/demolition and the dates on which the demolition took place; and

WHEREAS, On May 15, 2023, the City proceeded with the demolition of the structures on the Property, and thus incurred a total cost of \$48,571.00, for which it seeks to assess to the Owner of the Property pursuant to Ohio Revised Code § 715.261.

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

- Section 1. That the City shall notify Owner of its final invoice and the Owner's obligation to pay by certified mail to Owner's counsel at the following address:
Jennifer Schandel Bergert, Esq.
116 Cleveland Avenue NW, Suite 709
Canton, Ohio 44702
jsbergertlaw@gmail.com
- Section 2. That the Owner shall have thirty (30) days to pay the invoice from the date of receipt of the certified mail.
- Section 3. That if after such thirty (30) days the costs remain unpaid, the Director of Law may certify the total costs of the abatement activity, together with the parcel number or another proper description of the lands on which the abatement activity occurred, the date the costs were incurred for each abatement activity, and the name of the owner of record at the time the costs were incurred for each abatement activity, to the County Auditor to place the costs as a charge upon the tax list and duplicate pursuant to Ohio Revised Code § 715.261(B)(1). The total costs which remain unpaid will be divided and assessed to Parcel Numbers 9200844 and 9200843 at a ratio of 3:1, respectively, with three-fourths (3/4) of the costs to be assessed to Parcel Number 9200844 and one-fourth (1/4) of the costs to be assessed to Parcel Number 9200843.

Section 4. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton and further necessary to permit the assessment of abatement costs by the Stark County Auditor wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force upon its adoption by Council, together with the Mayor's approval. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____, 2023.

Attest: _____

Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____