

CODIFIED ORDINANCES OF LANCASTER
PART ELEVEN - PLANNING AND ZONING CODE

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CHAPTER 1101
City Planning Commission

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| 1101.01 City Planning Commission established. | 1101.03 Powers and duties. |
| 1101.02 Organization; term; no compensation. | |

CROSS REFERENCES

- Planning Commissions - see Ohio R.C. Ch. 713
 - Powers and duties - see Ohio R.C. 713.02, 713.06
 - Planning Commission to be Platting Commission - see Ohio R. C. 713.03
 - Approval of plat required - see P. & Z. 1105.02
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1101.01 CITY PLANNING COMMISSION ESTABLISHED.

There shall be established a City Planning Commission in accordance with Ohio R.C. 713.01.
(1939 R.O., 9:04)

1101.02 ORGANIZATION; TERM; NO COMPENSATION.

The City Planning Commission shall consist of seven (7) members as follows: the Mayor, the Safety-Service Director, the president of the Board of Park Commissioners of the City or his/her designee, and four (4) citizens of the Municipality who shall serve without compensation and who shall be appointed by the Mayor for terms of six (6) years, except that the term of two (2) members of the first Commission shall be for three (3) years.
(Ord. 23-17. Passed 6-26-17.)

1101.03 POWERS AND DUTIES.

Whenever such Commission is appointed it shall have all the powers conferred in Ohio R.C. 735.15 and all the powers and duties conferred upon it by Ohio R. C. 713.02 to 713.14 and 713.21 to 713.27, inclusive, and all other Ohio R.C. sections appertaining thereto.
(1939 R.O., 9:04)

CHAPTER 1105
Subdivision Procedures

1105.01	Pre-application meeting.	1105.08	Review by City Engineer.
1105.02	Application for preliminary plat.	1105.09	Construction of improvements or performance guarantees.
1105.03	Submittal of minor subdivisions (“Lot splits”).	1105.10	Application for approval of final plat.
1105.04	Submittal of preliminary plat to Planning Commission.	1105.11	Action by Planning Commission.
1105.05	Action on preliminary plat by Planning Commission.	1105.12	Appeal of plat refusal.
1105.06	Application for final plat.	1105.13	Acceptance of public lands and improvements.
1105.07	Plans and specifications for site improvements.	1105.14	Recording of plat.
		1105.15	Definitions.

1105.01 PRE-APPLICATION MEETING.

Prior to preparation of a preliminary plan, an Owner/Developer is encouraged to meet with the City Engineer and Planning Commission to familiarize himself/herself with the provisions of this Code and other applicable requirements. The submittal of a concept or sketch plan for the proposed development, using plans for adjacent areas, existing aerial photographs and topographic information, is strongly recommended. (Ord. 5-01. Passed 2-26-01.)

1105.02 APPLICATION FOR PRELIMINARY PLAT.

(a) Upon determining to proceed with a preliminary plat, the Owner/Developer shall submit twenty (20) copies of the application for preliminary plat to the City Engineer, and one (1) copy of reduced size no larger than eleven inches (11”) by seventeen inches (17”), along with applicable fees as established by City Council in separate Ordinance.

(b) With ten (10) working days from receipt, the City Engineer shall review the submitted materials to determine completeness. If the application meets the submittal requirements as specified in Chapter 1113, the City Engineer shall certify such application to the Planning Commission, and proceed with review. If the application is found to be incomplete, the Owner/Developer shall be notified, and the submitted materials shall be so marked along with a citation of deficiencies. Fees as paid by the Owner/Developer shall be returned, however, a service fee to cover the costs of initial review may be charged.
(Ord. 5-01. Passed 2-26-01.)

1105.03 SUBMITTAL OF MINOR SUBDIVISIONS (“LOT SPLITS”).

(a) If, upon receipt of an application referenced in Section 1105.02 above, the City Engineer determines that the proposed subdivision of land meets the following criteria, and then it shall be classified as a minor subdivision:

- (1) Adjoins an existing public street and does not involve opening, widening, extension or improvements of any roadway or the installation of any public utilities, or new easements deemed necessary by the City Engineer to provide future public utility service, and
- (2) Creates no more than five (5) lots including the remainder, and
- (3) Does not adversely affect adjoining land, and
- (4) Complies with the requirements of Chapter 711 of the Ohio Revised Code and applicable zoning regulations of the City or other area within which it is located.

(b) No minor subdivision shall be approved that utilizes the width of a street at the terminus of such street as the required frontage for the minor subdivision.

(c) If the subdivision is considered as a minor subdivision, only such drawings and information as is determined necessary by the City Engineer to determine compliance with pertinent platting, zoning and other regulations need to be submitted for approval. At a minimum, the submitted material shall include a survey of the property by a registered Surveyor, a deed of the original tract, and a completed application form as provided for such purpose by the City Engineer.

(d) After determination that such action meets the criteria for a minor subdivision, the City Engineer shall, within ten (10) working days after submittal, approve or disapprove said minor subdivision by indicating upon the preliminary plan "Approved (Disapproved) Lancaster Planning Commission", or he/she may refer such submittal to the Planning Commission. In cases of approval or disapproval, one (1) copy of the preliminary plan, with such notation thereon, shall be retained for the files of the Planning Commission, and one (1) copy shall be retained by the Code Administrator. The decision of the City Engineer may be appealed in writing to the full Planning Commission with thirty (30) days from the date of the approval or disapproval.

(e) After approval of a minor subdivision, the Owner/Developer may submit a deed or deeds describing lots by metes and bounds, which shall conform to the approved preliminary plan. The City Engineer shall review such documents of conveyance to determine conformance with the preliminary plan as submitted. If such documents are in conformance, the City Engineer shall mark such deed or deeds "Approved, Lancaster Planning Commission, No Plat Required". Upon approval, the Owner/Developer shall pay all applicable fees to the city as established under separate Ordinance by City Council.

(f) If no action on a proposed minor subdivision is taken within thirty (30) days from submittal, then the minor subdivision shall be considered as approved by the Planning Commission. (Ord. 5-01. Passed 2-26-01.)

1105.04 SUBMITTAL OF PRELIMINARY PLAT TO PLANNING COMMISSION.

Upon certification to the Planning Commission pursuant to Section 1105.02 above, the City Engineer shall review the preliminary plat application and submit said application to other City departments and/or other entities as deemed appropriate for input. In addition, the City Engineer may seek the input of special consultants hired for the express purpose of providing input on particular issues. After review, the City Engineer shall submit the preliminary plat to the Planning Commission, along with a compilation of comments and inputs received from other sources and his/her recommendations for action. (Ord. 5-01. Passed 2-26-01.)

1105.05 ACTION ON PRELIMINARY PLAT BY PLANNING COMMISSION.

(a) The Planning Commission shall review and take action on the preliminary plat not later than thirty (30) days from submission of the preliminary plat to the Commission by the City Engineer, or within such further time as is agreed upon by the Owner/Developer. In reviewing the preliminary plat, the Planning Commission shall consider the recommendations of the City Engineer as provided pursuant to Section 1105.04 above.

- (b) A preliminary plat shall not be approved unless the Planning Commission finds that:
- (1) The provisions of the Ohio Revised Code, these regulations and other Codes of the City are complied with, and
 - (2) The subdivision can be adequately served with public facilities and services suitable under the specific circumstances, and

- (3) Land intended for building sites appears suitable for development and is not likely to be subject to peril from floods, erosion, continuously highwater table, poor soil conditions or other factors that have been objectively determined or can be reasonably expected to result in severe adverse developmental impacts; however, preliminary approval shall not be construed to imply or infer any warranty or assurance by the City that such hazards do not exist, or any liability thereof.

(c) The Planning Commission may approve, disapprove, or approve with modification the submitted plan. The grounds for the action on any submitted plat, including citation or reference for rules violated by the plat, shall be stated in the written record of the Commission. Any approval of a preliminary plat shall be effective for a period of two (2) years.

(d) In the event that modifications are required, a copy of the revised preliminary plat incorporating such modifications shall be completed by the Owner/Developer and submitted to the Commission for the permanent file.

(e) Approval of the preliminary plat shall confer upon the applicant the right for a two (2) year period from the date of approval that the general terms and conditions under which approval was granted will not be changed, and that within the two (2) year period, the whole, part, or parts of the preliminary plat may be submitted for final approval. Upon request by the Owner/Developer, the Planning Commission may consider an extension of such approval time, but in no case should such time period be longer than four (4) years.

(Ord. 5-01. Passed 2-26-01.)

1105.06 APPLICATION FOR FINAL PLAT.

Upon approval of the preliminary plat, an application for a final plat of land being subdivided shall be submitted by the Owner/Developer to the City Engineer. It shall incorporate all modifications required by the Planning Commission during approval of the preliminary plat, and otherwise conform to the preliminary plat as approved. The Owner/Developer may apply for a final plat covering that portion of an approved preliminary plat which he/she proposes to develop and record at that time, provided that such portion conforms to all provisions of these regulations. Nonetheless, all portions of the tract covered by the preliminary plat shall be developed within a two (2) year period, unless an extension of time is granted by the Planning Commission. (Ord. 5-01. Passed 2-26-01.)

1105.07 PLANS AND SPECIFICATIONS FOR SITE IMPROVEMENTS.

(a) Prior to action on a final plat by the Planning Commission, the applicant shall have Construction and Grading Plans, specifications and cost estimates of the required site improvements prepared by a Professional Engineer. The estimates shall be grouped according to the following:

- (1) Street and parking area improvements, including curb, pavement, sidewalks, street lighting;
- (2) Water mains, including lines, valves and hydrants:

- (3) Sanitary sewers, including manholes, “Ys”, “Tees”, and cleanouts.
- (4) Storm water drainage improvements, including conduits, structures, and grading and earthwork for ponds and open channels.
- (5) Site improvements, including seeding and sodding and erosion control.
- (6) Other site improvements as required by the Planning Commission in Section 1105.05 above.

(b) The applicant shall submit a minimum of eight (8) copies to the City Engineer, who shall distribute copies to local utilities, and other parties of interest, as applicable. The applicant shall provide copies of all engineering calculations performed during the process of preparing plans and plats. (Ord. 5-01. Passed 2-26-01.)

1105.08 REVIEW BY CITY ENGINEER.

The City Engineer shall review plans submitted pursuant to Section 1105.07 above, and, subject to his review, they shall be approved or returned with comments. The City Engineer may submit the plans for review by special consultants hired by the City for that purpose, if it is determined by the City Engineer that such review is warranted. The costs associated with such reviews shall be paid for by the Owner/Developer. (Ord. 5-01. Passed 2-26-01.)

1105.09 CONSTRUCTION OF IMPROVEMENTS OR PERFORMANCE GUARANTEES.

(a) The Owner/Developer may install, construct, have inspected and approved by the City Engineer specific site improvements as authorized by the City Engineer prior to submitting the application for approval of a final plat; however, actual public improvements to be dedicated to the City shall not be installed prior to approval of the final plat and construction plans. The Owner/Developer shall furnish satisfactory performance guarantees, pursuant to Chapter 1107, for the construction of such improvements.

(b) No lot, parcel or tract shall be transferred from the proposed development nor shall any construction work on such development, including grading, be started that may affect the arrangements of public streets or other public improvements until the owner has obtained the necessary approvals of the Construction and Grading Plans from the City Engineer. (Ord. 5-01. Passed 2-26-01.)

1105.10 APPLICATION FOR APPROVAL OF FINAL PLAT.

Application for approval of final plat shall be submitted in writing to the City Engineer, together with the tracing and ten (10) prints of the final plat, one (1) reduced copy no larger than 11” x 17”, and such other maps or data as required. The applicant shall submit all fees as applicable for a final plat, as established by City Council. The application shall be submitted within two (2) years after approval of the preliminary plat; otherwise, approval of the preliminary plat shall become null and void unless an extension is granted by the Planning Commission. Within ten (10) working days, the City Engineer shall review the application, and determine if such application is complete and if all applicable requirements of the Subdivision Regulations have been met. If he/she determines that all applicable requirements have been met, the City Engineer shall transmit the application to the Planning Commission at its next regularly scheduled meeting, which shall be deemed the date of submission of the final plat. (Ord. 5-01. Passed 2-26-01.)

1105.11 ACTION BY PLANNING COMMISSION.

(a) If the final plat as submitted to the Commission pursuant to Section 1105.10 above conforms to the provisions of the Ohio Revised Code and this Ordinance, and its consistent with the preliminary plat with such changes as required by the Planning Commission, and if satisfactory provisions is made regarding site improvements, and costs pursuant to Chapter 1107, the Commission shall take action on the final plat within forty-five (45) days from the date that the final plat is submitted, or within such further time as the Owner/Developer may agree to. The approval of the final plat shall be indicated in writing on the original tracing by the signature of the Chairman. Reasons for disapproval of a final plat shall be stated in the records of the Commission, including citations or references to the requirements or provisions of the applicable Ordinance(s) that are inconsistent with the final plat.

(b) If the Commission fails to act upon the final plat within the time allotted, the plat shall be considered as approved, and the certificate of the Planning Commission as to the date of the submission of the plat for approval, and the failure to take action thereon within such time, shall be issued on demand and shall be sufficient in lieu of the written endorsement or other evidence of approval. (Ord. 5-01. Passed 2-26-01.)

1105.12 APPEAL OF PLAT REFUSAL.

Within sixty (60) days after final plat denial, the Owner/Developer may file a petition in the Court of Common Pleas, in which he/she shall be named Plaintiff. The petition shall contain a copy of the plat sought to be recorded, a statement of the facts justifying the propriety and reasonableness of the proposed subdivision, and a prayer for an order directed to the Recorder of Fairfield County to record such plat. Such petition may include a statement of facts to support the claim that the rules and regulations of the Planning Commission are unreasonable and/or unlawful. The Planning Commission of the City of Lancaster and the Fairfield County Recorder shall be joined as Defendants, and summons shall be issued upon such Defendants as in civil action. This appeal shall proceed in accordance with the terms and conditions set forth in ORC Section 711.09. (Ord. 5-01. Passed 2-26-01.)

1105.13 ACCEPTANCE OF PUBLIC LANDS AND IMPROVEMENTS.

Within thirty (30) days after approval of the final plat by the Planning Commission, the City Engineer shall forward the plat to City Council for acceptance of the public rights-of-way and easements dedicated or granted thereon. Action of the City Council shall be by separate Ordinance, containing a statement authorizing the Clerk of Council to sign the plat and instructing him/her when such signing shall occur. (Ord. 5-01. Passed 2-26-01.)

1105.14 RECORDING OF PLAT.

(a) The final plat shall be filed and recorded by the Owner/Developer in the Office of the Fairfield County Recorder within sixty (60) days following signing of the final plat by the Clerk of Council of the City. If the Owner/Developer fails to file the plat within such period. The approval by the City Council shall be null and void. If any change is made in the final plat after approval of the Commission, the approval shall be null and void. After recording the final plat, transfer of ownership may take place.

(b) The Owner/Developer shall furnish the City with the original tracings and three (3) prints of the signed final plat, and the Construction and Grading Plans, containing indication of approval by all pertinent parties and the recording of the plat. The Owner/Developer shall also furnish to the City as-built plans and tracings of the approved construction and grading plans in a format acceptable to the City Engineer.
(Ord. 5-01. Passed 2-26-01.)

1105.15 DEFINITIONS.

For the purpose of these regulations, which shall be known as and may be cited as “City of Lancaster, Ohio Subdivision Regulations,” certain words used herein are defined as follows:

The word “person” includes a firm, associations, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense; the singular number includes the plural, and the plural number includes the singular number.

The word “shall” is a mandatory requirement; the word “may” is a permissive requirement, and the word “should” is a preferred requirement.

The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied”.

The word “lot” includes the words “plot” and “parcel”

* Abutting shall mean contiguous or separated there from only be a non-arterial street, alley or railroad right-of-way. In other instances, abutting shall mean contiguous.

* Alleys are minor ways, which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

* Anticipated Development is the full potential urbanization of the contributing watershed, considering the Future Land Use Plan and the reasonable assumption that in considering the effects of a proposed development in a floodplain area that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream or watercourse.

* Arterial Streets and Highways are those, which are used primarily for fast or heavy through traffic and may include parkway or special traffic way.

* Board of Park Commissioners is the Board of Park Commissioners for the City of Lancaster.

* Board of Zoning Appeals (BZA) is the Board of Zoning Appeals of the City of Lancaster.

- * Block is a piece or parcel of land entirely surrounded by public highways, streets, streams, railroads, parks, other physical features, exterior boundaries or the subdivision or combinations thereof.
- * Building is a structure, which is permanently affixed to the land, and has one or more floors and a roof and is bounded by either another building with a common party wall, open air, or the lot lines of a lot.
- * Building setback is the minimum distance between the property line and the outside wall of a structure or any enclosed projection thereof.
- * Building Sewer is the portion of the sanitary sewer between the sanitary wye and the structure.
- * Caliper is the diameter of a tree trunk measured at six (6) inches above ground level for a tree trunk having a diameter of four (4) inches or less and the diameter of the tree trunk measured at twelve (12) inches above ground level for a tree trunk having a diameter exceeding four (4) inches.
- * City Council is the City Council of the City of Lancaster.
- * City Engineer is the City Engineer of the City of Lancaster.
- * Code is the Codified Ordinances of the City of Lancaster.
- * Code Administrator is the person designated by the City of Lancaster to administer the zoning code.
- * Commission is the City Planning Commission, of the City of Lancaster.
- * Comprehensive Development Plan is a plan, or any portion thereof, adopted by the Planning Commission and approved by the Legislative Authority of the City of Lancaster, showing the general location and extent of present or proposed physical facilities including housing, industrial, and commercial uses, major streets, parks, schools and other community facilities. This plan establishes the goals, objectives, and policies of the community.
- * Comprehensive Master Plan is the Comprehensive Development Plan.
- * Construction and Materials Standards are the Construction and Materials Standards for the City of Lancaster as issued by the City Engineer. Where no City Standard exists, the Construction and Materials shall refer to the current State of Ohio Department of Transportation Construction and Material Specifications.
- * Covenant is a written promise or pledge.

- * Cul-de-Sac is a street with one end open to traffic and being permanently terminated at the other end by a vehicle turn-around; usually of relatively short length.
- * Curb Level is the mean level of established curb at the frontage of a lot. Where no curb has been established, the City Engineer shall establish such curb level or its equivalent.
- * Dead End Street is a street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- * Designated Residential Development Area is the area specifically designated for residential development by conditions imposed in a Planned Unit Development (PUD).
- * Developer is any individual, subdivider, firm association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.
- * Development of any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
- * Development Agreement is a written agreement between the Developer and the City of Lancaster specifying the terms and conditions of the construction of the development.
- * Double Frontage is frontage on two different streets except for corner lots.
- * Drip line is the periphery of the area underneath a tree, which would be encompassed by perpendicular lines extending from the exterior edges of the crown of the tree.
- * Easement is a specific piece or parcel of land granted by the owner for a specific purpose to the general public, corporation or person, within which the owner shall not erect any permanent structures but shall have the right to use the land subject to such easement. Easements usually are provided for sanitary sewer, storm sewer, ditches, water mains, electricity, natural gas, telephone, walks and drives, etc.
- * Engineer is a registered engineer authorized to practice Engineering in the State of Ohio.
- * Fill is the placement of materials, either natural or manmade in order to raise the surface elevation.
- * Final Plat is a plan or drawing of the subdivision and accompanying required data or information submitted by the Subdivider to the Planning Commission for final approval.
- * Freeway is a street designated as a freeway on the Major Street Plan.

- * Land Area is the area of the lot.
- * Land Coverage is the land area of a lot covered by building or buildings, except structural parking.
- * Land Use Plan is the Comprehensive Development Plan.
- * Landscaping is the unpaved area within a lot which contains grass, shrubs, flowers, ground cover, trees or native plant materials and which may include decorative fixtures such as rock, pools and planters.
- * Loading Berth, Off-Street is a space of at least 10 feet in width and 30 feet in length and having a vertical clearance of at least 14 feet, designed and located on a lot for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.
- * Lot is a portion of a subdivision or other parcel of land intended for the purpose whether immediate or future, of transfer of ownership or for building development.
- * Lot Frontage is the front of a lot and shall be constructed to be the portion nearest the street. For the purpose of determining set back requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.
- * Lot Line is any boundary of a lot.
- * Lot Measurement shall be as follows:
 - Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rear most points of the side lot line in the rear.
 - Width of a lot shall be considered to be the distance between straight lines connecting the front and rear lot lines at each side of the lot measured at the building setback line, provided, however, that the width between the side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width.
- * Lot of Record is a lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has so been recorded.
- * Maintenance Bond is a guarantee by the Owner/Developer for the workmanship and materials of all public improvements installed as part of the development for a one-year period equal to 10% of the construction costs.

- * Major Collector Streets are those which carry traffic from minor streets to the major systems of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
- * Major Street Plan is the Major Thoroughfare Plan.
- * Major Thoroughfare Plan is the Comprehensive Plan adopted by the City Planning Commission and approved by the Legislative Authority indicating the general location recommended for the arterial, collector, and local thoroughfares within the corporate limits of the City of Lancaster and/or areas that may annex to the City of Lancaster.
- * Marginal Access Streets are minor streets that are parallel or adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
- * Minor Streets are those that are used primarily for access to the abutting properties.
- * Minor Subdivision is a division of a parcel of land that does not require a plat to be approved by a planning authority according to Section 711.131, Ohio Revised Code.
- * Monument is a permanent concrete or iron pin marker used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary lines, corners and points of change in street alignment.
- * Municipal Arborist is the Municipal Arborist of the City of Lancaster
- * Owner is any individual, subdivider, firm association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision or land hereunder for himself or for another.
- * Parking Space, Off-Street is a space on a lot intended and reserved for the parking of a motorized vehicle.
- * Performance Assurance is an agreement by a sub divider or developer with the City for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the Developer's agreement. In lieu of completion for all or part of the improvements as specified prior to the approval of the final plat, the developer shall provide a bond, executed by a surety or sureties, or a letter of credit, or an Escrow Agreement for all or part as agreed upon, satisfactory to the Planning Commission, or a certified check guaranteeing completion of the improvements within two (2) years or agreed upon by the Planning Commission. This bond or check shall be in an amount equal to the estimated cost of completing the improvements.

- * Permit to Install is the Permit to Install issued by the Ohio Environmental Protection Agency to the developer or the City for any of the subdivision improvements including but not limited to water systems, wastewater systems, storm systems, air pollution control systems or solid and hazardous waste systems.
- * Planned Unit Development is a discretionary type of development for a tract of land under single ownership or control, based upon an approved development plan permitting flexibility of principal land uses, lot sizes, and accessory uses not otherwise available under conventional development standards.
- * Planning Commission is the Lancaster City Planning Commission (LCPC).
- * Plat is the map, drawing, or chart on which the Developer's final plans or subdivision is presented to the City Planning Commission and City Council for approval, and after such approval, to the County Recorder for recording.
- * Preliminary Plat is a map, drawing, or plan of the layout and design of a proposed subdivision submitted by the Subdivider to the Planning Commission for consideration and tentative approval.
- * Public Improvement is the installation, rehabilitation or repair of streets, water lines, and appurtenances, sewer lines, appurtenances, drainage structures, ponds, and channels or any other facility to be used and maintained by the City of Lancaster for the benefit of the citizens.
- * Public Street is an alley, avenue, boulevard, circle, court, drive, expressway, freeway, highway, lane, parkway, place, road, street, or way on which the general public or public entity have a right, or which are dedicated whether improved or not.
- * Public Way is an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways which the general public or public entity have a right, or which are dedicated whether improved or not.
- * Reserve Strips are parcels of land situated so as to control access to streets.
- * Reverse Frontage is the second frontage on a minor street of a lot that also has frontage on an arterial or major collector street.
- * Right-of-Way is a strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalk, lighting, and drainage facilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

- * Setback is a horizontal distance determining the location of a building with respect to a street, use district boundary line, or another use. Where the term “setback” is used in conjunction with a modifying work or words such as “parking area”, the setback shall in its application, include but not be limited to, buildings.
- * Sketch Plan is a preliminary drawing of a subdivision showing the number of lots and the proposed street layout.
- * Standard Plans are the Standard Construction Drawings of the City of Lancaster as issued by the City Engineer, along with any general notes or design standards.
- * Standard Specifications are the Construction and Material Specifications of the City of Lancaster as issued by the City Engineer.
- * Street yard is the minimum required yard abutting a public street or the area of a lot contained between the minimum required building setback line and an abutting public street.
- * Sidewalk is that portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic. See “Walkway”.
- * Street means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land place, or however otherwise designated.
- * Structure is anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, and includes buildings, walks, fences, and signs.
- * Subdivider is a person, firm, partnership, association, or corporation undertaking the subdividing or re-subdividing of a lot, tract, or parcel of land.
- * Subdivision means:
The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or

The improvement of one or more parcels or land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except a private street serving an industrial structure; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

* Surveyor is a registered land surveyor authorized to practice surveying in the State of Ohio.

* Thoroughfare Plan is the Comprehensive Thoroughfare Plan.

* Tree is a woody plant having one or more defined stems or trunks and as set forth within a list of trees certified by the Urban Forester of the City and adopted by resolution of the Planning Commission.

* USGS is the United States Geological Survey.

* Variance is a relaxation of a restriction of the Code, granted by the Planning Commission where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition or circumstance of a particular property, the literal enforcement of the Code restriction would result in unnecessary hardship.

* Vicinity Map is a drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the Fairfield County in order to better locate and orient the area in question.

* Watershed is the drainage basin in which the subdivision drains or that land whose drainage is affected by the subdivision.

* Walkway is a dedicated public way for pedestrian use only.

* Water Service is the portion of the water system between the corporation stop and the structure. The portion of the service between the corporation stop and the curb box shall be maintained by the City.

* Yard is an open unoccupied space on a lot between a building and a lot line.

* Wellhead Protection Zone is an area designated as within the one-year or five-year time of travel area for the public water supply for the City of Lancaster.

* Zoning is the Zoning Code of the City of Lancaster.
(Ord. 5-01. Passed 2-26-01.)

CHAPTER 1107
Obligations of Developer and City

1107.01 Required improvements.
**1107.02 Obligations of owner/
developer.**

1107.03 Costs to be shared by the City.

1107.01 REQUIRED IMPROVEMENTS.

The Owner/Developer who desires to subdivide or develop any land subject to the Subdivision Regulations shall provide and pay the entire cost of improvements to such land as follows:

- (a) Streets and parking areas, graded full width and paved, including drainage structures, bridges, sidewalks, curbing and other improvements as shown on the City Standard Plans and Specifications;
- (b) Sanitary sewers, including manholes, services and all appurtenances;
- (c) Water distribution system including mains, services, valves, fire hydrants and all appurtenances;
- (d) Storm drainage improvements, including both enclosed and non-enclosed systems, as well as all appurtenances to such systems;
- (e) Monuments, stakes and property pins;
- (f) Street signs designating the name of each street at each intersection within the development and other traffic control signage as determined necessary by the City Engineer.
- (g) Street lighting including poles, underground conduits and appurtenances;
- (h) Utilities including natural gas, electric, telephone and cable television services;
- (i) All other improvements shown on the plans as approved by the City.

The Owner/Developer shall provide for the future extension of streets and water, sanitary sewer and storm drainage lines from his/her site to adjacent property as deemed necessary by the Planning Commission, upon recommendation of the City Engineer.
(Ord. 5-01. Passed 2-26-01.)

1107.02 OBLIGATIONS OF OWNER/DEVELOPER.

The Owner/Developer of the land being developed shall be subject to the following obligations:

- (a) All construction work and materials used in connection with improvements shall conform to the requirements of the City and be installed under the general supervision of the City Engineer. The Owner/Developer shall be responsible for the payment of all fees incurred by the City pertaining to inspection of the improvements.
- (b) The Owner/Developer, or his agent, shall give three (3) working days notice to the City Engineer for any inspection to be conducted. The Owner/Developer shall also insure that no work shall be covered or obscured prior to inspection by the City Engineer or his/her agent.
- (c) The Owner/Developer shall hold the City free and harmless from any and all claims for damage of every nature arising or growing out of the construction of improvements or resulting from improvements and shall defend, at his own cost and expense, any suit or action brought against the City by reason thereof;
- (d) All improvements and utilities will be satisfactorily installed within one (1) year from the date of approval of the Construction Plans or within such other time schedule as specifically approved by the Planning Commission.
- (e) As an alternative to the construction and approval of the required public improvements prior to recording the final plat, an acceptable performance assurance equal to one hundred percent (100%) of the estimated cost of all required improvements, as approved by the City Engineer, shall be deposited with the City. Such performance assurance shall consist of one of the following:
 - (1) A performance or construction bond equal to the estimated construction cost as approved by the City Engineer for the public improvements. Such bond shall be without time limit;
 - (2) A certified check equal to one hundred percent (100%) of the estimated construction cost as approved by the City Engineer for the public improvement; or
 - (3) Subject to the approval of the chief fiscal officer of the City, a certification to the City by the institution, person or corporation financing the construction of the public improvements. Such certification shall consist of a subdivision bond, irrevocable letter of credit, or escrow account in favor of the City, stipulating that the funds in the amount of the estimated construction cost are available and set aside from all other funds.
 - A. That these funds will not be released to the Owner/Developer, or their agent, unless said release is signed by the City;
 - B. That such release by the City only certifies that as best as the City can determine, the construction was completed to the City's satisfaction and does not relieve the Owner/ Developer of the City's maintenance guarantee requirement;
 - C. That ten (10%) of all monies released will be placed in an escrow account for use by the City should there be cause for the City to have to finish any work through the default, neglect or negligence of the Owner/Developer, or their agents;
 - D. That only the City shall have the right to release the funds in the escrow account; and

- E. That acceptance of the public improvements by the City and the posting of the one (1) year maintenance guarantee shall constitute release of the funds in the escrow account lacking any formal release by the City.
- (f) All permits and approvals shall be obtained and all fees and deposits paid prior to beginning any construction of any improvements;
 - (g) During construction and prior to acceptance of any public improvements, the Owner/Developer shall remove or cause to be removed such dirt and debris and foreign matter from all public rights of way, improvements and/or easements as were deposited, left or resulted from the construction of improvements of any nature within the development. Such removal shall take place within twenty-four (24) hours after being notified by the City that such work is required, and shall be completed to the satisfaction of the City Engineer.
 - (h) All public improvements shall be guaranteed by the Owner/Developer for a period of one (1) year from the date such improvement is accepted, in writing, by the City Engineer. Such guarantee shall consist of a maintenance bond, certified check or other acceptable instrument, for ten percent (10%) of the total cost of the improvements. Such guarantee shall include any and all defects and deficiencies in workmanship and materials. The cost of all labor, materials, equipment and other incidentals required to maintain, repair and replace any or all such improvements and to maintain them in good and proper condition, excluding ordinary wear and tear, but including filling trenches, restoring lawns, sidewalks, yards, streets, sewers, pipe lines, restoring hydraulic capacity in drainage channels and basins, etc. during the one (1) year guarantee period shall be assumed by such Owner/Developer. In the event the Owner/Developer fails to make such maintenance, repairs or replacements within a reasonable time after notice in writing by the City, or in the event of an emergency which may endanger life or property, the City may make or cause to be made, such repairs or replacements from the above guarantee.
 - (i) The Owner/Developer shall execute a development agreement with the City, specifying the terms and conditions required under this Section of this Ordinance. The City Engineer and Law Director shall approve such development agreement,
 - (j) The Owner/Developer shall furnish to the City final plats and as-built tracings of the construction drawings, pursuant to Section 1105.14.
 - (k) No person or owner shall violate any of the regulations established in this Section and, upon violation, the City shall have the authority to:
 - (1) Stop all work on the development site forthwith;
 - (2) Hold the bonding company responsible for the completion of the public improvement according to the approved construction drawings and the agreement. (Ord. 5-01. Passed 2-26-01.)

1107.03 COSTS TO BE SHARED BY THE CITY.

In consideration for the agreement by the Owner/Developer of the land being developed to install utilities and/or streets to sizes and configurations in excess of the needs of the land being developed, the City shall share in the cost of the excess size and configuration of the utilities and/or streets as stipulated herein:

- (a) A utility or street shall be considered excessive to needs of the land being developed when any of the following conditions exist:
- (1) The City specifically requires a greater width, size or configuration of the street for the purpose of meeting the future needs of the City, unrelated to the need of the land being developed as provided for a comprehensive or thoroughfare plan, or similar study, as adopted by City Council;
 - (2) There is additional pavement width and depth and/or additional length of storm sewers and other improvements required for all thoroughfares;
 - (3) The City requests that a water line be more than eight (8) inches in diameter, when such size is not required to meet the needs of the land being developed;
 - (4) A sanitary sewer line is more than ten (10) inches in diameter, unless this size is required for the land being developed by reason of grade or trench loading requirements of the land being developed, or because of anticipated sewerage flows from the land being developed;
 - (5) Other conditions warrant cost sharing and such conditions are approved by City Council.
- (b) The City shall share in the cost of improvements by:
- (1) Paying for all the material costs only for the size difference of the waterline, sanitary sewer pipe and the appurtenances thereto between what is required for the land being developed and what is excessive to the needs of the land being developed;
 - (2) Paying for all materials F.O.B. the plant, factory, supply depot or warehouse for such other improvements that are excessive to the land being developed;
- (c) Nothing in this section shall be interpreted, read or construed to obligate the City for expenses incurred by the owner, developer, contractor, subcontractor or other persons because of:
- (1) Equipment or labor cost due to the over sizing or increased depth of waterlines or sewers;
 - (2) Equipment, labor or material cost due to improperly and/or unacceptable installed improvements including the removal and replacement therefore; or
 - (3) Any improvements installed prior to the approval of the cost sharing by the City.
- (d) Upon approval by Planning Commission of the preliminary plat for the land being developed, the following procedure shall be followed:
- (1) The City Engineer shall identify all improvement eligible for cost sharing, and shall estimate the cost of the City's portion of such improvements;
 - (2) If applicable, an ordinance shall be submitted to Council for approval, appropriating funds to cover the City's portion;
 - (3) Upon completion and acceptance of the work and quantities thereof the City Engineer shall certify the costs to the chief fiscal officer of the City.
- (e) Failure of the Owner/Developer of the land to provide the City Engineer with copies of billings, invoices, contracts, agreements or such other evidence of construction costs, as the Engineer deems necessary within six (6) months of completion and acceptance of the improvements by the City, shall constitute just cause to declare the City's agreement to cost share as provided herein null and void and no reimbursement shall be made or monies paid without reapproval by Council. (Ord. 5-01. Passed 2-26-01.)

CHAPTER 1109
Minimum Design Standards and Requirements

1109.01	Conformity with requirements.	1109.06	Streets.
1109.02	General subdivision design.	1109.07	Lots.
1109.03	Land not suited for development.	1109.08	Sanitary sewers.
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1109.05	Surface runoff and storm drainage.	1109.10	Underground utilities and street lighting.
		1109.11	Street trees.
		1109.12	Public sites and open space.
		1109.13	Monuments.

1109.01 CONFORMITY WITH REQUIREMENTS.

The design standards and requirements of this chapter shall apply to all subdivisions of land as defined in Chapter 1105.

- (a) Conformity with City Standards. All public improvements undertaken in any subdivision shall conform to the standards of this Chapter and the City Standard Plans and Specifications.
- (b) Conformity with Zoning and Plans. No final plat of land within the area in which an existing zoning code or resolution is in effect shall be approved unless it conforms with such code or resolution. The design of a proposed subdivision shall be in general conformity with adopted land use and/or comprehensive master plan(s) prepared by the City for the area.
(Ord. 5-01. Passed 2-26-01.)

1109.02 GENERAL SUBDIVISION DESIGN.

The development of the subdivision shall be based on an analysis of environmental characteristics of the site. To the maximum extent possible, development shall be located so as to preserve the natural features of the site, avoid areas of environmental sensitivity, and minimize negative impacts on and alteration of natural features. The following specific areas shall be preserved as undeveloped open space, to the extent consistent with reasonable utilization of the land, in accordance with other applicable state or local regulations:

- (a) Wetlands, as defined in Section 404, Federal Water Pollution Control Act Amendments of 1972, subject to field verification by the U.S. Army Corps of Engineers, or other agency authorized to make such determinations;
- (b) Significant trees or wooded areas, defined as the largest known individual trees of each species in the state, large trees approaching the diameter of the known largest trees or species or groups of trees that are rare to the area or of particular horticultural or landscape value;
- (c) Lands subject to flooding, pursuant to Section 1109.03 below;
- (d) Slopes in excess of fifteen percent (15%) unless appropriate engineering methods are employed to address erosion, stability and resident safety;
- (e) Historically significant structures and/or sites, as listed on, or eligible for inclusion, on the National Register of Historic Places;
(Ord. 5-01. Passed 2-26-01.)

