

TEMPORARY ORDINANCE NO. 14-23*

PERMANENT ORDINANCE NO. 15-23

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART ELEVEN – PLANNING AND ZONING CODE, TITLE THREE – ZONING AND PROPERTY RESTRICTIONS – CHAPTER 1121 THROUGH CHAPTER 1161 INCLUDING APPENDICES B AND C – OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER

WHEREAS, the City of Lancaster hired a community planning expert to create a new Zoning Code to replace the outdated, incomplete, and complicated current code; and

WHEREAS, after much public input and debate, the City's expert, as well as the Planning & Zoning Department, are now proposing to repeal and replace the Lancaster Zoning Code and to repeal and replace the Lancaster Zoning Map; and

WHEREAS, the Lancaster City Planning Commission received the proposed Zoning Code Text and Map Amendments, reviewed the proposals, and held a public hearing on June 8, 2023 in accordance with Lancaster Codified Ordinance 1159.03; and

WHEREAS, the Lancaster City Planning Commission voted unanimously to recommend the Zoning Code Text and Map Amendments to Lancaster City Council pursuant to Lancaster Codified Ordinance 1159.01; now, therefore,

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

SECTION 1. That Part Eleven – Planning and Zoning Code, Title Three – Zoning and Property Restrictions – Chapter 1121 through Chapter 1161, including Appendices B and C, be repealed and replaced pursuant to Exhibit "A" attached hereto and incorporated by reference herein.

SECTION 2. That City Council hereby finds that this Ordinance was deliberated upon and passed in an open meeting in compliance with Section 121.22 of the Ohio Revised Code.

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

Passed: 8/14/23 after 3rd reading. Vote: Yeas 8 Nays 1

Approved: 8/14/23

Clerk: Teresa Lee Sandy

Offered by: Robert Miller

Second by: David Schaffe

Requested by Code Enforcement & Zoning Committee

David A. Ull
President of Council

David Schaffe
Mayor

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2023 in the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council



CHAPTER 1121
Title, Purposes, Interpretation and Jurisdiction

1121.01 Title

**1121.02 Purposes, interpretation
and jurisdiction**

1121.01 TITLE

Lancaster Revised Zoning Code as contained in this Title Three shall be known and may be cited as "The Lancaster Zoning Code".

1121.02 PURPOSES, INTERPRETATION AND JURISDICTION

- a) Purposes.
- 1) General. This Code is enacted to promote the health, safety, peace, morals, comfort, convenience, prosperity, order, and general welfare; lessening danger and congestion of public transportation and travel; securing safety from fire and other dangers; preventing overcrowding of land; avoiding undue concentration of population; providing adequate light and air, police protection, transportation, water, sewerage, schools, parks, forests, recreational facilities, and other public requirements, and preventing undue encroachment thereon; conserving the value of buildings and encouraging the most appropriate use of land; encouraging the industrial, commercial and residential growth of the community; and promoting the development of the community in accordance with a development plan.
 - 2) Signs. Signs are used to inform and persuade the general public. All signs not exempted shall be regulated in accordance with the standards of Chapter 1317. The general objectives of these standards are to promote the health, safety, welfare, convenience and enjoyment of the public, and, in part, to achieve the following.
 - i. Safety. To promote the safety of persons and property by providing that signs:
 - A. Do not create a hazard due to location, collapse, fire, collision, decay or abandonment; or
 - B. Do not obstruct fire fighting or police surveillance, or
 - C. Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.
 - ii. Commission Efficiency. To promote the efficient transfer of information in sign messages.
 - iii. Landscape Quality and Preservation. To protect the public welfare and to enhance the appearance of the City of Lancaster.
- b) Interpretation.
- 1) Validity of other laws. Where this Code imposes a greater restriction on the use of structures, land, height or bulk of structures, or requires larger open spaces or yards than are imposed by other ordinances, laws, or regulations, the provisions of this Code shall govern. However, nothing in this Code shall be construed to prevent the enforcement of other ordinances, laws, or regulations which prescribe more restrictive limitations. The provisions of this code providing for the residential use of property, and limitations on occupancy, density and intensity of such

uses, shall be applied equally and without discrimination based on race, color, religion, sex, handicap, familial status or national origin consistent with the provisions of the Federal Fair Housing Act.

