

North Canton City Council  
Community and Economic Development

ORDINANCE 32 - 2021

An ordinance amending Chapter 1137, Business District Regulations, of the Codified Ordinances of the City of North Canton in order to remove the Main Street Business zoning district.

WHEREAS, the Office of City Council, on March 11, 2021, received a completed and approved Application for Zoning Amendment to establish new zoning districts along Main Street to replace the existing Main Street Business district from the Office of the Mayor; and

WHEREAS, the North Canton Planning Commission held a public meeting for the purpose of gaining public input on the proposed zoning change on April 21, 2021, pursuant to Section 1181.04 of the North Canton Codified Ordinances, and recommended that the changes herein be adopted; and

WHEREAS, City Council held a public hearing for the purpose of gaining public input on the proposed amendments on May 17, 2021, ~~2021~~, pursuant to Section 1181.06 of the North Canton Codified Ordinances; and

WHEREAS, City Council has adopted Ordinance 31-2021, amending the zoning code of the City of North Canton to create Chapter 1136, Main Street Districts Regulations, establishing the Main Street North Gateway, Main Street North, Main Street Center, Main Street South, and Main Street South Gateway zoning districts.

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 137, Business District Regulations, of the Codified Ordinances of the City of North Canton be, and is hereby, amended to read as set forth in "Exhibit A" attached hereto and incorporated herein.
- 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 28<sup>th</sup> day of June, 2021.

Attest: Benjamin R. Young  
Benjamin R. Young, Clerk of Council

Stephan B. Wilder  
Stephan B. Wilder, Mayor

Signed on: June 28, 2021

## CHAPTER 1137 – BUSINESS DISTRICT REGULATIONS

### SECTION 1137.01 INTENT

Business Districts (OB, GB-A, and GB-B) and their regulations are established in order to achieve, among others, the following purposes:

(a) To provide in appropriate and convenient locations, sufficient areas for business activities, the exchange of goods and services;

(b) To protect residential neighborhoods adjacent to business uses by regulating the types of establishments, particularly at the common boundaries, that would create congestion, noise, or other objectionable influences;

(c) To protect and stabilize both residential and nonresidential developments from congestion by requiring off-street parking facilities;

(d) To provide Office Building Districts (OB) to create an environment that is conducive to well-located and designed office building sites to accommodate all types of offices and limited business service activities.

(e) To provide General Business Districts (GB-A) to accommodate a variety of retail and service establishments in generally a shopping center environment, and where only limited outdoor sales are permitted.

(f) To provide General Business Districts (GB-B) to accommodate uses in addition to those specified for in the GB-A District, and to thereby provide service and sales in support of the primary business activities in the community. Their location is advantageous at specified points on major thoroughfares and at outlying locations in the community.

### SECTION 1137.02 USE REGULATIONS

(a) Uses Permitted by Right. A use listed in Schedule 1137.03 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other city ordinances and this Zoning Ordinance have been met;

(b) Conditional Uses A use listed in Schedule 1137.03 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 Schedule 1137.03 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. Although a use may be indicated as a permitted principal, conditional or accessory use in a particular district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Ordinance applicable to the specific use and parcel in question. Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Ordinance and/or the Zoning Map as provided in Chapter 1181 or upon a finding that a use is substantially similar as provided in Section 1177.09.