1109.03 LAND NOT SUITED FOR DEVELOPMENT.

If the Planning Commission finds that the land proposed for subdivision development is unsuitable due to flooding, poor drainage, topography, unsuitable soils, inadequate public facilities, and/or other condition that may be detrimental to the general health, safety or welfare of the public, and if it is determined that the land should not be developed for the purpose proposed, the Planning Commission shall not approve such subdivision unless adequate methods are proposed by the Owner/Developer for alleviating the problems that would be created by development of the land.

- (a) Land Subject to Flooding. The subdivision of land or lands within areas subject to flooding, as specified in Chapter 1331 of the Codified Ordinances, shall be subject to the standards and regulations of those Ordinances, and shall in addition, be subject to the following requirements:
 - (1) No subdivision or part thereof shall be approved if the proposed subdivision development will, individually or collectively, significantly increase flood flows, heights or damages.
 - (2) No subdivision, or part thereof, shall be approved unless it complies with the Flood Hazard Regulations found in Chapter 1311.
 - (3) When the Planning Commission determines that the only part of a proposed plat can be developed in compliance with these requirements, it shall limit development to only that portion, and shall require that the method of development is consistent with its determination.
 - (4) The Planning Commission may attach other reasonable conditions as is appropriate to the approval of plats within areas subject to flooding. Such conditions may include, but are not limited to, requirement for the construction of dikes, levees or other similar measures, or flood proofing of structures, as recommended by the City Engineer.
(Ord. 5-01. Passed 2-26-01.)

1109.04 EROSION AND SEDIMENTATION CONTROL.

(a) Measures shall be taken by the Owner/Developer to minimize erosion and its impacts during subdivision construction activity. The City Engineer may require detailed erosion and sedimentation plans to be submitted if it is determined that the size and/or scale of the proposed subdivision warrants such action. Generally, such a plan shall be required for major subdivisions comprising more than five (5) lots or more than one (1) acre. Such plans shall be prepared by a Professional Engineer, and indicate the techniques to be used to control erosion both during construction and permanently, and include a schedule for installing same. Erosion control plans shall be based on the control of erosion on-site, with the objective of eliminating or minimizing erosion and sedimentation impacts off-site. Techniques, devices and/or measures used shall be reviewed and approved by the City Engineer.

(b) All erosion and sedimentation control devices shall be in place at the start of construction activity and to be maintained during construction until such time as a permanent grading and seeding is established. (Ord. 5-01. Passed 2-26-01.)

1109.05 SURFACE RUNOFF AND STORM DRAINAGE.

(a) Outlets. The Planning Commission shall not approve any subdivision unless there is an adequate outlet for storm water as determined by the City Engineer. Generally it will be necessary to pipe stormwater to an adequate watercourse, stream or existing storm system which has the capacity to accommodate the flow, or to utilize acceptable on-site water retention methods adequate to minimize excessive off-site storm water flows.

(b) Preservation of Natural Drainage Courses. No natural drainage course shall be altered and no fill, building or structures shall be located within such drainage course unless provision is made for the flow of surface water, in a manner satisfactory to the City Engineer. An easement shall be provided on both sides of the existing surface drainage course adequate for the purpose of future widening, deepening, enclosing or otherwise improving said drainage course. If such drainage course crosses private property, easements must be obtained by the Owner/Developer for construction and future maintenance. These easements must be shown on the Construction Plans, including the volume and page number of recorded easement.

(c) Surface Routing Paths. Generally, it is not economically feasible to size a storm drainage system to collect and convey more than frequent storm runoff. The complete drainage system of a proposed subdivision shall contain two (2) separate drainage elements. Storm sewers comprise the initial system. Surface routing paths shall be provided to carry the storm water runoff, which exceeds the capacity of the initial system. The system of surface routing paths shall have the capacity to carry runoff from a storm with a return period of not less than one hundred (100) years, without causing significant threat to property or public safety.

(d) Grades. All surface areas not covered by hard surface improvements or stone shall be seeded or sodded and sloped to drain according to the following:

- (1) Grass areas shall have a minimum slope or grade of eight tenths of one percent (0.8%)

- (2) Grass areas next to buildings shall slope away from the building at not less than five percent (5%) for a minimum of ten (10) feet.
- (3) Ditches or swales in grassed areas with a design velocity between three and five feet per second (3-5 fps) shall be sodded. Ditches or swales with a design velocity greater than five feet per second (5 fps) shall have a paved or stone gutter. Under drains shall be required in ditches or swales with bottom grades of less than two percent (2%).

(e) **Submittal of Drainage Data.** Information and data pertaining to water volumes and velocities for all water sheds entering and on the property, along with calculations to show that proposed drainage improvements will adequately address such flows, shall be submitted to the City Engineer along with required Construction and Grading Plans. A Professional Engineer shall approve such drainage data. Storm drainage systems shall generally be designed so that the peak rate of storm water runoff from the site after development, does not exceed the peak rate of runoff before development; however, the City Engineer may grant administrative exceptions to this requirement when specific conditions warrant such action. The methods and techniques proposed to address surface runoff shall be designed to accommodate the design frequency storm and shall be consistent with storm water design criteria established in the City's Stormwater Design Manual.

(f) **Culverts.** All culverts shall be constructed of concrete, and shall have the appropriate headwalls and other structures and improvements to protect the facility, as determined by the City Engineer. The design of the culverts shall be as stipulated in the City's Stormwater Design Manual. (Ord. 5-01. Passed 2-26-01.)

1109.06 STREETS.

(a) **General.** The arrangement of streets shall generally conform to the thoroughfare Plan for the City. For streets not indicated on the Thoroughfare Plan, the arrangements shall provide for appropriate extensions of existing streets.

(b) **Classification, Street Widths and Street Grades.** The arrangement and classification of all streets in newly developed areas shall conform to the Thoroughfare Plan. The City Engineer shall make the final determination as to the classification of any new street, based on the potential development of the site, and its potential traffic volume, expressed in ADT (Average Daily Traffic), the character of the surrounding area, and the Thoroughfare Plan. Rights-of-way, pavement widths and street grades shall be as specified by the Thoroughfare Plan and the City's Design Standards.

(c) **Alignment.**

- (1) The street pattern shall make provision for the continuance of streets into adjoining areas and for the connection to existing rights-of-way in adjacent areas.
- (2) If a subdivision adjoins or contains an existing or proposed arterial or major collector street, direct access points to such street shall be minimized. The Planning Commission may require marginal access streets or reverse frontage lots with a reserve strip of a minimum width of twenty feet (20') on the rear of those lots abutting the street, and no vehicular access across the strip.

- (3) If a subdivision adjoins an existing or proposed arterial or major collector street, the Planning Commission may require the construction of separate turn lanes on such streets into the proposed subdivision.
- (4) Local streets shall be laid out so as to discourage use by through traffic.
- (5) Streets shall intersect one another at ninety (90) degrees, or as near to ninety (90) degrees as possible, but in no case less than seventy-five (75) degrees. The intersecting street must remain within these degree parameters for a distance of not less than one-hundred feet (100') from the intersection.
- (6) Street jogs shall be discouraged. Where such jogs are unavoidable, in no case shall the centerlines be offset by less than 125 feet.
- (7) The maximum length of a cul-de-sac shall be 600 feet, measured from the centerline of the intersecting street to the middle of the turn around.
- (8) Half width streets shall be prohibited.
- (9) Reserve strips controlling access to streets shall be prohibited except where the control of the access strip is placed solely with the City under conditions approved by the Planning Commission.
- (10) Subdivisions should provide a minimum of two (2) access points to existing streets. Where it is not possible to provide a second access, a boulevard style entrance or emergency access shall be provided.

(d) Dedication. The necessary rights-of-way for widening or extensions of all thoroughfares, as delineated in the City Street Design Standards as issued by the City Engineer, shall be dedicated to public use. When a subdivision fronts on an existing City street, or County or Township road, dedication shall be made to the proper authority.

(e) Blocks. Blocks shall not exceed 1,200 feet in length except where specific topographic conditions require a greater length.

(f) Street Names. The names of new streets shall not duplicate names of existing dedicated streets except that new streets which are extensions of existing streets shall bear the names of such existing streets. All new roadways shall be named according to the following manner:

DIRECTION	* SHORT STREETS	LONG STREETS
North/South	Place	Street
East/West	Court	Avenue
Diagonal	Way	Road
Curving	Lane or Circle	Drive

* Less than 1,000 feet

(g) Curbs, Gutters and Sidewalks. Curbs, gutters, sidewalks, and wheelchair ramps shall be required in all subdivisions except those within the Residential Estate District (RE). In no case shall a certificate of occupancy be granted for a building within a new subdivision where sidewalks are required, until such sidewalks on the lot are constructed and approved. All sidewalks within the subdivision shall be constructed not later than six (6) months after such time when eighty percent (80%) of the lots in the subdivision have been developed.

(h) Driveways.

- (1) All driveways shall be at least three feet (3') from the side lot line.
- (2) No driveway shall be approved providing direct access from a single or two family residential lot to a street designated on the Thoroughfare Plan as an arterial or major collector street, except where no alternative access is available. (Ord. 5-01. Passed 2-26-01.)

1109.07 LOTS.

(a) All lots shall have the required frontage on an improved public street or an approved private street.

(b) Lots in subdivisions located within the City of Lancaster shall meet the dimension and area requirements of the zoning district in which such subdivision is located. Residential lots that are located outside the zoning authority of the City of Lancaster but within the subdivision jurisdiction of this Ordinance shall conform to the zoning requirements of the jurisdiction in which they are located. All lots shall also meet the following requirements:

- (1) All residential lots shall be approximately rectangular in shape, and should not have a depth in excess of three (3) times their width, except where extra depth is necessary due to topography and/or natural conditions, or to meet other requirements of the Subdivision Regulations.
- (2) Double frontage and reverse frontage lots should be avoided, except where required to provide separation from arterial streets, or to overcome specific conditions of topography and/or orientation. In such cases, an easement or reserve strip shall be provided along the rear lot line across which there shall be no vehicular access.
- (3) Whenever possible, residential subdivisions shall be designed so that corner lots have a larger area than interior lots.
- (4) Whenever possible, side lot lines should be at right angles or radial to street lines.
- (5) Necessary easements shall be provided along side and rear lot lines for utility lines and storm water drainage.
- (6) Easements shall be provided on both sides of any open drainage course, for the purpose of widening, deepening or general maintenance. Such easements shall be a minimum of ten feet (10') on both sides, or the total width required to maintain surface routing paths pursuant to Chapter 1109.05 above, whichever are greater. In no case shall a fence or any other obstruction be constructed on this easement. (Ord. 5-01. Passed 2-26-01.)

1109.08 SANITARY SEWERS.

(a) Sanitary sewers should be designed to maintain a minimum velocity of two feet (2') per second. The design of the overall system shall be in conformance with the requirements of the City Standard Specifications, City Ordinance, City Design Standards, the Ohio Environmental Protection Agency (OEPA), the Ohio Department of Health and Recommended Standards for Wastewater Facilities (Great Lakes – Upper Mississippi River Board of State Public Health and Environmental Managers: 1990) as may be subsequently updated or amended.

(b) Sanitary sewer lines should be located in the street right-of-way, except under special conditions, when this requirement may be waived by the Planning Commission, upon recommendation by the City Engineer. In such cases, an easement of a width determined by the City Engineer shall be provided for perpetual maintenance.

(c) Only under circumstances of extreme hardship shall sewage lift stations, sewage grinder pumps or individual household sewage disposal systems be permitted in subdivisions established after the effective date of the Subdivision Regulations. Such systems shall only be permitted with the approval of the Planning Commission, upon recommendation of the City Engineer. The Owner/Developer shall be responsible for all costs associated with the pump or lift station until such time that fifty percent (50%) of the lots in the subdivision are developed. Pump or lift stations shall meet the requirements of the City's Design Standards.

(d) Minimum line size shall be eight inches (8"). Downstream sewer pipe sizes shall be greater than or equal to the upstream size unless otherwise approved by the City Engineer. If larger pipe sizes are required to accommodate future growth, the City may participate in the costs associated with the larger sizes, in accordance with Section 1107.03.
(Ord. 5-01. Passed 2-26-01.)

1109.09 WATER LINES.

(a) Water lines shall be designed, sized and constructed so as to be in conformance with the City Standard Specifications and City Design Standards. Fire hydrants shall be located, so that adequate fire flow to each structure, based on the current guidelines of the Insurance Services Office (ISO) can be met, but, no case shall be more than three hundred and fifty (350) feet, or as required by the City Fire Department.

(b) Water lines should be located within the street right-of-way, except under special circumstances, when this requirement may be waived by the Planning Commission.

(c) The standard minimum size of the water main shall be eight inches (8"). If larger line sizes are required to accommodate future growth, or to provide for fire flows in excess of those required for the proposed development, the City may participate in costs for the size increase, in accordance with the procedures of Section 1107.03.

(d) Minimum cover for water lines shall be forty-two inches (42"). Water mains shall be laid so that at least ten feet (10') of horizontal distance and eighteen inches (18") vertical distance is maintained between the water main and sewer line. In cases where ten feet (10') of horizontal distance cannot be maintained, such as a crossing, the vertical distance shall be maintained and such sewer lines shall be constructed of water line material. At crossings, one full length of water pipe should be used so both joints will be as far away from the sewer line as possible. (Ord. 5-01. Passed 2-26-01.)

1109.10 UNDERGROUND UTILITIES AND STREET LIGHTING.

(a) Underground utilities shall be required for subdivisions within the subdivision jurisdiction of the City of Lancaster unless a variance is received from Planning Commission.

(b) Street lights shall be required for all subdivisions within corporate boundaries of the City of Lancaster, and for all subdivisions where the total number of residential lots exceeds ten (10), or where the lots average one hundred feet (100') or less of frontage, as shown on the preliminary plat.

(c) Street lights and all appurtenances shall be installed by the Owner/Developer, and shall be of a type acceptable for cost effective service by the electric utility currently providing service to the City.

(d) Illumination for street lights shall be uniform and shall follow the recommendations of the current Illuminating Engineering Society (IES) Handbook. Generally, street lights shall be located no less than two hundred (200') feet nor more than three hundred and fifty (350') feet apart. Lights shall be placed within two hundred (200') feet from the closed end of each cul-de-sac, and at each intersection. (Ord. 5-01. Passed 2-26-01.)

1109.11 STREET TREES.

(a) Street trees shall not be planted in the right-of-way of any public street, unless the Planning Commission grants specific approval. Such approval by the Planning Commission shall be based on a master landscaping plan as reviewed and recommended by the Municipal Arborist.

(b) Trees planted in the right-of-way of any other street shall not be planted in any location where the City Engineer determines that such placement would create a safety hazard. In no case shall a street tree be planted within fifty feet (50') from an intersection, within thirty feet (30') from any alley approach, or ten feet (10') from any driveway approach.

(c) The following species of trees shall not be used for street trees in new subdivisions:

- | | |
|-------------------|---------------------------------|
| 1. Silver Maple | Acer saccharinum |
| 2. Box-Elder | Acer negundo |
| 3. Horse Chestnut | Aesculus hippocastanum |
| 4. Tree of Heaven | Ailanthus altissima |
| 5. Birches | Betula sp. (except River Birch) |
| 6. Evergreen | Conifer |
| 7. Catalpa | Catalpa bignonioides |

8. Mulberry	Morus sp.
9. American Sycamore	Plantanus occidentalis
10. Poplar, Aspen, Cottonwood	Populus sp.
11. Bradford Pear	Pyrus calleryana "Bradford"
12. Black Locust	Robina pseudoacacia
13. Willows	Salix sp.
14. European Mountain Ash	Sorbus aucuparia
15. Siberian Elm	Ulmus pumila

(d) Any portion of any tree that extends over the curb line shall be maintained to a minimum of fifteen feet (15') from the top of limb to lowest point on portion extending over the curb, and a minimum of eight feet (8') from the sidewalk to the lowest portion of the tree extending over such sidewalk. (Ord. 5-01. Passed 2-26-01.)

1109.12 PUBLIC SITES AND OPEN SPACE.

(a) Required Dedication or Reservation. Where a proposed park or school site, as shown on a land use adopted by City Council, is located in whole or in part within a proposed subdivision, the Planning Commission may require the following:

- (1) The dedication to the public of part or all of the proposed site and/or
- (2) Reservation of the site for a period of up to three (3) years to enable acquisition by the appropriate agency or entity.

(b) Minimum Dedication Requirements. In all subdivisions or developments which result in additional dwelling units within the City, the Owner/Developer shall be required to dedicate land to public sites and open space without compensation or to pay an amount equal to the value defined herein, of such land to the Board of Park Commissioners for the purpose of developing public sites and open space. The amount of land to be dedicated by the Owner/Developer shall be determined according to the following formula:

$$\text{Acres of Land for Dedication} = \text{Total Population} \times .005$$

The total population of any subdivision will be determined by:

- (1) Determination of a population factor for each dwelling unit in the subdivision
- (2) Summation of all population factors for each dwelling unit in the subdivision.

The population for each dwelling unit shall be as follows:

Single-Family Dwelling	3.0
One Bedroom Multiple Family	1.5
Two Bedroom Multiple Family	2.0
Three Bedroom Multiple Family	3.0

(c) Modifications to Requirements. The Planning Commission, in conjunction with the Board of Park Commissioners may modify the requirements as specified above when the Owner/Developer has shown that at least one of the following conditions exist:

- (1) The development will house a population substantially lower than that established above.
- (2) The development will have a low need for parks and recreation services.
- (3) The unique or special characteristics of the project that justify modification of these requirements can be reasonably expected to continue for the life of the project.

(d) Fee in Lieu of Dedication.

- (1) The Planning Commission, in conjunction with the Board of Park Commissioners, shall determine if land proposed for public sites and/or open space is suitable and desirable for such purpose. If it is determined that the land is not suitable for such purposes, the Owner/Developer shall pay a fee-in-lieu of land dedication to the Board of Parks Commissioners, for the purpose of developing other sites or open spaces.
- (2) The amount of such fee shall be determined by the following formula:
Fee = Amount of Land to be Dedicated (Acres) x Fair Market Value/Acre
- (3) The Board of Park Commissioners shall determine the fair market value, based on the average of sales of raw acreage during the past twelve (12) months within the City of Lancaster. All fees paid under the provisions of this Section shall be deposited with the Lancaster City Treasurer's Department in a fund titled **City of Lancaster Public Sites and Open Spaces**. Such funds shall be designated for the acquisition and/or development of open space or park for the citizens of Lancaster. Such fees shall be paid prior to recording of the final plat or, in the case of subdivisions and developments not requiring a final plat, fees shall be paid prior to issuance of a Certificate of Zoning Compliance.

(e) Private Recreational Acres. In lieu of requirements of Section 1109.12(b) and (d) above, the Owner/Developer may devote not less than the acreage required in 1109.12(b) to a private recreation area for the use of the occupants of the subdivision. The recreational area must be of suitable size for recreational purposes, as Determined by the Board of Park Commissioners and the Planning Commission. The Owner/Developer must present a plan for development and perpetual maintenance of the site proposed, and such plan must be reviewed and approved by the Board of Park Commissioners and the Planning Commission. The Owner/Developer shall also provide security to ensure development and maintenance of the site in the form of a bond, deposit of funds or other form satisfactory to the Planning Commission. Retention and detention areas may be included as part of the open space requirements if approved by the Board of Park Commissioners. (Ord. 5-01. Passed 2-26-01.)

1109.13 MONUMENTS.

(a) General Requirements. All research, investigation, monumentation, measurement specifications, plats of survey, descriptions, and subdivision plats shall conform to the **Minimum Standards for Boundary Surveys in the State of Ohio, Section 4733-37 (Administrative Code) Ohio Revised Code**. These standards are intended as a minimum requirement, and where the surveying profession requires or recommends a higher level of standards, the higher or most restrictive of such standards shall apply.

(b) Location. Monuments shall be placed at all angle points on the outside boundary of the subdivision. Iron pins shall be placed at all corners of all lots, intersections of the centerlines of the streets, and at the beginning and end points of each curved street section centerline. In those cases where sanitary sewer manholes prevent the setting of monuments, such monuments shall be offset five feet (5') in each direction along the street centerline.

(c) When Set. Monuments in the street centerlines shall be placed upon the completion of paving of the streets. All other monuments are to be set upon completion of the street, water, sanitary sewer improvements, and over lot grading and before acceptance of improvements by the City of Lancaster.

(d) Materials. Monuments shall be constructed of concrete four inches (4") in diameter and thirty inches (30") long with a one inch (1") diameter iron pin cast in the center. Iron pins shall be as per the standards cited above in Section 1109.13(a).

(e) Submittal. When required by the City Engineer, the Professional Surveyor shall submit a stamped drawing indicating the monument location along with such USGS or State Plane coordinates required for the County GIS System. Submittals shall be in the format determined by the City Engineer. (Ord. 5-01. Passed 2-26-01.)

**CHAPTER 1111
Site Improvements**

<p>1111.01 General. 1111.02 Streets. 1111.03 Sanitary sewers.</p>	<p>1111.04 Water systems. 1111.05 Certification of improvements. 1111.06 Responsibility and liability during construction.</p>
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1111.01 GENERAL.

The improvements required by these subdivision regulations shall conform to the City General Regulations, Standard Construction Drawings and Construction and Material Specifications, and other applicable portions of the Codified Ordinances of the City, and shall be designed, furnished and installed by the Owner/Developer of the subdivision. The Owner/Developer shall be responsible for the costs of all tests required by the City Engineer to establish that the materials and methods utilized in construction of the improvements meets the specifications. Subdivisions shall be provided with the same improvements whether the streets are public or private, except in special situations as approved by the Planning Commission. (Ord. 5-01. Passed 2-26-01.)

1111.02 STREETS.

(a) Street Grading. No street grading shall be permitted until the final construction plans have been approved by the City Engineer and inspection fees have been paid. No street grading shall be commenced without a forty-eight (48) working hour notice to the City Engineer.

(b) Street Subgrade. All streets shall be graded to their full width, including side slopes. No obstructions shall be placed or allowed to remain in the street right-of-way. The subgrade shall be free of sod and/or vegetative or organic matter. Soft clay and other unsuitable material shall be cleared to a depth as determined by the City Engineer. The subgrade shall be shaped and compacted subject to the requirements of the City Engineer, and no fill shall be placed until said subgrade has been inspected and approved.

(c) **Pavement Application.** No pavement shall be placed until the prepared subgrade has been inspected and approved. The finish pavement course shall not be placed over the base course for a period of nine (9) months. Under special conditions, this waiting period may be shortened, but in no case will the waiting period be less than seven (7) months. All failures in the base course must be repaired prior to installation of the finish course.

(d) **Street Signs.** The Owner/Developer shall provide and install all traffic control, street name and parking signs at intersections and other locations as designated by the City Engineer. Installation shall be under the supervision of the Superintendent, Division of Streets. All signage shall comply with the City Standards and the Ohio Manual of Uniform Traffic Devices. Signage shall be installed prior to the opening of the street to traffic.
(Ord. 5-01. Passed 2-26-01.)

1111.03 SANITARY SEWERS.

(a) **Concrete Encasement.** Concrete encasement shall be used when required for the sanitary sewer to withstand trench loadings, when rock is encountered in the trench bottom, when the cover is less than two-and-one-half feet (2 ½'), or when such sewer line crosses a stream with year-round flow and where it crosses another utility line with less than eighteen inches (18") separation.

(b) **Testing.** Testing shall be in accordance with the City Construction and Material Specifications.

(c) **Building Sewers.** Building sewers shall be constructed at no expense to the City. Before any building sewer is constructed, a tap permit must be obtained from the City. Installation of building sewers shall conform to applicable regulations of the City Division of Water Pollution Control. An "S" shall be stamped into the face of the curb at the location of any building sewer tap.
(Ord. 5-01. Passed 2-26-01.)

1111.04 WATER SYSTEMS.

(a) **Water Service Lines.** All water service lines shall be installed not less than forty-two inches (42") below the ground or pavement surface. No water service line shall be installed in the same trench with a sewer line. Services shall be constructed after the street is rough graded and prior to the installation of paved surfaces and curbs.

(b) **Curb Boxes.** Curb boxes shall be located behind the back of the curb as directed by the Superintendent, Division of Water. All curb boxes shall be adjusted to the finished ground surface. (Ord. 5-01. Passed 2-26-01.)

1111.05 CERTIFICATION OF IMPROVEMENTS.

Upon the completion of construction, and prior to acceptance by the City, the Owner/Developer shall provide the City with an affidavit, which certifies that the construction is in conformance with the approved Construction Plans, the City Standard Construction Drawings, the Construction and Material Specifications, and the Permit to Install.
(Ord. 5-01. Passed 2-26-01.)

1111.06 RESPONSIBILITY AND LIABILITY DURING CONSTRUCTION.

No streets or public improvements shall be the responsibility of any public entity prior to formal acceptance. Until such time as such improvements have been approved and accepted, the Owner/Developer shall assume full responsibility and liability for all areas dedicated to the public, and the improvements thereon. The Owner/Developer shall agree to indemnify and hold harmless the City of Lancaster until such time as the improvements are accepted.
(Ord. 5-01. Passed 2-26-01.)

**CHAPTER 1112
Hillside Regulations**

<p>1112.01 General.</p> <p>1112.02 Determination of average slope.</p> <p>1112.03 Minimum lot requirements.</p> <p>1112.04 Grading plan and controls.</p>	<p>1112.05 Cuts and fills.</p> <p>1112.06 Compaction of fills.</p> <p>1112.07 Retaining walls.</p> <p>1112.08 Exceptions to other requirements in these regulations.</p>
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1112.01 GENERAL.

These regulations apply to all hillside areas. A hillside area as referred to herein is defined as one with an average of more than fifteen (15) percent slope. The subdivider shall submit sufficient detailed information as to geological conditions, soil types, and underground water level in order that a determination can be made by the City Engineer after consultation with the Fairfield Soil and Water Conservation District as to the safety of development of the particular location. (Ord. 65-04. Passed 11-8-04.)

1112.02 DETERMINATION OF AVERAGE SLOPE.

The average slope for any hillside development shall be determined by the Lancaster Planning Commission during the time of preliminary plan design. Determination will be on an area by area basis with each lot sized according to the average topographic change falling within each area. (Ord. 65-04. Passed 11-8-04.)

1112.03 MINIMUM LOT REQUIREMENTS.

Minimum lot requirements shall be determined by utilizing Table VII (Minimum Lot Size Requirements Based on Slope). Deviations from these requirements may be allowed subject to determination by the Lancaster Planning Commission where exceptional circumstances warrant. (Ord. 65-04. Passed 11-8-04.)

1112.04 GRADING PLAN AND CONTROLS.

The grading plan shall show contour lines at two (2) foot intervals. Elevations are to be based on the sea level datum (U.S.G.S.). The approximate lot layout and the approximate dimensions shall be shown for each lot and each building site. Where pads are utilized or proposed for building sites, engineering data shall show the existing topography and the approximately finished grades, location and size of each building site and finished grade of streets prior to consideration of the final plat.

(Ord. 65-04. Passed 11-8-04.)

1112.05 CUTS AND FILLS.

No land shall be graded, cut, or filled so as to create a slope exceeding a vertical rise of one (1) foot for each two and one half (2 ½) feet of horizontal distance between abutting lots, unless a retaining wall sufficient height and thickness is provided to retain the graded bank. Major cuts, excavation, grading and filling, where the same materially changes the site and its relationship with surrounding areas or materially affects such areas, shall not be permitted if such excavation, grading and filling will result in a slope exceeding a vertical rise of one (1) foot for each two and one half (2 ½) feet of horizontal distance between abutting lots or between adjoining tracts of land, except where adequate provision is made to prevent slides and erosion by cribbing and retaining walls.

(Ord. 65-04. Passed 11-8-04.)

1112.06 COMPACTION OF FILLS.

All fills on streets shall be compacted in accordance with State Highway specifications. All fill shall be compacted to a density of 90% or greater. Inspection of fill shall be conducted by an independent soils laboratory and furnished to the City Engineer.

(Ord. 65-04. Passed 11-8-04.)

1112.07 RETAINING WALLS.

Retaining walls may be required whenever topographic conditions warrant or where necessary to retain fill or cut slopes within the right-of-way. Such improvements shall require the approval of the City Engineer.

(Ord. 65-04. Passed 11-8-04.)

1112.08 EXCEPTIONS TO OTHER REQUIREMENTS IN THESE REGULATIONS.

The following modifications of other requirements and specifications shall apply to hillside development. Where modifications are not specifically stated they shall require the approval of the City Engineer.

- (a) Street Alignment. Street alignment of all streets shall be subject to approval of the City Engineer depending upon the existing conditions.
- (b) Curb and Gutter. Curb and gutter shall be required on all streets.
- (c) Street Grades. Final grades on streets shall not exceed twelve (12) percent.
- (d) Sewers. A public sewer shall be provided by the subdivider. The use of individual systems shall be prohibited.
- (e) Cross Sections. All cross sections are subject to the approval of the City Engineer and may vary from other requirements set forth in these regulations.

(Ord. 65-04. Passed 11-8-04.)

**CHAPTER 1113
Application Requirements**

<p>1113.01 Preliminary subdivision plat.</p> <p>1113.02 Final subdivision plat.</p> <p>1113.03 Subdivision improvement construction plans.</p> <p>1113.04 Application for variance.</p>	<p>1113.05 Reserved.</p> <p>1113.06 Application for Preliminary Development Plan (PUD).</p> <p>1113.07 Application for Final Development Plan (PUD).</p>
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1113.01 PRELIMINARY SUBDIVISION PLAT.

A preliminary plat shall be drawn to scale and submitted on a sheet or sheets of eighteen inches (18") by twenty-four inches (24") inches or twenty-four inches (24") by thirty-six inches (36"), or other size as determined appropriate by the City Engineer. The preliminary plat shall include the following items:

- (a) Proposed name of the subdivision and its situate.
- (b) Location map showing the proposed subdivision and street map for a two (2) mile radius.
- (c) Names and addresses of Owners and Developers.
- (d) Name, address and registration number of the Engineer or Surveyor preparing the plat.
- (e) Date, north arrow and plan scale. Scale shall be one inch (1") equals 100 square feet or larger scale.
- (f) Boundary lines of the proposed development and the total acreage encompassed therein, including tax parcel I.D. numbers.
- (g) Locations, widths and names of all existing public streets or other public ways, railroad and utility rights of way or easements, parks and other public open spaces, permanent buildings and structures; section, corporation lines, wellhead protection, or historic district adjacent to the tract.

- (h) Existing sewers, water mains, culverts and other underground facilities within the tract, adjacent to the tract or that will be used in developing the tract, indicating pipe sizes, grades and locations.
- (i) The adjoining lines of adjacent tracts, parcels or lots, and names of property owners, and, in the case of a replat of an existing subdivision, the existing lot lines.
- (j) Existing zoning.
- (k) Existing drainage channels, wooded areas, watercourses and other significant physical features, including topography with contour lines based on USGS data at not more than a two-foot (2') difference in elevation.
- (l) Layout of proposed streets, including their names and rights of way, easement sewers, waterlines, culvert and other major improvements.
- (m) Layout, numbering and dimensions of lots, including side yard, rear yard, and building setbacks.
- (n) Parcels of land intended to be dedicated or temporarily reserved for public use or Reserved by deed covenant with the conditions proposed for such covenant, and for the dedications.
- (o) Tentative street grades and sewer size and slope.
- (p) Proposed phasing.
- (q) Any required buffer or screening areas.
- (r) Development type and density for each zoning use.
- (s) List of all proposed variances. (Ord. 5-01. Passed 2-26-01.)

1113.02 FINAL SUBDIVISION PLAT.

A final plat shall be drawn to a scale of one inch (1") to one hundred feet (100'), or larger on a sheet or sheets a size acceptable to the Fairfield County Recorder, or other size and scale as determined appropriate by the City Engineer. The final plat shall contain the following items:

- (a) Name of the subdivision and the section number, if it is a portion of the total subdivision.
- (b) A description giving the situate, number of acres, city, township, county, property owner's name, owner's deed volume and page number.
- (c) All required certifications and approvals.
- (d) Requested covenants.
- (e) Sheet and total number for each sheet, including covenant sheet.
- (f) Scale, north indicator, and location map.
- (g) The bearings and distances of the boundary lines of the subdivision including basis of bearings.
- (h) The bearings and distances of all lot lines, areas, or easements dedicated to public uses within the subdivision. In case of curved sides of lots, the tangent deflection angle, the length of the tangent, the length of the radius, the length of arc and the length and bearing of the chord shall be given.
- (i) Lot numbers and lot areas.
- (j) The bearing and distances of all straight sections of street center lines. Curved sections of street centerlines shall show the same information as curved lot lines.

- (k) Street names.
- (l) Street, alley and easement widths. Any easement not parallel to property lines shall show the bearings and distances of the lines.
- (m) In the case of plats not located wholly within the City, the corporation line shall be accurately shown and measurements given to the nearest corners of the boundary lines.
- (n) The location of all permanent markers or monuments.
- (o) Building setback lines with their distance from the right-of-way lines.
- (p) Name and registration number of the surveyor preparing the plat.
- (q) Names and lot numbers of adjacent subdivisions, owners of adjoining parcels of un-subdivided land and the location of applicable boundary lines.
- (r) True angles and distances to the nearest established street centerline; section, township and/or corporation line; and/or official monument, where practical, shall be accurately tied to the plat.
- (s) Other additional information as may be required by the Fairfield County Auditor. (Ord. 5-01. Passed 2-26-01.)

1113.03 SUBDIVISION IMPROVEMENT CONSTRUCTION PLANS.

Construction Plans shall be prepared for all sanitary sewers, water mains, pavements, and curbing, sidewalks, storm sewers, and drainage ways, and ponds, which are proposed for construction. All plans shall be made on mylar or other suitable permanent medium, size twenty-four inches (24") by thirty-six inches (36") in a format acceptable to the City Engineer. The proposed work shall be shown in both plan and profile, and in sufficient detail to clearly show all work to be done. In general, the scale shall be one inch (1") equals fifty feet (50') horizontal and one inch (1") equals five feet (5') vertical, except where additional detail is necessary to clearly show all work to be done. Supplemental specifications may be submitted as separate documents on eight and one-half inch (8½") by eleven inch (11") paper, or may be added onto the tracings. Plans shall contain general notes and a summary of estimated quantities. All drawings shall be made in ink and approved and signed by a Professional Engineer. A title block shall be included in the lower right hand corner of the first sheet for the approval signatures of the City Engineer.

The construction plans shall show the following items:

- (a) Name and section number of the subdivision as shown on the plat map. This shall be located in the lower right corner.
- (b) Sheet and total sheet number.
- (c) The plan and profile of all street centerlines, showing the existing and proposed profile with the proposed center line grades given every fifty feet (50') on straight sections and every twenty-five feet (25') on vertical curves.
- (d) The plan view of the streets showing curb, sidewalk, utility lines and appurtenances, lot corners and foot frontages.
- (e) A typical cross-section or half-section for the various street widths.
- (f) The station and elevation shall be shown for P.C. and P.T. of all curved sections of curb.
- (g) The station shall be shown where a street center line intersects a boundary line or other street centerline, and at each P.C. and P.T. on the centerline.

- (h) All utility lines, including sanitary sewer, storm sewer, water mains, and any existing underground utilities shall be shown on the plan section, with their distance from an established line indicated.
- (i) Station distances shall be given for the center of all manholes, catch basins, valve boxes, and fire hydrants within the street right-of-way. Stationing for storm and sanitary systems shall be from the downstream discharge. Stationing for water systems shall be based on street centerlines.
- (j) The profile for all sanitary and storm sewers shall show the invert and top of casting elevations at each manhole or catch basin and the grade in percent between each manhole and catch basin.
- (k) The depth of water and gas mains below the finished grade shall be shown. In cases where mains cross over or under sewers or other mains, the clearance shall be given. The station for each crossing and/or deflection shall be shown.
- (l) Site distance at each intersection with an existing street.
- (m) Such other information may be required by the City Engineer for his/her review.
(Ord. 5-01. Passed 2-26-01.)