- 2) Severability. In case any portion of this Code shall be invalid or unconstitutional, as declared by a court of competent jurisdiction, the remainder of the Code shall not thereby be invalid, but shall remain in full force and effect.
- 3) Tense and definition. For the purpose of the Code certain terms and words are to be used and interpreted as defined in Chapter 1161, words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word 'shall' is mandatory and not directory. All references in this title to "Council", "Council members", "Council persons", shall be construed to mean City Council of the City of Lancaster, Ohio.

c) Jurisdiction.

- 1) Territorial jurisdiction. This Code shall be in full force and effect in the corporate limits of the City of Lancaster, Ohio. Property owned, leased, or operated by the City of Lancaster, or any other public or governmental body or agency, shall be subject to the terms of this Code.
- 2) Annexed territory. When any territory shall be brought into the Zoning jurisdiction of the City of Lancaster, by annexation or otherwise, such territory shall continue to carry the Zoning designation of the township from which it was annexed until such time as the City Council shall rezone such property by amendment in the manner set forth in Chapter 1159.

CHAPTER 1123
Zoning Districts Established – Similar Uses – Rules of Measurement

1123.01	Zoning and Overlay Zoning Districts established	1123.09	Platting requirement
1123.02	Official Zoning Map established	1123.10	Major Street plan
1123.03	District boundary description and interpretation	1123.11	Types of Lots
1123.04	Limitation on land use	1123.12	Types of Encroachments
1123.05	Similar uses	1123.13	Rules of Measurement
1123.06	Division of lots		
1123.07	Street frontage required		
1123.08	One single-family dwelling per lot of record		

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
R-LD – Residential Low-Density District
R- MD - Medium Density Residential District
MHC – Mobile Home Community
RT – Transitional Residential District
RM – Residential Multi-Family District
CN Commercial Neighborhood District
CG Commercial General District
CBD Central Business District
SI – Service Industrial District
AM – Advanced Manufacturing 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)
CRA-3 Community Reinvestment Arca 3 (Overlay Zoning District)

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 Planning Department 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.

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.

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, setback, 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, lot or use, where a Zoning Clearance Permit has been lawfully issued prior to the effective date of this Code, and pursuant to such permit, construction or the use is diligently carried to completion. Upon completion, such building or use shall be deemed legally non-conforming and may continue as regulated by Chapter 1153, Nonconformities.

1123.05 SIMILAR USES

- a) On occasion, new uses of land may arise that may have not been contemplated at the time of the code's adoption. This section sets forth a process to identify the location for such uses. Since this action is an interpretation matter, the Board of Zoning Appeals shall be the body designated for determining similar uses. 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 Clearance 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 City Planner or designee. Three (3) copies and one (1) digital pdf copy of a completed application shall be submitted. The following information shall be included in the application:
 - 1) Name, address, phone number and email of the applicant; and
 - 2) The address and parcel number of the address in question; and
 - 3) If the applicant is not the owner of the property, a signed letter from the property owner shall be submitted authorizing the applicant to serve as their agent for the application; and
 - 4) Legal description of the property; and
 - 5) The existing Zoning District in which the property is located; and
 - 6) A vicinity map drawn at a suitable scale, showing property lines, streets, existing Zoning of surrounding parcels adjacent to and within 200 feet; and
 - 7) The names and addresses of all property owners within one hundred (100) feet of the subject property as appearing on the County Auditor's current tax list.
 - 8) A site plan that shows:
 - i. The lot(s) where the use is proposed; and
 - ii. Any existing and/or proposed buildings; and
 - iii. The square footage of the proposed use.
 - 9) A narrative explaining:
 - i. A description of the proposed use; and

- ii. The reasons the applicant believes the proposed use complies with Section 1123.05(A).
- 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.
- d) The notice requirements in Section 1157.05 for variances and appeals shall be utilized for a public hearing on a similar use.
- e) If the Board takes action to approve a use as a “similar use” in particular District, then said use will become a permitted or special exceptions within said District, as determined by the Board, until such time the City Council changes the Zoning through the amendment process identified in Chapter 1159.

1123.06 DIVISION OF LOTS

No lot shall 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.

