

North Canton City Council  
Community and Economic Development Committee

Resolution No. 6 - 2018

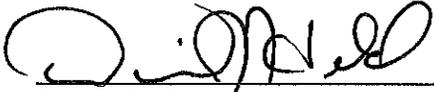
A resolution, pursuant to North Canton Codified Ordinance 1181.04, recommending the Planning Commission review, consider, and recommend, or not recommend, the proposal that Council adopt the amended Fieldcrest Estate District, of the City's Planning and Zoning Code, CHAPTER 1141 – Historic Fieldcrest Estate Overlay District.

WHEREAS, City Council request the Planning Commission review, consider, and recommend, or not recommend, the proposal that Council amend portions of the City's Planning and Zoning Code to include the Fieldcrest Estate District. A copy of the proposed amendments is attached hereto as Exhibit "A" and incorporate herein.

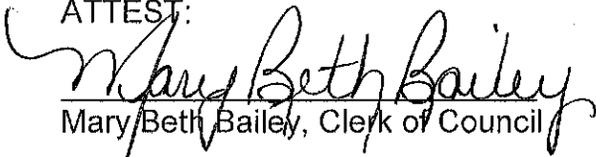
NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That, pursuant to North Canton Codified Ordinance 1181.04, City Council requests the Planning Commission review and consider a proposal to amend portions of the City's Planning and Zoning Code so that legislation providing for the creation of a new zoning district known as the Historic Fieldcrest Estate Overlay District, a 50.25-acre parcel located at 1346 Easthill Street SE, also known as parcel number 9480026, be consistent with the character of the associated use and surrounding area. .
- Section 2. That specifically, Council request the Planning Commission review, consider, and recommend, or not recommend, a proposal to amend North Canton Codified Ordinances, TITLE THREE - Zoning Regulations, CHAPTER 1141 – Historic Fieldcrest Estate Overlay District, as described in Exhibit "A" attached hereto.
- Section 3. That if a provision of this resolution is or becomes illegal, invalid or unenforceable, that it shall not affect the validity or enforceability of any other provision of this resolution.
- Section 4. That this resolution shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this 14<sup>th</sup> day of May, 2018

  
\_\_\_\_\_  
David Held, Mayor

SIGNED: 5/19, 2018

ATTEST:  
  
\_\_\_\_\_  
Mary Beth Bailey, Clerk of Council

**Chapter 1141**  
**Historic Fieldcrest Estate Overlay District**

- 1141.01 Intent**
- 1141.02 Use Regulations**
- 1141.03 Schedule of Uses**
- 1141.04 Building Location Area**
- 1141.05 Buffer Area**
- 1141.06 Building Height**
- 1141.07 Building Materials**
- 1141.08 Drives, Off-Street Parking and Loading**
- 1141.09 Landscaping, Light and Screening**
- 1141.10 Signage**
- 1141.11 Animals**
- 1141.12 Development Review**
- 1141.13 Noise**
- 1141.14 Enforcement; Penalties**

**1141.01 INTENT**

The purpose of the Historic Fieldcrest Estate Overlay District (FD) is to maintain and enhance the features and economic viability of the unique historic property known as Fieldcrest Estate in a manner compatible with surrounding residential neighborhoods. The historic value, quantity of land in single ownership, community benefit, proximity to single-family neighborhoods, and economic importance of this property warrant an overlay district with special standards.

Land, structures, and uses in the FD shall be established and maintained to promote preservation of the historic structures and general character of Fieldcrest Estate. New and expanded structures should be compatible with and respect the design, features, scale, density, and land uses of the Fieldcrest Estate and the surrounding single-family residential neighborhoods.

The FD is an overlay district and is intended to be supplemental to and not a replacement of the property's underlying R-70 Single-Family District zoning classification. Except as otherwise set forth in this Chapter, all applicable provisions of this Zoning Code apply to and shall be enforced in the FD. All terms, unless otherwise specifically defined herein, shall have the meanings set forth in Chapter 1125 of this Ordinance.

**1141.02 USE REGULATIONS**

The Fieldcrest Estate contains a unique mix of uses that is distinct from any other property in the City of North Canton. These use regulations are intended to allow for the continuation of the mix of uses of the Fieldcrest Estate while allowing new uses to be established.