1113.04 APPLICATION FOR VARIANCE.

A variance to any portion of these regulations may be granted under extraordinary conditions. These will generally be due to naturally occurring site conditions. A request for variance shall be Submitted with the preliminary plat, construction plans, or final plat. The variance request shall include:

- (a) Name, address, and telephone number of the applicant.
- (b) Legal description of property as recorded in the Fairfield County Recorder's office.
- (c) The names and addresses of all property owners contiguous to, and directly across the street from the property, as appearing on the Fairfield County Auditor's current tax list.
- (d) Each application for a variance shall refer to the specific provisions of this chapter which applies.
- (e) A narrative statement explaining the following:
 - (1) The use for which variance or appeal is sought.
 - (2) Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted, as the case may be.
 - (3) The specific reasons why the variance or appeal is justified.
(Ord. 5-01. Passed 2-26-01.)

1113.05 RESERVED.

EDITOR'S NOTE: This section is reserved for future legislation.

1113.06 APPLICATION FOR PRELIMINARY DEVELOPMENT PLAN (PUD).

- (a) Name, address, and phone number of applicant.
- (b) Legal description of property, including tax parcel I.D. number.

- (c) Description of existing use.
- (d) Present and proposed zoning districts.
- (e) A vicinity map at a suitable scale, showing property lines, streets, existing and proposed zoning for all property adjacent to and within 200 feet from the proposed site along with any wellhead protection or historic district boundaries.
- (f) A list of all property owners contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, and their address as appearing on the Fairfield County Auditor's current tax list.
- (g) Proposed schedule for the development of the site, including any phasing.
- (h) Evidence that the applicant has sufficient control over the land in question to effectuate the proposed development plan.
- (i) A Preliminary Development Plan drawn to scale, prepared by a registered architect, registered engineer and/or registered landscape architect. Such plan shall contain the following information at a minimum.
 - (1) Selected uses by area or specific building location, allocation of land use by type as measured in acres, adjacent existing land use, right-of-way, and relationship to adjacent land use.
 - (2) General location of thoroughfares, including type, as well as location and size measured in number of parking spaces for all off-street parking areas, including curb cuts, drive aisles, loading spaces, and handicap ramps.
 - (3) Open spaces and the intended use therein and acreage provided.
 - (4) Residential land uses summarized by lot size, dwelling type and density.
 - (5) Existing and proposed roads, buildings, utilities, permanent facilities, easements, rights-of-way and abutting property boundaries.
 - (6) Physical features and natural conditions of the site including soils, the location of vegetation and existing tree lines.
 - (7) Surface drainage and areas subject to flooding.
 - (8) Preliminary plan for water, sewer, storm drainage and other utility systems.
 - (9) Sidewalks including handicap ramps.
 - (10) All building setbacks and required buffer and screening areas.
 - (11) All dumpster locations.
 - (12) Sign locations and sizes.
 - (13) Other information required for evaluation of proposal.

(Ord. 5-01. Passed 2-26-01.)

1113.07 APPLICATION FOR FINAL DEVELOPMENT PLAN (PUD).

- (a) A survey of the proposed development site, showing the dimensions and bearings of the property lines, basis of bearings, areas in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.

(b) All the information required in the Preliminary Development Plan; including the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity; and land use considered suitable for adjacent properties.

(c) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres on the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population, anticipated timing for each unit; and population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other resolution governing development.

(d) Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waster disposal facilities; street improvements, and, nature and extent of earth work required for traffic circulation and street improvements, and nature and extent of earth work required for site preparation and development.

(e) Site plan, showing building(s), various functional use areas, circulation and their relationship.

(f) Architectural renderings and accompanying narrative to discuss in detail the design treatment of all buildings and structures where applicable.

(g) Plans for landscaping.

(h) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of land, and the improvements thereon, including those areas, which are commonly owned and maintained.
(Ord. 5-01. Passed 2-26-01.)

CHAPTER 1115
Variances

1115.01 Variances.

1115.02 Appeal.

1115.01 VARIANCES.

Whenever the tract proposed is to be subdivided is of such unusual topography, size, or shape, or is surrounded by such development or unusual conditions that the strict application of such requirements contained in these regulations would result in substantial hardship or injuries, the Planning Commission may vary or modify such requirements so that the Subdivider is allowed to develop his property in a reasonable manner; but so, at the same time, the public welfare and interest of the City and surrounding area is protected and the general intent and spirit of these regulations is preserved. (Ord. 5-01. Passed 2-26-01.)

1115.02 APPEAL.

Any person who believes he has been aggrieved by these regulations or the action of the Planning Commission, has all the rights of appeal as set forth in Chapter 711 of the Ohio Revised Code or any other applicable section of the Ohio Revised Code. (Ord. 5-01. Passed 2-26-01.)

**CHAPTER 1117
Enforcement**

1117.01 Recording of plat.
1117.02 Revision of plat after approval.

1117.03 Penalties.

1117.01 RECORDING OF PLAT.

No plat or any subdivision shall be recorded by the County Recorder of Fairfield County or have any validity until said plat has received final approval in the manner prescribed in these regulations. (Ord. 5-01. Passed 2-26-01.)

1117.02 REVISION OF PLAT AFTER APPROVAL.

No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after approval has been given by the Planning Commission unless said plat is first resubmitted to the Planning Commission. (Ord. 5-01. Passed 2-26-01.)

1117.03 PENALTIES.

The following penalties shall apply to the violation of these regulations:

- (a) Whoever violates these regulations or fails to comply with any order pursuant thereto, shall be guilty of a misdemeanor of the first degree.
- (b) Any owner or agent of the owner of any land within or without a municipal corporation who transfers any lot, parcel, or tract of land from or in accordance with a plat of a subdivision before the plat has been recorded in the office of the County Recorder, shall be guilty of a misdemeanor of the third degree for each lot, parcel, or tract of land sold. The description of the lot, parcel, or tract by metes and bounds in the deed of transfer shall not exempt the seller from the forfeiture provided in this section.
- (c) Any person who disposes of, offers for sale, or leases for a time exceeding five (5) years, any lot, or any part of a lot, in a subdivision before provisions of these regulations shall be complied with shall be guilty of a misdemeanor of the third degree for each lot or part of a lot sold, offered for sale or leased.
(Ord. 5-01. Passed 2-26-01.)

CHAPTER 1118
Validity

1118.01 **Validity.**

1118.02 **Amendments.**

1118.01 VALIDITY.

If any chapter, section, subsection, sentence, clause, or phrase of these regulations is for any reason held to be unconstitutional or void, such decision shall not effect the validity of the remaining portions of these regulations. (Ord. 5-01. Passed 2-26-01.)

1118.02 AMENDMENTS.

These regulations may be amended, after public hearing and other requirements as specified in the appropriate sections of the Ohio Revised Code. (Ord. 5-01. Passed 2-26-01.)

TITLE THREE - Zoning and Property Restrictions

- Chap. 1121. Title, Purposes, Interpretation and Jurisdiction.
- Chap. 1123. General Provisions.
- Chap. 1125. Yards and Accessory Uses.
- Chap. 1127. (AG) Agriculture District.
- Chap. 1129. Residential Districts.
- Chap. 1131. Office District.
- Chap. 1133. Commercial District.
- Chap. 1135. Industrial Districts.
- Chap. 1137. Sexually Oriented Businesses.
- Chap. 1139. Landscape Requirements.
- Chap. 1141. Historic Preservation. (Repealed)
- Chap. 1143. Wellhead Protection.
- Chap. 1145. Flood Damage Prevention.
- Chap. 1147. Planned Unit Development.
- Chap. 1149. Use Units. (Repealed)
- Chap. 1151. Off-Street Parking and Loading.
- Chap. 1153. Nonconformities.
- Chap. 1155. Enforcement.
- Chap. 1157. Board of Zoning Appeals.
- Chap. 1159. Amendments.
- Chap. 1161. Definitions.
- Appendix B Index of Land Uses.
- Appendix C Wireless Telecommunications. (Chapter 1339)

CHAPTER 1121
Title, Purposes, Interpretation and Jurisdiction**1121.01 Title.****1121.02 Purposes, interpretation and jurisdiction.**

1121.01 TITLE.

Lancaster Revised Zoning Code as contained in this Title Three shall be known and may be cited as "The Lancaster Zoning Code". (Ord. 14-00. Passed 5-22-00.)

1121.02 PURPOSES, INTERPRETATION AND JURISDICTION.**(a) Purposes.**

(1) General. This Code is enacted for the purposes of promoting the health, safety, peace, morals, comfort, convenience, prosperity, order, and general welfare; lessening danger and congestion of public transportation and travel; securing safety from fire and other dangers; preventing overcrowding of land; avoiding undue concentration of population; providing adequate light and air, police protection, transportation, water, sewerage, schools, parks, forests, recreational facilities, and other public requirements, and preventing undue encroachment thereon; conserving the value of buildings and encouraging the most appropriate use of land; encouraging the industrial, commercial and residential growth of the community; and promoting the development of the community in accordance with a development plan.

(2) Signs. Signs are used to inform and persuade the general public. All signs not exempted shall be regulated in accordance with the standards of Chapter 1317. The general objectives of these standards are to promote the health, safety, welfare, convenience and enjoyment of the public, and, in part, to achieve the following.

(Ord. 14-00. Passed 5-22-00; Ord. 50-03. Passed 11-24-03.)

A. Safety. To promote the safety of persons and property by providing that signs:

1. Do not create a hazard due to location, collapse, fire, collision, decay or abandonment; or
2. Do not obstruct fire fighting or police surveillance, or
3. Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.

B. Commission Efficiency. To promote the efficient transfer of information in sign messages.

C. Landscape Quality and Preservation. To protect the public welfare and to enhance the appearance of the City of Lancaster.

- (b) Interpretation.
- (1) Validity of other laws. Where this Code imposes a greater restriction upon the use of structures or land or upon height or bulk of structures, or requires larger open spaces or yards than are imposed by other ordinances, laws, or regulations, the provisions of this Code shall govern. However, nothing in this Code shall be construed to prevent the enforcement of other ordinances, laws, or regulations which prescribe more restrictive limitations. The provisions of this code providing for the residential use of property, and providing for limitations on occupancy, density and intensity of such uses, shall be applied equally and without discrimination based on race, color, religion, sex, handicap, familial status or national origin consistent with the provisions of the Federal Fair Housing Act.
 - (2) Severability. In case any portion of this Code shall be invalid or unconstitutional, as declared by a court of competent jurisdiction, the remainder of the Code shall not thereby be invalid, but shall remain in full force and effect. (Ord. 14-00. Passed 5-22-00.)
 - (3) Tense and definition. For the purpose of the Code certain terms and words are to be used and interpreted as defined in Chapter 1161, words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word 'shall' is mandatory and not directory. All references in this title to "Council", "Council members", "Council persons", shall be construed to mean City Council of the City of Lancaster, Ohio. (Ord. 14-00. Passed 5-22-00; Ord. 12-01. Passed 4-23-01.)
- (c) Jurisdiction.
- (1) Territorial jurisdiction. This Code shall be in full force and effect in the corporate limits of the City of Lancaster, Ohio. Property owned, leased, or operated by the City of Lancaster, or any other public or governmental body or agency, shall be subject to the terms of this Code.
 - (2) Annexed territory. When any territory shall be brought into the zoning jurisdiction of the City of Lancaster, by annexation or otherwise, such territory shall continue to carry the zoning designation of the township from which it was annexed until such time as the City Council shall rezone such property by amendment in the manner set forth in Chapter 1159. (Ord. 14-00. Passed 5-22-00.)

**CHAPTER 1123
General Provisions**

<p>1123.01 Zoning and Overlay Zoning Districts established.</p> <p>1123.02 Official Zoning Map established.</p> <p>1123.03 District boundary description and interpretation.</p> <p>1123.04 Limitation on land use.</p> <p>1123.05 Similar uses.</p> <p>1123.06 Division of lots.</p> <p>1123.07 Street frontage required.</p> <p>1123.08 One single-family dwelling per lot of record.</p> <p>1123.09 Height exceptions.</p> <p>1123.10 Existing building encroachment on front yards or building setbacks.</p>	<p>1123.11 Screening walls or fences.</p> <p>1123.12 Platting requirement.</p> <p>1123.13 Major street plan.</p> <p>1123.14 Structure setback from abutting streets.</p> <p>1123.15 Display for sale, storage and parking of vehicles and portable storage units.</p> <p>1123.16 Essential services.</p> <p>1123.17 Family day care and family child care homes.</p> <p>1123.18 Group residential facilities.</p> <p>1123.19 Convict Prerelease and/or Correctional Community Treatment Centers.</p> <p>1123.20 Location of cemeteries.</p> <p>1123.21 Medical marijuana cultivators, processors and retail dispensaries.</p>
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1123.01 ZONING AND OVERLAY ZONING DISTRICTS ESTABLISHED.

The Zoning Districts and Overlay Zoning Districts set forth below are hereby established:

AG	Agriculture District
RE	Residential Single-Family Estate District
RS-1	Residential Single-Family Low Density District
RS-2	Residential Single-Family Medium Density District
RS-3	Residential Single-Family High Density District
RS-4	Residential Single-Family Highest Density District
RM-0	Residential Multifamily Lowest Density District
RM-1	Residential Multifamily Low Density District
RM-2	Residential Multifamily Medium Density District
RM-3	Residential Multifamily High Density District
RMH	Residential Manufactured Home District
OM	Office Medium Intensity District

CN	Commercial Neighborhood District
CG	Commercial General District
CH	Commercial High Intensity District
CBD	Central Business District
IL	Industrial Light District
IM	Industrial Moderate District
IH	Industrial Heavy District
PUD	Planned Unit Development (Overlay Zoning District)
HP	Historic Preservation District (Overlay Zoning District)
WH	Wellhead Protection District (Overlay Zoning District)
FP	Flood Plain District (Overlay Zoning District)

(Ord. 28-17. Passed 9-11-17.)

1123.02 OFFICIAL ZONING MAP ESTABLISHED.

The locations and boundaries of the various districts as defined herein shall be established by ordinance and shall be shown and delineated on the Official Zoning Map of the City of Lancaster. The Official Zoning Map shall be maintained by the Engineering Office of the City of Lancaster, and may be divided into parts, and such parts may be separately employed for identification purposes when adopting or amending the Official Zoning Map or for any reference to the Official Zoning Map. (Ord. 28-17. Passed 9-11-17.)

1123.03 DISTRICT BOUNDARY DESCRIPTION AND INTERPRETATION.

District boundary lines shall be described by legal description or by a map. When a legal description is used, the boundary line shall be deemed to extend to the centerline of abutting streets and shall be so designated on the Official Zoning Map. When a map is used, district boundary lines shall be established by dimensions, property lines, recorded lot lines, or the centerline of abutting street, alley, or railroad rights-of-way, as the same were of record at the time of adoption. In all cases where there is doubt as to the exact location of district boundary lines, the same shall be determined by the Board of Zoning Appeals. (Ord. 28-17. Passed 9-11-17.)

1123.04 LIMITATION ON LAND USE.

No person, firm or corporation shall use or permit to be used any land or buildings, nor shall any person, firm or corporation make, erect, construct, move, alter, enlarge or rebuild or permit the making, erection, construction, moving, altering, enlarging or rebuilding of any building, structure or improvement, which is designed, arranged or intended to be used or maintained for any purpose or in any manner except in accordance with the use, height, area, yard, space, and other requirements established in the district in which such land, building, structure or improvement is located except as provided by Chapter 1153, Nonconformities. Nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building, where a building permit has been lawfully issued prior to the effective date of this Code, and pursuant to such permit, construction is diligently carried to completion. Upon completion, such building or use shall be deemed nonconforming and may continue as regulated by Chapter 1153, Nonconformities. (Ord. 28-17. Passed 9-11-17.)

1123.05 SIMILAR USES.

(a) Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be considered as a permitted use in that district.

(b) Applications for zoning permits for uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section, shall be submitted to the Zoning Inspector.

(c) Within sixty (60) days after such submittal, the Board of Zoning Appeals shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Board of Zoning Appeals shall find that all of the following conditions exist:

- (1) Such use is not listed as a permitted use or Special Exception in another zoning district.
- (2) Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
- (3) Such use creates no increased danger to health and safety, creates no increased level of noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from uses listed in the classification to which it is to be added.

(Ord. 28-17. Passed 9-11-17.)

1123.06 DIVISION OF LOTS.

A lot shall not hereafter be divided into two or more lots, unless all lots resulting from such division conform to all the applicable regulations of the zoning district in which it is located.
(Ord. 28-17. Passed 9-11-17.)

1123.07 STREET FRONTAGE REQUIRED.

No lot shall contain any building used in whole or in part for residential purposes unless such lot has a minimum of thirty (30) feet of frontage on a public street or dedicated and improved right-of-way. For the purposes of this regulation an alley, as defined in Chapter 1161, shall not be considered as an acceptable dedicated right-of-way. This Section shall not apply to a substandard lot of record or a lot within an approved Planned Unit Development or in the RMH District. (Ord. 28-17. Passed 9-11-17.)

1123.08 ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD.

Not more than one (1) permitted residential use shall be allowed on any single residential lot, except in the case of a lot which is within an approved Planned Unit Development.
(Ord. 28-17. Passed 9-11-17.)

1123.09 HEIGHT EXCEPTIONS.

The following structures shall not be subject to the height limitations of the district in which they are located:

- (a) Farm buildings and related structures.
- (b) Chimneys, elevators, equipment penthouses, monitors, cooling towers and ventilators, provided they are not intended for human occupancy and they do not extend more than twenty (20) feet above the top of the principal structure.
- (c) Belfries, clock towers, cupolas, domes, flag poles and spires, provided they are not intended for human occupancy and they do not exceed more than 150% of the maximum height of district in which they are located.
- (d) Signs, including outdoor advertising, provided that the height does not exceed the allowable maximum sign height in Chapter 1317.

Structures enumerated in subsections (b) and (c) above may be increased in height by the Board of Zoning Appeals as a special exception.
(Ord. 28-17. Passed 9-11-17.)

1123.10 EXISTING BUILDING ENCROACHMENT ON FRONT YARDS OR BUILDING SETBACKS.

Where an existing building or buildings on the same side of the street and within the same block encroach on the required front yard or building setback, the required front yard or building setback for new construction shall be established as follows:

- (a) If the proposed building is to be located more than 200 feet from an encroaching building, the proposed building shall conform to the front yard or setback established for the district in which the proposed building is to be located.
- (b) If the proposed building is to be located between adjacent buildings which conform to the required front yard or building setback, or between a conforming building and an intersecting street, the proposed building shall conform to the front yard or setback established for the district in which the proposed building is to be located.
- (c) If the proposed building is to be located within 200 feet of encroaching buildings on both sides and there are no intervening buildings, the front yard or building setback shall be the average of the front yard or setback of the two nearest front corners of the encroaching buildings.
- (d) If the proposed building is to be located within 200 feet of an encroaching building on one side, but not both sides, and there are no intervening buildings, the front yard or building setback shall be the average of the otherwise required front yard or setback and the setback of the nearest front corner of the encroaching building.
- (e) Cornices, canopies, eaves, fireplaces and similar architectural features may project not more than two (2) feet into a required yard.

Provided, however, that in the application of subsections (c) or (d) above, the front yard or building setback shall not be reduced to less than five (5) feet.
(Ord. 28-17. Passed 9-11-17.)

1123.11 SCREENING WALLS OR FENCES.

For the purpose of maintaining a compatible relationship between certain land uses, when a screening requirement is required by this Code, the following regulations shall apply:

- (a) When the provisions of this Code require construction of a screening wall or fence, unless otherwise specified, such screening wall or fence
- (1) Shall consist of a fence, landscaped earthen mound of suitable slope, wall, planting or combination thereof installed, repaired, replaced and maintained to the total height required herein and to an opacity of not less than seventy-five percent (75%). The percentage of opacity shall be determined by measurement of any square foot of vertical surface of the screening from a point perpendicular thereto.
 - (2) Shall not be less than six (6) feet in height, except when in a required front yard in which case the screening wall or fence shall be four (4) feet in height.
 - (3) Shall be constructed with all braces and supports on the interior, except when both sides are of the same design and appearance.
 - (4) Shall be erected prior to the occupancy of the building or initiation of the use required to be screened.
 - (5) Shall be uniform in height except for significant changes in topography.
 - (6) Shall have consistency of design.
 - (7) Shall not be topped with barbed or razor wire.
 - (8) Shall not consist of a chain link fence which utilizes inserts of metal or other materials. Inserts may be added to existing chain link fencing to provide screening, as long as inserts are of a neutral color. Inserts should be made of durable material and replaced whenever an insert is damaged.
- (b) When screening consisting of live plants, alone or in combination with other materials, is installed, the plants
- (1) Shall be selected for density of year round foliage
 - (2) Shall be selected to achieve the required height and density within three (3) years of installation
 - (3) Shall have a minimum height of three (3) feet at time of installation
 - (4) Shall be maintained in a healthy, live state and replaced as needed to comply with the original site plan and the specifications herein set forth.
- (c) When the erection of a screening wall or fence is required by this Code due to the location of the use adjacent to an R District, and the R District property abutting such use is an arterial, collector roadway, or alley, such screening wall or fence shall not be required, except as provided in Section 1123.11 (d) below.
- (d) For junk and salvage yards, as defined in Chapter 1161, the required screen or fence enclosing such use shall:
- (1) Be a minimum of eight (8) feet high
 - (2) Be constructed of common fencing materials, designed and arranged to provide substantial visual separation from other land uses, and from view from adjacent streets, highways and thoroughfares.
 - (3) Be uniform in height, except for significant changes in topography
 - (4) Be constructed with all braces and supports on the interior, except when both sides are of the same design and appearance.
 - (5) Be erected prior to occupancy and/or use of the site.
- (e) The screening wall or fence shall be maintained by the owner of the lot containing the use required to construct the screening. Failure to maintain after notice by the Zoning Inspector shall constitute an offense hereunder.

- (f) The Board of Zoning Appeals, as a Special Exception, may:
- (1) Modify or remove the screening requirement where existing physical features provide for the visual separation of the uses.
 - (2) Modify the screening requirement where alternative screening will provide for the visual separation of the uses.
 - (3) Grant an extension of time to erect a screen where properties which are to be benefited by the screen are undeveloped.
 - (4) Remove the screening requirement where the purposes of the screening requirement cannot be achieved, or is prohibited by other ordinances or regulations. (Ord. 28-17. Passed 9-11-17.)

1123.12 PLATTING REQUIREMENT.

(a) For the purposes of providing a proper arrangement of streets and assuring the adequacy of open spaces for traffic, utilities, and access of emergency vehicles, commensurate with the intensification of land use customarily incident to a change in zoning, a platting requirement is established as follows:

(b) For any land which has been rezoned to a zoning classification other than AG upon application of a private party, no building permit or zoning clearance permit shall be issued until that portion of the tract on which the permit is sought has been included in a required subdivision plat or replat, as the case may be, submitted to and approved by the Planning Commission, and filed of record in the Office of the Fairfield County Recorder. Provided that the Planning Commission, pursuant to their exclusive jurisdiction over subdivision plats, may remove this platting requirement upon determining that the above purposes have been achieved by previous platting or could not be achieved by a plat or replat. (Ord. 28-17. Passed 9-11-17.)

1123.13 MAJOR STREET PLAN.

“The Official Thoroughfare Map of the City of Lancaster”, hereinafter referred to as “The Major Street Plan”, as adopted by the City Council of Lancaster, Ohio, as Resolution 90-04 on June 14, 2004, as may be subsequently amended. (Ord. 28-17. Passed 9-11-17.)

1123.14 STRUCTURE SETBACK FROM ABUTTING STREETS.

The structure setback from abutting streets shall be as provided for each zoning district. (Ord. 28-17. Passed 9-11-17.)

1123.15 DISPLAY FOR SALE, STORAGE AND PARKING OF VEHICLES AND PORTABLE STORAGE UNITS.

(a) All motor vehicles which are designed for travel upon public streets and which are being parked, stored or displayed for sale shall be parked, stored or displayed on an all-weather material as defined in Chapter 1161 Definitions.

(b) All recreational vehicles and portable storage units shall be parked, stored or displayed for sale in accordance with the following conditions:

- (1) On an all-weather material/surface as defined in Chapter 1161 of this Code;
- (2) No closer than three (3) feet to the side property lines; and
- (3) Not within the front yard. Furthermore, no recreational vehicle or portable storage unit shall be parked, stored or displayed for sale in a manner that blocks any sidewalk or obstructs sight lines for any vehicle entering or exiting the right of way.

- A. Recreational vehicles and Portable Storage Units may be parked on an all weather surface within the front yard for a period not to exceed 48 hours for loading or unloading.
- B. A Portable Storage Unit may be placed in any right of way without first obtaining the appropriate permit(s) from the City.

(c) All vehicles not defined as a motor vehicle or recreational vehicle shall be parked stored or displayed for sale in accordance with the following conditions;

- (1) On an all weather material/surface as defined in Chapter 1161 of this Code;
- (2) No closer than three (3) feet to the side property lines; and
- (3) Not within the front yard within a residential district.

(d) This provision shall not apply to vehicles located within junk and salvage yards or construction equipment on a site with an approved active building permit.

(e) For the purposes of this sections, "recreational vehicle" shall have the same meaning as in Section 1161.01(96) of this Code, and the terms "vehicle" and "motor vehicle" shall have the same meaning as Chapter 301 of this Code.
(Ord. 28-17. Passed 9-11-17.)

1123.16 ESSENTIAL SERVICES.

For the purposes of this Code, essential services, as defined in Chapter 1161, shall be considered a permitted use in all zoning districts. (Ord. 28-17. Passed 9-11-17.)

1123.17 FAMILY DAY CARE AND FAMILY CHILD CARE HOMES.

(a) "Type A Family Day Care Home" and "Type A Home" mean a permanent residence of the administrator in which the day care is provided:

- (1) For seven (7) to twelve (12) children at one time, including any children under six (6) years of age who are related to a licensee, administrator or employee of the Type A home and who are on the premises of the Type A home; or
- (2) For four (4) to twelve (12) children at one (1) time if four (4) or more of the children are under two (2) years of age, including any children under six (6) years of age who are related to a licensee, administrator or employee of the Type A home and who are on the premises of the Type A home.
- (3) Type A homes are considered Special Exceptions and require approval of the Board of Zoning Appeals.
- (4) All Type A homes must be licensed by the State of Ohio and must follow the standards set forth by the Department of Human Services.

(b) "Type B Family Day Care Home" and "Type B Home" mean a permanent residence of the provider in which child care is provided for one (1) to six (6) children at one time and in which no more than three (3) children are under the age of two (2) years.

- (1) In counting children for the purpose of this section, any children under six (6) years of age who are related to the provider and who are on the premises of the Type B home shall be counted. Children six (6) years of age and older who are related to the provider, who are not publicly funded and who are on the premises of the Type B home shall not be included in this count.
- (2) A "Type B Home" also includes a home which is the permanent residence of the provider and the parent.
- (3) Type B homes are considered a permitted use in all R Districts.

- (4) Type B homes do not require a license as long as no more than six (6) children are cared for at one (1) time. Type B homes must be certified by local and/or State officials if child care is paid for with public funds.
- (5) No person shall be employed other than a member of the immediate family residing on the premises or as a substitute caregiver as required by the standards for a Type B Child Care Home, as adopted by the Ohio Department of Human Services.

(c) All licensed Type A and Type B homes must obtain a Zoning Clearance Permit, pursuant to Chapter 1155 if established after the effective date of this Ordinance.

(d) Any signs on the lot shall comply with the provisions of Chapter 1317 of the Codified Ordinances.

(e) No exterior alterations of the dwelling or any customary accessory structure shall be made which would detract from the residential character of the structure.

(f) No Type A family day care home may be located on a lot within 300 feet from any other lot containing a Type A family day care home if any boundary of said lots abut the same street.

(g) Type A Family Day Care Homes licensed by the State of Ohio, in existence on the effective date of this amendment, but which would be prohibited by the spacing requirements herein, may continue as otherwise required herein.
(Ord. 28-17. Passed 9-11-17.)

1123.18 GROUP RESIDENTIAL FACILITIES.

"Group residential facilities" shall be defined and classified in Chapter 1161 of this Code. A Class I Type B group residential facility, as defined in Chapter 1161, is permitted by right in any zoning district that permits single-family dwellings. A Class I Type A group residential facility shall be considered as a Special Exception in the RM-2., RM-3, RM-4, CG and CH Districts, subject to the standards below. A Class II Type A or Type B group residential facility shall be treated as a Special Exception in the CG and CH Districts subject to the standards below:

- (a) The facility shall obtain all approvals and/or licenses as required by state and local laws.
- (b) The facility shall provide 24-hour supervision by trained and qualified professional personnel.
- (c) No exterior alterations of the structure shall be made which would be inconsistent with the residential character of the residential structures in the surrounding neighborhood.
- (d) The facility shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
- (e) Such facilities shall be required to provide appropriate sleeping quarters without using normal living areas, such as living rooms, dining room or kitchen for sleeping.
- (f) Such facilities shall meet all applicable local and/or state building, safety and fire safety requirements for the proposed use and level of occupancy.
- (g) Such facilities shall be reasonably accessible, by virtue of location or transportation provided by the applicant, to medical, recreational and retail services, and employment opportunities.
- (h) The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, including a structured procedure whereby their grievances may be filed and resolved.

(Ord. 28-17. Passed 9-11-17.)

1123.19 CONVICT PRERELEASE AND/OR CORRECTIONAL COMMUNITY TREATMENT CENTERS.

"Convict PreRelease and/or Correctional Community Centers" shall be defined and classified in Chapter 1161 of this Code. In order to provide opportunities for location of convict pre-release and correctional community treatment centers, to avoid over concentration of said facilities, and to establish the suitability of the requested use at the proposed location, a convict pre-release or correctional community treatment center shall be allowed as a Special Exception only in the IL or IM Districts. No application for a Special Exception for such a facility shall be accepted for review unless accompanied by sufficient documentation by the appropriate licensing or certifying agency determining the need for such a facility at the proposed location. The applicant shall be responsible for demonstrating compliance with the requirements of this Section. The Board of Zoning Appeals shall consider the following criteria in determining whether a location is appropriate for such a facility and may attach conditions to zoning clearance consistent with the purposes of this Section.

- (a) The facility shall be occupied by not more than thirty (30) residents, exclusive of staff, limited by the size of the existing or proposed building and its allocated space for sleeping quarters.
 - (b) Prior to occupancy and continuously thereafter, the applicant convict pre-release and correctional community treatment center shall:
 - (1) Be licensed or certified by a federal, state, or local agency which requires screening potential residents.
 - (2) Comply with all applicable City codes,
 - (3) Agree in writing to maintain with the Lancaster Police Department a current list of all residents of the facility by name and photograph,
 - (4) Submit a copy of the B.1 License or Certificate to the Zoning Inspector initially prior to occupancy and therefore subsequent to each renewal.
- (Ord. 28-17. Passed 9-11-17.)

1123.20 LOCATION OF CEMETERIES.

No person/group shall establish any cemetery or other place for the interment of dead bodies, human remains, or human ashes within the corporate limits of the City. However, nothing in this section shall prevent cemeteries existing before October 31, 2005, from acquiring land for expansion when done in accordance with the provision of the Ohio Revised Code.

(Ord. 28-17. Passed 9-11-17.)

1123.21 MEDICAL MARIJUANA CULTIVATORS, PROCESSORS AND RETAIL DISPENSARIES.

The term "medical marijuana" shall have the same meaning as in Section 3769.01(A) of the Ohio Revised Code, effective September 8, 2016.

No person shall open, establish or operate any business or commercial enterprise engaged as a cultivator, processor, or retail dispenser of medical marijuana within the corporate limits of the City.

No zoning clearance, permit, or other administrative approval shall be approved or issued by any administrative official of the City, nor shall any variance be approved or granted, to any person, business, or other applicant desiring or intending to operate a business or commercial enterprise engaged as a cultivator, processor, or retail dispenser of medical marijuana within the corporate limits of the City.

(Ord. 28-17. Passed 9-11-17.)

**CHAPTER 1125
Yards and Accessory Uses**

1125.01	Yards.	1125.04	Antennas, satellite dishes and supporting structures.
1125.02	Accessory uses and/or structures.	1125.05	Private swimming pools.
1125.03	Residential fences and walls.	1125.06	Home occupations.
		1125.07	Temporary accessory tents.

1125.01 YARDS.

Except as otherwise provided, required yards shall be open and unobstructed from ground to sky. Yards provided for a building for the purpose of complying with the provisions of this Code, shall not be considered the yard for any other building, and yards provided for a lot shall not be considered the yard of any other lot.

Obstructions are permitted in required side and rear yards as follows:

- (a) Cornices, canopies, eaves, fireplaces and similar architectural features may project not more than two (2) feet into a required yard.
- (b) Fire escapes may project not more than four and one-half (4-1/2) feet into a required yard.
- (c) Fences, plant materials, berms, walls and permitted signs may be located in any yard provided that the same do not constitute a nuisance as provided in Lancaster Revised Code. Fences must meet the standards of Section 1125.03 below.
- (d) Detached accessory structures, subject to the standards of Section 1125.02 below.
- (e) Swimming pools, tennis courts, clotheslines, barbeque pits, playground equipment, portable or permanent dog run, house or kennel and similar structures customary and ancillary to the primary residential use of the property.
- (f) Antennas and supporting structures, subject to the standards of Section 1125.04 below.
- (g) Signs which are otherwise permitted as an accessory use in the specific district, may be located within any yard bounded by a public street, provided the setback requirements of Chapter 1317 are met.
(Ord. 28-17. Passed 9-11-17.)

1125.02 ACCESSORY USES AND/OR STRUCTURES.

"Accessory use or structure" shall mean a use and/or structure which is located on the same lot as the principal building or use and is subordinate, secondary, and incidental to such principal building or use. Such accessory uses or structures are subject to the requirements for Accessory Uses in the district in which they are located, and the following additional requirements:

- (a) An unattached accessory structure shall be located within any side or rear yard, subject to the following:
- (1) In the AG District, any detached accessory structure must be located not closer to the side or rear lot line than the requirement for principal structures.
 - (2) In the RE and RS Districts, a detached accessory building shall meet the bulk and area requirements of the zoning district. For lots less than 50 feet in width the structure shall be located a distance at least ten percent (10%) of the lot width, not less than three (3) feet from any lot line; provided, however, in those cases where such lot line abuts a public street, the detached accessory building shall be located not closer than twenty (20) feet from the right-of-way line.
 - (3) In the OM, C and I Districts, any detached accessory structure shall meet all building setback requirements for principal buildings in the district.
- (b) In the AG, RE and RS Districts, the height of a detached accessory structure shall not exceed eighteen (18) feet.
- (c) In R Districts, the total floor area of any single detached accessory structure shall not exceed twenty percent (20%) of the area of the rear yard. In R Districts, the total floor area of all detached structures shall not exceed sixty percent (60%) of the ground floor area of the principal residential structure on the lot. If the ground floor area of the structure is less than 1,000 square feet, the total floor area of all detached structures shall not exceed 576 square feet.
- (d) Accessory commercial uses allowed in the RMH Districts shall be designed and located for the convenience of the occupants of the multi-family structure, shall be located entirely within such structure with exterior public entrance(s) solely from the lobby of such structure, and shall occupy not more than ten percent (10%) of the gross floor area of the multi-family structure.
(Ord. 28-17. Passed 9-11-17.)

1125.03 RESIDENTIAL FENCES AND WALLS.

For residential properties, fences and/or walls within or enclosing yards shall not exceed a height of eight (8) feet in a side or rear yard, and four (4) feet in a front yard. Fences or walls containing barbed wire, razor wire or charged with electrical current are prohibited unless such fences or walls are in the AG District and solely used for the enclosure of livestock.
(Ord. 28-17. Passed 9-11-17.)

1125.04 ANTENNAS, SATELLITE DISHES AND SUPPORTING STRUCTURES.

- (a) Antennas or towers of licensed amateur radio stations are exempt from municipal overview, but subject to licensing criteria of Part 97 of the Federal Communication Rules.
- (b) Antennas, satellite dishes and their supporting structures shall comply with Chapter 1339 of the Lancaster Codified Ordinances.
- (c) Structures other than a dwelling or customary accessory building which are used to support accessory antennas, including guy lines, shall:
- (1) Be located only in the rear yard, and shall be limited to one such structure.
 - (2) Not exceed 65 feet in height, measured from the average ground elevation of the rear building wall of the residential dwelling to the highest horizontal plane of the antenna supporting structure.

