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Ordinance No. 18-08

Passed April 14, 20 08

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(Comm. & Econ. Dev.)

Ordinance No. 18-08

Ordinance No. 18-08 amending CHAPTER 1138 MIXED-USE OVERLAY DISTRICT REGULATIONS of Ordinance No. 50-03, Zoning Ordinance of the City of North Canton to permit and encourage an intensity of development that will result in the creation and maintenance of a "town center" area by establishing an Overlay District to conditionally permit specific uses.

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

Section 1. That CHAPTER 1138 MIXED-USE OVERLAY DISTRICT REGULATIONS of Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, be, and the same is hereby amended to read as follows:

SECTION 1138.01 INTENT.

Mixed-Use Overlay District ("MUO") and its regulations are established in order to permit and encourage intensity of development that will result in the creation and maintenance of a "town center" area. In order to accomplish this purpose, it is the intention in establishing this Overlay District to conditionally permit specific uses in a manner that:

- (a) Encourages a pedestrian oriented mixture of uses including but not limited to; offices, limited retail, and higher density residential to create a unique place in the center of the community.
- (b) Provides for various economic development options while strengthening the diversity of uses found in the community.
- (c) Establishes design guidelines for new development or redevelopment to ensure that an aesthetically pleasing, and pedestrian friendly environment is created. Specifically, the design guidelines are intended to:
 - (1) Protect and preserve the appearance and character of the community;
 - (2) Reduce the impact between zoning districts; and
 - (3) Provide interest along the streetscape.
- (d) Ensures that new development and/or redevelopment will occur in an unified manner.
- (e) Ensures that such mixed-uses comply with these objectives by requiring a development plan and establishing a review process to ensure that all phases of a development are consistent with regulations.

SECTION 1138.02 APPLICATION OF THE DISTRICT.

The Mixed-Use Overlay District shall be in addition to and shall overlay all other zoning districts where the MUO District is established. Therefore, any parcel of land lying in the MUO District shall also lie in one or more of the other zoning districts provided for in this Zoning Ordinance. The district designation of MUO shall be superimposed over the existing zoning designations on the Zoning Map.

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**SECTION 1138.03 ESTABLISHMENT OF A
MIXED-USE OVERLAY DISTRICT.**

A Mixed-Use Overlay District shall be established in accordance with the required procedures for a Zoning Map amendment pursuant to Chapter 1181. The boundaries of the Mixed-Use Overlay District shall be indicated on the Official Zoning Map with the symbol MUO.

SECTION 1138.04 USE REGULATIONS

Uses listed below shall be permitted as conditional use 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:
 - (1) Multi-family dwelling (up to 24 units/acre);
 - (2) Residential care facility;
- (b) Office and Professional Services:
 - (1) Offices including administrative, medical, business and professional;
 - (2) Sales office with only samples of products;
 - (3) Financial office, bank with walk-up ATM access only.
- (c) Retail/Services:
 - (1) Retail in completely enclosed building;
 - (2) Personal service establishment including barber, beauty shop and repair shop for personal items such as shoes, watch, camera, etc.;
 - (3) Business equipment and supplies;
 - (4) Dance studios and schools;
 - (5) Dry cleaning counter service;
 - (6) Motels, hotels;
 - (7) Photographic reproduction services;
 - (8) Restaurant, with or without outdoor dining.
- (d) Automotive / Transportation: Parking lot or garage as principal use of a lot.
- (e) Entertainment, Recreation, Community Facility:
 - (1) Clubs, lodges, or other assembly halls;
 - (2) Motion picture and theatrical playhouse
 - (3) Indoor recreation facility;
 - (4) Library, museum;
 - (5) Educational facilities

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(f) 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.

- (1) Fencing and screening as regulated in Chapter 1155;
- (2) Off-street parking as regulated in this district, see also Chapter 1153;
- (3) Signs, as regulated in Chapter 1151.

SECTION 1138.05 BUILDING SETBACKS.

Principal buildings shall be located in a manner that maintains the minimum setbacks set forth in this section.

- (a) Setback from Right-of-Ways. The mandatory setback of all buildings from a street right-of-way shall be 10 feet.
- (b) Setback from "R" District. The minimum setback of all buildings from a lot line that abuts a lot in an R-70, R-50 or R-2F district shall be 40 feet or a distance equal to the height of the building, whichever is greater.
- (c) Side and Rear Yard Setbacks. No setback shall be required from the MSB District or other mixed-use development within the overlay district.
- (d) Minimum Distance between Residential Buildings. In order to ensure reasonable privacy and separation, residential dwelling units including terraces, decks and patios shall be separated by at least 20 feet, except that when the windows of living areas and patios, decks, and terraces face each other, they shall be separated by at least 50 feet. This distance may be reduced when the Planning Commission finds that adequate landscaping and screening is provided to ensure privacy between units.

SECTION 1138.06 OFF-STREET PARKING FACILITIES AND SETBACKS

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

- (a) Setback from Right-of-Ways. The minimum setback from a street right-of-way shall be 10 feet.
- (b) Setback from "R" District. The minimum setback from a lot line that abuts an R-70, R-50 or R-2F district boundary shall be 20 feet.
- (c) Setback from All Other Lot Lines. The minimum setback from all property lines abutting a non-residential district shall be 10 feet.