(a) Uses Permitted By-Right. A use listed in Schedule 1141.03 below shall be permitted by right as a principal use in the FD when denoted by the letter "P;" provided that all requirements of all other city ordinances and this Ordinance are satisfied.

(b) Conditional Uses. A use listed in Schedule 1141.03 below shall be permitted as a conditional use in the FD when denoted by the letter "C;" provided that the Planning Commission first determine that the requirements of Chapter 1145, and all other applicable provisions of this Ordinance, are satisfied according to the procedures set forth in Chapter 1177.

(c) Accessory Uses. A use listed in Schedule 1141.03 below shall be permitted as an accessory use in the FD when denoted by the letters "PA." Such use shall be permitted in an accessory building or as a necessary use when it is clearly incidental to a use of the principal building or a principal use. All uses permitted by right in the R-70 Single-Family District shall be permitted by right as an accessory use in the FD. A use listed in Schedule 1141.03 below shall be conditionally permitted as an accessory use if the Planning Commission first determines that the requirements of Chapter 1145, and all other applicable provisions of this Ordinance, have been met according to the procedures set forth in Chapter 1177. A conditionally permitted accessory use listed in 1141.03 is denoted by the letter "CA." Accessory uses are further regulated in subsequent sections of this Ordinance.

(d) Uses Not Listed in Schedule. Although a use may be indicated in Schedule 1141.03 below as permitted, principal, conditional or accessory, a use shall not be approved unless it can be located thereon in full compliance with all 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 the FD and shall only be permitted upon amendment of this Ordinance and/or the Zoning Map as provided in Chapter 1181 of this Ordinance or upon a finding that a use is substantially similar as provided in Section 1177.09 of this Ordinance.

(e) FD Principal Use Defined. For purposes of the FD, the principal use of the Fieldcrest Estate shall be an "Historic Estate Cultural and Event Center," which means a campus development of a single-parcel greater than forty (40) acres in total area, that includes at least one principal building that either is eligible to be listed under the U.S. Secretary of the Interior's standards for eligibility, or is listed, on the National Register of Historic Places, and that includes accessory uses located within one or more accessory building(s) of a scale and design compatible with the historic integrity of the historic estate.

## SCHEDULE OF USES

Land Use Category	Historic Fieldcrest Estate Overlay District (FD)
(a) Historic Estate Cultural and Event Center	<b>P</b>
(b) Boutique Lodging 1. Not more than thirty (30) total guest rooms or suites.	<b>PA</b>
(c) <b>Restaurant – Table Service</b>	<b>PA</b>
(d) Gift Shop	<b>PA</b>
(e) Coffee & Tea Shop	<b>PA</b>
(f) Business Conferences and Events	<b>PA</b>
(g) Personal Events	<b>PA</b>
(h) Equestrian Activities	<b>PA</b>
(i) <b>Swimming Pool</b>	<b>PA</b>
(j) Camp-style Lodging	<b>PA</b>
(k) <b>Dwelling, Detached Single-family</b>	<b>PA</b>
(l) Family Home for Persons with Disabilities	<b>CA</b>
(m) Cemetery	<b>PA</b>
(n) <b>Places of Worship</b>	<b>CA</b>
(o) <b>Day Care Facility, Adult</b>	<b>CA</b>
(p) <b>Day Care Facility, Child</b>	<b>CA</b>
(q) Library, Museum	<b>CA</b>
(r) <b>Studios for Instruction</b>	<b>PA</b>
(s) Neighborhood Farming	<b>PA</b>
(t) Administrative Offices	<b>PA</b>
(u) Studios for Display	<b>PA</b>
(v) Seasonal and Special Events	<b>CA</b>
(w) <b>Indoor Recreation – Commercial</b>	<b>CA</b>
(x) <b>Outdoor Recreation – Commercial</b>	<b>PA</b>
(y) <b>Parking Lot</b>	<b>PA</b>
(z) <b>Massage Studio</b>	<b>PA</b>

Certain uses listed in Schedule 1141.03 above are defined in Chapter 1125 of this Ordinance. Those uses defined in Chapter 1125 are indicated by **bold face type** in Schedule 1141.03. For those uses not otherwise defined in Chapter 1125, the following definitions shall apply for purposes of this Chapter 1141:

(1) Boutique Lodging means overnight lodging containing no more than thirty (30) total lodging rooms or suites in the aggregate across all existing buildings within the FD as of the date of this Ordinance; each lodging room or suite to accommodate no more than four (4) persons for no more than seven (7) consecutive nights per stay. Boutique lodging shall be operated

in accordance with all local, state and federal laws, ordinances and regulations applicable to hotels and motels.