- (3) Not encroach upon the land or airspace of any abutting property, and
- (4) Not exceed twenty-four (24) inches in width above twenty-five (25) feet in height, exclusive of guy lines.
(Ord. 28-17. Passed 6-11-17.)

1125.05 PRIVATE SWIMMING POOLS.

A "private swimming pool" as regulated herein, means any pool or open tank not located within a completely enclosed building and containing water to a depth, at any point greater than one and one-half (1 1/2) feet. A private spa or hot tub with a lockable cover shall not be considered as a "swimming pool" subject to the provisions of this Section. No such swimming pool, exclusive of storable swimming pools, shall be allowed in any residential district unless the following conditions and requirements are complied with:

- (a) The pool is intended to be used solely for the occupants of the principal use of the property on which it is located.
- (b) No pool of any kind (including storable swimming pools), including any walks, paved areas, and appurtenances thereto, shall not be located in any front yard, nor closer than five (5) feet to any property line or structure.
- (c) The area of the swimming pool, exclusive of decks, walks and other appurtenances, shall not exceed ten percent (10%) of the area of the lot or parcel.
- (d) Any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. Such wall or fence shall meet the requirements established in the current version of the International Residential Code (IRC), Appendix G (Swimming Pools, Spas and Hot Tubs) and be maintained in good condition.
- (e) All lights used for the illumination of the swimming pool and adjacent areas shall be designed, located and installed so as to confine the direct beams thereof to the lot or parcel on which the pool is located.
- (f) Shall meet the requirements established in the current version of the International Residential Code (IRC), Appendix G (Swimming Pools, Spas and Hot Tubs).

A zoning clearance permit shall be required for the construction or installation of any private swimming pool. The owner of the property, or his agent, shall certify that the pool will be constructed, installed and maintained in conformance with the above requirements.
(Ord. 28-17. Passed 9-11-17.)

1125.06 HOME OCCUPATIONS.

Home occupations shall be considered as an accessory use as specified in the respective zoning districts of this Zoning Ordinance. The applicant requesting use of property for a home occupation shall submit evidence that the proposed home occupation will comply with the following standards:

- (a) The use shall be clearly incidental and secondary to residential use of the dwelling and not more than twenty-five percent (25%) of dwelling unit floor area is devoted to the home occupation.
- (b) The home occupation shall be performed by the occupant of the premises. Not more than one (1) person, other than immediate family residing at the premises, shall be employed in such occupation.
- (c) The home occupation shall not generate greater vehicular traffic than is normal for a residential neighborhood.
- (d) External indication of such home occupation shall be limited to one sign. Such sign shall comply with the standards in Chapter 1317 of this Ordinance.

- (e) No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot.
- (f) No home occupation shall involve the exterior storage of equipment or inventory.
- (g) No parking space associated with the home occupation shall be located within the front yard other than a paved driveway.

Generally, home occupations shall be regulated not by the specific activity performed, but rather by the presence of external impacts that may affect the residential character of the surrounding area. In particular, a home occupation shall consist primarily of rendering specific personal services. Examples would include a salesperson, member of the clergy, lawyer, engineer, architect, real estate consultant, accountant, artist, computer or telecommunications worker or private teacher.

(Ord. 28-17. Passed 9-11-17.)

1125.07 TEMPORARY ACCESSORY TENTS.

Temporary tents shall be considered as an accessory use in commercial districts designated at Commercial Neighborhood, Commercial General, Commercial High Intensity, Central Business District and in Industrial Light, Moderate and Heavy districts when retail sales are a principal use as so specified by this chapter. Tents used for festivals, fairs and carnivals for a maximum of fifteen (15) days are exempt from application. The applicant requesting use of such tents shall submit evidence that the following standards will be met.

- (a) Tent(s) on a lot or contiguous lot in the same ownership shall have an aggregate floor area of not more than 700 square feet.
- (b) Tent(s) erected shall meet the requirements of the Ohio Building Code.
- (c) Tent(s) used for festivals, fairs and carnivals for a maximum of fifteen (15) days are exempt from zoning approval.
- (d) Tent(s) may not be erected for more than 89 days during any calendar year except when special permission is granted by the Zoning Inspector.
- (e) Tent(s) shall not cover or restrict access to any parking space.

(Ord. 28-17. Passed 9-11-17.)

**CHAPTER 1127
(AG) Agriculture District**

1127.01 Purpose.	1127.04 Accessory uses.
1127.02 Agricultural use defined.	1127.05 Special exception uses.
1127.03 Permitted uses.	1127.06 Bulk and area requirements.

1127.01 PURPOSE.

The (AG) Agriculture District is designed to:

- (a) Encourage and protect the agricultural use of land until an orderly transition to urban development may be accomplished.
- (b) Discourage the development of inappropriate uses in rural areas.
- (c) Promote the efficiency of public expenditures for infrastructure and services.
(Ord. 42-05. Passed 6-27-05.)

1127.02 AGRICULTURAL USE DEFINED.

Agricultural use means use of land for growing crops in the open, dairying, pasturage, horticulture, floriculture and necessary accessory uses, including structures typically associated with conducting farming operations, and the residence of the person who owns or operates the farm and family thereof. Such agricultural use shall not include:

- (a) Maintenance and operation of commercial greenhouses or hydroponic farms.
- (b) Wholesale or retail sales as an accessory use unless specifically permitted by this code.
- (c) Feeding, grazing or sheltering of animals in pens or confined areas within 200 feet of any residential use.
- (d) The storage or feeding of garbage to animals or operation or maintenance of a commercial stockyard or feed lot.
- (e) Raising fur-bearing animals as a principal use
(Ord. 42-05. Passed 6-27-05.)

1127.03 PERMITTED USES.

- (a) Agriculture uses, as defined in Section 1127.02 above.
- (b) Public or private open land uses, such as arboretums, parks, playgrounds, flood management and storm water detention areas, reservoirs and wildlife preserves.
- (c) Single-family detached dwellings, provided such structures comply with all other City codes and ordinances.
- (d) Class I Type B group residential facilities, subject to the requirements of Section 1123.18 of this Code. (Ord. 42-05. Passed 6-27-05.)

1127.04 ACCESSORY USES.

- (a) Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, and/or similar facilities for primary use by occupants of the principal use of the property on which the facility is located, provided such structures meet the yard and setback requirements for principal buildings, as specified in Chapter 1125.
- (b) Home occupations, subject to the requirements of Section 1125.06 of this Code.
- (c) Private swimming pools, tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, provided such structures meet the yard and setback requirements for principal buildings, as specified in Chapter 1125.
- (d) Antennas or dish-type receiving or transmission facilities, subject to the licensing criteria of Part 97 of the Federal Communications Commission Rules, and Chapter 1339 of the Lancaster Codified Ordinances.
- (e) Signs, as regulated in Chapter 1317 of this Code.
- (f) Tents, solely as related to 1127.05(l) below, pursuant to the requirements of Section 1125.07. (Ord. 42-05. Passed 6-27-05.)

1127.05 SPECIAL EXCEPTION USES.

- (a) Churches and similar places of public assembly, on lots of not less than two (2) acres, provided a site plan is submitted to and approved by the Board of Zoning Appeals.
- (b) Public or private schools, on lots of not less than two (2) acres, provided a site plan is submitted to and approved by the Board of Zoning Appeals.
- (c) Colleges and/or universities, provided a site plan is submitted to and approved by the Board of Zoning Appeals.

(d) Community services, such as community centers, museums, galleries, libraries and similar facilities, provided a site plan is submitted to and approved by the Board of Zoning Appeals.

(e) Public protection facilities, including police, fire, and ambulance facilities and civil defense or storm shelters, provided a site plan is submitted to and approved by the Board of Zoning Appeals.

(f) Type A Family Child Care Homes, subject to the requirements of Section 1123.17 of this Code, and approval by the Board of Zoning Appeals.

(g) Bed-and-Breakfast establishments, subject to the following standards:

- (1) The establishment must be operated by the owner-occupant of the premises.
- (2) Structures shall maintain the appearance of a single-family residence and be compatible with surrounding residences, in size and scale
- (3) All parking shall be provided in the rear yard or in specially designated off-site areas.
- (4) Accommodations shall be provided for not more than five (5) guests, unless otherwise determined by the Board of Zoning Appeals.

(h) Airports and/or private landing strips, provided such facilities are approved and/or properly licensed by the Federal Aviation Authority or applicable agency.

(i) Private clubs or lodges.

(j) Golf courses or country clubs, provided a site plan showing the location of all facilities is approved by the Board of Zoning Appeals.

(k) Temporary event or open air activities, such as Christmas tree sales, flea markets or seasonal plant sales, subject to the following:

- (1) The Board may approve such uses for not more than 90 days during any single calendar year.
- (2) A site plan showing the layout of all facilities, including parking and any attached or moveable structures, is submitted to and approved by the Board of Zoning Appeals.
- (3) A traffic management plan showing ingress and egress from an arterial or collector roadway.
- (4) A plan showing the size, shape and location of any permanent or temporary signage, and certification that such signage complies with the requirements of all City codes.

(l) Intensive open air commercial recreational uses, including golf driving ranges, racetracks, stadiums, arenas and concert facilities, commercial outdoor pools and similar uses, subject to the following:

- (1) A site plan showing the layout of all facilities, including parking and any attached or moveable structures, is submitted to and approved by the Board of Zoning Appeals. Such plan shall clearly show how the facility will be landscaped and buffered from abutting and proximate residential areas.
- (2) An analysis identifying potential adverse impacts of the use, including but not limited to noise, light, traffic, glare, and/or waste disposal, along with a plan for the alleviation and mitigation of these impacts, is submitted to and approved by the Board.
- (3) A traffic management plan showing ingress and egress from the facility and effects of that traffic on nearby roadways.
- (4) A plan showing the size, shape and location of any permanent or temporary signage, and certification that such signage complies with the requirements of all City codes.

(m) Mining and mineral processing, including the extraction and/or processing of stone, sand, gravel or topsoil, subject to the following:

- (1) An analysis identifying potential adverse impacts of the use, including but not limited to noise, light, traffic, glare, and/or waste disposal, along with a plan for the alleviation and mitigation of these impacts, is submitted to and approved by the Board.
- (2) Evidence of compliance with Chapter 1514 of the Ohio Revised Code. (Ord. 83-05. Passed 12-12-05.)

1127.06 BULK AND AREA REQUIREMENTS.

Bulk and area requirements for the permitted and special exception uses within the (AG) Agriculture District are as shown in the following Table:

Minimum Lot Width	200 feet
Minimum Lot Area	2 acres
Minimum Land Area per Dwelling Unit	2 acres
Front Yard and Any Yard abutting a Public Street	
Arterial or Freeway Service Road	35 feet
Not an Arterial or Freeway Service Road	25 feet
Minimum Side Yard	
One Side Yard	10 feet
Other Side Yard	5 feet
Minimum Rear Yard	40 feet
Maximum Building Height	35 feet
(Ord. 42-05. Passed 6-27-05.)	

**CHAPTER 1129
Residential Districts**

<p>1129.01 Establishment and purpose.</p> <p>1129.02 (RE) Residential Single-Family Estate District.</p> <p>1129.03 (RS) Residential Single-Family Districts.</p>	<p>1129.04 (RM) Residential Multi-Family Districts.</p> <p>1129.05 (RMH) Residential Manufactured Home District.</p>
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1129.01 ESTABLISHMENT AND PURPOSE.

There are hereby established ten (10) Residential Districts. These Residential Districts are designed to:

- (a) Protect the character of residential areas by limiting the intrusion of inconsistent commercial and industrial activities.
- (b) Promote a suitable environment for family life by permitting appropriate neighborhood facilities, such as churches, schools and specific cultural and recreational activities in residential areas.
- (c) Preserve openness of living areas and avoid overcrowding by requiring minimum yards, open spaces, lot areas, and by limiting the bulk of structures.
- (d) Permit a variety of dwelling types and densities to meet the varying needs of families.
- (e) Control the density of residential development to facilitate planning for the cost effective provision of streets, utilities, and other public facilities.
(Ord. 17-16. Passed 4-11-16.)

1129.02 (RE) RESIDENTIAL SINGLE-FAMILY ESTATE DISTRICT.

(a) Purpose. The RE District is designed to permit the development and continuance of single-family dwellings in relatively large lot suburban-type environments.

- (b) Permitted Uses.
 - (1) Single-family detached dwellings, provided such structures comply with all other City codes and ordinances.
 - (2) Public or private open land uses, such as arboretums, parks, playgrounds, flood management and storm water detention areas, reservoirs and wildlife preserves.
 - (3) Permanently sited manufactured homes, as defined in Section 1161.01
 - (4) Class I Type B group residential facilities, subject to the requirements of Section 1123.18 of this Code.

- (c) Accessory Uses.
- (1) Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, and/or similar facilities for primary use by occupants of the principal use of the property on which the facility is located, provided such structures meet the yard and setback requirements as specified in Section 1125.02 of this Code.
 - (2) Home occupations, subject to the requirements of Section 1125.06 of this Code.
 - (3) Private swimming pools, tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, provided such structures meet the yard and setback requirements as specified in Chapter 1125 of this Code.
 - (4) Antennas or dish-type receiving or transmission facilities, subject to the licensing criteria of Part 97 of the Federal Communications Commission Rules, and/or Chapter 1339 of the Lancaster Codified Ordinances.
 - (5) Type B Child Care Homes, subject to the requirements of Section 1123.17 of this Code
- (d) Special Exception Uses.
- (1) Type A Family Child Care Homes, subject to the requirements of Section 1123.17 of this Code, and approval by the Board of Zoning Appeals.
 - (2) Churches and similar places of public assembly, on lots of not less than two (2) acres, provided a site plan is submitted to and approved by the Board of Zoning Appeals
 - (3) Public or private schools, on lots of not less than two (2) acres, provided a site plan is submitted to and approved by the Board of Zoning Appeals
 - (4) Colleges and/or universities, provided a site plan is submitted to and approved by the Board of Zoning Appeals
 - (5) Community services, such as community centers, museums, galleries, libraries and similar facilities, provided a site plan is submitted to and approved by the Board of Zoning Appeals
 - (6) Public protection facilities, including police, fire, and ambulance facilities and civil defense or storm shelters, provided a site plan is submitted to and approved by the Board of Zoning Appeals
 - (7) Bed-and-Breakfast establishments, subject to the following standards:
 - A. The establishment must be operated by the owner-occupant of the premises.
 - B. Structures shall maintain the appearance of a single-family residence and be compatible with surrounding residences, in size and scale
 - C. All parking shall be provided in the rear yard or in specially designated off-site areas.
 - D. Accommodations shall be provided for not more than three (3) guests
 - (8) Assisted living facilities, community group homes and life care retirement centers, on lots of not less than two (2) acres, provided a site plan is submitted to and approved by the Board of Zoning Appeals.
 - (9) Golf courses or country clubs, provided a site plan showing the location of all facilities is approved by the Board of Zoning Appeals.

(e) Bulk and Area Requirements. Bulk and area requirements for Permitted Uses within the RE District are as shown in the following Table:

Minimum Lot Width (feet)	150
Minimum Lot Area (S.F.)	22,500
Minimum Land Area per Dwelling Unit (S.F.)	22,500
Minimum Front Yard and Any Yard Abutting a Public Street (feet)	
Arterial or Freeway Service Road	35
Not an Arterial or Freeway Service Road	35
Minimum Side Yard (feet)	
One Side Yard	15
Other Side Yard	15
Minimum Rear Yard (feet)	25
Maximum Building Height (feet)	35

There shall be a side yard on each side of a building of not less than fifteen (15) feet. However, on a lot having less than fifty (50) feet as shown by the last conveyance of record at the time of this Code, there shall be a side yard on each side of the building of not less than ten percent (10%) of the width of the lot, but in no case shall the side yard be less than five (5) feet.

When a single-family or two-family lot abuts a non-arterial street or roadway on two (2) sides, the owner may select the front yard, and the other yard abutting the non-arterial street shall have not less than twenty (20) feet.

Bulk and area requirements for Special Exception Uses in the RE District shall be as specified in Section 1129.02(e) above, or as required in the zoning district where such use is first listed as a permitted use. In specific cases, upon review of the site plan, the Board of Zoning Appeals shall have the authority to interpret the intent of this requirement.

Off-street parking regulations are subject to the requirements of Chapter 1151 of this Code. (Ord. 17-16. Passed 4-11-16.)

1129.03 (RS) RESIDENTIAL SINGLE-FAMILY DISTRICTS.

(a) Purpose. The RS-1, RS-2, RS-3 and RS-4 Districts are designed to permit the development and conservation of single-family detached dwellings in suitable environments in a variety of densities to meet the varying requirements of families.

(b) Permitted Uses. The permitted uses in RS-1, RS-2, RS-3 and RS-4 Districts shall be the same as in the RE District. In addition, two-family dwellings (duplexes) are a permitted use in RS-4 District.

(c) Accessory Uses. The accessory uses in RS-1, RS-2, RS-3 and RS-4 Districts shall be the same as in the RE District.

(d) Special Exception Uses. The special exception uses in RS-1, RS-2, RS-3 and RS-4 Districts shall be the same as in the RE District. In addition, two-family dwellings (duplexes) are a special exception use in RS-3 District.

(e) Bulk and Area Requirements. Bulk and area requirements for permitted uses and two-family dwellings within the RS Districts are as shown on the following Table:

	RS-1	RS-2	RS-3	RS-4
Minimum Lot Width (feet)				
Single-Family Dwelling	100	75	60	40
Two-Family Dwelling (Duplex)			75	75
Minimum Lot Area (S.F.)				
Single-Family Dwelling	13,500	9,500	7,500	5,000
Two-Family Dwelling (Duplex)			9,000	9,000
Minimum Land Area per Dwelling Unit (S.F.)				
Single-Family Dwelling	13,500	9,500	7,500	5,000
Two-Family Dwelling (Duplex)			9,000	9,000
Minimum Front Yard and Any Yard Abutting a Public Street (feet)				
Arterial or Freeway Service Road	35	35	35	35
Not an Arterial or Freeway Service Road	35	30	25	20
Minimum Side Yard (feet)				
One Side Yard	10	10	5	5
Other Side Yard	5	5	5	5
Minimum Rear Yard (feet)	25	25	20	20
Maximum Building Height (feet)	35	35	35	35

There shall be a side yard on each side of a building of not less than five (5) feet. However, on a lot having less than fifty (50) feet as shown by the last conveyance of record at the time of this Code, there shall be a side yard on each side of the building of not less than ten percent (10%) of the width of the lot, but in no case shall the side yard be less than three (3) feet.

When a single-family or two-family lot abuts a non-arterial street or roadway on two (2) sides, the owner may select the front yard, and the other yard abutting the non-arterial street shall have not less than fifteen (15) feet; provided that any garages which access this street shall have a setback of not less than twenty (20) feet.

Bulk and area requirements for Special Exception Uses in the RS Districts shall be as specified in Section 1129.03(e) above, or as required in the zoning district where such use is first listed as a permitted use. In specific cases, upon review of the site plan, the Board of Zoning Appeals shall have the authority to interpret the intent of this requirement.

Off-street parking regulations are subject to the requirements of Chapter 1151 of this Code. (Ord. 17-16. Passed 4-11-16.)

1129.04 (RM) RESIDENTIAL MULTI-FAMILY DISTRICTS.

(a) Purpose. The RM-0, RM-1, RM-2 and RM-3 Districts are designed to permit the development and continuance of multiple family dwellings in suitable environments in a variety of densities to meet the varying requirements of families.

(b) Permitted Uses. The permitted uses in the RM-0, RM-1, RM-2 and RM-3 Districts shall be the same as in the RS-4 District, with the following additions:

- (1) Single-family townhouse units, provided such structures:
 - A. Are located on a separate lot within a townhouse development containing at least three (3) lots,
 - B. Are attached by a common party wall to another townhouse unit,
 - C. Are not located above any other dwelling unit, and
 - D. Comply with all other City codes and ordinances.

- (2) Apartment
- (3) Assisted Living Facility
- (4) Convent or Monastery
- (5) Rooming or Boarding House
- (6) Elderly/Retirement Housing
- (7) Life Care Retirement Center, provided the nursing or medical facility meets all applicable licensing requirements by the State of Ohio and/or Ohio State Health Department as an intermediate care facility or as a skilled nursing home.

All permitted uses shall comply with all other applicable City codes and/or ordinances.

In addition, when located on a lot abutting an RE or RS District, permitted uses listed in (1) through (7) above shall be screened by the erection and maintenance of an opaque wall or fence along the lot lines abutting the RE or RS District. Such wall or fence shall comply with the requirements of Section 1123.11 of this Code.

(c) Accessory Uses. The accessory uses in the RM-0, RM-1, RM-2 and RM-3 Districts shall be the same as in the RS-4 District. In addition, management offices, private recreational, laundry and storage facilities for exclusive use by residents of the premises shall be allowed as accessory uses.

In the RM-3 District, the following accessory commercial uses shall be allowed, provided such facilities are located entirely within the multi-family structure where located, shall not occupy more than ten percent (10%) of the floor area of the building, and contain no signs or advertising visible from outside the lot:

- (1) Cafes, cafeterias, coffee shops, delicatessens, restaurants and similar eating establishments.
- (2) Retail convenience establishments, including dairy and drug stores; food stores including bakeries, candy, grocery specialty foods, etc.; gift and/or novelty stores; newsstands and tobacco stores.
- (3) Personal service establishments, including animal grooming, barber and beauty shops, dry cleaning and laundry, tanning salons and tattoo parlors.

(d) Special Exception Uses.

- (1) Type A Family Child Care Homes, subject to the requirements of Section 1123.17 of this Code, and approval by the Board of Zoning Appeals.
- (2) Class I Type A group residential facilities, subject to the provisions of Section 1123.18 of this Code.
- (3) Churches and similar places of public assembly, on lots of not less than one (1) acre, provided a site plan is submitted to and approved by the Board of Zoning Appeals
- (4) Public or private schools, on lots of not less than one (1) acre, provided a site plan is submitted to and approved by the Board of Zoning Appeals
- (5) Colleges and/or universities, provided a site plan is submitted to and approved by the Board of Zoning Appeals
- (6) Community services, such as community centers, museums, galleries, libraries and similar facilities, provided a site plan is submitted to and approved by the Board of Zoning Appeals
- (7) Public protection facilities, including police, fire, and ambulance facilities and civil defense or storm shelters, provided a site plan is submitted to and approved by the Board of Zoning Appeals.

- (8) Bed-and-Breakfast establishments, subject to the following standards:
- A. The establishment must be operated by the owner-occupant of the premises.
 - B. Accommodations shall be provided for not more than three (3) guests
 - C. All parking shall be provided in the rear yard or in specially designated off-site areas.
- (9) In addition to the above, the following uses shall be considered as Special Exceptions in the RM-1, RM-2, and RM-3 Districts, subject to approval by the Board of Zoning Appeals:
- A. Professional offices, including attorneys, accountants, insurance and consulting services.
 - B. Studios or schools for teaching ballet, dance, drama, music, language, business or modeling.
 - C. Artist's or photography studios.
 - D. General business offices.
 - E. Medical, dental or optical laboratories.
 - F. Banks and savings and loans.
 - G. Funeral homes.
 - H. Off-street parking areas and garages as a principal use, subject to the requirements of Chapter 1151 of this Code (RM-2 and RM-3 Districts only)
 - I. Structures containing separate small, self-serve storage facilities leased or rented to individuals or businesses, provided such facilities are located on a site with frontage on an arterial street, and that any such use, when located adjacent to an R District, shall be screened by erection and maintenance of a screening wall or fence along the lot line(s) which abut such R District.

(e) Bulk and Area Requirements. Bulk and area requirements for permitted uses within the RM Districts are as shown on the following Table:

	RM-0	RM-1	RM-2	RM-3
Minimum Lot Width (feet)				
Single-Family Dwelling	60	60	60	60
Two-Family Dwelling (Duplex)	60	60	60	60
Multi-Family Development	100	100	50	100
Minimum Lot Area (S.F.)				
Single-Family Dwelling	6,900	6,000	6,000	6,000
Two-Family Dwelling (Duplex)	6,900	6,900	6,900	6,000
Multi-Family Development	10,000	10,000	6,000	24,000
Minimum Land Area per Dwelling Unit (S.F.)				
Single-Family Dwelling	6,900	6,000	6,000	6,000
Two-Family Dwelling (Duplex)	6,900	6,900	6,900	6,000
Multi-Family Development				
Within a PUD / One bedroom or less	2,000	1,800	1,200	600
Not Within a PUD / One bedroom or less	2,500	2,000	1,400	600
For each additional bedroom, add	400	400	400	400

	RM-0	RM-1	RM-2	RM-3
Minimum Front Yard and Any Yard Abutting a Public Street (feet)				
Arterial or Freeway Service Road	35	35	35	35
Not an Arterial or Freeway Service Road	25	25	10	25
Minimum Side Yard (feet)				
One Side Yard	10	10	10	25
Other Side Yard	10	10	10	25
Minimum Rear Yard (feet)	20	20	10	25
Maximum Building Height (feet)	35	35	35	35

There shall be a side yard on each side of a building of not less than five (5) feet. However, on a lot having less than fifty (50) feet as shown by the last conveyance of record at the time of this Code, there shall be a side yard on each side of the building of not less than ten percent (10%) of the width of the lot, but in no case shall the side yard be less than three (3) feet.

When a single-family or two-family lot abuts a non-arterial street or roadway on two (2) sides, the owner may select the front yard, and the other yard abutting the non-arterial street shall have not less than fifteen (15) feet; provided that any garages which access this street shall have a setback of not less than twenty (20) feet.

Notwithstanding the above, all multi-family dwellings and their accessory buildings shall be located at least twenty-five (25) feet from any property in the RE or RS District. A two-story limitation shall apply to all multi-family dwellings located within fifty (50) feet from any RE or RS District. All multi-family structures more than two stories in height shall be located at least seventy-five (75) feet from any RE or RS District.

Bulk and area requirements for Special Exception Uses in the RM Districts shall be as specified in Section 1129.04(e) above, or as required in the zoning district where such use is first listed as a permitted use. In specific cases, upon review of the site plan, the Board of Zoning Appeals shall have the authority to interpret the intent of this requirement.

Office uses allowed as Special Exceptions in Section 1129.04(d)(8)A. and D. above, shall be subject to the bulk and area requirements of the OM District, except no structure in the RM-1 or RM-2 District shall exceed two stories in height.

Off-street parking regulations are subject to the requirements of Chapter 1151 of this Code. (Ord. 17-16. Passed 4-11-16.)

1129.05 (RMH) RESIDENTIAL MANUFACTURED HOME DISTRICT.

(a) Purpose. The RMH District is designed to provide areas for manufactured homes so as to provide a desirable residential environment, protected from adverse neighboring influences, with adequate access for vehicular traffic and circulation. These residential communities shall be developed and located so as to not promote excessive vehicular traffic on streets in adjoining neighborhoods, and shall provide overall desirability equivalent to that for other forms of residential development.

(b) Requirements Generally. Permanently sited manufactured homes, as defined in Section 1161.01 of this Code, shall be considered as a permitted use in any zoning district that permits single-family residential dwellings. Manufactured homes not meeting the standards for "permanently sited manufactured homes", manufactured home communities, and mobile homes as defined in Section 1161.01, shall require location in the RMH District; however, mobile homes which were built prior to the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, shall not be considered as a permitted use in the RMH District or any other zoning district within the City.

(c) Permitted Uses.

- (1) Public or private open land uses, such as arboretums, parks, playgrounds, flood management and storm water detention areas, reservoirs and wildlife preserves.
- (2) Manufactured homes and manufactured home communities, provided a site plan for any manufactured home community is approved.
- (3) Mobile homes, as defined in Chapter 1161 of this Code.

(d) Accessory Uses. The accessory uses in the RMH District shall be the same as in the RS-4 District. In addition, management offices, private recreational, laundry and storage facilities for exclusive use by residents of the premises shall be allowed as accessory uses.

(e) Special Exception Uses.

- (1) Single-family detached dwellings, provided such structures comply with all other City codes and ordinances.
- (2) Type A Family Child Care Homes, subject to the requirements of Section 1123.17 of this Code, and approval by the Board of Zoning Appeals.
- (3) Churches and similar places of public assembly, on lots of not less than one (1) acre, provided a site plan is submitted to and approved by the Board of Zoning Appeals
- (4) Public or private schools, on lots of not less than one (1) acre, provided a site plan is submitted to and approved by the Board of Zoning Appeals
- (5) Colleges and/or universities, provided a site plan is submitted to and approved by the Board of Zoning Appeals
- (6) Community services, such as community centers, museums, galleries, libraries and similar facilities, provided a site plan is submitted to and approved by the Board of Zoning Appeals
- (7) Public protection facilities, including police, fire, and ambulance facilities and civil defense or storm shelters, provided a site plan is submitted to and approved by the Board of Zoning Appeals

(f) Bulk and Area Requirements.

- (1) Manufactured Home Communities. The development shall consist of one or more tracts under common ownership or control which shall be contiguous or separated only by non-arterial streets or alleys.
- (2) General Requirements.
 - A. Minimum internal private street surfacing width - 24 feet
 - B. All dwellings shall be anchored and skirted
 - C. All dwellings shall be certified and display such certification that they have been constructed and comply with the Federal Manufactured Home Construction and Safety Standards.
 - D. One (1) identification sign may be erected on each perimeter street frontage of a manufactured home community. The standards for such identification sign shall be the same as for any conventional single family subdivision, as further specified in Chapter 1317 of this Code.
- (3) Tract Development Standards.
 - A. Minimum tract area - 5 acres
 - B. Minimum gross land area per dwelling unit - 4,000 SF
 - C. Minimum tract width - 200 feet

- D. Setback abutting a public arterial or freeway service road - 35 feet
 - E. Setback abutting a public non-arterial or freeway service road - 25 feet
 - F. Setback from perimeter boundary not abutting public street - 10 feet
 - G. Maximum height - One story
 - H. Common park/recreational open space and facilities, including trails, playgrounds, community buildings and/or tot-lots, shall be delineated and provided to equal at least six percent (6%) of the total gross tract area, exclusive of open space on each lot or space.
- (4) Lot or Space Requirements.
- A. Minimum lot width - 40 feet
 - B. Minimum lot area - 4,000 SF
 - C. Minimum side yard
 - One side yard - 5 feet
 - Other side yard - 10 feet
 - D. Minimum rear yard - 10 feet
 - E. Minimum front yard - 10 feet
 - F. Minimum separation between dwellings - 15 feet
 - G. Maximum lot coverage - 45%
- (5) Off-street parking regulations are subject to the requirements of Chapter 1151 of this Code.
(Ord. 17-16. Passed 4-11-16.)

**CHAPTER 1131
Office District**

<p>1131.01 Purpose.</p> <p>1131.02 Permitted uses.</p> <p>1131.03 Accessory uses.</p>	<p>1131.04 Special exception uses.</p> <p>1131.05 Bulk and area requirements.</p>
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1131.01 PURPOSE.

The (OM) Office Medium Intensity District is designed to provide areas for offices, together with certain community facilities normally compatible with office uses. It is designed to preserve existing, office environments and facilitate new medium intensity office development. (Ord. 42-05. Passed 6-27-05.)

1131.02 PERMITTED USES.

- (a) Public or private open land uses, such as arboretums, parks, playgrounds, flood management and storm water detention areas, reservoirs and wildlife preserves.
- (b) Churches and similar places of public assembly, on lots of not less than one (1) acre.
- (c) Public or private schools, on lots of not less than one (1) acre.
- (d) Colleges and/or universities, on lots of not less than one (1) acre.
- (e) Community services, such as community centers, museums, galleries, libraries and similar facilities.
- (f) Off-street parking areas and garages as a principal use, subject to the requirements of Chapter 1151 of this Code
- (g) Professional offices, including attorneys, accountants, insurance and consulting services

- (h) General business offices.
- (i) Studios or schools for teaching ballet, dance, drama, music, language, business or modeling.
- (j) Artist's or photography studios.
- (k) Medical, dental or optical laboratories.

- (l) Banks and savings and loans.
- (m) Funeral homes, provided that if a chapel or assembly area is provided, such facility shall be on a lot of not less than one (1) acre.
(Ord. 42-05. Passed 6-27-05.)

1131.03 ACCESSORY USES.

(a) Convenience retail goods, limited to books, stationery, office supplies, gifts and novelties, florist, tobacco, candy and medical, dental, optical and orthopedic supply (by prescription only), subject to the following:

- (1) No convenience goods shall be permitted unless the principal building contains a minimum of 50,000 SF.
- (2) The accessory use shall occur within the enclosed building housing the principal use and shall have no exterior pedestrian access except through the general building entrance.
- (3) The permitted accessory use shall not occupy more than 2,000 SF of the gross floor area of the principal use building.
- (4) Outdoor display of merchandise is permitted, provided such display area is located not closer to the street than the required building setback.
- (5) Approval for these uses is required by the Board of Zoning Appeals as provided in Chapter 1157.

(b) Convenience personal services, including animal grooming, barber and beauty shops, dry cleaning and laundry, tanning salons and tattoo parlors, subject to the following:

- (1) Such use shall comply with the standards of Section 1131.03(a)(1) through (3) above, and shall not occupy more than 15% of the gross floor area of the principal building.
- (2) The total floor area of all accessory uses shall not exceed 20% of gross floor area.
- (3) Approval for these uses is required by the Board of Zoning Appeals as provided in Section 1131.05.

(c) Eating establishments not including drive-throughs, consisting of cafes, cafeterias, coffee shops, delicatessens and restaurants designed and located for the convenience of the occupants of the principal building, subject to the following:

- (1) This accessory use shall not occupy more than 20% of the gross floor area of the principal building.
- (2) Outdoor customer seating is allowed, provided such areas abut the building wall of the establishment and extend no closer to the street or property line than the required building setback.

- (3) Such areas shall be screened from any abutting R District by the erection of a wall or fence.
- (4) Noise from such areas shall not be audible from any abutting R District. (Ord. 42-05. Passed 6-27-05.)

1131.04 SPECIAL EXCEPTION USES.

All Special Exceptions in the OM District shall have a minimum frontage of not less than 100 feet.

- (a) Public protection facilities, including police, fire, and ambulance facilities and civil defense or storm shelters, provided a site plan is submitted to and approved by the Board of Zoning Appeals
- (b) Single-family detached dwellings, provided such structures comply with all other City codes and ordinances, and approval is given by the Board of Zoning Appeals.
- (c) Two-family dwellings, provided such structures comply with all other City codes and ordinances, and approval is given by the Board of Zoning Appeals.
- (d) Single-family townhouse units, provided such structures:
 - (1) Are located on a separate lot within a townhouse development containing at least three (3) lots,
 - (2) Are attached by a common party wall to another townhouse unit,
 - (3) Are not located above any other dwelling unit, and
 - (4) Comply with all other City codes and ordinances.
- (e) Apartment. (Multi-family uses in the OM District, including (d) through (i) below, shall comply with the bulk and area requirements of the RM-2 District)
- (f) Assisted Living Facility
- (g) Convent or Monastery
- (h) Rooming or Boarding House
- (i) Elderly/Retirement Housing
- (j) Life Care Retirement Center, provided the nursing or medical facility meets all applicable licensing requirements by the State of Ohio and/or Ohio State Health Department as an intermediate care facility or as a skilled nursing home.
- (k) Bed-and-Breakfast establishments
- (l) Structures containing separate small, self-serve storage facilities leased or rented to individuals or businesses, provided that:
 - (1) The building height is limited to twelve (12) feet; however, accessory buildings used for management and/or security purposes may not exceed 35 feet.
 - (2) Such facilities are located on a site with frontage on an arterial street or freeway service road. The minimum building setback from an adjacent arterial street or freeway service road shall be 50 feet.
 - (3) Exterior building walls shall consist of masonry construction using brick, stone, stucco or concrete panels. Metal or standard (smooth) concrete block exterior walls are not permitted.
 - (4) The floor area ratio (FAR) shall not exceed .5
 - (5) Access doors to the storage units shall not be visible from the ground level from any abutting R District or public street.
 - (6) No hazardous, toxic or explosive material are permitted to be stored in such facilities.

- (7) Open air storage of materials are allowed only on the interior of a lot if such storage is not visible from the ground level from any abutting R District or public street.
- (8) When located adjacent to an R District, such uses shall be screened by erection and maintenance of a wall or fence with a minimum height of eight (8) feet along the lot line(s) which abut such R District.
(Ord. 42-05. Passed 6-27-05.)

