

TEMPORARY ORDINANCE NO. 21-17*

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART ELEVEN – PLANNING AND ZONING CODE, TITLE THREE – ZONING AND PROPERTY RESTRICTIONS, CHAPTERS 1123.10 – EXISTING BUILDING ENCROACHMENT ON FRONT YARDS OR BUILDING SETBACKS, 1123.11 – SCREENING WALLS OR FENCES’ 1123.12 PLATTING REQUIREMENTS, 1125.03 ACCESSORY USES AND/OR STRUCTURES, 1125.05 PRIVATE SWIMMING POOLS, 1125.07 TEMPORARY ACCESSORY TENTS, 1133.02 (CN) COMMERCIAL NEIGHBORHOOD DISTRICT, 1133.03 (CG) COMMERCIAL GENERAL DISTRICT, 1133.04 (CH) COMMERCIAL HIGH INTENSITY DISTRICT, 1139 LANDSCAPE REQUIREMENTS’ 1153.02 EXISTING LAND USE OR BUILDINGS’ 1153.06 DISCONTINUANCE, 1153.07 DAMAGE AND/OR DESTRUCTION OF A NONCONFORMING BUILDING OR USE, 1161 DEFINITIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER, AND TO DECLARE AN EMERGENCY

WHEREAS, the Zoning Inspector and the Economic Development Committee of Lancaster City Council proposed certain changes to the zoning code to improve administration of the code and encourage economic development; and;

WHEREAS, the Lancaster City Planning Commission received the proposed changes, reviewed and proposal and held a public hearing on May 11, 2017 in accordance with Lancaster Codified Ordinance 1159.03; and

WHEREAS, after receiving public comment the Lancaster City Planning Commission voted to recommend charges to Lancaster City Council in accordance with Lancaster Codified Ordinance 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 1123.10 existing building encroachment on front yards or building setbacks, 1123.11 screening walls or fences’ 1123.12 platting requirement 1125.03 accessory uses and/or structures, 1125.05 private swimming pools, 1125.07 temporary accessory tents, 1133.02 (CN) commercial neighborhood district, 1133.03 (CG) commercial general district, 1133.04 (CH) commercial high intensity district, 1139 landscape requirements’ 1153.02 existing land use or buildings’ 1153.06 discontinuance, 1153.07 damage and/or destruction of a nonconforming building or use, 1161 definitions be repealed and replaced pursuant to Exhibit A, attached hereto.

SECTION 2. 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 operations 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

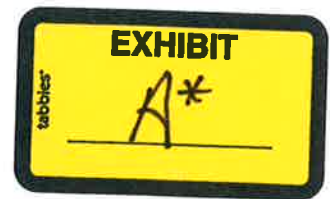
Offered by: _____

Second by: _____

Requested by Code Enforcement and Zoning Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2017 in the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council



CHAPTER 1123
General Provisions

- 1123.01 Zoning and Overlay Zoning Districts established.**
- 1123.02 Official Zoning Map established.**
- 1123.03 District boundary description and interpretation.**
- 1123.04 Limitation on land use.**
- 1123.05 Similar uses.**
- 1123.06 Division of lots.**
- 1123.07 Street frontage required.**
- 1123.08 One single-family dwelling per lot of record.**
- 1123.09 Height exceptions.**
- 1123.10 Existing building encroachment on front yards or building setbacks.**
- 1123.11 Screening walls or fences.**
- 1123.12 Platting requirement.**
- 1123.13 Major street plan.**
- 1123.14 Structure setback from abutting streets.**
- 1123.15 Motorized vehicles.**
- 1123.16 Essential services.**
- 1123.17 Family day care and family child care homes.**
- 1123.18 Group residential facilities.**
- 1123.19 Convict Prerelease and/or Correctional Community Treatment Centers.**
- 1123.20 Location of cemeteries.**
- 1123.21 Medical Marijuana Cultivators, Processors and Retail Dispensaries**

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. 42-05. Passed 6-27-05.)

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. 42-05. Passed 6-27-05.)

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. 42-05. Passed 6-27-05.)

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. 42-05. Passed 6-27-05.)

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. 42-05. Passed 6-27-05.)

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. 42-05. Passed 6-27-05.)

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. 42-05. Passed 6-27-05.)

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. 42-05. Passed 6-27-05.)

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. 42-05. Passed 6-27-05.)

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. 42-05. Passed 6-27-05.)

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, ~~or~~ 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. 16-16. Passed 4-11-16.)

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. 42-05. Passed 6-27-05.)

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. 42-05. Passed 6-27-05.)

1123.14 STRUCTURE SETBACK FROM ABUTTING STREETS.

The structure setback from abutting streets shall be as provided for each zoning district.
(Ord. 42-05. Passed 6-27-05.)

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 16-16. Passed 4-11-16)

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. 42-05. Passed 6-27-05.)

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 (1) 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. 42-05. Passed 6-27-05.)

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. 42-05. Passed 6-27-05.)