SECTION 1137.03 SCHEDULE OF PERMITTED USES

Land Use Category	Office Building (OB)	General Business A (GB-A)	General Business B (GB-B)
<b>Residential</b>			
Multi-Family Dwellings	P	P	P
Residential Units Accessory to a Commercial Use		C	C
Residential Care Facility	C	C	C
<b>Office and Professional Services</b>			
Office, Including Administrative, Business, and Professional	P	P	P
Sales Office with Only Sample of Products	P	P	P
Banks or Banks with Accessory Drive-Through Lanes	C	P	P
<b>Medical Facilities</b>			
Medical or Dental Office	P	P	P
Hospital	C	C	C
<b>Retail/Services</b>			
Retail in Completely Enclosed Building	A, subject to Section 1137.09	P	P
Personal Service Establishment Including Barber, Beauty Shops, and Repair Shop for Personal Items such as Shoes, Watch, Camera, but Excluding Tattoo and/or Body Piercing Businesses and the Like	A, subject to Section 1137.09	P	P
Business Equipment and Supplies		P	P
Studios for Instruction	C	P	P
Drive-Through Facility in Association With a Permitted Use		C	C
Dry Cleaning Counter Service		P	P
Funeral Home, Mortuary	P	P	P
Furniture, Home Furnishing, Office Equipment, and Office Supplies Store		P	P
Motels, Hotels	C	C	P
Mainstream Media Shop in Compliance with Section 1137.13		P	P
Photographic Reproduction Services		P	P
Restaurant		P	P
Outdoor Dining		C	C
Self-Serve Laundry Facility		P	P
Veterinary Hospital with Associated Cages, Runs, and Kennels		C	P
Adult Uses			C
<b>Automotive Transportation</b>			
Parking as Principal Use (Lot or Garage)		P	P
Vehicle and Farm Implement Sales, Lease, and/or Rental Facility			P
Car Wash		C	C
Gasoline Station		C	C
Automobile Service Station		C	C
Vehicle, Repair Facility			P
<b>Entertainment, Recreation, Community Facility</b>			
Clubs, Lodges, or Other Assembly Halls	C	P	P
Civic Facility for Public Assembly		P	P
Day Care Facility, Adult	C	P	P
Day Care Facility, Child	C	P	P
Indoor Recreation Facility		P	P

Library, Museum	P	P	P
Outdoor commercial Recreation		C	P
Motion Picture and Theatrical Playhouse		P	P
Public Parks and/or Playgrounds	P	P	P
Places of Worship	C	P	P
School, Public or Private	C	P	P
Business and Trade School		C	C
Safety Facility, Public	P	P	P
Service Facility, Public	P	P	P
<b>Wireless Telecommunications Facility</b>			
<b>Accessory Uses</b>			
Off-Street Parking and Loading Areas	A	A	A
Fencing and Screening	A	A	A
Outdoor Display of Merchandise for Sale		A	A
Outdoor Storage of Goods and Supplies			A
Outdoor Swimming Pools, Other Recreational Facilities in Connection with Motels	A	A	A
Signs	A	A	A
Trash Receptacles	A	A	A

(Ord. 48-2020 eff. 12/23/2020)

**SECTION 1137.04 LOT AND 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 1137.04: Minimum Lot Requirements.

	<b>OB</b>	<b>GB-A</b>	<b>GB-B</b>
Minimum Lot Size	40,000 sq. ft	40,000 sq. ft	40,000 sq. ft
Minimum Lot Width	150 ft.	150 ft.	150 ft.
Minimum Building Width	--	--	--

(b) Lots of Record. A lot of record existing on the effective date of this Zoning Ordinance shall comply with the nonconforming lot regulations set forth in Section 1159.07.

(c) Maximum Density for Multi-Family Dwellings.

- (1) The density of a multi-family development shall not exceed 12 dwelling units per acre.
- (2) The total number of dwelling units permitted shall be calculated by multiplying the total development area devoted to the multi-family dwelling units and their accessory uses, exclusive of public rights-of-way existing at the time the development plan is submitted, by the number of dwelling units permitted per acre.
- (3) For the purposes of these regulations, a multi-family development shall be any lot where residential units are considered a principal use on the lot.

**SECTION 1137.05 BUILDING SETBACK/SPACING REQUIREMENTS**

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

(a) Schedule 1137.05: Minimum Setback Requirements.

	<b>OB</b>	<b>GB-A</b>	<b>GB-B</b>
<b>When Front Yard Abuts:</b>			
Main Street	20 ft.	20 ft	20 ft
Any street other than Main Street	20 ft	20 ft	20 ft
<b>Corner side yard for all uses</b>	20 ft	20 ft	20 ft
<b>Side yard for:</b>			
Multi-Family developments	20 ft	20 ft	20 ft
All other uses	5 ft.	5 ft.	5 ft.

<b>Rear yard for:</b>				
	Multi-Family developments	20 ft	20 ft	20 ft
	All other uses	5 ft.	5 ft.	5 ft.
<b>When adjoining an R-70, R-50, or R2F District:</b>				
	Side yard	40 ft.	40 ft.	40 ft.
	Rear yard	40 ft.	40 ft.	40 ft.