(2) Coffee & Tea Shop means an establishment from which patrons may purchase coffee, tea or other non-alcoholic beverages and food items for either onsite or offsite consumption.

(3) Gift Shop means a small retail establishment of less than 1,500 square feet of total floor sales area from which patrons may purchase goods.

(4) Business Conferences and Events means (i) events organized to convene professionals of a common trade or related trades to establish networks, transmit industry knowledge or exhibit industry-specific products, or (ii) events organized to convene colleagues to encourage cooperating and teamwork or develop business strategy.

(5) Personal Events means events that commemorate significant personal milestones in the life of an individual or individuals such as birthdays, graduations, marriages, religious life cycle events, anniversaries, and retirements, but not including funerals.

(6) Equestrian Activities means activities conducted on horseback or involving the participation of horses, including horseback riding, steeplechase events, horse drawn carriage rides or horseshows, but not horseracing or rodeos.

(7) Camp-Style Lodging means a non-permanent structure for sleeping, including a tent, a yurt or a similar camping apparatus.

(8) Family Home for Persons with Disabilities means a housekeeping unit in which at least one individual who is physically or mentally disabled resides, and which is designed to accommodate the disability of such individual.

(9) Library, Museum means an establishment open to the public that holds and exhibits books, documents, relics and other artifacts that pertain to the Historic Fieldcrest Estate and the historic periods associated therewith.

(10) Neighborhood Farming means the growing and harvesting of fruits, vegetables, flowers, nuts, seeds, and culinary herbs for the personal use of the growers, residents, and restaurants of the FD. Neighborhood farming may also include the raising of animals and insects for food production in compliance with this Ordinance.

(11) Administrative Offices means the facilities in which administrative activities, record-keeping, clerical work and other similar activities of a

business, professional association or government are conducted; provided however, that such activities shall not include the delivery of professional services to clients or the sale of goods, whether such professional services or sale of goods are incidental or not.

(12) Studios for Display means studios in which customers produce artworks in varied mediums, including, but not limited to, drawing, painting and sculpture and in which such artworks are presented on display to the public for purchase.

(13) Seasonal and Special Events means certain events organized to commemorate holidays, any of the four seasons, or other such commonly recognized special events.

#### 1141.04 ADDITIONAL USE LIMITATIONS

(a) No bar or public drinking establishment shall be permitted within the FD. Alcohol sales and/or service are permitted in association with all of the following uses as long as the same is dually approved, permitted by, and licensed according to all applicable laws, rules and regulations:

- (1) Restaurant – Table Service;
- (2) Business Conference and Events;
- (3) Personal Events; and
- (4) Seasonal and Special Events.

(b) Seasonal and special events may include outdoor music as long as such music is not played before 9:00 a.m. or after 10:00 p.m. each day, and outdoor portable restroom facilities; provided, however, any such portable restroom facilities shall not be visible from any adjacent property or from any right-of-way and shall be removed within forty-eight (48) hours following the official public closing time of each event. Food trucks associated with season and special events are permitted to be parked within the FD so long as they are not visible from any adjacent property other than Easthill Street; provided, however, that all food trucks must be removed from the FD within twenty-four (24) hours following the official public closing time of each event. No fireworks (as defined in Ohio Revised Code Section 3743.01) shall be discharged or exhibited on or from the FD except in accordance with a public exhibition permit and other requirements of Section 1519.02 of the North Canton Codified Ordinances and in accordance with all other applicable laws, ordinances and regulations.

**1141.05 BUILDING LOCATION AREA**

All principal and accessory buildings now or hereafter located within the FD shall be located within the "Building Location Area" as shown on Figure 1141.06 below. No buildings shall be located in any other location without approval of a development plan revision by the Planning Commission under Section 1141.12 of this Ordinance.

