

ORDINANCE NO. 18-025

**AN ORDINANCE AMENDING SECTION 1161.04 OF THE CODIFIED
ORDINANCES REGARDING OLD TOWN COMMERCIAL ZONING DISTRICT**

WHEREAS, in order to promote mixed use development within the historic district and preservation area of Canal Winchester, a mixed use has been added as a permitted use in the OTC – Old Town Commercial district and other various changes to enhance the Old Town area have been proposed; and

WHEREAS, the Planning and Zoning Commission initiated Application #ZA-18-002 and following a public hearing held on May 14, 2018 has recommended approval of this ordinance; and

WHEREAS, notice of a public hearing has been duly advertised and the public hearing has been held before the Council of the City of Canal Winchester.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

Section 1. That Section 1161.04 of the Codified Ordinances of the City of Canal Winchester, shall hereby be amended to read as follows:

**CHAPTER 1161
Old Town Zoning Districts**

1161.04 OLD TOWN COMMERCIAL (OT-C)

- (a) Permitted Uses. Land and buildings in the Old Town Commercial District (OT-C) shall be used only for the following purposes:
- (1) Retail Stores. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods (including the buying or processing of goods for resale) including:
 - A. General Merchandise: Hardware stores, department stores, mail order houses, limited price variety stores, and miscellaneous general merchandise stores.
 - B. Food: Grocery stores, meat and fish (seafood) markets, fruit stores and vegetable markets, candy, nut and confectionery stores, dairy products stores, retail bakeries, supermarkets, and miscellaneous food stores.
 - C. Apparel: Clothing, accessories and personal furnishing stores, shoe stores, custom tailors, furriers and fur shops, and miscellaneous apparel and accessory stores.
 - D. Home Furnishings: Furniture, home furnishings, and equipment stores, household appliance stores, and radio, television and music stores.
 - E. Eating and drinking places.
 - F. Electronic products.
 - G. Video rental store.
 - H. Miscellaneous Retail: Drug stores and proprietary stores, antique stores and secondhand stores, stationery stores, sporting goods stores and bicycle shops, jewelry stores, florists, cigar stores, news dealers, camera and photographic supply stores, gift, novelty and souvenir shops, optical goods stores, and miscellaneous retail stores not elsewhere classified.

- I. **Business Services:** Advertising, duplicating, addressing blueprinting, photocopying, mailing, stenography, and business services not elsewhere classified.
- (2) **Business and Professional Offices.** Business offices engaged in providing tangible and intangible services to the public, involving both persons and their possessions, including:
- A. **Administrative, Business and Professional Offices:** Administrative offices primarily engaged in general administration, supervision, purchasing, accounting and other management functions, and professional offices engaged in providing tangible and intangible services to the general public, involving both persons and possessions, including financial services, real estate and insurance.
 - B. **Professional:** Offices of physicians and surgeons, dentists and dental surgeons, chiropractors, medical and dental laboratories, health and allied sciences not elsewhere classified, legal services, design services including engineering, architecture, landscape architecture, urban planning, graphic arts and interior design, and accounting, auditing and bookkeeping services.
 - C. **Health care maintenance and emergency services.**
- (3) **Personal and Consumer Services.** Personal services generally involving the care of the person or his/her personal effects and consumer services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption, including:
- A. **Personal:** Photographic studios, including commercial photography, beauty shops, barber shops, fitness studios and personal training, shoe repair shops, pressing, alteration and garment repair, and miscellaneous personal service.
 - B. **Repair Services:** Electrical repair shops, watch, clock and jewelry repair, reupholsters and furniture repair, and similar household item repair shops and related services.
- (4) **Museums.**
- (5) **Residential.** Single family residential shall be permitted following the standards of 1161.02 and 1161.03, respectively, and any other sections of this Zoning Code applicable to residential development.
- (6) **Mixed Use.** Multi-family residential shall be permitted within a mixed use building provided that no less than seventy percent (70%) of the ground floor area is used for commercial purposes which are open to the public to obtain goods or services. The multi-family residential units within a mixed use building shall meet the following standards.
- A. **Mixed use structures** shall not exceed a residential density greater than twenty (20) units per acre or twenty-four (24) units per building.
 - B. **Dwelling Dimensions:** The following dwelling dimensions measured in terms of square footage shall apply to all multi-family residential dwellings within a Mixed Use structure in the Old Town Commercial District (OT-C):

DWELLING TYPE	FINISHED FLOOR AREA (square feet)
One Bedroom	700

Each Additional Bedroom	160
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C. **Parking:** There shall be a minimum of 1 parking space for each one residential unit located in the mixed use building, and a minimum of one parking space per 1,000 square feet or fraction thereof for the commercial space located within the building located on the same parcel, or a parcel under the control of the same owner within 300 feet of the parcel.

