

TEMPORARY ORDINANCE NO. 11-15

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO AMEND LANCASTER CODIFIED ORDINANCE PART ELEVEN – PLANNING AND ZONING CODE TITLE THREE – ZONING AND PROPERTY RESTRICTIONS, CHAPTERS 1129.01 ESTABLISHMENT AND PURPOSE; 1129.02 (RE) RESIDENTIAL SINGLE-FAMILY ESTATE DISTRICT; 1129.03 (RS) RESIDENTIAL SINGLE FAMILY DISTRICT; 1129.04 (RM) RESIDENTIAL MULTI-FAMILY DISTRICTS; 1129.05 (RMH) RESIDENTIAL MANUFACTURED HOME DISTRICT; 1133.01 ESTABLISHMENT AND PURPOSE; 1133.02 (CN) COMMERCIAL NEIGHBORHOOD DISTRICT; 1133.03 (CG) COMMERCIAL GENERAL DISTRICT; 1133.04 (CH) COMMERCIAL HIGH INTENSITY DISTRICT; AND 1133.05 (CBD) CENTRAL BUSINESS DISTRICT; AND TO REPEAL EXISTING LANCASTER CODIFIED ORDINANCE PART ELEVEN – PLANNING AND ZONING CODE TITLE THREE – ZONING AND PROPERTY RESTRICTIONS CHAPTERS 1129.01 ESTABLISHMENT AND PURPOSE; 1129.02 (RE) RESIDENTIAL SINGLE-FAMILY ESTATE DISTRICT; 1129.03 (RS) RESIDENTIAL SINGLE FAMILY DISTRICT; 1129.04 (RM) RESIDENTIAL MULTI-FAMILY DISTRICTS; 1129.05 (RMH) RESIDENTIAL MANUFACTURED HOME DISTRICT; 1133.01 ESTABLISHMENT AND PURPOSE; 1133.02 (CN) COMMERCIAL NEIGHBORHOOD DISTRICT; 1133.03 (CG) COMMERCIAL GENERAL DISTRICT; 1133.04 (CH) COMMERCIAL HIGH INTENSITY DISTRICT; AND 1133.05 (CBD) CENTRAL BUSINESS DISTRICT, AND TO DECLARE AN EMERGENCY

WHEREAS, the Code Enforcement and Zoning Committee of Lancaster City Council proposed certain changes to various residential and commercial sections of the Lancaster Codified Ordinances; and

WHEREAS, the Lancaster City Planning Commission received the proposed changes, reviewed the proposal and held a public hearing on April 9, 2015 in accordance with LCO 1159.03; and

WHEREAS, after receiving public comments the Lancaster City Planning Commission voted to recommend changes to Lancaster City Council in accordance with LCO 1159.01;

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

SECTION 1. That Lancaster Codified Ordinance Part Eleven – Planning and Zoning Code Title Three – Zoning and Property Restrictions Chapters 1129.01 Establishment and Purpose; 1129.02 (RE) Residential Single-Family Estate District; 1129.03 (RS) Residential Single Family District; 1129.04 (RM) Residential Multi-Family Districts; 1129.05 (RMH) Residential Manufactured Home District; 1133.01 Establishment and Purpose; 1133.02 (CN) Commercial Neighborhood District; 1133.03 (CG) Commercial General District; 1133.04 (CH) Commercial High Intensity District; and 1133.05 (CBD) Central Business District; be amended pursuant to Exhibit A, attached hereto.

SECTION 2. That existing Lancaster Codified Ordinance Part Eleven – Planning and Zoning Code Title Three – Zoning and Property Restrictions Chapters 1129.01 Establishment And Purpose; 1129.02 (RE) Residential Single-Family Estate District; 1129.03 (RS) Residential Single Family District; 1129.04 (RM) Residential Multi-Family Districts; 1129.05 (RMH) Residential Manufactured Home District; 1133.01 Establishment And Purpose; 1133.02 (CN) Commercial Neighborhood District; 1133.03 (CG) Commercial General District; 1133.04 (CH) Commercial High Intensity District; and 1133.05 (CBD) Central Business District, be repealed in their entirety.

SECTION 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements, including conflict with general State law, and shall go into effect immediately upon signage of the Mayor.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Code Enforcement & Zoning Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2015 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

EXHIBIT A

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.

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 ~~(d)~~ (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.

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)				
	10	10	5	5
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 ~~1129.02~~ (d) **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.

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
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) 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** ~~(d)~~ **(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.

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.

1133.01 ESTABLISHMENT AND PURPOSE.

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

- (g) 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.
- © Promote a range of diverse commercial environments.
- (d) Encourage a compatible relationship between commercial facilities and other land uses.
- (f) Facilitate the planning for the cost effective provision of streets, utilities, and other public facilities to serve commercial facilities
- (g) Protecting the character of commercial districts and their unique suitability for commercial use.**
- (h) Requiring off-street loading and parking facilities.**
- (i) Controlling the number, area, location and types of signs.**

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.

(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.

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 ~~veterinary offices or animal hospitals~~ **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.

(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.

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.

(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.

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.

~~(1) Permitted uses listed in Section **1133.02** (b)(1) through (4) of the Commercial Neighborhood (CN) District.~~

~~—(2) Permitted uses listed in Section **1133.03** (b)(1) and (2) through (11) of the Commercial General (CG) District.~~

~~—(3) Theatres hosting indoor entertainment events.~~

~~—(4) Hotels and Bed and Breakfast establishments, provided all parking shall be provided in the rear yard or in specially designated off-site areas.~~

~~—(5) Facilities for scientific research, development and testing, within enclosed buildings.~~

~~— (6) 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) ~~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.~~ **Hotels and Motels**

(2) **Movie theaters and similar public assembly facilities.**

(23) Residences in the upper stories of existing buildings, provided that each dwelling unit has at least 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.

(34) 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.

(45) Any combination of two or more individual Permitted or Special Exceptions on separate floors of an existing building.

(56) 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.