**1141.06 BUFFER AREA**

No buildings shall be located within the buffer areas shown on Figure 1141.05 below, which shall be the area within 200 feet of all boundaries of the FD. This area provides a necessary buffer between the uses of the FD and the surrounding neighborhoods. The buffer area may be used for outdoor recreation, neighborhood farming, equestrian activities, open fields, farm fields, animal grazing areas, pasture, athletic fields, natural areas, landscape beds, gardens, orchards, pedestrian trails, sidewalks, landscape site amenities and features, gazebos, playgrounds, and temporary vehicular parking associated with seasonal and special events, and for no other purpose or use without approval of a development plan revision by the Planning Commission under Section 1141.12 of this Ordinance.

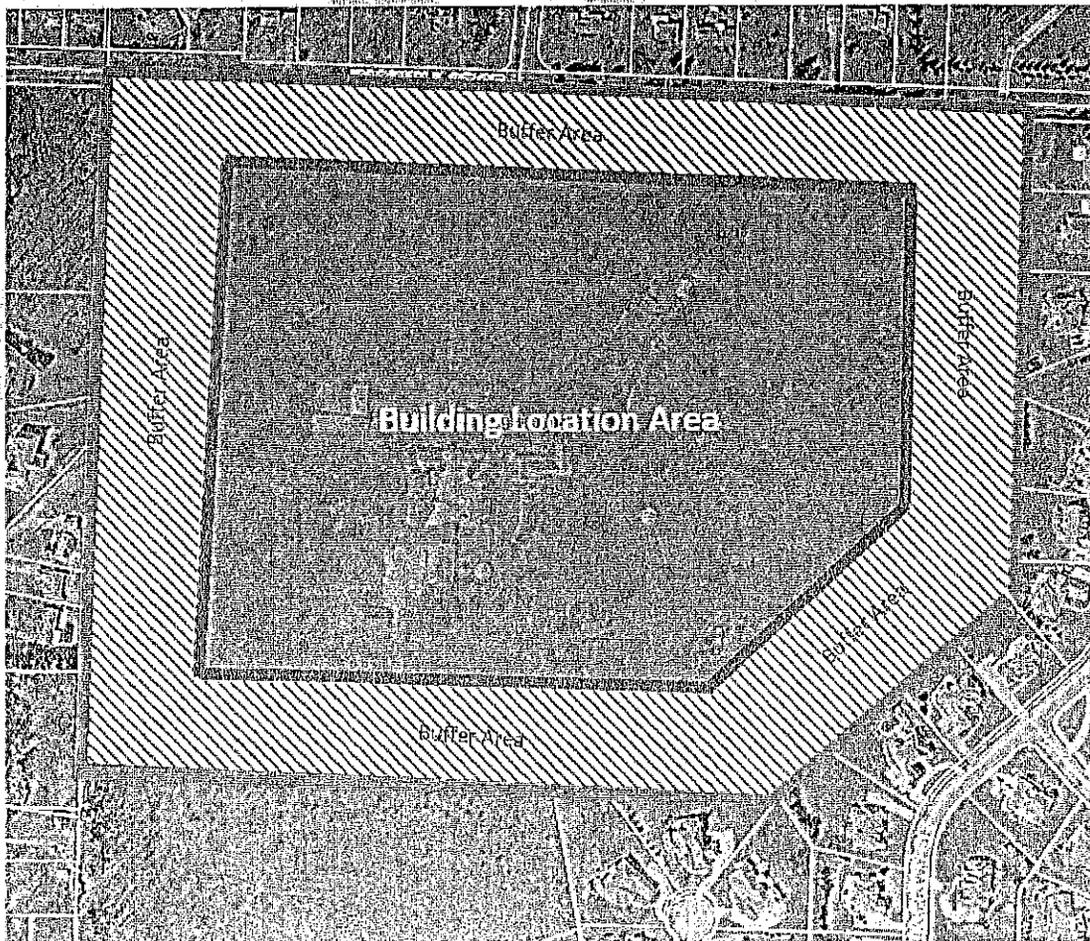


Figure 1141.06

**1141.07 BUILDING HEIGHT**

No commercial structure shall be greater in height than forty (40) feet as measured from the average natural grade to the top of the highest ridgeline of the roof of the structure. Chimneys, cupolas, turrets, roof railings and other architectural features shall not extend more than five (5) feet from the highest ridgeline of the roof of the structure. The height of residential structures shall be as required in the underlying R-70 district (See Section 1133.06) of this Ordinance.