1123.07 STREET FRONTAGE REQUIRED

All new lots shall comply with the minimum frontage requirements for the Zoning District in which it is located. Said frontage must be on an acceptable dedicated and improved right-of-way. For purposes of this section, an alley, as defined in Chapter 1161, shall not be considered as an acceptable dedicated right-of-way. This section shall not apply to an existing lot of record or a lot within an approved Planned Unit Development or in the MHC District.

1123.08 ONE DWELLING PER LOT OF RECORD

In the AG, RE, R-LD and R-MD there shall be no more than one (1) permitted dwelling unit allowed on any single residential lot. For purposes of this section, a dwelling unit that contains an attached Accessory Dwelling Unit shall be considered one dwelling unit.

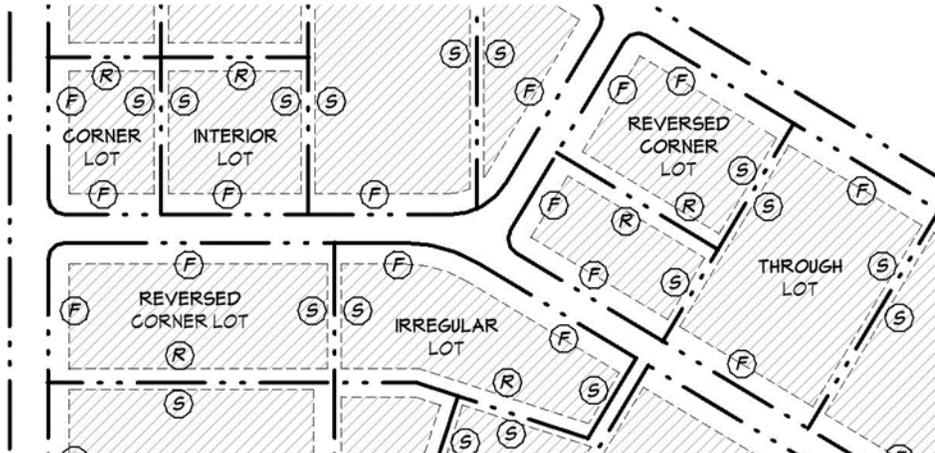
1123.09 PLATTING REQUIREMENT

- 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.

1123.10 MAJOR STREET PLAN

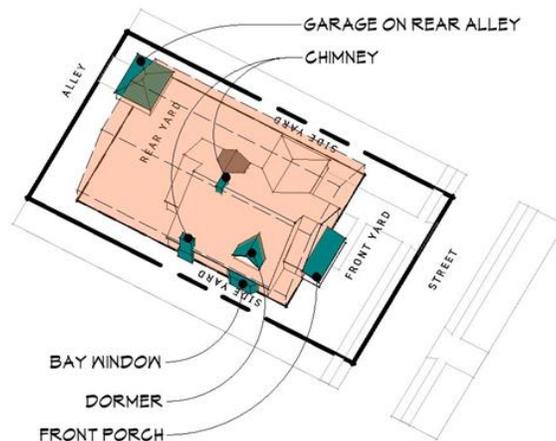
"The Official Thoroughfare Map of the City of Lancaster", hereinafter referred to as "the Major Street Plan", as adopted by the City Council of Lancaster, Ohio, as Resolution 90-04 on June 14, 2004, as may be subsequently amended. Front setbacks shall be measured from the proposed right-of-way as shown on the Major Street Plan.