(b) Front Yards of Built-Up Blocks. In an O-B, GB-A, or GB-B District whenever a vacant lot is proposed for development and there are existing buildings (other than those of an accessory use) on adjacent lots that do not meet the minimum setback requirements, the minimum front setback for the vacant lot shall be the mean distance of setback of the nearest buildings within two hundred (200) feet of the proposed structure along the block front. However, in no instance shall a building be placed nearer to the front lot line than ten (10) feet.

(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 1137.06 HEIGHT REGULATIONS**

The height of all buildings and structures shall not exceed 35 feet, except as otherwise specified below:

(a) Principal buildings in excess of 35 feet 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.

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

**SECTION 1137.07 OFF-STREET PARKING REGULATIONS**

Off-street parking areas shall conform to the regulations of Chapter 1153 and to the parking requirements specified in Schedule 1137.07 below.

(a) Schedule 1137.07. Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified below unless otherwise noted.

	<b>OB</b>	<b>GB-A</b>	<b>GB-B</b>
<b>Setback from Street Right of Way</b>			
Main Street	8 ft.	8 ft.	8 ft.
Any street other than Main Street	12 ft	12 ft	12 ft
<b>Setback from side or rear lot line</b>			
When lot line adjoins a nonresidential district	5 ft.	5 ft.	5 ft.
When lot line adjoins an "R" or "RMF" district	10 ft.	10 ft.	10 ft.

(b) The area within the parking setback shall be landscaped in accordance with Chapter 1155.

(c) Off-street parking spaces shall be provided in compliance with Chapter 1153.

**SECTION 1137.08 OUTDOOR DISPLAY AND OUTDOOR STORAGE REGULATIONS**

Outdoor display of merchandise for sale and outdoor storage of goods and materials, when permitted in Schedule 1137.03, 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.

(b) The outdoor storage of goods and materials shall be an accessory use associated with a permitted use and shall comply with the following:

- (1) Outdoor storage of materials shall include the storage of goods, materials, or products associated with the principal use. The storage of radioactive, toxic, or otherwise hazardous materials shall not be permitted.
- (2) All outdoor storage of goods and materials shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at the grade level at an abutting residential district line or a public street. However, in no case shall the height of the fence or wall be less than six feet.
- (3) All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.
- (4) Areas devoted to outdoor storage shall be located in a side or rear yard and shall comply with the building setbacks set forth in Schedule 1137.05.

#### SECTION 1137.09 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 set forth in Schedule 1137.07, and shall obtain a zoning certificate according to Section 1173.02.

(b) Accessory Retail and Service Uses. Accessory retail and service uses shall be permitted in an office or multi-family building in the OB District provided that not more than an area equal to 25 percent of the first-floor area of the building is devoted to such accessory retail or service use.

(c) 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 set forth in Schedule 1137.05.
- (3) The enclosure required in subsection (c)(1) above shall be kept locked at all times the facility is not in use.

(d) Fences and Walls. Fences and walls may be erected in any Business District in compliance with the requirements set forth in Chapter 1155.

(e) Signs. Signs shall conform to the regulations specified in Chapter 1151.

#### SECTION 1137.10 LANDSCAPING AND SCREENING REQUIREMENTS

Visual screening and landscape buffers shall be provided for all lots in nonresidential districts in accordance with the provisions set forth in Chapter 1155.

**SECTION 1137.11 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 principal, 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 in Schedule 1137.07 and be screened in compliance with Section 1155.05.

(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 1137.12 SUPPLEMENTAL REGULATIONS FOR GASOLINE STATIONS AND AUTO SERVICE STATIONS**

In addition to the above regulations, all gasoline stations and auto service stations shall comply with the following standards.

(a) Fuel pumps and associated access aisles and canopies shall comply with the parking setbacks set forth in Section 1137.07.

(b) The only services permitted to be performed outside on a vehicle shall be the dispensing of air and vehicle fluids such as fuel, oil, and windshield wiper fluid.

(c) Except while being serviced at a pump island, no vehicle shall be parked between the pumps and the front property line.

**SECTION 1137.13 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;
- (5) Provide signage at the entrance stipulating that persons under 18 are not permitted inside.

**SECTION 1137.14 DEVELOPMENT PLAN REVIEW**

All 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.