**1141.08 BUILDING MATERIALS**

All new buildings constructed and all additions to existing buildings shall be of an architectural style, design and materials compatible with the historic styles, designs and materials of the lodge, inn and tea room buildings located within the FD. The following materials shall not be permitted on the exterior of any buildings or structures within the FD:

- (a) Vinyl or aluminum siding;
- (b) Vinyl-clad windows; aluminum windows;
- (c) Non-architectural (flat) asphalt shingles; or
- (d) Cementitious siding, such as EFIS, Dryvit systems, or pre-cast concrete.

**1141.09 DRIVES, OFF-STREET PARKING AND LOADING**

**Drives**

All drives shall be privately owned and maintained and shall be a minimum of thirty (30) feet wide and paved with asphalt or concrete. All roads and drives shall be constructed and maintained in accordance with all applicable storm water laws, rules and regulations, including, but not limited to, all local, state and federal environmental protection laws, ordinances, rules and regulations.

**Parking**

In addition to those requirements and standards set forth in Chapter 1153 of this Ordinance, and notwithstanding anything to the contrary contained therein, all required vehicular parking shall be maintained on private property within the building location area. There shall not be any parking within the buffer area except on a temporary basis as set forth in Section 1141.06 above. Except for temporary parking within the buffer area, all vehicular parking shall be maintained within areas paved with asphalt and concrete. No parking shall be allowed on any roads or drives. In addition to the minimum off-street parking requirements set forth in Section 1153.04 of this Ordinance, the following minimum parking requirements shall apply specifically to the FD:

Use	Minimum Number of Parking Spaces
Boutique Lodging	1 per lodging room or suite
Conference and Event Center	1 per 500 sq. ft.
Studios for instruction	1 per 200 sq. ft.

Studios for display	1 per 200 sq. ft.
Seasonal and special events	Parking for a minimum of 700 vehicles
Massage Studio	1 per 200 sq. ft.

**Loading**

In addition to those requirements and standards set forth in Section 1153.13 of this Ordinance, and notwithstanding anything to the contrary contained therein, all loading areas shall be at the rear or side of a building and, if within one hundred feet (100') of any buffer area, shall be screened from view with 100% opaque fencing on three sides.

**1141.10 LANDSCAPING, SCREENING AND OUTDOOR LIGHTING**

In addition to those requirements and standards set forth in Chapter 1155 of this Ordinance, and notwithstanding anything to the contrary contained therein, the following regulations apply specifically to the FD:

Healthy existing trees are encouraged to remain and shall be considered when siting new buildings and making additions to existing buildings within the FD. Trees shall be planted along drives and roadways as desired to create rhythm and shade. There is no required number, spacing or species for trees in the FD, except that at least one (1) shade tree shall be planted in each of the required parking lot islands. A detailed landscape plan shall be submitted to the Planning Commission for review and approval prior to construction of any new parking areas within the FD.

**1141.11 SIGNS**

In addition to those requirements and standards set forth in Chapter 1151 of this Ordinance, and notwithstanding anything to the contrary contained therein, the following regulations apply specifically to the FD:

(a) Only the following signs shall be permitted in the FD:

- (1) Building Marker;
- (2) Canopy or Awning Sign;
- (3) Freestanding Sign;
- (4) Projecting Sign;
- (5) Wall Sign; and
- (6) Temporary Sign

(b) No wheeled signs shall be permitted. No blinking, flashing, scrolling, or electronic changeable copy signs shall be permitted. No video or movement shall be allowed. No backlighting, other than shadow lighting, fluorescent, or internally lit box signs shall be allowed. All signs shall be lit by up or down flood lighting, or shall be shadow lit.

**ANIMALS****Domestic Animals**

The raising and keeping of domestic animals is allowed.

**Farm Animals**

The following regulations and standards are intended to be in addition to any other provision of this Ordinance, and any other local, state and federal laws, rules and regulations. The regulations of this section are established to permit the keeping of farm animals and bees in a manner that prevents nuisances to occupants of nearby residential properties and prevents conditions that are unsanitary or unsafe.