1131.05 BULK AND AREA REQUIREMENTS.

Bulk and area requirements for permitted uses within the OM District are as shown on the following Table:

Minimum Lot Frontage	100 feet
Arterial or Freeway Service Road	100 feet
Not an Arterial or Freeway Service Road	50 feet
Minimum Lot Area	NA
Maximum Floor Area Ratio	.5
Setback for any yard abutting a public street	
Arterial or Freeway Service Road	50 feet
Not an Arterial or Freeway Service Road	30 feet
Setback from any abutting AG or R District	10 feet*
Maximum Building Height	35 feet

* Plus two (2) feet for each additional foot of building height exceeding fifteen (15) feet, if abutting property is in RE or RS District.
(Ord. 42-05. Passed 6-27-05.)

**CHAPTER 1133
Commercial Districts**

<p>1133.01 Establishment and purpose.</p> <p>1133.02 (CN) Commercial Neighborhood District.</p> <p>1133.03 (CG) Commercial General District.</p>	<p>1133.04 (CH) Commercial High Intensity District.</p> <p>1133.05 (CBD) Central Business District.</p>
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1133.01 ESTABLISHMENT AND PURPOSE.

There are hereby established four (4) Commercial Districts. These Commercial Districts are designed to:

- (a) Encourage the provision of suitable areas for commercial growth and development within the City.
- (b) Meet the needs for commercial goods and services within the community.
- (c) Promote a range of diverse commercial environments.
- (d) Encourage a compatible relationship between commercial facilities and other land uses.
- (e) Facilitate the planning for the cost effective provision of streets, utilities, and other public facilities to serve commercial facilities.
- (f) Protecting the character of commercial districts and their unique suitability for commercial use.
- (g) Requiring off-street loading and parking facilities.
- (h) Controlling the number, area, location and types of signs.
(Ord. 28-17. Passed 9-11-17.)

1133.02(CN) COMMERCIAL NEIGHBORHOOD DISTRICT.

(a) Purpose. The (CN) Commercial Neighborhood District is designed to provide for the orderly development of neighborhood-oriented businesses serving the regular day-to-day convenience and personal service needs of nearby residents. Because commercial establishments within the CN District are more closely associated with the residential land uses, more restrictive requirements related to size and scale, traffic control and landscaping are needed than in other commercial districts.

- (b) Permitted Uses.
 - (1) Single-family detached dwellings and permanently sited manufactured homes, as defined in Section 1161.01, provided such structures comply with the requirements of the RM-2 District and with all other City codes and ordinances.
 - (2) Class I Type B group residential facilities

- (3) Public or private open land uses, such as arboretums, parks, playgrounds, flood management and storm water detention areas, reservoirs and wildlife preserves.
- (4) Multi-family dwellings, subject to the requirements of the RM-2 District, including:
 - A. Single-family townhouse units, provided such structures are located on a separate lot within a townhouse development containing at least three (3) lots, are attached by a common party wall to another townhouse unit, are not located above any other dwelling unit, and comply with all other City codes and ordinances.
 - B. Apartment
 - C. Assisted Living Facility
 - D. Convent or Monastery
 - E. Rooming or Boarding House
 - F. Elderly/Retirement Housing,
 - G. Life Care Retirement Center, provided the nursing or medical facility meets all applicable licensing requirements by the State of Ohio and/or Ohio State Health Department as an intermediate care facility or as a skilled nursing home.
- (5) Type A and/or Type B Family Child Care Homes, subject to the requirements of Section 1123.17 of this Code.
- (6) Churches and similar places of public assembly.
- (7) Public or private schools.
- (8) Colleges and/or universities.
- (9) Community services, such as community centers, museums, galleries, libraries and similar facilities.
- (10) Public protection facilities, including police, fire, and ambulance facilities and civil defense or storm shelters.
- (11) Off-street parking areas and garages as a principal use, subject to the requirements of Chapter 1151 of this Code
- (12) Administrative, business or professional offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers consisting of:
 - A. Brokers and dealers in securities, investments and associated services, not including commercial banks and savings institutions.
 - B. Insurance agents and brokers and associated services.
 - C. Real estate sales and associated services.
 - D. Medical and medical-related activities, but not including veterinary offices or animal hospitals, kennels, or facilities covered in 1123.19.
 - E. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
 - F. Accounting, auditing and other bookkeeping services.
- (13) Retail Stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of those goods; provided all storage and display of merchandise shall be within the principal structure; and not including drive-through establishments or businesses selling gasoline or similar fuels. Examples include:

- A. Food and food products, consisting of: grocery stores, meat and fish markets, fruit and vegetable markets, and specialty stores such as bakery, candy or confectionery.
 - B. Proprietary drug and hardware stores.
 - C. Similar retail stores, consisting of: florists, gift, antique or second-hand stores, books and newspapers, sporting goods, jewelry, optical goods, and other retail stores which conform to the purpose and intent of the CN District.
- (14) Personal Services, involving the care of the person and his/her personal effects, consisting of consumer services generally involving the care and maintenance of tangible personal property, except for motor vehicles. Examples include:
- A. Restaurants, but not including restaurants with drive-through facilities.
 - B. Banks, savings and loans, and credit agencies, but not including establishments with drive-through facilities.
 - C. Barber and beauty shops, having no more than four work stations.
 - D. Laundromats and/or dry-cleaning facilities.
 - E. Funeral services.
 - F. Human medical and/or dental clinics.
 - G. Radio, television or small appliance repair.
 - H. Commercial photography.
 - I. On-premises duplication services.
 - J. Licensed Day Care Center

(c) Accessory Uses. Accessory uses customarily incident to a principal permitted use shall be allowed in the CN District. Accessory buildings shall meet minimum building setback requirements for principal buildings. Signs must meet the requirements of Chapter 1317 of this Code.

(d) Bulk and Area Requirements. Bulk and area requirements for the permitted and accessory uses within the (CN) Commercial Neighborhood District are shown in the following Table:

Minimum Frontage (feet)	
Arterial or Freeway Service Road	150
Not an Arterial or Freeway Service Road	50
Maximum Floor Area Ratio	.5
Minimum Setback from Property Line (feet)	
Arterial or Freeway Service Road	50
Not an Arterial or Freeway Service Road	25
Minimum Setback from Abutting R District (feet)	10*
Maximum Building Height	NA

* Plus two (2) feet for each additional foot of building height exceeding fifteen (15) feet, if abutting property is in RE or RS District.

Front yard setbacks in the CN District shall comply with Ordinance 83-41 (see APPENDIX B).

- (e) Additional Standards.
- (1) Lighting. Lighting fixtures within the CN District shall be arranged shielded and directed so as not to shine on any adjacent residential property.
 - (2) Parking and loading. Parking and loading requirements shall be as specified in Chapter 1151 of this Code. Mixed commercial centers shall require one parking space per 200 S.F. gross floor space regardless of individual unit use.
 - (3) Traffic and circulation. Traffic circulation for developments within the CN District is subject to review by the Engineering Department.
 - (4) Trash and garbage control. All trash and garbage shall be stored and managed consistent with the requirements of Chapter 1303 and Chapter 937 of the Codified Ordinances.
 - (5) Screening and landscaping. The landscaping and screening of parking and service areas is encouraged in the CN District. If side or rear yards are adjacent to any RE or RS District, landscaping shall be required in those yards to meet the standards of Section 1123.11 of this Code.
(Ord. 28-17. Passed 9-11-17.)

1133.03 (CG) COMMERCIAL GENERAL DISTRICT.

(a) Purpose. The (CG) Commercial General District is designed to provide for a broad range of business activity oriented toward community and/or regional markets. Such business uses, by their nature, rely on higher volumes of customer traffic and generally have higher impact levels on adjacent uses. The intent of the CG District is to encourage the most compatible relationship between permitted uses and overall traffic movement within the City, while minimizing negative impacts on adjacent land uses.

- (b) Permitted Uses.
- (1) Public or private open land uses, such as arboretums, parks, playgrounds, flood management and storm water detention areas, reservoirs and wildlife preserves.
 - (2) Churches and similar places of public assembly.
 - (3) Public or private schools.
 - (4) Colleges and/or universities.
 - (5) Community services, such as community centers, museums, galleries, libraries and similar facilities.
 - (6) Public protection facilities, including police, fire, and ambulance facilities and civil defense or storm shelters.
 - (7) Off-street parking areas and garages as a principal use, subject to the requirements of Chapter 1151 of this Code.
 - (8) Administrative, business or professional offices, including:
 - A. Brokers and dealers in securities, investments and associated services, not including commercial banks and savings institutions.
 - B. Insurance agents and brokers and associated services.
 - C. Real estate sales and associated services.
 - D. Medical and medical-related activities, but not including facilities covered in 1123.19.
 - E. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
 - F. Accounting, auditing and other bookkeeping services.
 - (9) Retail Stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of these goods:

- A. Food and food products, consisting of: grocery, meat, fish, fruit or vegetable markets or combinations thereof, dairy or bakery products, specialty food stores such as candy or confectionery, and miscellaneous food stores.
 - B. General merchandise, including home furnishings and hardware and similar "hard lines:"
 - C. Apparel, consisting of: clothing, furnishings, and accessory items for men, women and children, custom tailor shops and combined apparel sales and personal service operations, and miscellaneous apparel and accessory stores.
 - D. Similar retail stores, including: drug stores, florists, gift and novelty stores, books and newspapers, camera, photographic and optical goods, jewelry, antique stores, specialty stores, and other retail stores which conform to the purpose and intent of the CG District.
- (10) Personal Services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible property or the provision of tangible services for personal consumption including:
- A. Restaurants, including establishments with drive-through facilities, but not including outside seating areas.
 - B. Bars and/or taverns and similar establishments whose principal activity is dispensing intoxicating beverages, but not including outside seating areas.
 - C. Carry out food and beverage establishments with drive-through facilities
 - D. Banks, savings and loans, and credit agencies, including establishments with drive-through facilities.
 - E. Barber and beauty shops.
 - F. Dry-cleaning establishments.
 - G. Funeral services.
 - H. Human medical and dental clinics.
 - I. Radio, television, or small appliance repair.
 - J. Public and private parking areas.
 - K. On-premises duplication facilities.
 - L. Licensed Day Care Centers.
- (11) Business Services engaged in the providing of services to business establishments on a fee or contract basis, including consulting services, protective services, office equipment rental, lease or purchase, commercial research and development.
- (12) Commercial recreational facilities such as community and public swimming pools, skating rinks, bowling alleys, physical fitness centers.
- (13) Lumber and home improvement sales.
- (14) Automobile sales and service establishments, including gasoline service stations, but not including truck servicing establishments.
- (15) Theatres and similar public assembly facilities.
- (16) Hotels and motels.
- (17) Garden centers.

- (c) Special Exception Uses.
- (1) Single-family detached dwellings and permanently sited manufactured homes, as defined in Section 1161.01, provided such structures comply with the requirements of the RM-2 District and with all other City codes and ordinances.
 - (2) Multi-family dwellings, subject to the requirements of the RM-2 District, including:
 - A. Single-family townhouse units, provided such structures are located on a separate lot within a townhouse development containing at least three (3) lots, are attached by a common party wall to another townhouse unit, are not located above any other dwelling unit, and comply with all other City codes and ordinances.
 - B. Apartment
 - C. Assisted Living Facility
 - D. Convent or Monastery
 - E. Rooming or Boarding House
 - F. Elderly/Retirement Housing
 - G. Life Care Retirement Center, provided the nursing or medical facility meets all applicable licensing requirements by the State of Ohio and/or Ohio State Health Department as an intermediate care facility or as a skilled nursing home.
 - (3) Type A and/or Type B Family Child Care Homes, subject to the requirements of Section 1123.17 of this Code.
 - (4) Class I Type A group residential facilities, subject to the requirements of Section 1123.18 of this Code.
 - (5) Class II Type A or Type B group residential facilities, subject to the requirements of Section 1123.18 of this Code.
 - (6) Structures containing separate small, self-serve storage facilities leased or rented to individuals or businesses, provided such facilities are located on a site with frontage on an arterial street, and that any such use, when located adjacent to an R District, shall be screened by erection and maintenance of a screening wall or fence along the lot line(s) which abut such R District.
 - (7) Restaurants, bars, taverns and similar facilities with outside seating facilities.
 - (8) Self-service car washes.
 - (9) Temporary or seasonal outdoor sales lots having a maximum operating duration of four (4) months, provided all other permits are obtained.
 - (10) Trade establishments primarily providing business and household maintenance services. Such establishments could offer incidental fabricating, processing, installation and repair, including:
 - A. Heating and air conditioning
 - B. Appliance repair
 - C. Plumbing
 - D. Extermination and pest control
 - E. Janitorial services
 - F. Window cleaning
 - G. Contract construction services

- (11) Motor vehicle sales and servicing, (including body repair and painting) not included in Section 1133.03(b)14 above.
- (12) Intensive open air commercial recreational facilities, including arenas, race tracks, fairgrounds, golf driving ranges, stadiums, and water slides.
- (13) Facilities for scientific research, development and testing, within enclosed buildings.

(d) Bulk and Area Requirements. Bulk and area requirements for the permitted and accessory uses within the (CG) General Commercial District are shown in the following Table:

Minimum Frontage (feet)	
Arterial or Freeway Service Road	100
Not an Arterial or Freeway Service Road	50
Maximum Floor Area Ratio	.75
Minimum Setback from Property Line (feet)	
Arterial or Freeway Service Road	50
Not an Arterial or Freeway Service Road	25
Minimum Setback from Abutting R District (feet)	10*
Maximum Building Height	NA

* Plus two (2) feet for each additional foot of building height exceeding fifteen (15) feet, if abutting property is in RE or RS District.

Front yard setbacks in the CG District shall comply with Ordinance 83-41 (see APPENDIX B).

(e) Additional Standards.

- (1) Lighting. Lighting fixtures within the CG District shall be arranged shielded and directed so as not to shine on any adjacent residential property.
- (2) Parking and loading. Parking and loading requirements shall be as specified in Chapter 1151 of this Code. Mixed commercial centers shall require one parking space per 200 S.F. gross floor space regardless of individual unit use.
- (3) Traffic and circulation. Traffic circulation for developments within the CG District is subject to review by the Engineering Department.
- (4) Trash and garbage control. All trash and garbage shall be stored and managed consistent with the requirements of Chapter 1303 and Chapter 937 of the Codified Ordinances. (Ord. 28-17. Passed 9-11-17.)

1133.04 (CH) COMMERCIAL HIGH INTENSITY DISTRICT.

(a) Purpose. The (CH) Commercial High Intensity District is designed to provide for large commercial and mixed commercial/industrial developments which serve primarily a regional market and/or are characterized by a particularly high level of intensity. Such projects require large volumes of traffic, high demands for access and visibility, and will usually be insulated from residential uses.

(b) Permitted Uses. The uses specified as Permitted Uses in the CG District shall be permitted in the CH District. In addition, the following uses shall be permitted in the CH District:

- (1) Structures containing separate small, self-serve storage facilities leased or rented to individuals or businesses, provided such facilities are located on a site with frontage on an arterial street, and that any such use, when located adjacent to an R District, shall be screened by erection and maintenance of a screening wall or fence along the lot line(s) which abut such R District

- (2) Restaurants and similar facilities with outside seating facilities.
 - (3) Self-service car washes.
 - (4) Temporary or seasonal outdoor sales lots having a maximum operating duration of four (4) months, provided all other permits are obtained.
 - (5) Trade establishments primarily providing business and household maintenance services. Such establishments could offer incidental fabricating, processing, installation and repair, including:
 - A. Heating and air conditioning
 - B. Appliance repair
 - C. Plumbing
 - D. Extermination and pest control
 - E. Janitorial services
 - F. Window cleaning
 - G. Contract construction services
 - (6) Motor vehicle sales and servicing, body repair and painting, including new and used automobiles, trucks, and agricultural equipment.
 - (7) Manufactured home sales.
 - (8) Facilities for scientific research, development and testing, within enclosed buildings.
 - (9) Warehousing, distribution and wholesaling establishments involved with the movement and/or storage of goods, including:
 - A. Warehouses used by retail stores
 - B. Food and hardware distributors
 - C. General freight storage
 - D. Truck terminals
 - E. Parcel and post office facilities
- (c) Special Exception Uses.
- (1) Multi-family dwellings, subject to the requirements of the RM-2 District, including:
 - A. Single-family townhouse units, provided such structures are located on a separate lot within a townhouse development containing at least three (3) lots, are attached by a common party wall to another townhouse unit, are not located above any other dwelling unit, and comply with all other City codes and ordinances.
 - B. Apartment
 - C. Assisted Living Facility
 - D. Convent or Monastery
 - E. Rooming or Boarding House
 - F. Elderly/Retirement Housing
 - G. Life Care Retirement Center, provided the nursing or medical facility meets all applicable licensing requirements by the State of Ohio and/or Ohio State Health Department as an intermediate care facility or as a skilled nursing home.
 - (2) Type A and/or Type B Family Child Care Homes, subject to the requirements of Section 1123.17 of this Code.
 - (3) Class I Type A group residential facilities, subject to the requirements of Section 1123.18 of this Code.
 - (4) Class II Type A or Type B group residential facilities, subject to the requirements of Section 1123.18 of this Code.
 - (5) Adult entertainment establishments.

- (6) Intensive open air commercial recreational facilities, including arenas, race tracks, fairgrounds, golf driving ranges, stadiums, and water slides.
- (7) Manufacturing and/or industrial facilities which operate primarily within enclosed structures and have minimal adverse environmental and/or economic impact on adjacent non-industrial properties. Such uses must provide to the Board of Zoning Appeals documentation of anticipated levels of noise, dust, odor, light, glare and vibration from the proposed use and a plan for alleviation or control of such impacts.

(d) Bulk and Area Requirements. Bulk and area requirements for the permitted and accessory uses within the (CH) Commercial High Intensity District are shown in the following Table:

Minimum Frontage (feet)	
Arterial or Freeway Service Road	NA
Not an Arterial or Freeway Service Road	NA
Maximum Floor Area Ratio	NA
Minimum Setback from Property Line (feet)	
Arterial or Freeway Service Road	0
Not an Arterial or Freeway Service Road	0
Minimum Setback from Abutting R District (feet)	0
Maximum Building Height	NA

Front yard setbacks in the CG District shall comply with Ordinance 83-41 (see APPENDIX B).

- (e) Additional Standards.
- (1) Lighting. Lighting fixtures within the CH District shall be arranged shielded and directed so as not to shine on any adjacent residential property.
 - (2) Parking and loading. Parking and loading requirements shall be as specified in Chapter 1151 of this Code. Mixed commercial centers shall require one parking space per 200 S.F. gross floor space regardless of individual unit use.
 - (3) Traffic and circulation. Traffic circulation for developments within the CH District is subject to review by the Engineering Department.
 - (4) Trash and garbage control. All trash and garbage shall be stored and managed consistent with the requirements of Chapter 1303 and Chapter 937 of the Codified Ordinances.
(Ord. 28-17. Passed 9-11-17.)

1133.05 (CBD) CENTRAL BUSINESS DISTRICT.

(a) Purpose. The Central Business District (CBD) is designed to promote and foster the economic and physical revitalization of downtown Lancaster. The standards and requirements of the CBD District are based on the following principles:

- (1) The downtown should contain a healthy mix of land uses. The marketplace - not regulations - should be the primary force driving the mix of downtown uses.
- (2) The downtown should be particularly receptive to small local-based entrepreneurship and start-up businesses.
- (3) The maintenance and improvement of the downtown physical environment is important in promoting an active and vital business environment.
- (4) Development standards and regulations should encourage the adaptive use of older structures.

(b) Permitted Uses.

- (1) Single-family detached dwellings and permanently sited manufactured homes, as defined in section 1161.01, provided such structures comply with the Residential Standards requirements, established Historic Lancaster Design Guidelines, and with all other city codes and ordinances.
- (2) Public or private open land uses, such as arboretums, parks, playgrounds, flood management and storm water detention areas, reservoirs and wildlife preserves.
- (3) Multi-family dwellings, subject to the Residential Standards requirements and the Historic Lancaster Design Guidelines.
Including:
 - A. Single-family townhouse units, provided such structures are located on a separate lot within a townhouse development containing at least three (3) lots, are attached by a common party wall to another townhouse unit, are not located above any other dwelling unit, and comply with all other city codes and ordinances.
 - B. Apartment
 - C. Elderly/Retirement Housing
 - D. Life Care Retirement Center, provided the nursing or medical facility meets all applicable licensing requirements by The State of Ohio and/or Ohio State Health Department as an intermediate care facility or as a skilled nursing home
- (4) Churches and similar places of public assembly
- (5) Public or private schools exclusive of correctional school facilities
- (6) Colleges and/or Universities
- (7) Community services, such as community centers, museums, galleries, libraries and similar facilities.
- (8) Public protection facilities, including police, fire, and ambulance facilities and civil defense or storm shelters.
- (9) Off-street parking areas and garages as a principal use, subject to the requirements of chapter 1151 of this code.
- (10) Administrative, business or professional offices, such as:
 - A. Brokers and dealers in securities, investments and associated services
 - B. Insurance agents, brokers and associated services
 - C. Real estate sales and associated services
 - D. Doctor and Dental offices, but not including Veterinary offices or animal hospitals
 - E. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
 - F. Accounting, auditing and other bookkeeping services.
- (11) Performing Arts Theaters, Opera Houses, or Center for The Arts.
- (12) Personal Services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible property or the provision of tangible services for personal consumption including:
 - A. Restaurants, including establishments with outside seating areas but not including drive-through facilities
 - B. Bars and/or Taverns and similar establishments whose principal activity is dispensing intoxicating beverages, including outside seating areas as long as all city codes and ordinances, such as noise, are maintained.

- C. Carry out food and beverage establishments but not including drive-through facilities.
 - D. Banks, savings and loans, and credit agencies
 - E. Barbers and beauty shops
 - F. Dry-cleaning establishments
 - G. Funeral Services
 - H. Human medical and dental clinics exclusive of Residential, Institutional and Recovery Treatment centers/facilities
 - I. Radio, television, broadcasting, and small appliance repair
 - J. Public and private parking areas
 - K. On-premises duplication facilities
 - L. Clubs, Social or Fraternal
 - M. Licensed Day Care Center
- (13) Business Services engaged in the providing of services to business establishments on a fee or contract basis, including consulting services, protective services, office equipment rental, lease or purchase, commercial research and development
- (14) Commercial recreational facilities such as physical fitness centers, skating rinks, bowling alleys
- (15) Retail Stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of these goods:
- A. Food and food products, consisting of: grocery, meat, fish, fruit or vegetable markets or combinations thereof, dairy or bakery products, specialty food stores such as candy or confectionery, and miscellaneous food stores.
 - B. General merchandise, including home furnishings and hardware and similar "hard lines"
 - C. Apparel, consisting of: clothing, furnishings, and accessory items for men, women and children, custom tailor shops and combined apparel and accessory stores.
 - D. Similar retail stores, including; drug stores, florists, gift and novelty stores, books and newspapers, camera, photographic and optical goods, jewelry, antique stores, specialty stores and other retail stores which conform to the purpose and intent of the CG District.

(c) Special Exception Uses.

- (1) Hotels and Motels
- (2) Movie theaters and similar public assembly facilities.
- (3) Residences in the upper stories of existing buildings, provided that each dwelling unit has at least 500 1,000 square feet of habitable floor area, and further provided that a specific Development Plan for the project is approved by the Board of Zoning Appeals.
- (4) Processing, assembly and/or packaging of products or materials, provided such operations are carried out totally within the building, such operations do not produce levels of noise or odors perceptible outside the building, and such use promotes the purpose of the CBD District as stated in Section 1133.05 (a) above.

- (5) Any combination of two or more individual Permitted or Special Exceptions on separate floors of an existing building.
- (6) Similar uses, which conform to the purpose of the CBD District, as determined by the Board of Zoning Appeals.

(d) Bulk and Area Requirements.

Bulk and area requirements for the permitted and accessory uses within the (CBD) Central Business District are shown in the following Table:

Minimum Frontage (feet)	
Arterial or Freeway Service Road	NA
Not an Arterial or Freeway Service Road	NA
Maximum Floor Area Ratio	NA
Minimum Setback from Property Line (feet)	
Arterial or Freeway Service Road	0*
Not an Arterial or Freeway Service Road	0*
Minimum Setback from Abutting R District (feet)	0*
Maximum Building Height	NA

* The distance between any building or structure and the right-of-way line of any public street shall be not greater than that of the most proximate building on the same side of the street. No minimum side yard setback shall be required, unless the building or structure is located adjacent to a district in which single-family residences are a permitted use, in which case the setback shall be twenty-five (25) feet.

(e) Additional Standards.

- (1) Lighting. Lighting fixtures within the CBD District shall be arranged shielded and directed so as not to shine on any adjacent residential property.
- (2) Parking and loading. Parking and loading requirements shall be as specified in Chapter 1151 of this Code.
- (3) Traffic and circulation. Traffic circulation for developments within the CBD District is subject to review by the Engineering Department.
- (4) Manufactured/modular buildings. The use of manufactured and/or modular buildings for business purposes in the CBD District shall be prohibited.
- (5) Trash and garbage control. All trash and garbage shall be stored and managed consistent with the requirements of Chapter 1303 and Chapter 937 of the Codified Ordinances.

(f) Residential Standards

A. Bulk and Area Requirements

Bulk and area requirements will be determined based on the first floor use of the building. For residential uses, the bulk and area requirements are shown in the following table.

Minimum Lot Width	
Single Family Dwelling	40 ft
Two Family Dwelling (Duplex)	75 ft
Multi-Family Dwelling	NA
Multi-Family located above Commercial Structure	NA

	Minimum Lot Area (S.F.)	
	Single Family Dwelling	5,000
	Two Family Dwelling (Duplex)	9,000
	Multi-Family Dwelling	5,000
	Multi-Family located above Commercial Structure	NA
	Minimum Land Area per Dwelling Unit (S.F.)	
5,000	Single Family	
	Two Family Dwelling (Duplex)	9,000
	Multi-Family Dwelling One Bedroom or less	600
	For each additional bedroom add	400
	Multi-Family located above Commercial Structure	NA
	Maximum Building Height	
	Single Family Dwelling	30 ft
	Duplex Family Dwelling	30 ft
	Multi-Family Dwelling	NA
	Multi-Family located above Commercial Structure	NA

B. Mandatory Front Yard

Mandatory front yards shall comply with Chapter 1123.10

When a single-family or two family lot abuts a non-arterial street or roadway on two (2) sides, the owner may select the front yard, and the other yard abutting the non-arterial street shall have not less than fifteen (15) feet; provided that any garages which access this street shall have a setback of not less than twenty (20) feet.

C. Setback from Residential Districts

Notwithstanding the above, all multi-family dwellings and their accessory buildings shall be located at least twenty-five feet from any property in the RE or RS District. All multi-family structures more than two stories in height shall be located at least seventy five (75) feet from any RE or RS District.

D. Accessory Uses shall be the same as in RS-4 District. In addition, management offices, private recreational, laundry and storage facilities for exclusive use by residents of the premises shall be allowed as accessory uses.

The following accessory commercial uses shall be allowed, provided such facilities are located entirely within the multifamily structure where located, shall not occupy more than ten percent (10%) of the floor area of the building, and contain no signs or advertising visible from the outside of the lot:

Cafes, cafeterias, coffee shops, delicatessens, restaurants and similar eating establishments.

Retail convenience establishments including dairy and drug stores; food stores including bakeries, candy, grocery specialty foods, etc.; gift and/or novelty stores; newsstands and tobacco stores.

Personal service establishments, including animal grooming, barber and beauty shops, laundry, and tanning salons.

(Ord. 28-17. Passed 9-11-17.)

**CHAPTER 1135
Industrial Districts**

1135.01	Establishment and purpose.	1135.03	(IM) Industrial Moderate District.
1135.02	(IL) Industrial Light District.	1135.04	(IH) Industrial Heavy District.

1135.01 ESTABLISHMENT AND PURPOSE.

There are hereby established three (3) Industrial Districts. These Industrial Districts are designed to:

- (a) Preserve and promote the development of a diverse range of efficient industrial and business environments within the community.
- (b) Encourage the employment growth within the community.
- (c) Promote a compatible relationship between industrial facilities and other land uses, and minimize the adverse effects of industrial activity on adjacent and proximate land uses.
- (d) Facilitate the cost effective provision of streets, utilities, and other public facilities to serve industrial and business uses.
- (e) Preserve the existing industrial base of the City.
(Ord. 42-05. Passed 6-27-05.)

1135.02 (IL) INDUSTRIAL LIGHT DISTRICT.

(a) Purpose. The (IL) Industrial Light District is designed to provide for a wide range of industrial and other employment-generating business. The district provides areas for most industrial and industrial related activities, in addition to office, business and retail uses, while protecting nearby residential areas. Permitted uses within the IL District must operate:

- (1) Primarily within enclosed structures.
- (2) With minimal adverse environmental or economic impact on adjacent properties.
- (3) Free from noise, odor, dust, smoke, light, glare or vibration at levels in excess of the average level on adjacent streets and properties.
- (4) Without imposing unusual burdens upon utility or governmental services.

(b) Permitted Uses.

- (1) Administrative, business or professional offices, including:
 - A. Brokers and dealers in securities, investments and associated services, including commercial banks and savings institutions.
 - B. Insurance agents and brokers, and associated services.
 - C. Real estate sales and associated services.
 - D. Medical and medical-related activities, including veterinary offices or animal hospitals.
 - E. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
 - F. Accounting, auditing and other bookkeeping services.
- (2) Public protection facilities, including police, fire, and ambulance facilities and civil defense or storm shelters.
- (3) Structures containing separate small, self-serve storage facilities leased or rented to individuals or businesses, provided that:
 - A. Exterior building walls shall consist of masonry construction using brick, stone, stucco or concrete panels. Metal or standard (smooth) concrete block exterior walls are not permitted.
 - B. Access doors to the storage units shall not be visible from the ground level from any abutting R District or public street.
 - C. No hazardous, toxic or explosive material are permitted to be stored in such facilities.
 - D. Open air storage of materials is allowed only on the interior of a lot if such storage is not visible from the ground level from any abutting R District or public street.
- (4) Retail sales and service, consisting of firms involved with the sale, lease or rent of products or goods to the general public and/or providing on-site product repair or services for such goods.
- (5) Vehicle sales and/or service, consisting of firms servicing automobiles, trucks and other commercial and/or consumer vehicles, including motorcycles, boats, recreational vehicles and/or agricultural equipment.
- (6) Trade establishments primarily providing business and household maintenance services. Such establishments could offer incidental fabricating, processing, installation and repair, including:
 - A. Heating and air conditioning,
 - B. Appliance repair
 - C. Plumbing
 - D. Extermination and pest control
 - E. Janitorial services
 - F. Window cleaning
 - G. Contract construction services
- (7) Intensive commercial recreational facilities serving a regional market.
- (8) Manufacturing and production, consisting of firms involved in the manufacturing, processing, fabrication, packaging or assembly of goods, consistent with the purposes of the IL District.

- (9) Warehousing and distribution, consisting of firms involved with the storage and/or movement of goods.
- (10) Industrial product sales or service, consisting of firms engaged in the sale, rent or lease of products intended for industrial or commercial users, or the repair and/or servicing of industrial or commercial machinery, equipment or products.
- (11) Facilities for scientific research, development and testing, within enclosed buildings.

(c) Accessory Uses. Accessory uses customarily incident to a principal permitted use shall be allowed in the IL District. Accessory buildings shall meet minimum building setback requirements for principal buildings. Signs must meet the requirements of Chapter 1317 of this Code.

(d) Special Exception Uses.

- (1) Personal Services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible property or the provision of tangible services for personal consumption including:
 - A. Restaurants, including establishments with drive-through facilities and/or outside seating areas.
 - B. Bars and/or taverns and similar establishments whose principal activity is dispensing intoxicating beverages.
 - C. Carry out food and beverage establishments including those with drive-through facilities.
 - D. Banks, savings and loans, and credit agencies, including establishments with drive-through facilities.
 - E. Dry-cleaning establishments.
 - F. On-premises duplication facilities.
- (2) Convict pre-release centers or correctional community centers, subject to the requirements of Section 1123.19 of this Code.
- (3) Temporary or seasonal outdoor sales lots having a maximum operating duration of four (4) months, provided all other permits are obtained
- (4) Other business or industrial uses meeting the objectives and standards of the IL District, as determined by the Board of Zoning Appeals.

(e) Bulk and Area Requirements. Bulk and area requirements for the permitted and accessory uses within the (IL) Industrial Light District are shown in the following Table:

Minimum Frontage (feet)		
Arterial or Freeway Service Road		150
Not an Arterial or Freeway Service Road	50	
Maximum Floor Area Ratio		NA
Minimum Setback from Property Line (feet)		
Arterial or Freeway Service Road		50
Not an Arterial or Freeway Service Road	25	
Minimum Setback		
from Abutting AG, R or O District (feet)		25
Maximum Building Height		NA

- (f) Additional Standards.
- (1) Exterior operations. Exterior operations, including the processing, assembly or fabrication of goods, the movement of goods not in containers or pipelines, and/or the repair and/or salvage of equipment, shall not be permitted in the IL District.
 - (2) Exterior storage. The outdoor storage of raw or finished goods including chemicals, gravel, building materials salvage goods, machinery, equipment, etc., shall not be permitted in the IL District unless an acceptable plan for screening is submitted.
 - (3) Exterior display. The exterior display of products, vehicles, equipment and machinery for sale or lease shall be permitted in the IL District. Display items are intended to be viewed by customers and are not just being stored or parked. Exterior display does not include damaged vehicles, vehicles or equipment being serviced, bulk goods and materials, or other such products.
 - (4) Lighting. Lighting fixtures within the IL District shall be arranged shielded and directed so as not to shine on any adjacent residential property.
 - (5) Parking and loading. Parking and loading requirements shall be as specified in Chapter 1151 of this Code.
 - (6) Traffic and circulation. Traffic circulation for developments within the IL District is subject to review by the Engineering Department.
 - (7) Trash and garbage control. All trash and garbage shall be stored and managed consistent with the requirements of Chapter 1303 and Chapter 937 of the Codified Ordinances. (Ord. 42-05. Passed 6-27-05.)

1135.03 (IM) INDUSTRIAL MODERATE DISTRICT.

(a) Purpose. The (IM) Industrial Moderate District is intended to provide for a wider range of industrial uses. Non-industrial activities are limited and new residential uses are prohibited. The IM District is primarily intended for undeveloped areas having larger lots and irregular block patterns, but can also be used to encourage the redevelopment of existing older industrial areas.

- (b) Permitted Uses.
- (1) Public protection facilities, including police, fire, and ambulance facilities and civil defense or storm shelters.
 - (2) Structures containing separate small, self-serve storage facilities leased or rented to individuals or businesses, provided that no hazardous, toxic or explosive material are permitted to be stored in such facilities.
 - (3) Manufacturing and production, consisting of firms involved in the manufacturing, processing, fabrication, packaging or assembly of goods.
 - (4) Warehousing and distribution, consisting of firms involved with the storage and/or movement of goods.
 - (5) Industrial product sales or service, consisting of firms engaged in the sale, rent or lease of products intended for industrial or commercial users, or the repair and/or servicing of industrial or commercial machinery, equipment or products.

- (6) Facilities for scientific research, development and testing, within enclosed buildings.
- (7) Vehicle sales and/or service, consisting of firms servicing automobiles, trucks and other commercial and/or consumer vehicles, including motorcycles, boats, recreational vehicles and/or agricultural equipment.
- (8) Trade establishments primarily providing business and/or household maintenance services. Such establishments could offer incidental fabricating, processing, installation and repair, including:
 - A. Heating and air conditioning,
 - B. Appliance repair
 - C. Plumbing
 - D. Extermination and pest control
 - E. Janitorial services
 - F. Window cleaning
 - G. Contract construction services

(c) Accessory Uses. Accessory uses customarily incident to a principal permitted use shall be allowed in the IM District. Accessory buildings shall meet minimum building setback requirements for principal buildings. Signs must meet the requirements of Chapter 1317 of this Code.

- (d) Special Exception Uses.
- (1) Administrative, business or professional offices, including:
 - A. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
 - B. Accounting, auditing and other bookkeeping services.
 - C. Real estate sales and associated services.
 - D. Medical and medical-related activities
 - (2) Convict pre-release centers or correctional community centers, subject to the requirements of Section 1123.19 of this Code.
 - (3) Junk and salvage yards, as defined in Chapter 1161, provided such uses meet applicable state requirements and local requirements related to fencing and other standards are met, and a site plan is submitted and approved by the Board of Zoning Appeals.
 - (4) Contractor equipment and storage yards, provided adequate fencing and screening devices are installed.
 - (5) Quarrying or mining operations, provided that all state and federal regulations are met and licenses are obtained and a site plan is submitted and approved by the Board of Zoning Appeals.
 - (6) Plants for the mixing and/or processing of concrete and/or asphalt.