1123.11 TYPES OF LOTS



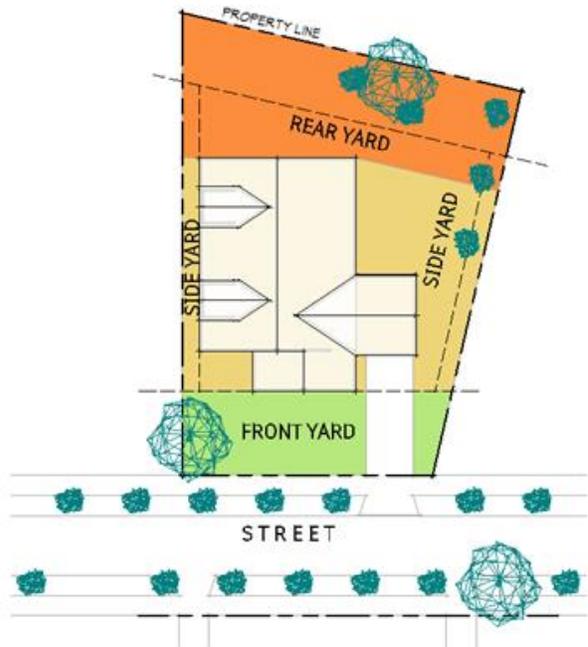
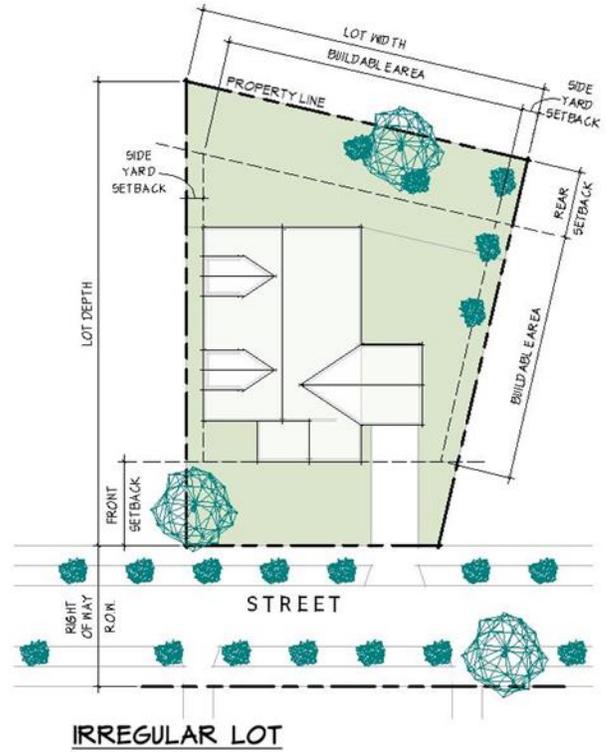
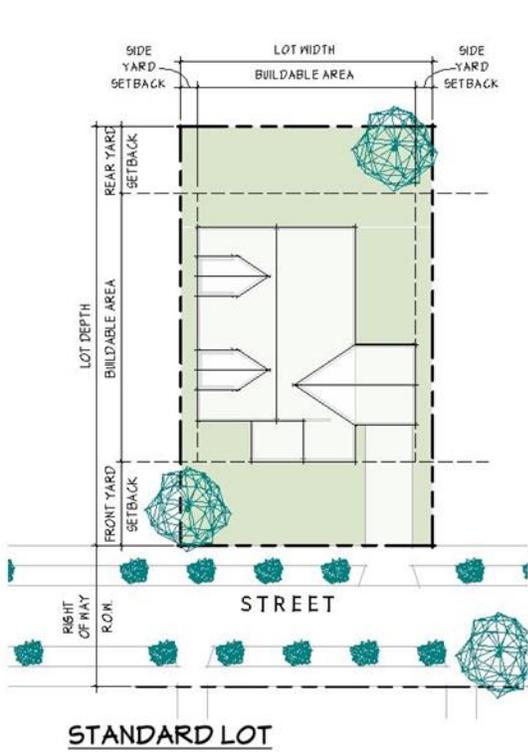
1123.12 TYPES OF ENCROACHMENTS

Each District allows various types of encroachments. Refer to the Lot Area, Setback and Height Tables in each District to identify the types of permitted encroachments for said District.

