

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 49-13

Passed September 16, 2013

7/2/13-tif  
(Comm. & Econ. Development)

Ordinance No. 49-13

An ordinance amending CHAPTER 1138 MIXED USE OVERLAY DISTRICT, specifically Section 1138.04 Use Regulations, of the Codified Ordinances of the City of North Canton, to permit certain agricultural uses in a mixed use overlay district.

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

Section 1. That CHAPTER 1138 MIXED USE OVERLAY DISTRICT, specifically Section 1138.04 Use Regulations, of the Codified Ordinances of the City of North Canton, be, and the same is hereby amended to read as follows:

## **SECTION 1138.04 USE REGULATIONS.**

Uses listed below shall be permitted as conditional uses in a MUO district provided that 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:

- A. Residential:
  - i. Multi-family dwelling (up to 24 units/acre);
  - ii. Residential units above the first floor;
  - iii. Residential care facility;
- B. Office and Professional Services:
  - i. Offices including administrative, medical, business and professional;
  - ii. Sales office with only samples of products;
  - iii. Financial office, bank with walk-up ATM access only.
- C. Retail/Services:
  - i. Retail in completely enclosed building;
  - ii. Personal service establishment including barber, beauty shop and repair shop for personal items such as shoes, watch, camera, etc.;
  - iii. Business equipment and supplies;
  - iv. Dance studios and schools;
  - v. Dry cleaning counter service;
  - vi. Motels, hotels;
  - vii. Photographic reproduction services;
  - viii. Restaurant, with or without outdoor dining.
- D. Automotive/Transportation: Parking lot or garage as principal use of a lot.
- C. Entertainment, Recreation, Community Facility:
  - i. Clubs, lodges, or other assembly halls;
  - ii. Indoor recreation facility;
  - iii. Library, museum;
- E. Accessory Uses: A use that is accessory to a mixed-use establishment shall be permitted when it is clearly incidental to, subordinate to, and located on the same lot as the principal building or use. Accessory uses are further regulated as noted below:
  - i. Fencing and screening as regulated in Chapter 1155;

# RECORD OF ORDINANCES

Ordinance No. 49-13

Passed September 16, 2013

- ii. Off-street parking as regulated in this district, see also Chapter 1153; and
  - iii. Signs, as regulated in Chapter 1151.
- F. Agricultural Uses in Mixed Use Overlay Districts: The intent of agricultural uses in a MUO is to allow for the growing of farm products such as vegetables, fruits, grains, and horticulture and their storage on the area intended for such agriculture.
- i. Permitted Accessory Structures. In addition to fences, as regulated in accessory uses of (a) of this Section, a permitted agricultural use may be served by the following accessory structures: sheds, greenhouses, cold frames, barns, rain barrels, composting, and farm stands.
    - a. Fences. Fences for agricultural uses shall be permitted in accordance with the regulations for Accessory Uses.
    - b. Sale of Produce: Upon prior, written approval from the Planning Commission, the sale of agricultural products, and plants, is permitted on a property within the mixed use district. Foods prepared on site or off site may be sold within the mixed use district so long as their principal ingredients are grown or produced on the same mixed use district. No sales shall be made before 8 a.m. or after dusk. Food sales shall be licensed by the Stark County Board of Health if such licensing is required.
    - c. Farm Stands. A farm stand which has received the proper permit and the Planning Commission's prior written approval for construction or installation, and which is located in a required front yard area in a MUO District, shall be removed from the front yard or stored inside a building on the premises during the time of the year when the garden or farm is not open for public use. Farm stands shall not occupy more than two percent of the subject property's land area.
  - ii. Composting. Composting may be conducted on the premises of an agricultural use if limited to use on the subject property and if stored in a manner that controls odor, prevents infestation, and minimizes run-off into waterways and onto adjacent properties.
    - a. Composting must be only of materials generated on the MUO.
    - b. A maximum area of 200 square feet may be used for composting.
    - c. Compost material must be enclosed in a screen fence or structure.
    - d. Compost enclosures must be located:
      - 1. A minimum distance of three feet from rear and side lot lines;
      - 2. A maximum distance of 25 feet from the rear lot line; and
      - 3. A minimum distance of 10 feet from the front lot line.
    - e. In the case of corner lots, compost enclosures must be located:

# RECORD OF ORDINANCES

Daxton Legal Blank, Inc.

Form No. 30043

Ordinance No. 49-13

Passed September 16, 2013

1. A minimum distance of three feet from the rear and interior side lot lines;
  2. A maximum distance of 25 feet from the rear lot line; and
  3. A minimum distance of 10 feet from the street side lot line and front lot line.
- f. Compost enclosures must be located to prevent the runoff of water, which has come in contact with the compost, from flowing onto adjacent property, into natural or human-made storm channels, and the public right-of-way.
- g. Compost enclosures must be maintained in a manner that protects adjacent properties from adverse environmental, health and safety impacts such as noise, odors and attraction of rodents or other pests.
- ii. Planning Commission Approval. No agricultural produce or related products may be sold from the property of an agricultural use and no farm stand for the sale of such products may be located on the property unless the Planning Commission has determined that the farm may be located on the property and sales there from will meet a community need without adversely affecting the local neighborhood. In making this determination, the Planning Commission shall consider, amongst others things, the following factors:
1. The nature of nearby uses of land with respect to their sensitivity to the activity associated with farm stand sales;
  2. The proximity of the farm stand to one and two-family houses;
  3. Traffic volume on the street on which the subject property is located;
  4. The availability of off and/or on-street parking to serve the farm stand's use; and
  5. The maintenance of a substantially unobstructed view in the setback area, which shall include a clear view through the farm stand above a height of three feet.
- iii. Signs. Where an agricultural use is the principal use in a MUO District, one sign shall be permitted on each street frontage identifying the agricultural use and listing hours of operations for market sales and contract information. Such sign shall not exceed four square feet in area and, if freestanding, shall not exceed three feet in height, and shall be setback at least five feet from all property lines unless the sign is placed on a permitted farm stand.
- iv. Maintenance. Any land developed to agricultural use shall be well-maintained and shall be free of excessively tall weeds or grass. All accessory structures to an agricultural use shall also be well maintained.
- v. Building Permits. Neither a building permit nor a certificate of occupancy shall be required to establish an agricultural use. A building permit shall be required, however, prior to the installation of a fence, construction of a barn or other structure routinely requiring such permit, and for the construction or placement of a farm stand. The permit application shall include the name, address, and phone number of the farm stand's operator; the length, width, and height of the farm stand; a description of the type of produce to be sold from the farm stand; and the name of the property owner. If the applicant is not the property owner, the applicant shall include with the permit application a signed, written statement from the property owner authorizing the applicant to install and operate the farm stand.

# RECORD OF ORDINANCES

Ordinance No. 49-13

Passed September 16, 20 13

Section 2. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

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

North Canton, OH  
Passed: 9/16/13



MAYOR

SIGNED: 9/16, 2013

ATTEST:

  
CLERK OF COUNCIL