(e) Bulk and Area Requirements. Bulk and area requirements for the permitted and accessory uses within the (IM) Industrial Moderate District are shown in the following Table:

Minimum Frontage (feet)		
Arterial or Freeway Service Road		200
Not an Arterial or Freeway Service Road	50	
Maximum Floor Area Ratio		NA
Minimum Setback from Property Line (feet)		
Arterial or Freeway Service Road		50
Not an Arterial or Freeway Service Road	25	
Minimum Setback (feet)		
from Abutting AG, R or O District		25
Maximum Building Height		NA

- (f) Additional Standards.
- (1) Parking and loading. Parking and loading requirements shall be as specified in Chapter 1151 of this Code.
 - (2) Traffic and circulation. Traffic circulation for developments within the IM District is subject to review by the Engineering Department.
 - (3) Traffic and garbage control. All trash and garbage shall be stored and managed consistent with the requirements of Chapter 1303 and Chapter 937 of the Codified Ordinances. (Ord. 42-05. Passed 6-27-05.)

1135.04 (IH) INDUSTRIAL HEAVY DISTRICT.

(a) Purpose. The (IH) Industrial Heavy District is intended to provide for a full range of industrial uses, including activities which may constitute substantial environmental influences or hazards by their operation and/or appearance.

(b) Permitted Uses. Permitted uses in the IH District shall be those uses specified as Permitted Uses and Special Exception Uses in the IM District.

(c) Accessory Uses. Accessory uses customarily incident to a principal permitted use shall be allowed in the IH District. Accessory buildings shall meet minimum building setback requirements for principal buildings. Signs must meet the requirements of Chapter 1317 of this Code.

(d) Special Exception Uses. Other unspecified uses of an industrial nature meeting the objectives and standards of the IH District, as determined by the Board of Zoning Appeals.

(e) Bulk and Area Requirements. Bulk and area requirements for the permitted and accessory uses within the (IH) Industrial Heavy District are shown in the following Table:

Minimum Frontage (feet)		
Arterial or Freeway Service Road		200
Not an Arterial or Freeway Service Road	50	
Maximum Floor Area Ratio		NA
Minimum Setback from Property Line (feet)		
Arterial or Freeway Service Road		50
Not an Arterial or Freeway Service Road	25	
Minimum Setback (feet)		
from Abutting AG, R or O District		25
Maximum Building Height		NA

- (f) Additional Standards.
- (1) Parking and loading. Parking and loading requirements shall be as specified in Chapter 1151 of this Code.
 - (2) Traffic and circulation. Traffic circulation for developments within the IH District is subject to review by the Engineering Department.
 - (3) Trash and garbage control. All trash and garbage shall be stored and managed consistent with the requirements of Chapter 1303 and Chapter 937 of the Codified Ordinances. (Ord. 42-05. Passed 6-27-05.)

CHAPTER 1137
Sexually Oriented Businesses

1137.01 Rationale and findings.
1137.02 Definitions.

1137.03 Criteria.
1137.04 Severability.

CROSS REFERENCES

Sexually oriented business standards - see BUS. REG. Ch. 707

1137.01 RATIONALE AND FINDINGS.

(a) Purpose. It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, moral, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

(b) Findings and Rationale. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the City Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 124 S.Ct. 2219 (June 7, 2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); and *Deja Vu of Cincinnati, Inc. v. Union Township, Ohio*, 411 F.3d 777 (6th Cir. 2005) (en banc); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Brandywine, Inc. v. City of Richmond*, 359 F.3d 830 (6th Cir. 2004); *Currence v. City of Cincinnati*, 2002 U.S. App. LEXIS 1258; *Broadway Books v. Roberts*, 642 F.Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v. City of Newport*, 830 F.Supp. 378 (E.D. Ky. 1993); *Richland Bookmart v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Center for Fair Public Policy v. Maricopa County*, 336 F.3d 1153 (9th Cir. 2003); *Déjà vu v. Metro Government*, 1999 U.S. App. LEXIS 535 (6th Cir. 1999); *Bamon Corp. v. City of Dayton*, 923 F.2d 470 (6th Cir. 1991); *Triplett Grille, Inc. v. City of Akron*, 40 F.3d 129 (6th Cir. 1994); *O'Connor v. City and*

County of Denver, 894 F.2d 1210 (10th Cir. 1990); *Déjà vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County*, 274 F.3d 377 (6th Cir. 2001); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *Threesome Entertainment v. Strittmather*, 4 F.Supp.2d 710 (N.D. Ohio 1998); *Big Wolf Discount Video Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Kentucky Restaurant Concepts, Inc. v. City of Louisville and Jefferson County*, 209 F.Supp.2d 672 (W.D. Ky. 2002); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1999); *Restaurant Ventures v. Lexington-Fayette Urban County Gov't*, 60 S.W.3d 572 (Ct. App. Ky. 2001); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003);

and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Houston, Texas - 1983, 1997; Phoenix, Arizona - 1979, 1995-98; Chattanooga, Tennessee - 1999-2003; Minneapolis, Minnesota - 1980; Los Angeles, California - 1977; Whittier, California - 1978; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Littleton, Colorado - 2004; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Greensboro, North Carolina - 2003; Amarillo, Texas - 1977; New York, New York Times Square - 1994; and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the City Council finds:

- (1) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.
- (2) Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.
- (3) Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the City's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the City's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the City. The City finds that the cases and documentation relied on in this chapter are reasonably believed to be relevant to said secondary effects.

(Ord. 6-06. Passed 2-27-06.)

1137.02 DEFINITIONS.

The words in this chapter shall have the meanings therein respectively ascribed to them by Chapter 707 of the Lancaster Code of Ordinances unless a different meaning is clearly indicated by the context. (Ord. 6-06. Passed 2-27-06.)

1137.03 CRITERIA.

Sexually oriented businesses shall be considered a Permitted Use in the Industrial Moderate (IM), subject to the following conditions:

- (a) No sexually oriented business shall be established within 500 feet of any R District including R, RMH, etc. or any single or multi-family use.
- (b) No sexually oriented business shall be established within a radius of 500 feet of any school, library, or teaching facility, whether public or private.
- (c) No sexually oriented business shall be established within a radius of 500 feet of a nursery, preschool or daycare facility.
- (d) No sexually oriented business shall be established within a radius of 500 feet of any park or recreational facility attended by persons under 18 years of age.
- (e) No sexually oriented business shall be established within a radius of 500 feet of any church, synagogue, or worship facility.
- (f) No sexually oriented business shall be established within a radius of 500 feet of any other sexually oriented business.
- (g) Lighting on the exterior of the building shall be arranged so as to illuminate the entire off-street parking area with sufficient intensity to provide illumination of not less than two (2.0) foot candles as measured at the floor level

The distances as cited in this Section above shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the building in which the proposed sexually oriented business is to be located, to the nearest point of the property line, or district from which the proposed sexually oriented business is to be separated.

(Ord. 6-06. Passed 2-27-06.)

1137.04 SEVERABILITY.

This ordinance and each section and provision of said chapter hereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid. (Ord. 6-06. Passed 2-27-06.)

(NOTE: The next printed page is page 113.)

CHAPTER 1139
Landscape Requirements

1139.01	Purposes.	1139.05	Prohibited tree species for public use.
1139.02	Tree size definitions.		
1139.03	Tree locations.		
1139.04	Trees and public utility lines.		

1139.01 PURPOSES.

The purposes of the landscape requirements are:

- (a) To promote the beautification of the City of Lancaster and to enhance its aesthetic quality;
- (b) To promote reasonable preservation and replenishment of valued trees and vegetation;
- (c) To aid in establishing the ecological balance by contributing to air purification, oxygen regeneration, ground water recharge and storm water runoff retardation; and
- (d) To achieve a meaningful urban forest while permitting economically feasible urban development to occur. (Ord. 28-17. Passed 9-11-17.)

1139.02 TREE SIZE DEFINITIONS.

- (a) Large Trees--trees that will reach a mature height of 60 feet or better.
- (b) Medium Trees -- trees that will reach a mature height of 30-60 feet.
- (c) Small Trees -- trees that will reach a maximum height of 30 feet at maturity. (Ord. 28-17. Passed 9-11-17.)

1139.03 TREE LOCATIONS.

(a) Trees within the public right of way shall not be planted in any location where the City Engineer determines that such placement would create a safety hazard. In no case shall a street tree be planted within:

- (1) 35 feet of the point of intersection of the street right of way. If the right of way contains a radius, the measurement shall be measured from the right of way line extended.
- (2) 20 feet of the point of intersection of the ally right of way. If the right of way contains a radius, the measurement shall be measured from the right of way line extended.
- (3) 10 feet from fire hydrants

(b) Where streets are designed with planting islands, trees may be planted in the right of way provided that the bottom of the tree canopy is higher than nine feet at the time of planting.

(c) Tree size shall be based on the size of the tree lawn planting strip as follows

Under 36 inches	Not recommended
36-60 inches	Small Trees
60-96 inches	Small and Medium Trees
Over 96 inches	Small Medium and Large Trees

(Ord. 28-17. Passed 9-11-17.)

1139.04 TREES AND PUBLIC UTILITY LINES.

No person shall cause to be planted any species of trees under any public utility line that has a mature height greater than the height of the utility line. Trees shall not interfere with underground utilities. (Ord. 28-17. Passed 9-11-17.)

1139.05 PROHIBITED TREE SPECIES FOR PUBLIC USE.

No person shall plant or cause to be planted any tree from the list below on any public property or public rights of way in the City of Lancaster, except upon written approval of the Municipal Arborist.

Silver Maple	Acer saccharinum
Box Elder	Acer negundo
Horsechestnut	Aesculus hippocastanum
Tree of Heaven	Ailanthus altissima
Birches	Betula sp. (except River Birch)
Evergreen	Conifer
Catalpa	Catalpa bignonioides
Mulberry	Morus sp.
American Sycamore	Platanus occidentalis
Poplar, Aspen, Cottonwood	Populus sp.
Bradford Pear	Pyrus calleryana 'Bradford'
Black Locust	Robina pseudoacacia
Willows	Salix sp.
European Mountain Ash	Sorbus aucuparia
Siberian Elm	Ulmus pumila
Nut and Fruit Trees	
Female Ginkgo	

(Ord. 28-17. Passed 9-11-17.)

CHAPTER 1141
Historic Preservation (Repealed)

EDITOR'S NOTE: Former Chapter 1141 was repealed by Ordinance 52-08, passed November 10, 2008.

NOTE: The next printed page is page 119.

CHAPTER 1143
Wellhead Protection

EDITOR'S NOTE: Wellhead Protection is an overlay of basic zoning. It will be applied to only those areas designated as being within proximity of City of Lancaster well fields, where a spill of toxic or potentially dangerous substances could degrade the water supply of the City. The City currently has designated Wellhead Protection Districts and regulations. This Chapter incorporates the existing Wellhead Protection legislation from Chapter 1335 of the Lancaster Codified Ordinances.

CHAPTER 1145
Flood Damage Prevention

EDITOR'S NOTE: Flood Plain Zoning is an overlay of basic zoning. It will be applied to only those areas designated by Federal Emergency Management Agency as being subject to flooding. The City currently has Flood Damage Prevention legislation. The Flood Damage Prevention legislation is found in Chapter 1331 of the Lancaster Codified Ordinances. Chapter 1331 is included as part of the Zoning Ordinance in order to show the relationship of flood damage prevention to zoning and development issues within the City of Lancaster.

**CHAPTER 1147
Planned Unit Development**

<p>1147.01 Description. 1147.02 Purposes. 1147.03 General provisions. 1147.04 Uses permitted in Planned Unit Development.</p>	<p>1147.05 Bulk and area requirements. 1147.06 Perimeter requirements. 1147.07 Off-street parking and loading. 1147.08 Administration of Planned Unit Development.</p>
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1147.01 DESCRIPTION.

Planned Unit Development (PUD) is an alternative to conventional development where the particular tract is under common ownership or control, and a development plan for the development of the tract as a unit is proposed and submitted for public review. The supplemental zoning district PUD must be approved by the City Council as a prerequisite to the Planned Unit Development. (Ord. 14-00. Passed 5-22-00.)

1147.02 PURPOSES.

The purposes of the Planned Unit Development are to:

- (a) Permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties;
 - (b) Permit greater flexibility within the development to best utilize the unique physical features of the particular site;
 - (c) Permit creative land use design;
 - (d) Provide and preserve meaningful open space;
 - (e) Achieve a continuity of function and design within the development.
- (Ord. 14-00. Passed 5-22-00.)

1147.03 GENERAL PROVISIONS.

Planned Unit Development is permitted on tracts having the supplemental zoning district designation PUD. In every instance, the PUD is to be reviewed as to the proposed location and character of the uses and the unified treatment of the development of the tract. The regulations of the general zoning district or districts remain applicable except as specifically modified pursuant to the provisions of this chapter. The City Council in approving or amending a PUD and the Planning Commission in approving a minor amendment, may impose restrictions as conditions of approval in addition to those imposed by the underlying zoning and the PUD chapter. No modification of use or bulk and area requirements of the applicable general use district or districts shall be permitted unless a subdivision plat incorporating the provisions and requirements of this chapter is submitted to and approved by the Planning Commission and the City Council and filed of record in the office of the County Recorder of Fairfield County. The LCPC may waive the platting requirements if the property is already platted and if the PUD conditions for approval are included in the form of restrictive covenants and filed of record with the County Recorder making the City of Lancaster beneficiary to said covenants as provided in Section 1147.08(f).

(Ord. 14-00. Passed 5-22-00.)

1147.04 USES PERMITTED IN A PLANNED UNIT DEVELOPMENT.

(a) Principal Uses. The development may consist of one or more of the uses permitted by right or exception within the general zoning district or districts within which the planned unit development is located, provided:

- (1) That if any part of the Planned Unit Development is located within a residential district, the permitted uses may additionally include single-family dwellings, two-family dwellings, single-family townhouse units and multi-family dwellings.
- (2) That manufactured homes, as defined in Chapter 1161, are a permitted use only within Planned Unit Developments which are located in whole or in part in an R or RMH District
- (3) That the permitted uses, whether principal or accessory uses, may be reallocated within the development irrespective of the general zoning district boundaries.
- (4) Outdoor advertising shall meet the use conditions set forth in Section 1317.08 (h) of this Code.

(b) Accessory Uses. Accessory uses customarily incidental to the principal uses within the PUD are permitted.

- (1) Accessory commercial. In addition to accessory uses customarily incidental to a permitted principal residential use, accessory commercial uses may be permitted within a multi-family development area, subject the provisions of Section 1129.04 (c). Accessory commercial uses may be permitted within an office development area subject to the provisions of Section 1131.03.
- (2) Signs.
 - A. Signs accessory to residential uses or uses permitted by exception in residential districts shall comply with the provisions of that residential district and Chapter 1317.
 - B. Signs accessory to principal office uses shall comply with the restrictions in the OM District and Chapter 1317.

- C. Signs accessory to office or business uses in the C or I Districts shall comply with the requirements in those districts, Chapter 1317, and the following:
1. No roof signs are permitted. Projecting signs, signs with movement or flashing illumination, revolving or rotating signs, signs with animation or changeable copy signs may be permitted if approved by Planning Commission.
 2. Signs, if visible from an R District or a designated residential area, shall not be located closer than fifty (50) feet from such area. However, signs larger than 300 square feet visible from an R District or a designated residential area, shall not be located closer than 200 feet from such area.
 3. Any ground sign shall maintain a minimum separation of 100 feet from any other ground sign.
 4. Only one side of a double-faced sign shall be included in the computation of display surface area.
- D. In reviewing the sign components of the required Development Plan, the Planning Commission may impose additional restrictions as are necessary to ensure compatibility with adjacent and neighboring uses. (Ord. 43-05. Passed 6-27-05.)

1147.05 BULK AND AREA REQUIREMENTS.

(a) Intensity of Use. Within the development, the intensity may be reallocated irrespective of the general zoning district boundaries.

- (1) Residential Intensity: The residential intensity shall not exceed a maximum number of dwelling units computed as follows:
Maximum number of Permitted Dwelling Units=
Gross area* of property located within a residential district divided by
Minimum land area per dwelling unit permitted in the applicable use district.
The minimum land area per dwelling unit, for the purpose of the above-described computation, shall be the least restrictive minimum land area per dwelling unit permitted in the applicable district as set forth in Chapter 1129. Each 600 square feet of a quasi-dwelling, such as a care home, shall constitute a dwelling unit. If the PUD is within two or more residential districts, the permitted density shall be the sum of the permitted dwelling units computed separately for the gross area within each district. For a PUD located totally within a residential district or districts, the gross area for the purposes of the above-described computation shall be reduced by the area or areas designated for any principal use other than dwelling, quasi-dwellings, residential open space and recreation areas.

- (2) Nonresidential Intensity- The nonresidential intensity shall not exceed a maximum permitted floor area computed as follows:

Maximum Permitted Floor Area =

Gross area * of property located within a nonresidential district multiplied (X) by the floor area ratio permitted either by right or exception within the bulk and area requirements of the applicable use district, except where a floor area ratio is not specified, a floor area ratio of .75 shall apply.

The intensity of use of a PUD located within two or more zoning districts of the following differing general classifications:

Residential, Office, Commercial, and Industrial shall be separately calculated and allocated within the Planned Unit Development by said general classification.

*For the purpose of intensity computations, gross area shall mean the lot area plus ½ of the right-of-way of any abutting street to which the lot has access.

(b) Lot Width, Frontage and Area. Within a PUD, minimum requirements for lot width, frontage and area shall be prescribed.

(c) Livability Space. Within a PUD, livability space for a residential development area shall be provided in an aggregate amount of not less than the amount of livability space required by the applicable zoning district for conventional development of a comparable number of dwelling units. Required livability space shall be provided on the lot containing the dwelling unit or units on which computed, or in common areas. Common livability space shall be designed and located so as to be accessible to the dwelling units it is intended to serve. Provisions for the ownership and maintenance of common livability space as will insure its continuity and conservation shall be incorporated in the subdivision plat, in compliance with the provisions of Section 1147.08(f).

(d) Building Height, Setbacks and Yards. Within a PUD, the building height limitations, building setback requirements and minimum yards shall be prescribed and incorporated within the subdivision plat in compliance with the provisions of Section 1147.08(f). Every structure shall be set back from the centerline of an abutting public street designated on the Major Street and Highway Plan a horizontal distance of not less than ½ of the right-of-way designated on the Major Street and Highway Plan.

(e) Open Space. Within a PUD, minimum landscaped open space is required for each type of nonresidential development area as follows:

- | | | |
|-----|----------------|-----------------|
| (1) | Office Use | 15% of lot area |
| (2) | Commercial use | 10% of lot area |
| (3) | Industrial Use | 5% of lot area |

(Ord. 14-00. Passed 5-22-00; Ord. 43-05. Passed 6-27-05.)

1147.06 PERIMETER REQUIREMENTS.

Within a PUD, perimeter requirements for screening, landscaping, and setbacks, as are necessary to assure compatibility with adjoining and proximate properties, shall be prescribed and shall be incorporated within the subdivision plat in compliance with the provisions of Section 1147.08(f). (Ord. 14-00. Passed 5-22-00.)

1147.07 OFF-STREET PARKING AND LOADING.

Within a PUD, off-street parking and loading spaces shall be provided as specified in the applicable use units and in conformance with the requirements of Chapter 1151, Off-Street Parking and Loading; provided, however, that Section 1151.02(b) and Section 1151.03 shall not apply. Required spaces may be provided on the lot containing the uses for which it is intended to serve or in common areas. Common parking area shall be designed and located so as to be accessible to the uses it is intended to serve. Provisions for the ownership and maintenance of common parking space as will insure its continuity and conservation shall be incorporated in the subdivision plat, in compliance with the provisions of Section 1147.08(f). (Ord. 14-00. Passed 5-22-00.)

1147.08 ADMINISTRATION OF PLANNED UNIT DEVELOPMENT.**(a) General.**

- (1) Any person, corporation, partnership, association, or combination thereof, owning or possessing a property right or interest in or to a tract of land may make application for the supplemental district designation PUD. Such application shall be accompanied by a development plan processed in the manner set forth in subsections (b), (c), (d) and (e).
- (2) An application for the supplemental district designation PUD may be processed simultaneously with an application for an amendment to the general zoning district and made contingent upon approval of said application.

(b) Application and Development Plan. An application for a Planned Unit Development shall be filed with the Planning Commission. The applicant shall pay an application fee in accordance with the established fee schedule, and additionally shall pay the newspaper publishing cost and the cost of posting appropriate signs on the subject property which fee and costs shall accompany the application. The application shall be in such form and content as the Planning Commission may establish. Eight (8) copies of the development plan shall accompany the filing of the application.

The development plan shall consist of maps and text which contain:

- (1) Proposed development areas and requested land uses;
- (2) Proposed number of off-street parking and loading spaces, amount of open space and number and size of business signs;
- (3) Proposed maximum building heights and minimum building setbacks-;
- (4) Proposed public and private vehicular and pedestrian circulation systems,
- (5) Proposed landscaping areas and screening;

- (6) Proposed intensity of residential uses expressed in number of dwelling units and proposed intensity of nonresidential uses expressed in floor area, allocated to proposed development areas of the Planned Unit Development,
- (7) Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed;
- (8) Existing topographic character of the land including identification of any floodplain areas and treed areas. In instances of probable development constraints due to slope and/or soil Conditions, the LCPC staff may require the submittal of slope and/or soil analysis;
- (9) An explanation of the character of the PUD; and
- (10) The expected schedule of development.

(c) Detail Plans. The City Council, as a condition of approval of a Development Plan, may require the following detail plans to be submitted to the City Council and/or the Planning Commission for approval.

- (1) Detail site plans for specific development areas within the PUD that comply with all approved development standards and which include-
 - A. Uses of land;
 - B. Location, size, height and setbacks for all buildings;
 - C. Location and number of off-street parking spaces, and
 - D. Private and public vehicular and pedestrian circulation.If a detail site plan is required, approval shall be secured prior to the issuance of a building permit.
- (2) Detail sign plans that comply with all approved development standards and which include location, size, height and setbacks for all signs. If a detail sign plan is required, approval shall be secured prior to the issuance of a sign permit.
- (3) Detail landscape and/or fence plans that comply with all approved development standards and which include location, type and size of plant materials, and location and design of required screening fences or walls. If a detail landscape and/or fence plan is required, approval shall be secured and installation shall occur in accordance with approved plans prior to the issuance of an occupancy permit.
- (4) Exterior building detail plans which may include elevations and perspective drawings of the buildings to be constructed. This requirement shall not apply to platted single-family lots. If an exterior building detail plan is required, approval shall be secured prior to the issuance of a building permit.

When the Planning Commission is authorized by the City Council to approve detail plans, the Commission may delegate to members of its Staff, review and approval of Detail Sign and Landscape Plans and minor revisions to previously approved Detail Site Plans to determine if said plans comply with approved development standards of the PUD. Appeals to the Planning Commission from a decision of the Staff, with regard to detail plan, may be taken by any person or persons aggrieved by the filing of a notice of appeal with the Secretary of the Planning Commission within ten 10 days from the date of such Staff decision.

(d) Public Hearing and Planning Commission Action. The Planning Commission, upon the filing of an application for the supplemental district designation PUD shall set the matter for public hearing and give 20 days notice thereof by publication in a newspaper of general circulation, 20 days notice of a public hearing by mailing written notice to all owners of property within a 300 foot radius of the exterior of the boundary of the property and 20 days notice of public hearing by posting of a sign or signs on the property sought to be rezoned. Where there are more than ten (10) property owners to be notified, notification may be made by publication. (See Section 1159.04(c) for contents of notice.) Within 60 days after the filing of an application, the Planning Commission shall conduct the public hearing and shall determine:

- (1) Whether the PUD is consistent with the Future Land Use Plan;
- (2) Whether the PUD harmonizes with the existing and expected development of surrounding areas;
- (3) Whether the PUD is a unified treatment of the development possibilities of the project site-, and
- (4) Whether the PUD is consistent with the stated purposes and standards of this Chapter.

The Planning Commission shall forward its recommendation, the application, and the development plan to the City Council for further hearing as provided in subsection (e) hereof.

(e) City Council Action. Upon receipt of the application, development plan, and Planning Commission recommendation, the City Council shall hold a hearing, review the development plan and approve, disapprove, modify, or return the development plan to the Planning Commission for further consideration. Upon approval, the Zoning Map shall be amended to reflect the supplemental designation PUD, and the applicant shall be authorized to process a subdivision plat incorporating the provisions of the development plan.

(f) Planned Unit Development Subdivision Plat. A Planned Unit Development subdivision plat shall be filed with the Planning Commission and shall be processed in accordance with the Subdivision Regulations, and, in addition to the requirements of the Subdivision Regulations, shall include.

- (1) Details as to the location of uses and street arrangement;
- (2) Provisions for the ownership and maintenance of the common open space as will reasonably insure its continuity and conservation. Open space may be dedicated to a private association or to the public, provided that a dedication to the public shall not be accepted without the approval of the Parks Commission and City Council;
- (3) Such covenants as will reasonably insure the continued compliance with the approved development plan. In order that the public interest may be protected, the City of Lancaster shall be made beneficiary of covenants pertaining to such matters as the requirement of approval of detail plans prior to the issuance of any permits, location of uses, height of structures, setbacks, screening, open space, signage and access. Such covenants shall provide that the City of Lancaster may enforce compliance therewith, and shall further provide that amendment of such covenants shall require the approval of the Planning Commission and the filing of record of a written amendment to the covenants, endorsed by the Planning Commission.

(g) Issuance of Building Permits. After the filing of an approved PUD subdivision plat and notice thereof to the Building Inspector, no building permits shall be issued on lands within the PUD except in accordance with the approved plat and restrictive covenants.

(h) Amendments. Major amendments which would represent a significant departure from the approved development plan shall require compliance with the notice and procedural requirements of an original Planned Unit Development. Minor amendments to the PUD, however, may be authorized by the Planning Commission, which may direct the processing of an amended subdivision plat, incorporating such changes, so long as a substantial compliance is maintained with the approved Development Plan and the purposes and standards of the PUD provisions hereof.

The following may be considered minor amendments.

- (1) Adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered.
- (2) Limitation or elimination of previously approved uses, provided the character of the development is not substantially altered.
- (3) Increases in dwelling units, provided the approved number of dwelling units is permitted by the underlying zoning and the density of a development area is not increased more than 15%.
- (4) Increases in permitted non-residential floor area, provided the increased floor area is permitted by the underlying zoning and the floor area of a development area is not increased more than 15%.
- (5) Modification of the internal circulation system, provided the system is not substantially altered in design, configuration or location.
- (6) Changes in points of access, provided the traffic design and capacity are not substantially altered.

- (7) Addition of customary accessory buildings and uses within the delineated common open space of a residential PUD, including but not limited to swimming pools, cabanas, security buildings, club houses and tennis courts.
- (8) Location of customary residential accessory buildings and uses on an adjoining single-family residential lot within the PUD, including but not limited to swimming pools, cabanas, garages, and tennis courts, provided an agreement has been recorded by the owner prohibiting the conveyance of the lot containing the accessory use separate from the conveyance of the lot containing the principal use.
- (9) Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered.
- (10) Lot splits which modify a recorded plat and which have been reviewed and approved by the Lancaster City Engineer's Office.
(Ord. 14-00. Passed 5-22-00.)
- (11) Home occupations which meet the requirements of Section 1125.06 of the Zoning Code. (Ord. 43-05. Passed 6-27-05.)
- (12) Modifications to approved signage, provided the size, location, number and character (type) of the sign(s) is not substantially altered.
- (13) Modification to approved screening and landscaping plans, provided the modification is not a substantial deviation from the original approved plan.
- (14) Changes reducing the number of permitted dwelling units.
- (15) Changes in an approved use to another use may be permitted, provided the underlying zoning on the particular site within the PUD would otherwise permit such use by right and the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties.

Ten (10) days notice of public hearing shall be given for minor amendments by mailing written notice to all owners of property within a three hundred foot (300') radius of the exterior boundary of the subject property.

In instances where the municipal legislative body has specifically imposed a PUD condition more restrictive than originally recommended by the Planning Commission, any minor amendment of that specific condition must be approved by the City Council.

If the Planning Commission determines that the proposed amendment, if approved, will result in a significant departure from the approved Development Plan or otherwise change the character of the PUD significantly or that the cumulative effect of a number of minor amendments substantially alters the approved Development Plan, then the amendment shall be deemed a major amendment to the Development Plan. Major amendments shall comply with the notice and procedural requirements of Section 1159.04.

(i) Appeal From Minor Amendment Determination. An appeal from any minor amendment decision by the LCPC may be taken by any person or persons aggrieved, or any taxpayer or any officer, department, board or bureau of the City, to the City Council by filing notice of appeal with the Clerk of Council and with the Secretary of the LCPC within ten days from the date of such action. Such notice of appeal shall specify the grounds of the appeal. No bond or deposit for costs shall be required for such appeal. Upon filing of the notice of appeal, the LCPC shall forthwith transmit to the City Council, the original or certified copies of all the papers constituting the record in file case, together with the decision of the LCPC. The City Council shall notify the applicant and all interested parties, as recorded in the minutes of LCPC, of the appeal hearing date.

(j) Abandonment. Abandonment of a Planned Unit Development shall require the City Council's approval, after recommendation by the Planning Commission, of an application for amendment to the Zoning Map repealing the supplemental designation of PUD. The City Council may amend the underlying zoning upon abandonment of the PUD. Upon final action authorizing the abandonment of the Planned Unit Development, no building permit shall be issued except in accordance with the restrictions and limitations of the general zoning district or districts.
(Ord. 14-00. Passed 5-22-00; Ord. 12-01. Passed 4-23-01.)

**CHAPTER 1149
Use Units (Repealed)**

(EDITOR'S NOTE: Former Chapter 1149 was repealed by Ordinance 74-05, passed November 14, 2005.)

Note: The next printed page is page 191.

CHAPTER 1151
Off-Street Parking and Off-Street Loading

<p>1151.01 Applicability of requirements.</p> <p>1151.02 General requirements.</p> <p>1151.03 Setbacks.</p> <p>1151.04 Design standards for off-street parking areas.</p> <p>1151.05 Design standards for off-street loading areas.</p>	<p>1151.06 Shared parking.</p> <p>1151.07 Parking in the (CBD) Central Business District.</p> <p>1151.08 Required number of off-street parking spaces.</p> <p>1151.09 Schedule of required off-street parking spaces.</p> <p>1151.10 Landscaping and screening requirements.</p>
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CROSS REFERENCES

Parking generally - see TRAF. Ch. 351

1151.01 APPLICABILITY OF REQUIREMENTS.

The off-street parking and off-street loading facilities whether they are principal uses, accessory uses, or a minimum requirement of the initiation, enlargement, or change of use, shall meet the requirements of this Chapter as follows, unless modified by Section 1151.06.

- (a) For all buildings and structures erected and all uses of land established after the effective date of this Code, parking and loading facilities shall be provided as required by the applicable use unit.
- (b) When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.
- (c) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking and loading facilities shall be provided as required for such new use. However, if the existing use is nonconforming as to parking requirements, then parking requirements for the change in use shall be established by the Board of Zoning Appeals.
- (d) Accessory off-street parking and loading facilities in existence on the effective date of this Code and located on the same lot as the building or use served shall not hereafter be reduced below or if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this Code. (Ord. 44-05. Passed 6-27-05.)

1151.02 GENERAL REQUIREMENTS.

(a) Off-street parking and off-street loading facilities shall not occupy required livability space. Space allocated to any required off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities. Space allocated to any required off-street parking shall not be used to satisfy the space requirements for any off-street loading facilities.

(b) Within the front and exterior side yards in the RM District not more than one vehicle shall be parked for each 600 square feet of area contained in the front or exterior side yards.

(c) Required off-street parking spaces and required off-street loading berths shall not be used for the storage, sale, dismantling, or servicing of any vehicle, equipment, materials or supplies.

(d) Required off-street parking spaces and required off-street loading berths shall be located on the lot containing the use for which the required spaces or berths are to be provided except as modified by 1151.07(b) and (c).

(e) The capacity of an off-street parking area shall be the number of parking spaces, having minimum required dimensions, that are located thereon in such a manner that each space can be entered without passing through another space, except in an RE, RS and RMH District, where access may be obtained through another parking space. Stacked parking may be allowed in the Central Business District with the approval of the Board of Zoning Appeals.

(f) Required off-street parking surfacing shall be completed prior to the initiation of the use, unless an extension is granted based upon weather or unusual circumstances as determined by the Zoning Inspector. (Ord. 12-15. Passed 9-14-15.)

1151.03 SETBACKS.

(a) Off-street loading areas shall not be located within 50 feet of any abutting property which is within an R District unless it is wholly within an enclosed building or screened on all sides abutting the R District by a screening wall or fence.

(b) Unenclosed off-street parking and loading areas shall be set back from abutting streets as set forth in Table 1 below.

Table 1

Off-Street Parking and Loading Area Setbacks From Right of Way Line

	Parking Area 1 to 5 Spaces	Parking Area 6 or More Spaces	Loading Area
In an R District			
accessory to a dwelling	3 ft.	15 ft.	NA
accessory to another use	15 ft.	25 ft.	25 ft.
Not in an R District, but			
within 50 feet of an R District	15 ft	25 ft.	25 ft.
Within the Central Business District			
Abutting Main Street/Broad Street/ Columbus Street*	15 ft.	15 ft.	15 ft.
Not abutting Main Street/Broad Street/Columbus Street	5 ft.	5 ft.	5 ft.

*Where a property abuts two of these streets, the Main Street setback shall be 15 feet and the other street setback shall be 5 feet.

(c) Unenclosed off-street parking areas (including parking lot aisles) which are accessory to any multi-family dwelling complex, assisted living facility, or similar use shall be set back at least twenty-five (25) feet from any abutting RE or RS District.
(Ord. 12-15. Passed 9-14-15.)

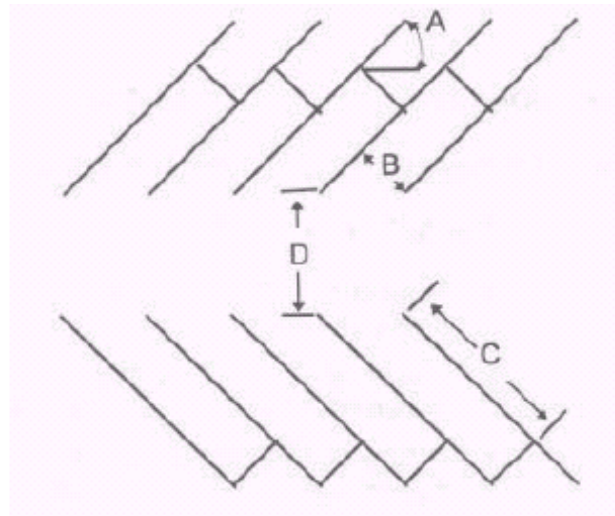
1151.04 DESIGN STANDARDS FOR OFF-STREET PARKING AREAS.

- (a) The following standards shall apply:
- (1) All off-street parking spaces shall have a vertical clearance of at least 6 feet 6 inches;
 - (2) Handicapped off-street parking spaces shall be provided in size and number as specified in the Ohio Basic Building Code;
 - (3) Off-street parking spaces shall be at least 8.5 feet in width and 18 feet in length exclusive of access drives and aisles; and
 - (4) Parking layout dimensions for off-street parking spaces and aisles shall be in accordance with or in proportion to the standards set forth in Figures 1-4 below.