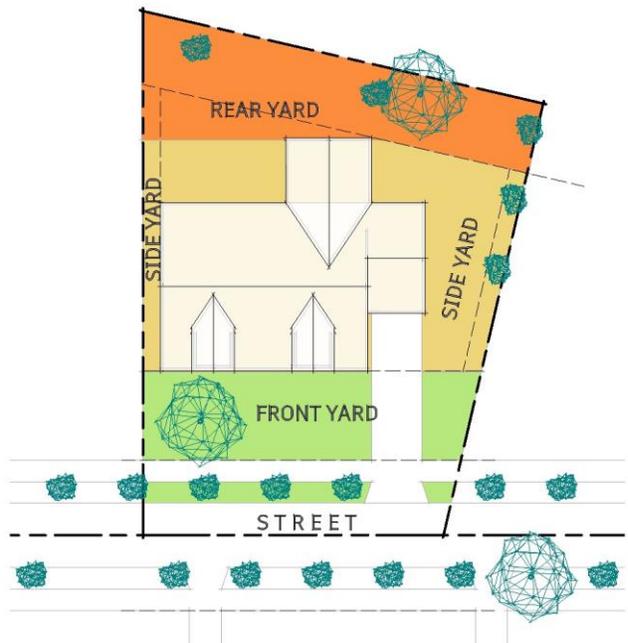
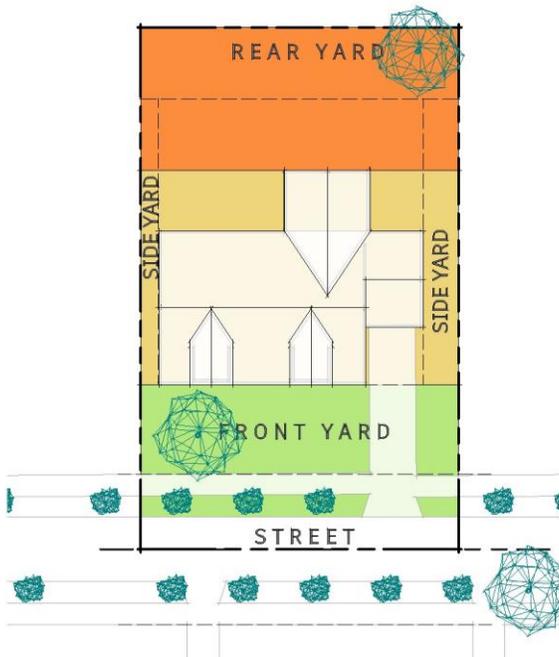
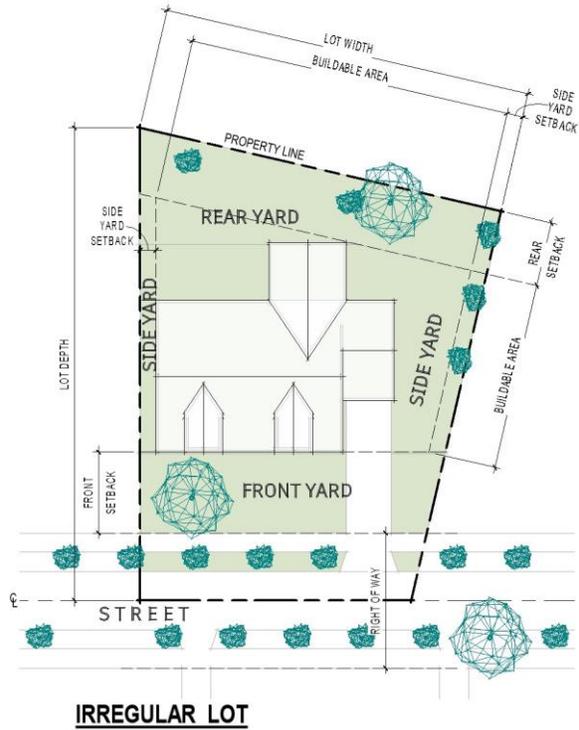
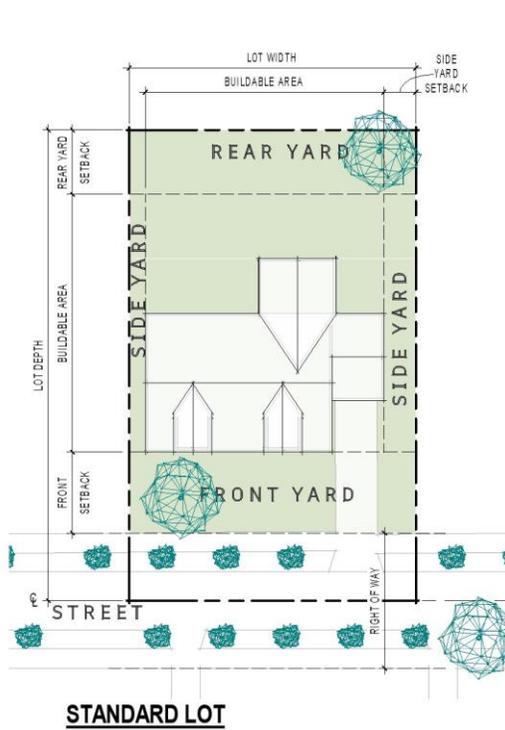


1123.13 RULES OF MEASUREMENT

a) Front lot line is the right-of-way line.



b) Front lot line is the center line of the roadway.



