

TEMPORARY ORDINANCE NO. 19-18

PERMANENT ORDINANCE NO. 19-18

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES CODE, TITLE ONE – STREETS AND SIDEWALKS, CHAPTER 905 – CURBS AND DRIVEWAYS, OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER

WHEREAS, the City of Lancaster requires new regulations to ensure public safety and access to public thoroughfares in Part Nine – Streets, Utilities and Public Services Code, Title One – Streets and Sidewalks, Chapter 905 – Curbs and Driveways,

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

SECTION 1. That Part Nine – Streets, Utilities and Public Services Code, Title One – Streets and Sidewalks, Chapter 905 – Curbs and Driveways, be replaced pursuant to Exhibit “A” attached hereto.

SECTION 2. That existing Part Nine – Streets, Utilities and Public Services Code, Title One – Streets and Sidewalks, Chapter 905 – Curbs and Driveways, is repealed in its entirety.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: 10/22/18 after 3<sup>rd</sup> reading. Vote: Yeas 9 Nays 0

Approved: 10/22/18

Clerk: Jessica Lee Sandy

Offered by: May R. Tener

Second by: Cory Johnson

Requested by Code Enforcement and Zoning Committee

Louis C. Uel  
President of Council  
David L. Scheffler  
Mayor

**CHAPTER 905  
Curbs and Driveways**

<p><b>905.01</b> Curb cut or driveway permit required.</p> <p><b>905.02</b> Permit fee.</p> <p><b>905.03</b> Driveway construction materials.</p>	<p><b>905.04</b> Driveway Access onto City Right of Way. <del>width, business, commercial or industrial drives; multiple driveways.</del></p> <p><b>905.05</b> Right to Appeal</p> <p><b>905.99</b> Penalty.</p>
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**CROSS REFERENCES**

Restoration after excavation - see S.U. & P.S. 901.04

Curbs in subdivisions - see P. & Z. 1109.02(d)

**905.01 CURB CUT OR DRIVEWAY PERMIT REQUIRED.**

No person shall ~~construct, remove, cut, remove, widen, change, or eliminate~~ any curb, driveway, or access point, ~~lower or reconstruct any curb~~ along any street, alley or public right of way ~~within the City without~~ on public property in the City without having first obtained a curb cut and/or driveway permit and approval from the ~~office of the~~ City Engineering Department or Certified Building Department. Plans/drawings shall be submitted that depict the exact location, size, and layout of the curb cut and/or driveway. ~~Width shall be measured at the property side of the sidewalk area. Plans shall be submitted showing the location and size.~~ (Ord. 27-68. Passed 6-10-68. )

**905.02 PERMIT FEE.**

★ The fee associated with this permit shall be published in the current: “City of Lancaster – Certified Building Department – Condensed Fee/Construction Permit Schedule” as established by the City Administration. ~~of two dollars and fifty cents (\$2.50) shall be charged for each residential drive permit application for a drive of ten feet maximum width, which fee shall be remitted to the City Treasurer and paid into the General Fund.~~ (Ord. 27-68. Passed 6-10-68. )

**905.03 DRIVEWAY CONSTRUCTION MATERIALS.**

All curbs, driveways, and sidewalks integrated within the driveway access point shall be constructed in accordance with the current: “City of Lancaster – Standard Construction Drawings”. ~~on public property where curbs and sidewalks exist shall be constructed of Portland cement six inches in depth or two inch T-35 asphaltic concrete on a six inch rolled stone or gravel base. The sidewalk area in driveways shall, in all cases, be constructed of Portland cement.~~ (Ord. 82-64. Passed 10-12-64. )

**905.04 DRIVE ACCESS ONTO CITY RIGHT OF WAY ~~DRIVEWAY WIDTH;~~  
~~BUSINESS, COMMERCIAL OR INDUSTRIAL DRIVES;~~ MULTIPLE  
DRIVEWAYS.**

At the discretion of the City Engineer, curb cuts and/or driveway access points may need additional review. The City Engineer shall utilize the current "Access Management Guidelines" when reviewing the access point being constructed, changed, or removed. ~~No driveway shall be wider than thirty-five feet, measured at the sidewalk on the property side of the line and parallel thereto. The permit for any driveway having a width of ten feet to a maximum of thirty-five feet will cost twenty-five cents (25¢) per foot. Where multiple driveways are requested, an island at least ten feet in length shall separate the driveways, and the permit fee for each driveway shall be figured on its individual width.~~

(Ord. 27-68. Passed 6-10-68. )

**905.05 RIGHT TO APPEAL.**

If the applicant does not agree with City Engineer's decision on the access permit, the applicant may appeal to the Staff Safety Committee. The appeal should be made within forty-five (45) calendar days from the date of receipt of the City Engineer's decision. Staff Safety Committee will review all appeals that are made at least five (5) working days before their scheduled meeting. Staff Safety Committee will make a recommendation to the City Planning Commission for the final decision.

**905.99 PENALTY.**

Whoever violates any provision of this chapter shall be deemed guilty of a misdemeanor ~~of the first degree and shall be fined not more than twenty-five dollars (\$25.00).~~ Each day's ~~the~~ violation ~~continues~~ shall constitute a separate offense. (Ord. 82-64. Passed 10-12-64. )