(Figure 1)
**PARKING LAYOUT DIMENSIONS
 FOR 8.5' AND 9.0' STALL WIDTHS
 AT VARIOUS ANGLES WITH ONE WAY AISLES
 (MINIMUM STANDARDS)**

A	B	C	D
45	8.5	18.0	12.0
	9.0	18.0	12.0
60	8.5	18.0	16.0
	9.0	18.0	16.0
75	8.5	18.0	21.0
	9.0	18.0	21.0

A = Stall Angle
 B = Stall Width
 C = Stall Length
 D = Aisle Width

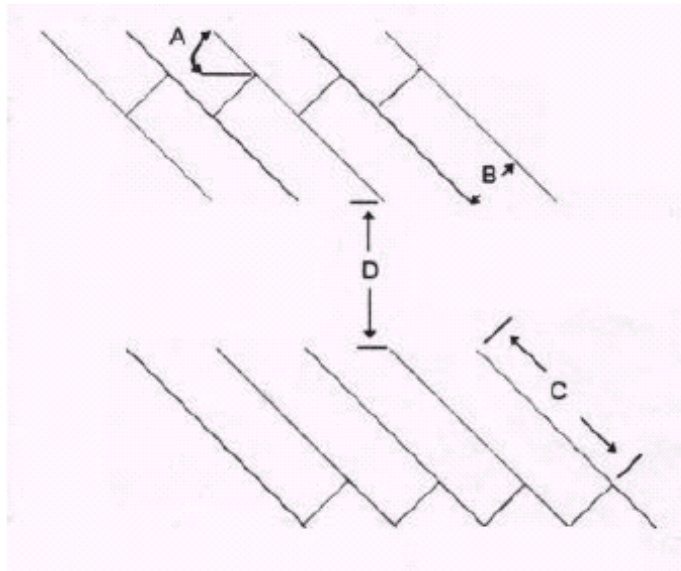


(Figure 2)

PARKING LAYOUT DIMENSIONS
 FOR 8.5' AND 9.0 STALL WIDTHS
 AT VARIOUS ANGLES WITH TWO-WAY AISLES
 (MINIMUM STANDARDS)

A	B	C	D
45°	8.5	18.0	20.0
	9.0	18.0	20.0
60°	8.5	18.0	21.0
	9.0	18.0	21.0
75°	8.5	18.0	22.0
	9.0	18.0	22.0

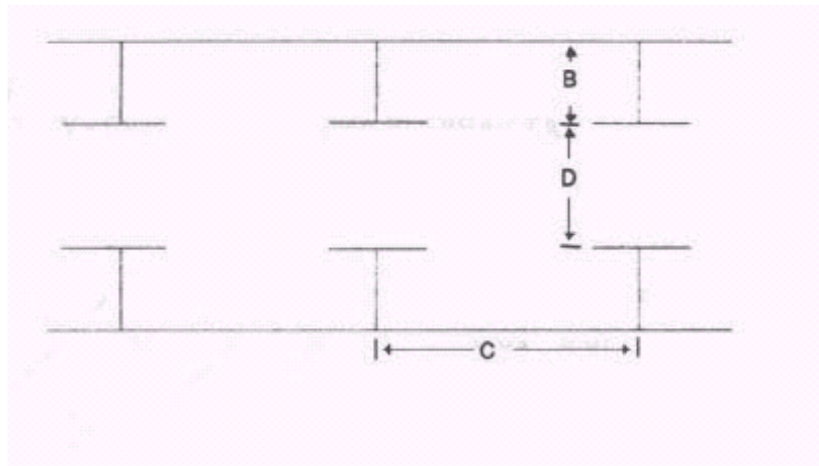
A = Stall Angle
 B = Stall Width
 C = Stall Length
 D = Aisle Width



(Figure 3)
 PARKING LAYOUT DIMENSIONS
 AT 0 AND 90 DEGREE ANGLES
 (MINIMUM STANDARDS)

A	B	C	D
0	8.5	24.0	12.0
			(24.0)
	9.0	24.0	12.0
			(24.0)

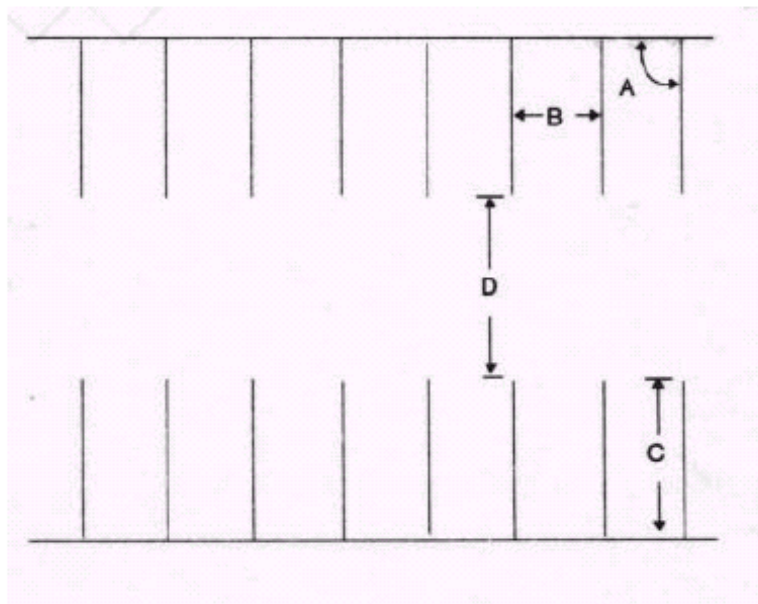
A = Stall Angle
 B = Stall Width
 C = Stall Length
 D = Aisle Width



(Figure 4)

A	B	C	D
90	8.5	18.0	24.0
	9.0	18.0	24.0

A = Stall Angle
 B = Stall Width
 C = Stall Length
 D = Aisle Width



- (b) Each parking space shall be accessible from a public street without passing through another required space, except in the RE, RS, or RMH Districts. Stacked parking may be allowed in the Central Business District with the approval of the Board of Zoning Appeals.
- (c) Lighting used to illuminate an off-street parking area shall be so arranged as to direct the light away from properties within an R District which do not contain uses for which the parking is being provided.
- (d) Unenclosed off-street parking areas shall be surfaced with an all-weather material except non-required special event parking areas meeting the requirements of subsection (f) below.
- (e) Unenclosed off-street parking areas which are principal uses shall be screened by the erection of a screening wall or fence on the lot line or lines in common with an R District. Unenclosed off-street parking areas, containing 6 or more spaces, which are accessory to uses not required to provide screening shall be screened by the erection of a screening wall or fence on the lot line or lines in common with an RE or RS District, provided that if the parking area is located more than 50 feet from the RE or RS lot line or lines, the screening requirement shall not apply.
- (f) Special event parking areas shall comply with the following conditions:
 - (1) Special event parking shall not be used for more than thirty (30) days in any calendar year.
 - (2) Special event parking cannot occur for more than fifteen (15) consecutive days during any thirty (30) day period.
 - (3) Special event parking shall be set back at least fifty feet (50') from any off-site lot in any R District or any residential development area in a PUD.
 - (4) Special event parking areas shall be on the same lot or lots approved for the principal use to which they are accessory.
- (g) Parking areas within the Historic District shall receive a certificate of appropriateness for screening along the street right of way.
(Ord. 12-15. Passed 9-14-15.)

1151.05 DESIGN STANDARDS FOR OFF-STREET LOADING AREAS.

- (a) Unless otherwise specified, a required off-street loading berth shall be at least 10 feet in width, 30 feet in length, exclusive of aisles, and shall have a vertical clearance of at least 14 feet.
- (b) Required off-street loading berths shall be provided access to and from a public street or alley by an access drive of at least 10 feet in width designed to permit convenient access by semi-trailer trucks.
- (c) Unenclosed off-street loading areas shall be surfaced with an all-weather material.
- (d) Unenclosed off-street loading berths shall not be located within 50 feet of any property in an R District unless it is screened on all sides abutting the R District by a screening wall or fence.
- (e) Lighting used to illuminate an off-street loading area shall be so arranged as to direct the light away from the properties which do not contain uses for which the loading area is being provided.
(Ord. 12-15. Passed 9-14-15.)

1151.06 SHARED PARKING.

Commercial mixed use developments with more than 400,000 total gross square feet shall be entitled to a 10% reduction in the required number of off-street parking spaces.
(Ord. 12-15. Passed 9-14-15.)

1151.07 PARKING IN THE (CBD) CENTRAL BUSINESS DISTRICT.

The (CBD) Central Business District is characterized by higher development density, small lots, and minimal building setbacks. Historically, a significant portion of the parking needs of this area has been provided by on-street parking, an option that is typically not available for suburban-type locations. For this reason, special parking regulations are warranted.

- (a) For non-residential uses located within the CBD District, only twenty-five percent (25%) of the required number of parking spaces as specified in Section 1151.08 below shall be required, provided that, in all cases, sufficient off-street spaces shall be provided for all employees of the establishment.
- (b) Required parking spaces may be located within 1,000 feet of the principal use which they are intended to serve.
- (c) Two or more uses within the CBD District may meet the parking requirements by the joint provision of parking facilities, provided the number of spaces and location otherwise meet the requirements of this Chapter. In such case, the applicant shall provide a written agreement between the parties, stating the terms under which such joint parking is provided and maintained.
(Ord. 12-15. Passed 9-14-15.)

1151.08 REQUIRED NUMBER OF OFF-STREET PARKING SPACES.

Required off-street parking spaces shall be provided according to the following schedule of uses. If a use consists of more than one component use (e.g., a school with a stadium) the required number of parking spaces shall be the sum of the required spaces for those component uses. For uses not listed, the Planning Commission shall have the authority to establish the required number of spaces, bases on the required spaces for similar uses.

(Ord. 12-15. Passed 9-14-15.)

1151.09 SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES.

<u>USE</u>	<u>NUMBER OF REQUIRED SPACES</u>
(a) <u>Residential.</u>	
(1) Single or duplex residences	Two (2) per dwelling unit
(2) Institutional housing, other residential uses	One (1) per three (3) occupants plus two (2) for each employee on the main work shift
(3) Multiple family residences	
Each unit < 1,000 S.F.	One (1) per dwelling unit
Each unit > 1,000 S.F.	Two (2) per dwelling unit
(b) <u>Commercial.</u>	
(1) Professional, administrative and business	One (1) for each 400 S.F. of gross floor area
(2) Food, department, general merchandise, hardware, drugs, or other retail sales	One (1) for each 200 S.F. of gross floor area
(3) Eating or drinking establishments without drive-through facilities	One (1) for each 100 S.F. of gross floor area
(4) Eating or drinking establishments with drive-through facilities	One (1) for each 75 S.F. of gross floor area plus additional spaces in the drive-through lanes equal to twenty-five percent (25%) of the required number of parking spaces

<u>USE</u>	<u>NUMBER OF REQUIRED SPACES (Cont.)</u>
(5) Personal services, including banks, savings and loans, and repair services without drive-through facilities	One (1) for each 200 S.F. of gross floor area
(6) Personal services, including banks, savings and loans, and similar services with drive-through facilities	One (1) for each 200 S.F. of gross floor area, plus additional space in drive-through lanes equal to eighty percent (80%) of the required number of parking spaces
(7) Barber and beauty shops	Two (2) for each work station
(8) Gasoline and service stations, automobile	Two (2) for each service bay plus one (1) for each service pump, plus one (1) for each employee during the main shift
(9) Self-serve laundries	One (1) for each three (3) washers
(10) Medical and dental offices, human clinics	Four (4) for each doctor or dentist
(11) Veterinary clinics, animal hospitals	Three (3) for each doctor
(12) Hotels, bed-and-breakfast establishments	One (1) for each sleeping room plus one (1) for each employee during the main shift
(13) Funeral homes	One (1) for each 400 S.F. of gross floor area
(c) <u>Industrial.</u>	
(1) Any manufacturing, processing, packaging, warehousing, distribution or service industry	Two (2) for each three (3) employees during work shift having greatest number of employees, plus one (1) for each vehicle maintained on the premises.
(d) <u>Institutional.</u>	
(1) Churches and places of public worship	One (1) for each (4) seats in main sanctuary
(2) Public or private elementary or secondary school	Four (4) for each classroom, or one (1) for each seat in main auditorium, whichever is greater
(3) Business, trade, or technical school, college or university	One (1) for each two (2) students and one (1) for each faculty member

<u>USE</u>	<u>NUMBER OF REQUIRED SPACES (Cont.)</u>
(4) Nursery School/Day Care	One (1) for each fifteen (15) students
(5) Libraries, museums, community centers and similar facilities	One for each 400 S.F. of gross floor area
(6) Civic, social and fraternal organizations	One (1) for each three (3) persons allowed in main meeting room at full capacity
(7) Hospitals, nursing facilities	One (1) for each four (4) beds plus one (1) per employee on main shift
 (e) <u>Recreational.</u>	
(1) Baseball, softball, football, soccer or similar organized sport playfield	Twenty (20) for each playfield, plus one for each six (6) seats in stands
(2) Tennis, handball or racquetball courts	Three (3) for each court
(3) Bowling alleys	Four (4) per lane, plus necessary spaces as required for auxiliary uses such as restaurants
(4) Theaters, stadiums, sports arenas, or other assembly halls other than schools (Ord. 12-15. Passed 9-14-15.)	One (1) for each four (4) seats

1151.10 LANDSCAPING AND SCREENING REQUIREMENTS.

(a) **New Sites.** No certificate of zoning compliance or building permit shall be issued hereafter for any development or the construction of any building, structure or vehicular use except where a final landscape plan for such development or construction has been approved.

(b) **Existing Sites.** No parking area or structure shall be constructed or expanded unless the minimum landscaping and screening required by this chapter is provided to the extent of the alteration or expansion, but not for the entire property of which the alteration or expansion is a part unless the alteration or expansion is substantial. An alteration or expansion to an existing property is substantial when:

- (1) In the case of a building or structure that does not involve additional land, the square footage of the expansion exceeds twenty-five percent (25%) of the existing building.
- (2) In the case where additional land is involved, the additional land or the expanded square footage of a structure exceeds twenty-five percent (25%) of the existing site or structure.
- (3) Land as used herein includes land for open space, parking or building uses.

(c) Single-family and two-family residences shall be exempt from landscaping and screening requirements.

(d) Landscaping on the Interior of Parking Lots. All new parking spaces and their associated driving aisle shall be defined by landscaped curbed islands, as described. In addition to those parking lot islands, larger parking lots shall provide additional intervening or midway islands to break up the sea of asphalt, to provide shade for cars and pedestrians, and to be areas to absorb run-off. As such, additional interior landscaping of parking lots shall be provided in accordance with the following requirements:

- (1) For any parking area designed to accommodate forty (40) or more vehicles, a minimum of 5 percent (5%) of the parking lot shall be planted as landscaped island areas.
 - A. Landscaped islands shall be developed and distributed throughout the parking lot to:
 1. Define major circulation aisles and driving lanes; and
 2. Provide visual and climatic relief from broad expanses of pavement.
 - B. Each island shall be a minimum of ten (10) feet in any horizontal dimension;
 - C. Within the landscaped islands, one (1) shade tree shall be provided for every ten (10) parking spaces. Each tree, at the time of installation, shall have a minimum caliper of 3.0 inches and a clear trunk height of at least six (6) feet. Two 1.75-inch trees may be substituted for each 3.0-inch tree.
 - D. Shrubs or low, spreading plant materials shall be planted within required landscaped islands in such a way that there is no impairment to the visibility of motorists or pedestrians.
 - E. Landscaped areas adjacent to the perimeter of the parking area shall not be counted as interior parking lot landscaped areas.
- (2) For the purpose of this section the area of a parking lot shall be the total vehicular surface area including circulation aisles.

(e) Screening Along Public Streets and Perimeter of Parking Areas. Whenever parking areas consisting of five (5) spaces or more are located such that the parked cars will be visible from a public street, screening, in addition to the interior landscaping required in subsection (a) above, shall be provided and maintained between the parking area and the street right-of-way.

- (1) All shrubs, berms, walls and fences shall have a minimum height of three (3) feet.
- (2) Such landscaping and/or screening shall be located parallel to and within five (5) feet of the edge of the parking lot.
- (3) Berms, with vegetation, are preferred.
(Ord. 12-15. Passed 9-14-15.)

**CHAPTER 1153
Nonconformities**

<p>1153.01 Intent. 1153.02 Existing land or buildings. 1153.03 Construction commenced. 1153.04 Substitution. 1153.05 Extension. 1153.06 Discontinuance.</p>	<p>1153.07 Damage and/or destruction of a nonconforming building or use. 1153.08 Maintenance and repair. 1153.09 Nonconforming lots of record.</p>
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1153.01 INTENT.

Within the districts established by this Zoning Ordinance, or amendments hereinafter adopted, there may exist lots, structures, uses of land and structure which were lawful before this Zoning Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Zoning Ordinance or future amendments. It is the intent of this Zoning Ordinance to permit such nonconformities to continue until they are removed and to allow reasonable expansion and/or substitution. (Ord. 28-17. Passed 9-11-17.)

1153.02 EXISTING LAND OR BUILDINGS.

Any use of land or buildings existing on the effective date of this Zoning Ordinance may be continued, even though such use does not conform to the provisions herein, so long as such building or use was existing prior to the establishment of this Zoning Ordinance. No non-conforming building, structure, or use shall be moved, extended, enlarged, reconstructed, or structurally altered, except as provided in this Zoning Ordinance. (Ord. 28-17. Passed 9-11-17.)

1153.03 CONSTRUCTION COMMENCED.

Any property purchased or acquired in good faith for any nonconforming use prior to the adoption of this Zoning Ordinance, upon which property the work of changing, remodeling or construction of such nonconforming use has been legally commenced at the time of adoption of this Zoning Ordinance, may be used for the nonconforming use for which such changing, remodeling or construction was undertaken, provided that such work is completed within two (2) years from the date of adoption of this Zoning Ordinance or amendment thereto making said use nonconforming. (Ord. 28-17. Passed 9-11-17.)

1153.04 SUBSTITUTION.

The Board of Zoning Appeals may allow the nonconforming use of a building or structure to be changed to another nonconforming use of the same or of a more restricted classification, provided no structural alterations except those required by law or ordinance are made. However, in an "R" District, no change shall be authorized by the Board of Zoning Appeals to any use which is not a permitted or conditional use in any "R" District.

(Ord. 28-17. Passed 9-11-17.)

1153.05 EXTENSION.

No nonconforming use shall be enlarged, extended, reconstructed, or structurally altered, except as follows:

- (a) The extension of a nonconforming building on the lot occupied by such building, or onto an adjacent lot if such lot is owned by the same person or persons, may be permitted on a once-only basis by the Board of Zoning Appeals, provided that such extension is necessary and incidental to such existing nonconforming use; that the extension will not increase the ground floor area of the building by more than twenty-five percent (25%); and that such extension will not result in an extension which would result in a violation of any provision of this Ordinance with respect to any adjoining premises, or which would occupy ground space required for meeting yard, setback or other requirements.
- (b) No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.
- (c) Any residential structure which is nonconforming due to the fact of its being in a non-residential zoning district may be enlarged, extended, reconstructed or structurally altered provided it meets the requirements of the adjacent or most proximate R-District.
- (d) Any structure which is nonconforming due to its location or configuration on the lot, resulting in lot coverage or yards inconsistent with the requirements of the zoning district where it is located, may be enlarged, extended or structurally altered in a manner that decreases or maintains its existing degree of nonconformity, but in no case shall such structure be enlarged, extended or structurally altered in a manner that increases its degree of nonconformity.

(Ord. 28-17. Passed 9-11-17.)

1153.06 DISCONTINUANCE.

A nonconforming use which has been discontinued or abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned whenever either of the following conditions exist:

- (a) When the use has been voluntarily discontinued for a period of two (2) years. It is the responsibility of the applicant to prove the non-conforming use has not been discontinued.
- (b) When the nonconforming use has been replaced by a conforming use.

(Ord. 28-17. Passed 9-11-17.)

1153.07 DAMAGE AND/OR DESTRUCTION OF A NONCONFORMING BUILDING OR USE.

When a building or structure, the use of which does not conform to the provisions of this Ordinance, is damaged by fire, explosion, public enemy or act of God, it may be restored or rebuilt and continued in such nonconforming use provided that the restoration or rebuilding is commenced within twelve (12) months of the time of damage, that construction is completed within twenty-four (24) months, and that such restoration or rebuilding would not extend or expand the existing use, except as may be permitted in Section 1153.05 above.

If any part of the damaged or destroyed building encroaches or intrudes on an adjacent property, the locations of the restored or rebuilt structure is subject to approval by the Board of Zoning Appeals. If the restoration or rebuilding of the structure involves extension or expansion of the use, the provisions of Section 1153.05 shall apply.
(Ord. 28-17. Passed 9-11-17.)

1153.08 MAINTENANCE AND REPAIR.

Nothing in this chapter shall be deemed to prevent normal maintenance and repair of a building or structure containing a nonconforming use. Structural alterations may be made to a building or structure containing a nonconforming use when at least one of the following conditions exist:

- (a) When required by law.
- (b) To convert to a conforming use.
- (c) A building or structure containing residential nonconforming uses may be so altered as to improve interior livability. However, no structural alterations shall be made which exceed the area or height requirements or which would extend into any yard required in the district in which such building is located.

(Ord. 28-17. Passed 9-11-17.)

1153.09 NONCONFORMING LOTS OF RECORD.

In any district where dwellings are permitted, a one-family detached dwelling (or an accessory building if the lot is already occupied by a one-family dwelling) may be erected on any lot of official record on or before April 17, 1939, even though such lot does not comply with the lot area and width requirements of the district in which it is located, provided such lot has at least thirty (30) feet of lot width with frontage on a public street; and further provided that the following conditions are complied with:

- (a) If the owner of such lot does not own adjacent property and did not own such property at the time this Ordinance became effective, each side yard shall not be less than ten percent (10%) of the width of the lot, but in no case shall such side yard be less than three (3) feet.
- (b) If the owner of such lot owns two (2) or more adjacent lots, or other adjacent property, such owner shall redivide the property in such a manner that they conform to the minimum width of such lots in the most proximate single-family district. However, if such redivision would result in lots that exceeds width requirement of lots in the most proximate district, such redivision shall provide for one (1) more building lot than would otherwise be allowed.

(Ord. 28-17. Passed 9-11-17.)

**CHAPTER 1155
Enforcement**

1155.01	Duty of Zoning Inspector(s) and other officials.	1155.03	Penalties for violation.
1155.02	Zoning clearance permit.	1155.04	Construction and use to be as provided in applications, plans and permits.

1155.01 DUTY OF ZONING INSPECTOR(S) AND OTHER OFFICIALS.

The Mayor shall designate a Zoning Inspector to oversee the Zoning Code. It shall be the duty of the Zoning Inspector(s) to enforce this Code. If the Zoning Inspector(s) shall find that any of the provisions of this Code are being violated, they shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, and shall take such action to ensure compliance with or to prevent violation of its provisions as is authorized by law. All departments, officials, and employees of the City of Lancaster vested with the duty or authority to issue permits or licenses shall comply with the provisions of this Code, and shall issue no permit or licenses for any use, purpose, excavation, construction, structure, building, or sign in conflict with the provisions of this Code.

(Ord. 14-00. Passed 5-22-00.)

1155.02 ZONING CLEARANCE PERMIT.

(a) Zoning Clearance Permit Required. It shall be unlawful for any person, firm or corporation to erect, move, add to or structurally alter any building or structure, or to use or change the use of any building or land or to permit the aforementioned actions, until a Zoning Clearance Permit has been issued by the Zoning Inspector.

(b) Application for Zoning Clearance Permit. Application for a Zoning Clearance Permit shall be accompanied by a legal description of the lot and plans in duplicate, drawn to scale in black line or blueprint, showing the actual shape and dimension of the lot; the location and dimensions of all easements, the location, size and height of any existing buildings or structures to be erected or altered; the existing and intended use of each building, structure or portion of the lot; the number of dwellings and buildings the lot is intended to accommodate, if any; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Code.

(c) Response to Application for Zoning Clearance Permit. After an application for a Zoning Clearance Permit is filed in compliance with the provisions herein, the Zoning Inspector shall issue a Zoning Clearance Permit, and return one copy of submitted plans or shall notify the applicant, in writing, of his refusal to issue a permit setting forth the reasons therefore.

(d) Fees for Zoning Clearance Permits. No Zoning Clearance Permit shall be issued until a fee shall have been paid in accordance with the schedule of fees adopted by resolution of the Council of the City of Lancaster. (Ord. 14-00. Passed 5-22-00.)

(e) Permit Expiration. A Zoning Clearance Permit shall expire twelve months after issuance date. (Ord. 36-07. Passed 7-16-07.)

1155.03 PENALTIES FOR VIOLATION.

(a) Any person, firm or corporation who violates any provisions of the Lancaster Zoning Code, or who otherwise fail to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variance or special exceptions, is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense. Each day that a violation continues shall be deemed a separate offense.

(b) Nothing herein contained shall prevent the City of Lancaster or its authorized officials from taking other action, authorized by law, to remedy a violation.
(Ord. 16-16. Passed 4-11-16.)

1155.04 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS AND PERMITS.

Zoning Clearance permits, Variances, or Special Exception uses issued on the basis of approved plans and applications authorize only the uses, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction varying from that authorized shall be deemed a violation of this Zoning Ordinance, and punishable as provided by Section 1155.03.
(Ord. 14-00. Passed 5-22-00.)

CHAPTER 1157
Board of Zoning Appeal

<p>1157.01 Establishment of the Board of Zoning Appeal.</p> <p>1157.02 Powers of the Board.</p> <p>1157.03 Proceedings of the Board.</p> <p>1157.04 Conflict of interest.</p> <p>1157.05 Notice of public hearing.</p> <p>1157.06 Fees.</p>	<p>1157.07 Appeals from an Administrative Official.</p> <p>1157.08 Interpretation.</p> <p>1157.09 Variances.</p> <p>1157.10 Special exception.</p> <p>1157.11 Appeals to the District Court.</p> <p>1157.12 Compensation.</p>
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1157.01 ESTABLISHMENT OF THE BOARD OF ZONING APPEAL.

(a) There is hereby established a Board of Zoning Appeal of the City of Lancaster with the powers and duties hereinafter set forth. The Board of Zoning Appeal shall consist of five members, who shall be nominated by the Mayor and confirmed by the City Council, and shall serve with pay for a term of three years. Initial appointments will be as follows: two members serving for three years; two members serving for two years; and one member serving for one year. Thereafter all full term appointments shall be for three years.

(b) Vacancies shall be filled for an unexpired term of any member in the manner set forth for appointments to a full term. A Board member may be removed for cause, by the appointing authority after notice, written charges and public hearing. The Board shall organize, elect its chairman, and appoint a secretary and adopt rules necessary to the conduct of its affairs.
(Ord. 28-16. Passed 10-24-16.)

1157.02 POWERS OF THE BOARD.

The Board shall have the power to hear appeals from the determinations of an administrative official in enforcing this Code, to grant special exceptions and/or variances, and to make interpretations of the zoning map and text, in accordance with the substantive and procedural standards hereinafter set forth. (Ord. 28-16. Passed 10-24-16.)

1157.03 PROCEEDINGS OF THE BOARD.

Meetings shall be held monthly at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel attendance of witnesses. A quorum shall consist of three members of the Board. A minimum of three affirmative votes shall be required to pass a measure. All meetings, deliberations, and voting of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. In all matters, the Board shall decide at the conclusion of the hearing on the application for relief. The notice, filing, and substantive requirements of the Board shall be set forth in the following sections concerning the Board's exercise of a particular power. (Ord. 28-16. Passed 10-24-16.)

1157.04 CONFLICT OF INTEREST.

In the event a member of the Board of Zoning Appeals finds himself or herself in a "conflict of interest" with regard to any matter coming before the Board, said member shall at the beginning of the proceeding declare that a conflict exists and refrain from participating in the hearing and in voting on the issue. If a member of the Board does not declare a conflict, and the petitioner or other Board members perceive that a conflict exists, they may request that the Board member be excluded from the hearing process. If the Board member declines to step down, the matter will be heard by the Board prior to undertaking the scheduled hearing, and the Board by majority vote will determine whether a conflict exists. If the Board finds a conflict to exist, the Board member in conflict will be prohibited from participating in the hearing and voting on the petition. (Ord. 28-16. Passed 10-24-16.)

1157.05 NOTICE OF PUBLIC HEARINGS.

(a) The Board of Zoning Appeal shall give notice and conduct a public hearing before acting on any appeal from an administrative official enforcing this Code, or before granting any special exception, or variance, or minor variance, or exception. The Board shall set forth in an adopted statement of policy a list of variances and exceptions which constitute minor variances or exceptions and such statement of policy shall be approved by the Council of the City of Lancaster.

(b) Ten days notice of public hearing shall be given as follows:

- (1) For special exception, variance or appeal from a determination of an administrative official enforcing this Code:
 - A. By publication in a newspaper of general circulation.
 - B. By mailing written notice via first class mail to all owners of property within and contiguous to and directly across the street from such parcel or parcels for which a special exception, variance or appeal from a determination of an administrative official enforcing this Code.
- (2) For minor variance or exception by mailing written notice to all owners of abutting property of the subject property. Nothing herein shall preclude the Board of Zoning Appeal from requiring the giving of public notice of hearings to all owners of property within and contiguous to and directly across the street from such parcel or parcels for which a minor variance or exception is sought.
- (3) The failure of delivery of such notice as provided in (b)(1) and (b)(2) above shall not invalidate any subsequent action of the Board of Zoning Appeals.

(c) The notice shall contain:

- (1) The legal description of the property and the street address or approximate location of the property.

- (2) The present zoning classification of the property and the nature of the relief sought.
- (3) The date, time and place of the hearing.

(d) The applicant shall furnish the names and mailing addresses of all owners of property within and contiguous to and directly across the street from subject parcel or parcels, or in the case of a minor variance or exception, the owners of abutting property of the subject property. Costs of publication shall be billed to the applicant.

(Ord. 28-16. Passed 10-24-16.)

1157.06 FEES.

An application for an appeal from an administrative official enforcing this Code, or any variance or special exception shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by resolution of City Council of the City of Lancaster. Additionally, the applicant shall pay a fee to cover the costs of publishing notice.

(Ord. 28-16. Passed 10-24-16.)

1157.07 APPEALS FROM AN ADMINISTRATIVE OFFICIAL.

(a) General. An appeal to the Board of Zoning Appeal may be taken by any person aggrieved or by any officer, department, board or bureaus of the city affected, where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Code.

(b) Notice of Appeal. An appeal shall be taken within 30 days from the determination complained of by filing with the appropriate administrative official and with the Clerk of the Board, a notice of appeal, specifying the grounds thereof. The administrative official, upon receipt of notice, shall forthwith transmit to the Clerk of the Board, certified copies of all the papers constituting the record of said matter. Upon receipt of the record the Clerk shall set the matter for public hearing within 30 days of the filing of the notice of appeal.

(c) Board of Zoning Appeal Action. The Board shall hold the public hearing. At the conclusion of the public hearing the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of an administrative official enforcing this Code. The Board shall make its findings within 45 days of the filing of the notice of appeal.

(d) Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board of Zoning Appeal, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the Board on due and sufficient cause shown. (Ord. 28-16. Passed 10-24-16.)

1157.08 INTERPRETATION.

(a) The Board shall interpret the text of this Code or the Official Zoning Map upon an appeal from a determination of an administrative official after compliance with the procedural standards of Section 1157.07.

(b) Where a question arises as to the zoning district classification of a particular use, the Board of Zoning Appeal, upon written request of an administrative official may find and determine the classification of the use in question and may, prior to such determination, order the giving of notice and hold a public hearing. Such public hearing shall be held within 30 days of the date of request from the administrative official. At the conclusion of the public hearing, the Board shall rule upon the question. Costs of publication shall be borne by the City.
(Ord. 28-16. Passed 10-24-16.)

1157.09 VARIANCES.

(a) General. The Board of Zoning Appeals, upon application, and after hearing and subject to the procedural and substantive standards set forth herein, may grant variances from the terms of this Code. Variances are distinguished as either "use" variances or "area" variances. A "use" variance is an application for a deviation from the permitted uses in a zoning district as opposed to a variance from a zoning restriction on set-backs, bulk, height, etc. An "area" variance is an application for a deviation from the zoning restrictions on set-backs, bulk, height, etc. in a zoning district.

(b) Application.

- (1) A request for a variance may be initiated upon denial of a Zoning Clearance Permit, by completing a Zoning Variance Application. Zoning Variance Applications will be provided by the Zoning Inspector(s) upon request.
- (2) The applicant for a Zoning Variance will pay the required fee as referenced in Section 1157.06 at the time of submitting the application.
- (3) Upon payment of the required fee, the Zoning Inspector(s) will forward the application for the Zoning Variance to the Clerk of the Zoning Board of Appeals. The Clerk shall set a date and time for a public hearing in accordance with the rules established by the Board.

(c) Board of Zoning Appeal Action. The Board shall hold the hearing and upon the concurring vote of three members may grant a variance after finding:

- (1) The Board of Zoning Appeals may grant a use variance only upon a finding by clear and convincing evidence of an "unnecessary hardship". The factors to be considered and weighed by the Board in determining whether and unnecessary hardship exists include, but are not limited to, the following:
 - A. Whether the requested use variance stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
 - B. Whether the claimed hardship was created by actions of the applicant;
 - C. Whether granting the variance will adversely affect the rights of adjacent property owners;
 - D. Whether granting the variance will adversely affect the public health, safety or general welfare;
 - E. Whether the variance will be consistent with the general spirit and intent of the Zoning Code;
 - F. Whether the variance sought is the minimum which will afford relief to the applicant; and

- G. Whether there is an economically viable use of the property which is permitted in the zoning district.
- (2) The Board of Zoning Appeals may grant an area variance upon a finding by clear and convincing evidence of "practical difficulty" in meeting Code requirements. The factors to be considered and weighed by the Board in determining whether a property owner has encountered practical difficulties include, but are not limited to, the following:
 - A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 - B. Whether the variance is substantial;
 - C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
 - D. Whether the variance would adversely affect the delivery of governmental services, for example, water, sewer, garbage, etc.;
 - E. Whether the property owner purchased the property with knowledge of the zoning restriction;
 - F. Whether the property owner's practical difficulty can be eliminated through some method other than a variance, and;
 - G. Whether the spirit and intent behind the zoning requirement can be observed and substantial justice can be done by granting a variance.

(d) Time Limitation on Variances. A variance which has not been utilized within 24 months from date of the order granting the variance shall thereafter be void, provided that the Board has not extended the time for utilization. For the purpose of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion. (Ord. 28-16. Passed 10-24-16.)

1157.10 SPECIAL EXCEPTION.

- (a) Powers.
 - (1) To grant Special Exception zoning clearance permits for uses listed as Special Exceptions in the various zoning districts, where it is shown that the special use can be granted without substantial detriment to the public good, without substantial impairment of the general purpose and intent of the zoning district in which the use is to be located, and without significant incompatibility with the general character of the neighborhood. In granting a Special Exception, the Board of Zoning Appeal shall have the authority to prescribe appropriate conditions and safeguards in conformance with the purposes and intent of this Code.
 - A. Special exception uses as designated and regulated within the permitted principal or accessory use provisions of the zoning districts;
 - B. Modification of restrictions as provided within Section 1123.09;
 - C. The change of a nonconforming use as provided in Section 1153.03(f);
 - D. The restoration of a partially destroyed structure, containing a nonconforming use as provided in Section 1153.03(g);
 - E. The restoration of a partially destroyed nonconforming structure as provided in Section 1153.06;
 - F. The modification of a screening requirement, as provided in Section 1123.12(e);

- G. The modification of a screening requirement, as provided in Section 1149.32(e)(3);
 - H. The modification of the parking and loading requirements as provided in Section 1153.08(c);
 - I. The modification of the requirements and conditions of Section 1149.05(c) regarding antennas and towers;
 - J. The modification of permitted yard obstructions as provided in Section 1123.10(b);
 - K. Permit residential accessory uses and structures on abutting residentially zoned lots which are under common ownership;
 - L. (EDITOR'S NOTE: This subsection was deleted by Ordinance 50-03.
 - M. Reduction of the number of required off-street parking spaces on a lot or may allow the required off-street parking on a lot other than the lot which contains the adult business as provided in Section 1153.08(c);
 - N. Increases in the number of days per year and the number of days within a 30 day period that special event parking is permitted as provided in Section 1149.03(c)(8)F.;
 - O. Sexually oriented businesses that apply for a special exception permit enjoy First Amendment Protection not given other business and therefore the following procedures shall apply in addition to all others:
 - 1. The Board of Zoning Appeals shall issue its written decision with 30 days of the filing of the application.
 - 2. The Board of Zoning Appeals shall consider the following criteria:
 - A. Compliance with all applicable fire and life safety codes.
 - B. Assure that lighting on exterior would illuminate the entire parking lot.
 - C. Meet requirements of Section 1133.06 of this code.
- (2) The grant special exception permits for the enlargement or expansion of non-conforming buildings, except for the floodway as governed by Lancaster Codified Ordinance 1331, where it can be shown that the expansion or enlargement of the nonconforming use can be granted without substantial impairment of the general purpose and intent of the underlying zoning district or floodway ordinance where appropriate, and without significant incompatibility with the general character of the neighborhood. No enlargement or expansion to any nonconforming use shall be more than fifty percent of the total floor area of the original nonconforming building.
- (3) To impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the board deems necessary to carry out the intent and purpose of the Zoning Code and to otherwise safeguard the public safety and welfare.
- (4) Upon application by the City Law Director, to revoke any special permit whose condition has been violated after notice and opportunity to conform have been given.
- (b) Application.
- (1) A request for a Special Exception may be initiated upon denial of a Zoning Clearance Permit, by completing a Special Exception Application. Special Exception Applications will be provided by the Zoning Inspector(s) upon request.
 - (2) The applicant for a Special Exception will pay the required fee as referenced in Section 1157.06 at the time of submitting the application.