CHAPTER 1125 USE TABLES

- 1125.01 Identified Uses**
 - 1125.02 Use Table – Residential**
 - 1125.03 Use Table – Commercial – Industrial**
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1125.01 IDENTIFIED USES

- a) Each District includes a list of permitted, special exceptions and accessory uses. Listed uses are to be defined by their customary name or identification, except as specifically defined or limited by this Zoning Ordinance. If a use is not listed as permitted, special exception, or accessory in a District, it shall be considered prohibited in said District. It should also be noted that there are specific city-wide prohibitions per 1125.01(f) and (g) below.
- b) Permitted Uses. A use listed as permitted is allowed by a matter of right when designated as such in a District, provided said use complies with all applicable setback and development standards and is issued a Zoning Clearance Permit from the City Planner or designee. Such uses are designated with a “P” in each Zoning District.
- c) Special Exception. A use listed as special exception may be allowed when designated as such in a District, provided it complies with the criteria in Section 1157.06. and a Special Exception Permit is issued by the Board of Zoning Appeals in accordance with Section 1157.06 of this Ordinance. Such uses are designated with a “SE” in each Zoning District.
- d) Accessory Uses. A use listed as accessory may be allowed when designated as such in a District, provided it is subordinate to the permitted use, complies with the requirements of Section 1147.02 and is issued an Accessory Permit from the City Planner or designee. Such uses are designated with a “A” in each District (A = Permitted as an Accessory Use).
- e) Development Standards. Each District has a set of Development Standards to which each use and structure must comply. These standards include, but are not limited to, height, lot width, lot size and front, side and rear setbacks. In addition to the Development Standards in each District, all uses must comply with any applicable General Development Standards listed in Section 1147 of this Ordinance.
- f) Cemeteries – No person/group shall establish any cemetery or other place for 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 provisions of the Ohio Revised Code.
- g) No person shall open, establish or operate any business or commercial enterprise engaged as a cultivator, processor, or retail dispenser of medical marijuana, as defined in Section 1161 of this Ordinance, within the corporate limits of the City. No Zoning clearing, 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.

1125.02 – Residential Districts – Permitted, Special Exception and Accessory Uses

Uses	RESIDENTIAL					MIXED USE & MULTI-FAMILY	
	AG Agricultural	RE Residential Estate	R-LD Residential Low-Density	R-MD Residential Medium- Density	MHC Mobile Home Community	RT Residential Transitional	RM Multi-Family
Dwelling, One Unit	P	P	P	P	P	P	P
Dwelling, Duplex					P	P	P
Dwelling, Tri-Plex					P	P	P
Dwelling, Multi-Unit (four or more units per building)							P
Dwelling, Studio, One, Two or Three Bedroom units)						P (Upper floors only)	P
Accessory Dwelling Unit (Subject to Section 1147.01)	A	A	A	A		A	A
Accessory Structures (Subject to Section 1147.02)	A	A	A	A	P	A	A
Agriculture	P						
Airports/Private Landing Strips	SE						
Assisted Living Facility		SE					P
Bed and Breakfast Facilities	SE	SE	SE	SE		SE	SE
Camp Grounds					SE		
Commercial Recreational Facility, Outdoor (Small)	SE	SE	SE	SE		SE	SE
Community Gardens	P	P	P	P	P	P	P
Community Services	SE	SE	SE	SE		P	P
Day Care Centers	SE	SE	SE	SE	SE	SE	P
Elderly/Retirement Housing							P
Emergency and Protective Shelter							SE