(b) **Conditional Uses.** The following uses may be allowed in the Old Town Commercial District (OT-C) subject to approval in accordance with Chapter 1145:

- (1) Automobile repair and services, automobile convenience markets, and automobile car washes as an accessory use.
- (2) **Recreation.** Theaters, dance halls, dance studios, dance schools, bowling, swimming pools, martial arts studios, and skating rinks.
- (2) **Convenient Food Markets.** Establishments for the sale of food only, gas pumps are not permitted.
- (3) **Bed and Breakfast.** Following the same standards as found in Section 1161.02(b)(6).
- (4) Licensed massage parlors.
- (5) **Animal Grooming or Training.** Any grooming, training, or related activities of more than one animal commenced outside shall not be located within two-hundred (200) feet of R-1, R-3, MF-A, MF-C, AR-1, OT-SF, OT-MF and PRD zoning districts or residential sections of PUD, TND and PCND zoning districts. A designated area shall be identified for animals to relieve themselves.
- (6) Sale of firearms, ammunition, or other deadly weapons.
- (7) Drive-up window service or drive in restaurants.
- (8) Exterminators.
- (9) Other compatible uses not expressly prohibited by 1161.04(c).

(c) **Prohibited Uses.** The following uses shall be prohibited in the Old Town Commercial District (OT-C):

- (1) Automobile service stations, automobile car washes as a principal use, automobile parking lots or garages as a principal use unless publically owned, and automobile sales unless exempted as a casual sale in Section 1153.20.
- (2) Hotels and motels.
- (3) Recreational uses except publicly owned & operated parks and recreational facilities.
- (4) Offices of veterinarians and animal hospitals.
- (5) Commercial kennels.
- (6) Pool halls as defined in Section 701.01(c).

- (7) Outdoor lumberyards.
 - (8) Pawn shops.
 - (9) Check cashing or short term loan establishments as a primary use.
 - (10) Funeral homes.
 - (11) Rehabilitation centers for drug addiction, alcohol addiction or other dependency.
 - (12) Mini-warehouses
 - (13) Laundromats
- (d) Development Standards.
- (1) Lot and Building Requirements. The following lot and building requirements are minimum standards, except where noted, and shall apply in the Old Town Commercial District (OT-C):
 - A. Lot Area: No minimum lot area is required, however, all lots shall abut an improved public right-of-way and lot area shall be adequate to provide the required yard space.
 - B. Lot Coverage (Maximum): No maximum lot coverage is required, however, the lot coverage shall be adequate to provide the required yard space.
 - C. Lot Width: No minimum lot width is required, however, all lots shall abut an improved public right-of-way and have adequate width to provide the required yard space and meet minimum access requirements.
 - D. Front Yard Build to Line: The principle structure shall be located no more than three (3) feet from the build to line. At least fifty (50) percent of the building's front elevation shall be located within the applicable variation from the build-to line range. No part of any structure shall be permitted within the public right of way. The build to line shall be calculated as the distance from the right of way equal to the average setback from the right of way of the existing buildings on the same side of the street. Buildings used in the build to line calculation shall meet the following:
 - i. Front on the same street as the subject property.
 - ii. Be located between the nearest cross streets, not including alleys.
 - iii. Be located on a property with an OT-C, OT-SF or OT-MF zoning.
 - E. Side Yard Setback: Zero (0) feet if the property does not directly abut a residentially zoned district. If the property abuts a residential district, the side yard setback from the side abutting the residential zoning district shall be eight (8) feet as measured from the side property line. Eaves, cornices, canopies, windowsills, balconies, bay windows, chimneys, or other architectural features shall not extend past any property line.
 - F. Rear Yard Setback: Twenty (20) feet as measured from the rear property line; an accessory building may be located in the rear yard no less than eight (8) feet from the rear property line.
 - (2) Outdoor Display or Storage of Materials. The placement of outdoor display or storage of materials shall be permitted per the following requirements:

- A. The size of outdoor display or storage of materials areas for a single property shall not exceed twenty-five (25) square feet or exceed eight (8) feet in height. Outdoor display or storage of materials encompassing more than twenty-five (25) square feet in area shall be subject to Section 1181.02.
 - B. Any items displayed or stored shall only be placed outdoors during normal business hours of the business displaying or storing the item.
 - C. Outdoor display or storage areas shall not project into the right of way.
 - D. The outdoor display or storage of materials shall not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties.
 - E. Any outdoor display or storage of materials not in conformance with this Zoning Code shall be considered in violation of Section 1135.10.
- (3) Outdoor Seating in the Public Right of Way. Outdoor seating in the public right of way shall be permitted per the following requirements:
- A. Permit Required. No outdoor seating in the public right of way shall be conducted until a Special Right of Way Permit application has been submitted and issued per the requirements of Sections 1197.03 and 1197.04. Staff may administratively renew the grant of consent on a year-to-year basis provided the continued use of the right of way does not adversely affect the public health, safety and welfare.
 - B. Indemnity Agreement. An indemnity agreement shall be submitted with the Special Right of Way Permit application. Such agreement shall provide that the applicant will hold the City of Canal Winchester and its officials and employees harmless of all liability which might arise as a result of accidents, injuries or damages suffered within the public right of way or as a result of the use of the right-of-way as authorized by this section, and to fully indemnify the City of Canal Winchester, its officials and employees, in the event the City is required to pay such losses. The applicant must keep current liability insurance in the minimum amount of one million (\$1,000,000.00) listing the City of Canal Winchester as an additional insured during the time of operation of any outdoor seating in the public right of way.
 - C. The permit holder is responsible for ensuring that all activity is contained within the approved area identified on the permit.
 - D. The use of public right of way for outdoor dining shall only be permitted incidental to the operation of a business on private abutting property. The outdoor dining area shall only project into the right of way directly adjacent to the subject business space.
 - E. Any projections into the right of way shall maintain a minimum of five (5) feet of unobstructed sidewalk width between the outdoor seating and the curb for pedestrian traffic.
 - F. All items placed in the right of way, including, but not limited to chairs, tables, fencing, lighting and refuse containers, shall be temporary in nature and shall be constructed and displayed in such a manner as to allow for their easy removal. The design, quality, materials and colors used for such items shall complement the architectural style and colors used on the associated building. All items placed in the right-of-way shall receive Certificate of Appropriateness approval, issued by the Landmarks Commission, per section 1175.01(e).

- G. Portable umbrellas are permitted provided they do not interfere with the required unobstructed sidewalk and do not contain advertising.
- H. The preparation of food, beverages, and other items shall take place inside the associated establishment.
- I. Outdoor dining in the public right of way shall not be open to patrons between the hours of 11:00 p.m. and 6:00 a.m.
- J. A Special Right of Way Permit for outdoor seating in the public right of way may be suspended or revoked at any time (upon a fourteen (14) day notice) for a public use of the right of way such as street, sidewalk or utility maintenance, sidewalk or street widening, public festivals or other event. All, or a portion of, outdoor dining shall be removed from the right of way during the permit suspension at the discretion of the City of Canal Winchester.
- K. A Special Right of Way Permit for outdoor seating in the public right of way may be revoked at any time (upon a fourteen (14) day notice) for failure to comply with the regulations set forth in Section 1161.04(3). Outdoor seating remaining in the public right of way after a notice to remove has been issued shall be in violation of Section 1135.10.
- L. In the event the outdoor seating is abandoned or not being utilized, the right of way shall be restored to the current condition.

(4) Supplemental Standards. The following supplemental standards shall apply within the Old Town Commercial District (OT-C):

- A. The height of a building shall not exceed any of the following: Forty (40) feet, or three (3) stories.
- B. Applicable standards shall be met in corresponding chapters of this Zoning Code.

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


DATE PASSED 8/20/18



 PRESIDENT OF COUNCIL

ATTEST Amanda M Jackson


 CLERK OF COUNCIL



 MAYOR

DATE APPROVED 8-29-18

APPROVED AS TO FORM:



 LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

Amanda M Jackson

 Finance Director/Clerk of Council