The keeping of chickens, ducks, rabbits, goats, pigs, sheep and similar farm animals is permitted subject to the following regulations:

- (1) No more than one (1) chicken, duck, rabbit and similar farm animal shall be kept in the FD for each one (1) acre of the FD. No coops or cages housing such animals may be located or situated in any portion of the buffer areas. No predatory birds may be kept within the FD.
- (2) All animals shall be provided with a covered, predator-proof coop or cage or other shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals exclusive of areas used for storage of materials or vehicles. Chickens and other birds shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by dogs and other predators and providing at least ten (10) square feet of area for each bird.
- (3) No horses, cows, alpacas, llamas or similar animals shall be kept within the FD except in areas specifically designated for the keeping of such animals; such areas not to exceed five (5) acres in total area and must be fenced and gated.

**Beehives**

The keeping of bees, and associated beehives, shall be permitted subject to the following regulations:

- (1) No more than one (1) beehive shall be kept for each 5 acres of the FD.
- (2) A solid fence or dense hedge, known as a "flyway barrier," at least six (6) feet in height shall be placed along the side of the beehive that contains the entrance to the hive, and shall be located within five (5) feet of the hive and shall extend at least two (2) feet on either side of the hive. No such flyway barrier shall be required if all beehives are located on porches or balconies at least ten (10) feet above grade. A supply of fresh water shall be maintained in a location readily

accessible to all bee colonies throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties. No Africanized bees may be kept on a property under the regulations of this section.

### **Sanitation and Nuisances**

Farm animals shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and not to cause health hazards. Furthermore, farm animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property. All runoff and waste from farm animals kept within the FD shall be managed in strict accordance with all applicable stormwater, sewer, and health codes, laws, ordinances, rules and regulations.

### **Animal or Bird Noise**

It shall be unlawful for any person or other party operating or occupying any building or premises within the FD to keep or allow to be kept any animal or bird that makes noise so as to habitually disturb the peace and quiet of any person in the vicinity of the FD.

### **Slaughtering of Animals**

No animals may be slaughtered within the FD.

### **Definitions**

Terms used in this section shall have the meanings assigned to them in the following definitions:

- (1) "Farm animal" means any domestic species of animal that is kept and raised for use as food or in the production of food or in the operation of a farm, and is not a house pet such as a dog, cat or similar animal.
- (2) "Coop" and "cage" mean a structure, not necessarily attached to the ground, with a top and sides and designed to provide shelter and protection for small animals or birds.
- (3) "Enclosure" means a set of walls or fences designed to confine animals or birds to a space that is large enough to permit the animals and birds to roam relatively freely in an open yard area.
- (4) "Predatory bird" means an owl, hawk, falcon, eagle or similar bird that feeds principally by catching living prey.

## **1141.13**

### **DEVELOPMENT REVIEW**

All new construction, alterations, exterior renovations, additions, site improvements, and new or expanded uses in the FD shall be reviewed by the

Planning Commission. Applications shall be submitted to the Administrator/Superintendent of Permits and Inspections, or their designee, on forms created thereby, along with any applicable fees. The Planning Commission shall review any application for the following:

- (a) Compliance with the requirements of this FD and Zoning Code;
- (b) Compatibility with surrounding residential land uses;
- (c) Impacts on surrounding residential land uses; and
- (d) Impacts on public resources, including, public roadways and utilities.

The Planning Commission may approve, approve with conditions, or deny any application for development review in the FD. The Planning Commission may approve any application that is fully compliant with all requirements of this FD and the Zoning Code, will not adversely impact the peaceful use and enjoyment of surrounding residences, and will not adversely impact the capacity of public resources. The Planning Commission shall not approve any application for development review that is not fully compliant with the requirements of this FD or any other provision of the Zoning Code.

#### **1141.14 NOISE**

Any use proposed or conducted within the FD shall not generate excessive noise, odor, dust or smoke beyond the premises. Where development review or a conditional review is applicable, the Planning Commission may impose additional noise reduction measures, including mounding, landscaping, sound barriers, and restricted hours of operation to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the FD.

#### **1141.15 ENFORCEMENT AND PENALTIES**

The provisions of this Chapter 1141 shall be enforced in accordance with the provisions of and subject to the penalties contained in Chapter 1191 of this Ordinance.