1123.19 CONVICT PRERELEASE AND/OR CORRECTIONAL COMMUNITY TREATMENT CENTERS.

“Convict Pre-Release 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. 42-05. Passed 6-27-05.)

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. 16-16. Passed 4-11-16.)

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. 29-16. Passed 10-24-16)

CHAPTER 1125 Yards and Accessory Uses

- 1125.01 Yards.**
- 1125.02 Accessory uses and/or structures.**
- 1125.03 Residential fences and walls.**
- 1125.04 Antennas, satellite dishes and supporting structures.**
- 1125.05 Private swimming pools.**
- 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 ½)** 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 and 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. 16-16. Passed 4-11-16.)

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. 42-05. Passed 6-27-05.)

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. 42-05. Passed 6-27-05.)

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. 42-05. Passed 6-27-05.)

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 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 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. 16-16. Passed 4-11-16.)

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. 42-05. Passed 6-27-05.)

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 principle use as so specified by this ordinance. 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. ~~particular zoning districts of this Ordinance as so specified. 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 ~~700 900~~ 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) ~~(b)~~ 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) ~~(e)~~ Tent(s) shall not cover or restrict access to any parking space.

(Ord. 42-05. Passed 6-27-05.)

CHAPTER 1133

Commercial Districts

1133.01 Establishment and purpose.

1133.02 (CN) Commercial Neighborhood District.

1133.03 (CG) Commercial General District.

1133.04 (CH) Commercial High Intensity District.

1133.05 (CBD) Central Business District.

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.
 - (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.
- (Ord. 17-16. Passed 4-11-16.)

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. 17-16. Passed 4-11-16.)

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. 42-05. Passed 6-27-05.)

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. 17-16. Passed 4-11-16.)

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 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.
- (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.
- (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)

Single Family	5,000
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. 17-16. Passed 4-11-16.)

CHAPTER 1139 Landscape Requirements

1139.01 Purposes.

1139.02 Tree size definitions.

1139.03 Tree Locations

1139.0304 Trees under and public utility lines.

1139.0405 Prohibited tree species for public use.

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

1139.02 TREE SIZE DEFINITIONS.

- (a) Large Trees--trees that will reach a mature height of 45 60 feet or better.
 - (b) Medium Trees -- trees that will reach a mature height of 25-45 30-60 feet.
 - (c) Small Trees -- trees that will reach a maximum height of 25- 30 feet at maturity.
- (Ord. 14-00. Passed 5-22-00.)

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

<u>Under 36 inches</u>	<u>Not recommended</u>
------------------------	------------------------

<u>36-60 inches</u>	<u>Small Trees</u>
<u>60-96 inches</u>	<u>Small and Medium Trees</u>
<u>Over 96 inches</u>	<u>Small Medium and Large Trees</u>

1139.0304 TREES UNDER AND PUBLIC UTILITY LINES.

No person shall cause to be planted any **large-class** 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. 14-00. Passed 5-22-00.)

1139.0405 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. 14-00. Passed 5-22-00.)

CHAPTER 1153

Nonconformities

1153.01 Intent.

1153.02 Existing land or buildings.

1153.03 Construction commenced.

1153.04 Substitution.

1153.05 Extension.

1153.06 Discontinuance.

1153.07 Damage and/or destruction of a nonconforming building or use.

1153.08 Maintenance and repair.

1153.09 Nonconforming lots of record.

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. 44-05. Passed 6-27-05.)

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 **legally** existing prior to the establishment of this Zoning Ordinance. No nonconforming building, structure, or use shall be moved, extended, enlarged, reconstructed, or structurally altered, except as provided in this Zoning Ordinance.

(Ord. 44-05. Passed 6-27-05.)

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. 44-05. Passed 6-27-05.)

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. 44-05. Passed 6-27-05.)

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. 44-05. Passed 6-27-05.)

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. 44-05. Passed 6-27-05.)

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 ~~six (6)~~ **twelve (12)** months of the time of damage, that construction is completed within ~~eighteen (18)~~ **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. 44-05. Passed 6-27-05.)

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. 44-05. Passed 6-27-05.)

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. 44-05. Passed 6-27-05.)

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:** A residential structure that provides ~~twelve~~ **four** or fewer guest rooms **and with or without** meals for overnight 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 Appeal.

(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 4".

(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 percent 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 percent 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 percent or more alcohol by volume but not more than six percent of alcohol by weight.

D. "Cider" means all liquids fit to use for beverage purposes that contain one-half of one percent of alcohol by volume, but not more than six percent 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 percent of alcohol by volume and not more than twenty-one percent 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 percent 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 effect, 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 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 from the back of curb to the back of curb or the area from the back slope of the drainage ditch to the back slope 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.

(112a) Transient Accommodation: The term "transient accommodation" shall have the same meaning as Lancaster Codified Ordinance 185.02(5). Transient Accommodations shall be considered a Bed and Breakfast Inn.

(112b) Transient Guests: The term "transient guests" shall have the same meaning as Lancaster Codified Ordinance 185.02(6).

(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 constituents 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", "%", 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. 16-16. Passed 4-11-16.)