City of Lancaster Zoning Code

Uses	RESIDENTIAL				MHC Mobile Home Community	MIXED USE & MULTI-FAMILY	
	AG Agricultural	RE Residential Estate	R-LD Residential Low-Density	R-MD Residential Medium-		RT Residential Transitional	RM Multi-Family
Home Day Care Family, Large	SE	SE	SE	SE	SE	SE	SE
Home Day Care Family, Small	A	A	A	A	A	A	A
Home Occupations (Subject to Section 1147.07)	A	A	A	A	A	A	A
Life Care Retirement Center							P
Maker Space, Small	SE					P	P
Manufactured Home - Permanently Sited	P	P	P	P	P	P	P
Mining and mineral processing	SE						
Mobile Home					P		
Nursing Home							SE
Park, Neighborhood	SE	SE	SE	SE	SE	SE	SE
Park, Community or Regional	SE	SE	SE	SE	SE	SE	SE
Permanent Supportive Housing							SE
Personal Services					SE	SE	SE
Places of Assembly, Large	SE	SE	SE	SE	SE	SE	SE
Places of Assembly, Small	P	P	P	P	P	P	P
Private Clubs or Lodges	P						
Private Swimming Pools	A	A	A	A	A	A	A
Public Protection Facility	SE	SE	SE	SE		SE	SE
Residential Facility, Large	SE	SE	SE	SE	SE	SE	SE
Residential Facility, Small	P	P	P	P	P	P	P
Residential - Office - Administrative Business or Medical						SE	SE
Residential - Retail						SE	SE
Restaurants without Auto Oriented Uses						SE	SE
School, Primary, Intermediate, or Middle	SE	SE	SE	SE		SE	SE
School, High or Technical	SE	SE	SE	SE		SE	SE
School, Post-Secondary	SE	SE	SE	SE		SE	SE
Solar Energy Systems	See Section 1147.13					See Section 1147.13	
Tiny Home					P		
Transitional Living Center							SE

1125.03 – Commercial Districts – Permitted, Special Exception and Accessory Uses

Uses	Mixed Use District	Commercial & Industrial Districts			
	Central Business District CBD	CN Commercial Neighborhood	CG Commercial General	SI Service Industrial	AM Advanced Manufacturing
Accessory Dwelling Unit (Subject to Section 1147.01)	A	A			
Accessory Structures (Subject to Section 1147.02)	A	A	A	A	A
Adult Entertainment Uses (Chapter 1139)				SE	
Advanced Manufacturing					P
Airports/Private Landing Strips					
Animal Service Facilities	P	P	P	P	P
Assisted Living Facility		P	P		
Automobile Oriented Uses (includes gas stations and quick lube facilities)		SE	SE	P	P
Automobile Repair			SE	P	P
Bank, with Automobile Oriented Uses		SE	SE		
Bank, without Automobile Oriented Uses	P	P	P		
Bed and Breakfast Facilities	P				
Bio-Technology Facilities					SE
Body Art Establishments	P	P	P	P	P
Business, Retail Small (No Automobile Oriented Uses)	P	P	P	P	P
Business, Retail Medium	P	P	P	P	P
Business, Retail Large			P		
Cemetery	See Section 1125.01(f)	See Section 1125.01(f)			
Commercial Recreation Facilities, Small	P	P	P	P	P
Commercial Recreation Facilities, Large			P	P	P
Commercial Recreation Facilities, Outdoor	SE	SE	SE	SE	SE
Community Services	P	P	P		
Community Gardens	P	P	P	P	P
Contractor Office			SE	P	P
Convict Pre-Release Centers/Correctional Community				SE	SE
Data Processing Center				P	P

City of Lancaster Zoning Code
As Recommended by Lancaster Planning Commission
August 10, 2023