SECTION 1138.07 HEIGHT REGULATIONS.

The height of buildings and structures shall not exceed 60 feet, except as otherwise specified below:

- (a) Principal buildings in excess of 60 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 has been met.
- (b) Wireless telecommunication facilities shall comply with the height regulations set forth in Chapter 1157.

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SECTION 1138.08 ACCESSORY USE REGULATIONS.

Accessory uses permitted in a MUO 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 Section 1138.06, and shall obtain a zoning certificate according to Section 1173.02.

(b) Fences and Walls. Fences and walls may be erected on a lot in a MUO District in compliance with the following:

- (1) All fences and walls shall be of uniform design and shall be well maintained.
- (2) Fences and walls used for buffering and screening shall comply with the regulations set forth in Chapter 1155.

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

SECTION 1138.09 LANDSCAPE, SCREENING AND LIGHTING REQUIREMENTS.

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

SECTION 1138.10 REQUIRED DESIGN ELEMENTS.

The following development and design guidelines are established to ensure that new development or redevelopment complies with the purpose and objectives of this Chapter, as set forth in Section 1138.01. All uses in the MUO district shall comply with the following design requirements:

(a) General Criteria.

- (1) The proposal shall enhance and improve the character of the community and be appropriate and compatible with its surroundings in accordance with the intent, objectives and development requirements set forth in this Chapter.
- (2) Buildings, structures and landscaping should be designed and located on the site and be of a scale and massing to complement adjacent buildings and enhance the character of the surrounding area.
- (3) Each building or unit of a multiple building development should have its own distinct identity, yet should also be compatible with adjacent units or buildings in terms of proportion, color, and materials.
- (4) Safe pedestrian connections shall be provided between principal uses in the project area and between the principal uses and adjacent uses and sidewalks.

(b) Frontage Devoted to Building or Wall. Each lot shall have a minimum of 70 percent of the linear length of the lot frontage devoted to a building, or a building and wall in combination, as specified below.

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(1) The length of lot frontage utilized in the calculation shall not include the width of access drives.

(2) When the length of the building frontage equals less than 70 percent of the linear length of the lot frontage, a wall shall be required as specified below so that the length of the building and wall, in combination, equal a minimum of 70 percent of the linear length of such lot frontage.

(3) Walls shall be constructed of solid masonry and shall have a height not less than 3 feet, not including ornamentation or other features.

(4) Walls shall be located a minimum of 10 feet from the public right-of-way.

(c) Building Walls.

(1) When the wall of a building faces a public right-of-way, or parking area, or is within 45 degrees of facing a public right-of-way, a minimum of 50 percent of such wall area, on the ground floor, shall have display-type windows. The bottom edge of such window shall not be higher than three feet above grade. A maximum of 20 percent of such windows may be opaque.

(2) Walls shall have no more than 20 feet of continuous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays or an undulation of the building, so that a pedestrian scale, rhythm, and visual interest is created.

(3) Walls that meet the following criteria shall be exempt from the requirements of subsection (c)(2) above:

A. Two walls face one another, are separated by not more than 30 feet and the space between the two walls is used for servicing the buildings, or

B. The wall faces an area devoted solely to loading and delivery and the wall is screened from view from all public rights-of-way, parking areas and abutting residential areas.

(d) Design of Buildings.

(1) Architectural style is not restricted, but the evaluation of the appearance of the project shall be based on the quality of its design and relationship to the prevailing design characteristics of the surrounding area.

(2) Building components, such as windows, doors, eaves, and parapets, shall be composed on a facade of a building with harmonious proportions in relationship to one another and surrounding buildings.

(3) Architectural features should be placed upon a facade of a building in a pattern that creates a building fenestration that has a constant rhythm and harmonious appearance.

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(e) Building Materials.

(1) Buildings shall have finish materials on all sides. Finish materials shall not include exposed concrete or cinder block or stucco (commonly known as "dryvit") unless it is utilized with bands of accent color, recessed or protruding belt courses, wide reveals or combinations thereof.

(2) A combination of materials, textures, colors, and finishes are preferred to create visual interest.

(f) Design of Walkways. Walkways should be provided in large parking areas and in parking areas that are associated with a high pedestrian volume and shall be clearly distinguished and separated from parking spaces and aisles.

(1) These walkways shall be integrated with existing sidewalks and pedestrian routes and coordinated with pedestrian routes of surrounding neighborhoods.

(2) Such walkways shall be constructed of concrete, stone, or brick and enhanced with landscaping and lighting to distinguish them.

SECTION 1138.11 APPROVAL OF MIXED-USE DEVELOPMENTS.

All development within a MUO District shall be subject to the development plan review requirements set forth in Chapter 1175 and the conditional use approval process set forth in Chapter 1177. "

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

North Canton, OH
Passed: 4/14/08


MAYOR

SIGNED: 4/21/08, 2008

ATTEST:


CLERK OF COUNCIL