- (3) Upon payment of the required fee, the Zoning Inspector(s) will forward the application for the Special Exception to the Clerk of the Zoning Board of Appeals. The Clerk shall set a date and time for a public hearing in accordance with the rules established by the Board.

(c) Board of Zoning Appeal Action. The Board of Zoning Appeal shall take action within thirty (30) days from submittal of the application as specified in Section 1157.10 (b) (3) above, unless the applicant and the Board mutually agree to waive this requirement. The Board of Zoning Appeal shall hold the hearing as specified above and, upon concurring vote of at least three members may grant the special exception after finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Provided that the Board in granting the special exception shall have the authority to prescribe appropriate conditions and safeguards, may limit the grant of the special exception to a specified period of time, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached. The Board shall not entertain any appeal applied for more than thirty (30) days after the date of the order, requirement, decision or determination appealed from or within such different time as may be specifically provided in this Code.

(d) Time Limitation on Special Exceptions. A special exception which has not been utilized within 24 months from date of the order granting same shall thereafter be void, provided that the Board has not extended the time for utilization. For the purposes of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion. (Ord. 28-16. Passed 10-24-16.)

1157.11 APPEALS TO THE COMMON PLEAS COURT.

(a) Procedure. An appeal from any action, decision, ruling, judgment, or order of the Board of Zoning Appeal may be taken by any person or persons aggrieved, or any taxpayer or any officer, department, board or bureau of the City to the Common Pleas Court of Fairfield County by filing with the City Clerk and with the Clerk of the Board within 30 days from the date of such action, a notice of appeal, which notice shall specify the grounds of such appeal. No bond or deposit for costs shall be required for such appeal. Upon filing of the notice of appeal, the Board shall forthwith transmit to the Court Clerk of the County, the original or certified copies of all the papers constituting the record in the case, together with the order, decision or ruling of the Board. Said case shall be heard and tried de novo in the Common Pleas Court of Fairfield County, Ohio. An appeal shall be from the action of the Common Pleas Court as in all other civil actions. Costs shall not be allowed against the Board unless it shall appear to the Court that it acted with gross negligence or in bad faith, or with malice in making the decision appealed from.

(b) Stay of Proceedings. An appeal to the Common Pleas Court stays all proceedings in furtherance of the action appealed from unless the Chairman of the Board certifies to the Court Clerk, after notice of appeal shall have been filed, that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the Common Pleas Court.
(Ord. 28-16. Passed 10-24-16.)

1157.12 COMPENSATION.

Compensation for members of the Board of Zoning Appeals shall be established as ten dollars (\$10.00) per application for each member in attendance at the meeting for all meetings beginning September 18, 2001.
(Ord. 28-16. Passed 10-24-16.)

**CHAPTER 1159
Amendments**

1159.01	General.	1159.03	Zoning Text Amendments.
1159.02	Policy on Zoning Map Amendments.	1159.04	Zoning Map Amendments.

1159.01 GENERAL.

The regulations, restrictions, prohibitions and limitations imposed, and the districts created may from time to time be amended, supplemented, changed, modified or repealed by ordinance, but no change shall be made until the Planning Commission, after notice and public hearing, files with the Clerk of City Council a report and recommendation on the proposed change. In addition to the procedural provisions hereinafter set out, the Planning Commission shall adopt procedural rules for the conduct of zoning public hearings. (Ord. 14-00. Passed 5-22-00.)

1159.02 POLICY ON ZONING MAP AMENDMENTS.

It is the policy of the City of Lancaster that in the consideration of proposed amendments to this Code that:

Amendments will be adopted to recognize changes in the Future Land Use Plan, to correct error, or to recognize changed or changing conditions in a particular area or in the jurisdictional area generally. (Ord. 14-00. Passed 5-22-00.)

1159.03 ZONING TEXT AMENDMENTS.

The Planning Commission upon its own motion may, or at the direction of the City Council shall hold a public hearing, giving notice thereof, of a proposed text amendment. After holding the public hearing, the Planning Commission shall within 30 days transmit its report and recommendation to the Clerk of City Council. (Ord. 14-00. Passed 5-22-00.)

1159.04 ZONING MAP AMENDMENTS.**(a) Initiated by Application.**

- (1) Any person, corporation, partnership, association, or combination thereof, having a legal or equitable interest in or to real property, may file an application for a change in the zoning classification of such property by amendment of the Zoning Map. An application shall be filed with the Planning Commission and shall be in such form and content as the Planning Commission may by resolution establish. The applicant shall pay an application fee in accordance with the fee schedule established by resolution adopted by the Planning Commission and approved by the City Council. Additionally, the applicant shall pay a fee to cover the costs of publishing notice and posting of signs.
- (2) An application shall be filed with the Planning Commission at least 30 days prior to the date of public hearing and shall be set for public hearing, provided the Planning Commission upon written request may set the matter for an early public hearing for cause shown.

(b) **Initiated by Planning Commission.** In any instance, the Planning Commission, upon its own motion may, or on the written request of any person may, or at the direction of the City Council shall, hold a public hearing, giving notice thereof, of a proposed map amendment. After holding the public hearing, the Planning Commission shall within 15 days transmit its report and recommendation to the Clerk of City Council.

(c) Notice Required.

- (1) The Planning Commission shall give notice of public hearing on any proposed zoning changes as follows:
 - A. At least 20 days notice of the date, time, and place of the hearing by publication in a newspaper of general circulation in the City of Lancaster. Said notice shall include a map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in said area.
 - B. By posting of the affected property at least 20 days before the date of the hearing. The notice shall state;
 1. The date, time, and place of public hearing; and
 2. Who will conduct the public hearing; and
 3. The present and desired zoning classifications; and
 4. The proposed use of the property; and
 5. Other information as may be necessary to provide adequate and timely public notice.
 - C. Twenty days notice by mailing written notice to all owners of real property included in the proposed change and all owners contiguous to and directly across the street from the property included in the proposed change. The notice shall contain:
 1. The legal description of the property and the street address or approximate location in the City of Lancaster; and
 2. The present zoning of the property and the zoning sought by the applicant; and
 3. The date, time and place of the public hearing.

- D. Provided that, if the City of Lancaster proposes zoning reclassification in order to revise its Future Land Use plan or official map or to identify areas which require specific land use development due to topography, geography or other distinguishing features, including but not limited to floodplain, drainage, historic preservation and blighted areas, mailing of notice as above provided shall not be required and notice shall be given at least 20 days before the date of the hearing by publication as above provided and by posting on designated properties within the area affected by the proposed zoning reclassification. The sign and the lettering thereon shall be of sufficient size so as to be clearly visible and legible from the public street or streets toward which it faces and shall state:
1. The date, time and place of the public hearing; and
 2. Who will conduct the public hearing; and
 3. The desired zoning classification; and
 4. The proposed use of the property; and
 5. Other information as may be necessary to provide adequate and timely public notice.
- (2) EDITOR'S NOTE: Former subsection (c)(2) was repealed by Ordinance 46-05.

(d) Planning Commission Action on Zoning Map Amendments. After notice and public hearing, the Planning Commission shall vote to:

- (1) Recommend to the City Council that the application be approved as submitted, or as amended, or be approved subject to modification or;
- (2) Recommend to the City Council that the application be denied.

An application recommended for approval, or approval subject to modification shall be transmitted, with the report and recommendation of the Planning Commission, to the City Council within 15 days from the date of Planning Commission action.

An application recommended for denial, shall not be considered further unless the applicant within 15 days from the date of the Planning Commission action, files a written request with the Clerk of City Council for a hearing by the City Council. The request for hearing shall be accompanied by the payment of a fee pursuant to the adopted fee schedule. Upon notice of such request, the Planning Commission shall forthwith transmit the application and its report and recommendations to the Clerk of City Council.

In the event the Planning Commission arrives at a tie vote, the application shall be transmitted with a report and notation of the tie vote, to the Clerk of City Council within 15 days from the date of Planning Commission action.

(e) City Council Action on Zoning Map Amendments. The City Council shall hold a hearing on each application transmitted from the Planning Commission and on any proposed Zoning Map amendment initiated pursuant to subsection (b) hereof. The City Council shall approve the application as submitted, or as amended, or approve the application subject to modification, or deny the application. Prior to the hearing on the proposed rezoning ordinance before the City Council, the applicant shall remit to the office of the Clerk of City Council a publication fee, said fee to be in accordance with the schedule of fees adopted by resolution of the City Council of the City of Lancaster. In case of a protest against such zoning change filed at least three days prior to said public hearing by the owners of 20% or more of the area of the lots included in such proposed change, or by the owners of 50% or more of the area of the lots contiguous to and directly across the street from the property included in the proposed change, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the City Council. (Ord. 14-00. Passed 5-22-00.)

CHAPTER 1161 Definitions

1161.01 Definitions.

1161.01 DEFINITIONS.

(1) **Abutting:** In the context of notice and a screening or enclosure requirement, abutting shall mean contiguous or separated there from only by a nonarterial street, alley or railroad right-of-way. In other instances, abutting shall mean contiguous.

(2) **Accessory Use or Structure:** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

(3) **All-Weather Material:** A hard surface, dust-free material capable, during ordinary use, of withstanding without substantial deterioration, normal weather conditions. Gravel, rock, or screenings alone, without use of a petroleum or cement binder, does not meet the definition of an all-weather, dust-free material. All-weather material does not apply to non-residential parking areas and drive areas less than 12,000 square feet in total area that do not abut an arterial street.

(4) **Alley:** A public right-of-way ten (10) to twenty (20) feet wide which provides only secondary means of access to abutting property.

(5) **Animation:** The presentation of pictorials and graphics on signs displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shape.

(6) **Arterial:** A street designated on the Major Street and Highway Plan as an arterial, thoroughfare, parkway or special traffic way.

(7) **Assisted Living Center:** A residential facility designed to meet housing and care needs of older persons and individuals with disabilities in a residential rather than institutional environment, while maximizing independence, choice, and privacy. Assisted living programs provide personal care for persons with needs for assistance in the activities of daily living, and can respond to unscheduled needs for assistance. Services typically provided include: meals, housekeeping, laundry and linen service, medication monitoring, transportation, and activities. Assisted living settings also typically provide features that enhance resident autonomy, such as lockable doors, full bathrooms, temperature control, and single occupancy, and may provide limited cooking facilities in individual units. Assisted Living Centers exclude nursing homes and other special housing facilities as elsewhere defined.

(8) **Average Ground Elevation:** The mid point between the highest and lowest ground elevations at the building wall.

(9) Bar/Tavern: A commercial establishment open to the general public which sells and serves intoxicating beverages (as defined herein) for consumption on the premises.

(10) Bed and Breakfast Inn: Every establishment that provides four (4) or fewer guest rooms with or without meals for guests and/or transient guests who pay a fee for such services. Said structure may also be rented for special events, such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc., as may be approved by the Board of Zoning Appeals.

(11) Board of Zoning Appeals (BZA): The Board of Zoning Appeals of the City of Lancaster.

(12) Building: A structure which is permanently affixed to the land, and has one or more floors and a roof, and is bounded by either another building with a common party wall, open air, or the lot lines of a lot.

(13) Building Setback: The horizontal distance, from the point of measurement, such as the right-of-way line of an abutting street or the boundary line of an abutting zoning district to the nearest building wall.

(14) Bulk and Area Requirements: The term "bulk and area requirements" as used in this code refers to lot widths, lot areas, structure heights, front, rear and side yard setbacks and floor area ratios.

(15) Caliper: The diameter of the tree trunk measured at six (6") inches above ground level for a tree trunk having a diameter of four (4") inches or less and the diameter of the tree trunk measured at twelve (12") inches above ground level for a tree trunk having a diameter exceeding four (4") inches.

(15a) Change of Use: means any alteration in the primary use of a lot or building on the lot from its existing use at the time of the adoption of this code or as modified by a zoning clearance, special exception or use variance issued under this code or which may entail the need for additional parking, loading, screening or other zoning restrictions.

(16) Changeable Copy: A sign which, in whole or in part, provides for periodic changes in the material or message composing the sign. This definition includes both electronically and manually changeable signs.

(17) Character: Any letter of the alphabet or numeral.

(17a) Child Day Care Center: Any place in which child care or publicly funded child care is provided for thirteen or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven to twelve children at one time. In counting children for the purpose of this definition, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted.

(18) City Council: The City Council of the City Lancaster.

(19) Commercial Mixed Use Development: shall mean any development containing a combination of uses permitted by right or special exception in a CN zoning district.
(Ord. 47-05. Passed 6-27-05.)

(20) **Condominium New:** A form of ownership of property where each owner has title to a percentage of a project and the project's common areas and the actual ownership is of the interior surfaces established by the perimeter walls, floor and ceilings of a unit. Because of the unique ownership of the lot or lots, condominiums shall be included in PUD zoning. Copies of the ownership structure shall be filed with the Certified Building Department prior to issuance of an occupancy permit. A new condominium is a new development that is not currently in existence and is not a conversion of any existing structure.

(20.1.) **Condominium Conversion:** A form of ownership of property where each owner has title to a percentage of a project and the project's common areas and the actual ownership is of the interior surfaces established by the perimeter walls, floor and ceilings of a unit. Copies of the ownership structure shall be filed with the Certified Building Department prior to issuance of an occupancy permit. A condominium conversion contemplates the conversion of an existing structure. (Ord. 20-08. Passed 7-14-08.)

(21) **Convict Pre-Release Center or Correctional Community Treatment Center:** means a facility for supervision and rehabilitation of persons placed therein by the Department of Rehabilitation and Correction, Federal Bureau of Prison, a court , or otherwise for parole, probation, furlough, treatment of drug or alcohol abuse and addition, vocational training and counseling, or adjustment to private life and noninstitutional society and which may be licensed and inspected by the Ohio Department of Rehabilitation and Correction, the Adult Parole Authority , the Ohio Department of Health or a similar agency. Prisoners in these facilities are not in the custody of local law enforcement and the facilities are often privately owned.

(22) **Curb Level:** The mean level of the established curb at the frontage of a lot. Where no curb has been established, the City Engineer shall establish such curb level or its equivalent for the purposes of this Code.

(23) **Customary Residential Exterior Finishing Materials:** Roof and siding materials traditionally used to provide the finished exterior of single-family dwellings. Customary roofing materials include composition shingles, fiberglass shingles, wood shingles (shakes), and clay tile applied according to the manufacturers specifications. Customary siding materials include aluminum lap or vinyl lap siding, cedar or other wood siding, masonry (stucco, brick, stone, block, tilt-up panel) and wood grain weather resistant pressboard siding.

(24) **Dance Hall:** A commercial establishment open to the general public which provides a dance area of 1,000 square feet or more.

(25) **Day Care Center:** A facility providing child day care as defined by Ohio Law to seven or more children of any age. Such a facility must be licensed by the Ohio Department of Human Services.

(26) **Designated Residential Development Area:** An area specifically designated for residential development by conditions imposed in a Planned Unit Development (PUD) or Corridor District (CO).

(27) **Detention/Correctional Facility:** A facility for the detention, confinement, treatment and/or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, jail and prison. These facilities house prisoners who are in the custody of City/county/law enforcement and the facilities are typically government owned.

(28) Development: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

(29) Display Surface: The surface of a sign as defined in Section 1317.10.

(30) Drip line: The periphery of the area underneath a tree which would be encompassed by perpendicular lines extending from the exterior edges of the crown of the tree.

(31) Dwelling: A building or structure used in whole or in part for human habitation.

(32) Dwelling, Duplex: A building containing two dwelling units, designed for occupancy by not more than two (2) families.

(33) Dwelling, Manufactured Home: See Manufactured Home.

(34) Dwelling, Multifamily: A building containing three or more dwelling units.

(35) Dwelling, Townhouse: A building containing two or more attached dwelling units with no unit above another unit and each unit located on a separate lot within a townhouse development.

(36) Dwelling, Single-Family Detached: See Single Family Dwelling.

(37) Dwelling Unit: A room or group of rooms arranged, intended, or designed as a habitable unit, containing kitchen, bath and sleeping facilities, for not more than one family living independently of any other family.

(38) Elderly/Retirement Housing: A residential complex containing multifamily dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care and are distinguished from life care retirement centers as elsewhere defined.

(39) Emergency and Protective Shelter: A residential facility which provides room and board for a temporary (30 days or less) period, protection, counseling, and pre-placement screening for abused, displaced, or transient children or adults.

(40) Essential services: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare.

(41) Family: One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption or marriage, no such family shall contain more than five (5) persons.

(42) Family Child Care Home (Type B): The provider's personal residence used to house and provide supervision and care for one (1) to six (6) children, said total to include those children of the provider under six (6) years of age who reside in the residence. No more than three (3) children may be under the age of two years. A "Type B" home does not require licensing. Certification by Department of Human Services is required if child care is publicly funded.

(43) Family Day Care Home (Type A): The provider's personal residence used to house and provide supervision and care for seven (7) to twelve (12) children, said total to include those children of the provider under six years of age who reside in the residence. The facility must be licensed by the Ohio Department of Human Services.

(44) Flashing Illumination: A light source or other image which in whole or in part physically changes in light intensity or gives the appearance of such change.

(45) Floor area: The sum of the horizontal areas of a building as measured by the outside dimensions of the building at each floor area intended for occupancy or storage, provided that for the purposes of calculating required parking spaces, basements shall not be included.

(46) Floor Area Ratio (FAR): The floor area of a building or buildings on a lot divided by the lot area.

(47) Freeway: A street designated as a freeway on the Major Street Plan.

(48) Freeway Sign Corridor: Reserved.

(49) Frontage: The lineal measurement of a lot boundary which abuts a public street or the lineal measurement of the building setback line when the boundary of the lot abuts a curved nonarterial street or cul-de-sac.

(50) Group Residential Facility: A community facility, licensed and/or authorized by the State of Ohio, which provides rehabilitative or habilitative services in a residential setting. "Group residential facility" shall include the terms "adult group home", as defined in Ohio Revised Code 37722.01(A) (8) and "group home", as defined in Ohio Revised Code 5123.19(A) (3). There are two (2) classes of group residential facilities:

- A. "Class I group residential facility" means any state, federal or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a place for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A facility contains more than five (5) residents, exclusive of staff. A Class I Type B facility contains five (5) or fewer residents, exclusive of staff.
- B. "Class II group residential facility" means any state, federal or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and/or drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains more than five (5) residents, exclusive of staff. A Class II Type B facility contains five (5) or fewer residents, exclusive of staff.

(51) **Habitable Floor:** Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor".

(52) **Handicap** means, with respect to a person, a physical or mental impairment which substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment. This term does not include current, illegal use of or addiction to a controlled substance. For purposes of these guidelines, an individual shall not be considered to have a handicap solely because that individual is a transvestite. As used in this definition:

- A. "Physical or mental impairment" includes:
 - 1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
 - 2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism. These guidelines are designed to make units accessible or adaptable for people with physical handicaps.
- B. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- C. "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
- D. "Is regarded as having an impairment" means:
 - 1. Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation;
 - 2. Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
 - 3. Has none of the impairments defined in paragraph A. of this definition but is treated by another person as having such an impairment.

(53) Height, building: The vertical distance measured from the average ground elevation at the building wall to the highest point of the structure, not including the height exceptions cited in Section 1123.09 of this Code.

(54) Height, Sign: The vertical distance measured from the curb level to the highest point of the sign.

(55) Home Occupation: That accessory use of a dwelling which constitutes some or all of the livelihood of a person living in the dwelling.

(55a) Hotel: The term "Hotel" shall have the same meaning as Lancaster Codified Ordinance 185.02(3).

(56) Intoxicating Beverages: As used in the Ohio Revised Code, 4301.01.

- A. "Intoxicating liquor" and "liquor" include all liquids and compounds, other than beer, containing one-half of one per cent or more of alcohol by volume which are fit for beverage purposes, from whatever source and by whatever process produced, by whatever name called, and whether the same are medicated, proprietary, or patented. The phrase includes wine even if it contains less than four percent (4%) of alcohol by volume, mixed beverages even if they contain less than four per cent alcohol by volume, cider, alcohol, and all solids and confections which contain any alcohol.
- B. "Alcohol" means ethyl alcohol, whether rectified or diluted with water or not, whatever its origins may be, and includes synthetic ethyl alcohol.
- C. "Beer", "malt liquor", or "malt beverages" includes all brewed or fermented malt products containing one-half of one per cent or more alcohol by volume but not more than six per cent of alcohol by weight.
- D. "Cider" means all liquids fit to use for beverage purposes that contain one-half of one per cent of alcohol by volume, but not more than six per cent of alcohol by weight that are made through the normal alcoholic fermentation of the juice of sound, ripe apples, including, without limitation, flavored, sparkling, or carbonated cider and cider made from pure condensed apple must.
- E. "Wine" includes all liquids fit to use for beverage purposes containing no less than one-half of one per cent of alcohol by volume and not more than twenty-one per cent of alcohol by volume, which is made from fermented juices of grapes, fruits, or other agricultural products. "Wine" does not include cider.
- F. "Mixed beverages" such as bottled and prepared cordials, cocktails, and highballs are products obtained by mixing any type of whiskey, neutral spirits, brandy, gin, or other distilled spirits with, or over, carbonated or plain water, pure juices from flowers and plants, and other flavoring materials. The completed product shall contain not less than one-half of one per cent of alcohol by volume and not more than twenty-one percent (21%) of alcohol by volume.

(57) Junk and salvage yard: An establishment providing an open area where wastes or second hand materials are bought, sold, exchanged, stored, processed or handled. Materials include but are not limited to scrap iron and other metals, paper, plastic, rags, tires, salvaged, inoperable and/or dismantled vehicles and/or parts, and bottles or cans.

(58) Kennel: The use of land or buildings for the purpose of selling, breeding, boarding or training cats or dogs, or both.

(59) Land Area: The area of a lot.

(60) Land Coverage: The land area of a lot covered by building or buildings, except structural parking.

(61) Landscaped Area: The unpaved area within a lot which contains grass, shrubs, flowers, ground cover, trees or native plant materials and which may include decorative fixtures such as rock, pools and planters.

(62) Life Care Retirement Center: A residential facility containing dwellings designed for and principally occupied by senior citizens in a planned retirement community which includes a residential complex, an activity or community center, and a medical or nursing facility which is licensed by the State of Ohio as an Intermediate Care Facility or a Skilled Nursing Center.

(63) Loading Berth, Off-Street: A space of at least ten (10) feet in width and thirty (30) feet in length and having a vertical clearance of at least fourteen (14) feet, designed and located on a lot for the temporary parking of commercial vehicles while loading or unloading merchandise or materials. Where a property is served by an alley, the alley may be counted as the loading space for loading and unloading where the loading or unloading occurs in less than 20 minutes.

(64) Lot: A lot of record.

(65) Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of the County in which the lot is located or a parcel of land, the deed of which is recorded in the office of the County Recorder of the County in which the parcel is located.

(66) Lot Line: Any boundary of a lot.

(67) Lot Line, Front: The boundary of a lot which abuts a public street. Where the lot abuts more than one street, the owner may select the front lot line.

(68) Lot Line, Rear: The boundary of a lot which is most distant from and most nearly parallel to the front lot line.

(69) Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

(70) Lot Width: The average horizontal distance between the side lot lines.

(71) Major Appliance: Includes, but is not limited to, washers, dryers, refrigerators, ovens/ranges, dishwashers, and other appliances not easily carried without assistance.

(72) Major Street Plan: The City of Lancaster Thoroughfare Plan Update, as adopted by the City of Lancaster on June 14, 2004, Resolution 90-04, as may be subsequently amended.

(73) **Manufactured home:** A building unit or assembly of closed construction that is fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the *Manufactured Housing Construction and Safety Standards Act of 1974*, and has a label or tag permanently affixed to it, certifying compliance with all applicable federal construction and safety standards.

(74) **Manufactured Home Community:** A development constructed primarily for manufactured homes, with continuing local general management and with special facilities for common use by occupants, including such items as common recreational buildings and/or common open space.

(75) **Mini Storage:** A building containing small partitioned storage spaces which are separately and individually rented or leased for the storage of personal goods or merchandise, excluding commercial warehousing.

(76) **Mobile Home:** Any non-self-propelled vehicle transportable in one or more sections which, in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or, when erected on the site, is 320 or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and built in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

(77) **Modular Home:** A non-site-built home that is certified as meeting the requirements of the State of Ohio Building Code for *modular housing*. For the purposes of this Ordinance, once certified by the State of Ohio, modular homes shall be subject to the same standards as site-built homes.

(78) **Movement:** Physical movement or revolution of a sign or portion of a sign up or down, around or sideways.

(79) **NA:** Not applicable.

(80) **Nameplate:** A sign, attached flush against a building identifying the name of the building or the name of an occupant thereof.

(81) **NEC:** Not elsewhere classified.

(82) **Neighborhood Park-**a park or open space of less than fifteen (15) acres owned either privately by an owners association or publicly by the City and whose function is to serve local residents. Neighborhood parks may include passive recreation areas and such active areas as jogging and bike paths, playgrounds and small athletic facilities. Neighborhood parks do not include intensive recreation facilities such as swimming pools, community centers, concession stands or lighted athletic facilities.

(83) **Night Club:** A commercial establishment open at night to the general public, usually serving intoxicating beverages, having a floor show, and providing music and a space for dancing.

(84) **Non-Arterial:** A street designated on the Major Street and Highway Plan as a collector or minor street.

(85) **Nursing Home:** A residential health care facility, licensed by the State of Ohio, which provides institutional lodging, nursing care, personal care and supervision to aged, chronically ill, physically infirm, or convalescent patients who are not related to the owner or administrator of the facility.

(86) **Parking Space, Off-Street:** A space on a lot intended and reserved for the parking of an automobile.

(87) **Parking Space, Required Off-Street:** A space on a lot reserved for parking required by this Code.

(88) **Permanent Foundation:** A foundation which meets the requirements of the City of Lancaster regulations for one and two family dwellings.

(89) **Permanently sited manufactured home:** A manufactured home that meets all of the following criteria:

- A. The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- B. The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, and a length of at least twenty-two (22) feet at one point, and a living area of at least 900 square feet, excluding garages, porches, or attachments;
- C. The structure has a minimum 4:12 roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
- D. The structure was manufactured after January 1, 1995;
- E. The structure is not located in a manufactured home community or manufactured home park as defined herein.

(90) **Personal Care:** Assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision of the physical and mental well-being of a person, who is incapable of maintaining a private, independent residence, or who is incapable of managing his person, whether or not a guardian has been appointed for such person.

(91) **Planning Commission:** The Lancaster City Planning Commission (LCPC).

(92) **Planned Unit Development (PUD):** A discretionary type of development for a tract of land under single ownership or control, based upon an approved development plan permitting flexibility of principal land uses, lot sizes, and accessory uses not otherwise available under conventional development standards.

(93) **Principal Use Restaurant:** An eating establishment which employs at least one full-time cook, has a menu, a fully equipped kitchen for cooking and preparation of meals and which eating establishment, including the kitchen area but excluding the bar area, occupies at least 75% of the total floor area of the business.

(94) **Private Club:** A private commercial establishment, not open to the general public, but which is operated for profit and which sells and serves intoxicating beverages (as defined herein) for consumption on the premises.

(95) **Right-of-Way:** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalk, lighting and drainage facilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.

(96) **Recreational Vehicle (RV):** A vehicular portable structure that is designed and constructed to be used as a temporary dwelling for travel, recreation, and vacation uses and is classed as follows:

- A. "Travel trailer" means a nonself-propelled recreational vehicle that does not exceed an overall length of thirty-five feet, exclusive of bumper and tongue or coupling, and includes a tent-type fold-out camping trailer as defined in Section 4517.01 of the ORC.
- B. "Motor Home" means a self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.
- C. "Truck camper" means a non-self propelled recreational vehicle that does not have wheels for road use and designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers than consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.
- D. "Fifth wheel trailer" means a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.
- E. "Park trailer" means a vehicle that is commonly known as a park model recreational vehicle, meets the American national standard institute standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of four hundred square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances.

(97) **Residential Treatment Center:** A community-based residential facility providing diagnostic or therapeutic services, counseling, or treatment and long-term room and board in a highly structured environment for its residents for alcoholism, drug abuse, or behavioral disorders.

(98) **Rooming and Boarding House:** A facility wherein congregate meals and lodging are provided for its residents exclusive of a supervised living or residential care facility as elsewhere defined (e.g. Nursing Homes, Group Homes, Transitional Living Center, Residential Treatment Center, etc.), and exclusive of a hotel or motel.

(99) **Screening Fence:** Screening Fence means a barrier at least six feet in height, constructed of non-transparent material, and maintained so as to obscure the facility from the ordinary view of persons passing upon adjacent streets. Such screening fence can be a combination of barrier fence and landscape plantings if approved by the Zoning Board of Appeals. (See Section 1123.12)

(100) **Setback:** A horizontal distance determining the location of a building with respect to a street, use district boundary line, or another use. Where the term "setback" is used in conjunction with a modifying word or words such as "parking area", the setback shall in its application include, but not be limited to, buildings.

(101) **Signs:** see Chapter 1317 of this Code.

(102) **Single Family Dwelling:** A detached individual dwelling unit designed and intended for occupancy by one family unit.

(103) **Special Exception:** A use or a design element of a use which is not permitted by right in a particular district because of potential adverse affect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the Board of Zoning Appeal, where specifically authorized by the Code, and in accordance with the substantive and procedural standards of the Code.

(103A) **Storable Swimming Pool:** A pool capable of holding water to a maximum depth of forty two inches (42") and is constructed of non-metallic, molded polymeric or fabric walls supported on a rigid frame or by an inflatable ring and entirely on or above ground, and is designed and constructed to be readily disassembled for storage and re-assembled to its original integrity.

(104) **Story:** A room or set of rooms on one floor level of a building.

(105) **Street:** A way for vehicular traffic defined as the area form the back of curb to the back of curb or the area form the backslope of the drainage ditch to the backslope of the drainage ditch.

(106) **Street Yard:** The minimum required yard (residential) abutting a public street or the area of a lot contained between the minimum required building setback line (nonresidential) and an abutting public street.

(107) **Structure:** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, and includes buildings, walks, fences, and signs.

(108) **Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration affects the external dimensions of the structure. The term does not, however; include either (1) any project for improvement of a structure to comply with the existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(109) Supplemental District: A zoning district to be mapped as an overlay to a use district and which modifies or supplements the regulations of the general district in recognition of distinguishing circumstances such as historic preservation, wellhead protection, flood plain or unit development while maintaining the character and purposes of the general use district area over which it is superimposed.

(110) Tent: Any structure, enclosure, or shelter constructed of fabric or other pliable material supported by any manner except by air or the contents protected by the material. The horizontal area covered by the fabric or other pliable material shall be considered building floor area. In residential district a tent shall be considered a detached accessory building.

(111) Top Plate: The horizontal timber directly carrying the trusses of a roof or the rafters.

(112) Townhouse Development: A subdivision containing at least three townhouse lots.

(113) Transitional Living Center: A community-based residential facility that provides short-term (120 days or less) room and board in a supervised living environment utilizing counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, alcoholism or drug abuse.

(113a) Use means as activity permitted by the zoning classification applicable to the district in which the property is situated or by a Special Exception or Variance issued by the City. Whether a particular use exists depends on the nature and purpose of the activity involved. That must be determined from the whole of the activity concerned, not merely with reference to one of its constituent's parts.

(114) Variance: A relaxation of a restriction of the Code, granted by the Board of Zoning Appeal, where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition or circumstance of a particular property, the literal enforcement of the Code restriction, would result in unnecessary hardship.

(115) Veterinarian Clinic: A building used exclusively for the care and treatment of animals, including incidental overnight boarding of animals within the enclosed building, but excluding outside animal runs or boarding services.

(116) Wind Device: Any flag, banner, pennant, streamer or similar device that moves freely in the wind.

(117) Word: For the purpose of this Code, one word shall be deemed to be any of the following.

- A. Any word in any language found in any standard unabridged dictionary or dictionary of slang.
- B. Any proper noun or any initial.
- C. Any separate symbol or abbreviation, such as "&", "S'l", "%" and "INC".
- D. Any telephone number, street number or commonly used combination of numerals and/or symbols such as "\$5.00, or "50%".
- E. Any symbol or logo which is a registered trademark, but which itself contains no word or character.
- F. Otherwise, each separate character is considered to be a word.

(118) Yard: An open unoccupied space on a lot between a building and a lot line measured from the right-of-way.

(119) Yard, Front: A yard extending along the full length of the front lot lines between the side lot lines.

(120) Yard, Required: The minimum permitted distance of open unoccupied space between a building and a lot line.

(121) Yard, Rear: A yard extending along the full length of the rear lot line between the side lot lines.

(122) Yard, Side: A yard extending along a side lot line between the front yard and the rear yard.
(Ord. 28-17. Passed 9-11-17.)

APPENDIX B

To amend the Zoning attached to Ordinance No. 1866, passed on the 18th., day of Nov. 1939, and as subsequently amended as herein provided.

BE IT ORDAINED by the Council of the City of Lancaster, State of Ohio.

SECTION 1: That the Zoning Map attached to Ordinance No. 1866 passed November 18, 1939, and as subsequently amended by and the same is hereby revised by changing the zoning of the following described territory, to-wit:

Beginning at the Northwest corner of Forest Rose Ave., and Fifth Ave.; thence North along the West line of Forest Rose Ave., to the alley North of North Street; thence west in the alley North of North Street to the alley west of Forest Rose Ave.; thence North in the alley West of Forest Rose Ave. to the South-East corner of Lot No. 14 of Dickson's Subdivision; thence West along the South line of Lots 14 and 15 of Dickson's Subdivision to the East line of Front Street; thence Northwestwardly along the East line of Front Street to the alley South of Fair Ave.; thence East in the alley South of Fair Avenue to the Southeast corner of Lot No. 11 of Mumaugh's Addition; thence North along the East line of Lot No. 11 of Mumaugh's Addition to Fair Ave.; thence west in Fair Ave., to the alley east of Front Street; thence North in the alley east of Front Street to Reber Avenue; thence in Reber Ave. to a point 260' East of Center line of Front Street as surveyed by the State Highway Department for State Highway No. 49; thence parallel to and 260' northeast of said highway center line to Schryver Ave.; thence in Schryver Avenue and Wildwood Avenue to the Northeast corner of Lot No. 34 of Avondale Addition; thence west along the North line of the Avondale Addition to the West Corporation line; thence South along the west corporation line to a point 260' feet South of and perpendicular to the center line of the State Highway Department Survey; thence Southeastwardly parallel to and 260' distance from the center line of said Highway Survey to the Bolenbaugh land; thence Southwestwardly along the Bolenbaugh land to Hocking River; thence Eastwardly along Hocking River to Sixth Ave.; thence East in Sixth Ave., to Front Street; thence South in Front Street to Fifth Avenue; thence East in Fifth Avenue to the place of beginning.

That the territory above described be changed from Class Residential "A" and Class Residential "B" to Class "C" Commercial.

SECTION 2: That the "Set Back" of "Front Building Line" of all property abutting on Front Street from Union Street Northwestwardly to the Northwest Corporation line be fixed at 60 feet from the Center line of the Proposed State Highway.

SECTION 3: That the City Engineer be and is hereby authorized and directed to make said change on the said Original Zoning Map of said City.

SECTION 4: That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

APPENDIX C**WIRELESS TELECOMMUNICATIONS**

Wireless Communications as it relates to antenna and antenna support structures is referenced throughout the zoning code. Because the City has recently adopted specific legislation with regard to wireless telecommunications no effort was made to directly incorporate specific language into the Zoning Code. The City currently has designated Wireless Communications rules and regulations. This Appendix incorporates the existing Wireless Communications legislation from Chapter 1339 of the Lancaster Codified Ordinances.