Uses	Mixed Use District	Commercial & Industrial Districts			
	District CBD	Commercial Neighborhood	Commercial General	Service Industrial	Advanced Manufacturing
Day Care Centers	P	P	P	SE	SE
Dwelling, One Unit	P	P			
Dwelling, Duplex	P	P			
Dwelling, Tri-Plex	p	See CRA-3 Overlay	See CRA-3 Overlay		
Dwelling, Multi-Unit (four or more units per building)	P	P			
Dwelling, Studio, One, Two or Three Bedroom Units	P (Upper floors only)				
Dwelling, Container (One, Two or Three Units)				SE	
Early Childhood Learning Center	P	P	P	SE	SE
Elderly/Retirement Housing	P	P	SE		
Emergency and Protective Services Shelter		SE	SE	SE	
Equipment Repair, Small				P	P
Equipment Repair, Large				SE	P
Flex Office - Laboratory/Research/Development				P	P
Flex-Office - Retail				P	P
Flex-Office -Warehouse				P	P
Food Truck (Subject to Section 1147.06)	P	P	P	P	P
Funeral Service Facilities	P	P	P		
Governmental Services			SE	SE	SE
Health Care Facilities		P	P		
Home Day Care Family, Large	SE	P			
Home Day Care Family, Small	P	P			
Home Occupations (Subject to Section 1147.07)	A	A			
Hotels/Motels	SE		P	SE	SE
Hotels, Boutique	P	P			
Kennel			SE	P	
Landscape and Hardscape Businesses				P	
Life Care Retirement Center	P	P	P		
Logistics				P	P
Lumberyard				SE	SE
Machine Shop				P	P
Maker Space, Small	P	P	P	P	P
Maker Space, Large	SE		SE	P	P

Uses	Mixed Use District	Commercial & Industrial Districts			
	Central Business District CBD	CN Commercial Neighborhood	CG Commercial General	SI Service Industrial	AM Advanced Manufacturing
Manufacturing				P	P
Manufactured Home, Permanently Sited	P	P	P		
Medical Marijuana Cultivators, Processors and Retail Dispensaries	See Section 1125.01(g)	See Section 1125.01(g)			
Mixed Use Building	P	P	P		
Nursing Home		P	SE		
Offices, Small administration, business medical or professional	P	P	P	A	A
Offices, Large administration, business medical or professional	P	P	P	A	A
Off-Street Parking and Garages as a Principal Use (subject to Chapter 1143)	P	P			
Outdoor Service Facilities	SE	SE	SE	SE	SE
Park, Neighborhood	P	P	P		
Park, Community or Regional		P	P		
Permanent Supportive Housing		SE	SE		
Personal Services	P	P	A	A	A
Places of Assembly, Small	P	P			
Places of Assembly, Large	SE	P			
Plants for mixing and/or processing of concrete and/or asphalt				SE	P
Public Protection Facility	P	P	P	P	P
Research and Development				P	P
Residential Facility, Large	SE	SE	SE		
Residential Facility, Small	P	P	P		
Residential Treatment Center		SE	SE		
Restaurants with Auto Oriented Uses		SE	P		
Restaurants without Auto Oriented Uses	P	P	P		
School, Primary, Intermediate, or Middle	SE	P	P		
School, High or Technical	SE	P	P		
School, Post Secondary	SE	P	P		
Self-Storage Facilities				SE	

City of Lancaster Zoning Code
As Recommended by Lancaster Planning Commission
August 10, 2023

	Mixed Use District	Commercial & Industrial Districts			
Uses	Central Business District CBD	CN Commercial Neighborhood	CG Commercial General	SI Service Industrial	AM Advanced Manufacturing
Solar Energy Systems	See Section 1147.13	See Section 1147.13			
Temporary Structure, Construction Trailer Office (Subject to Section 1147.14)	SE	SE	SE	SE	SE
Temporary Tents (Subject to Section 1147.15)	A	A	A	A	A
Transitional Living Center		SE	SE		
Truck and Travel Service Centers				SE	SE
Vehicle Charging Stations	A	A	A	A	A
Vehicular Sales, New and Used Cars			SE	P	
Vehicular Sales, Motorcycles			SE	P	
Vehicular Sales, Recreational Vehicles			SE	P	
Vehicular Sales, Equipment			SE	P	P
Wind Energy Conversion Systems	SE	SE	SE	SE	SE

CHAPTER 1127
AGRICULTURE DISTRICT

1127.01 Agriculture District

1127.01 AGRICULTURE DISTRICT (AG)

a) Purpose

- Encourage and protect the agricultural use of land, typically found along the edge of the city limits, until an orderly transition to urban development may be accomplished.
- Discourage the development of inappropriate uses in rural areas.
- Promote the efficiency of public expenditures for infrastructure and services.

b) Target Areas:



c) Permitted, Special Exception and Accessory Uses

See Section 1125.02 – Permitted, Special Exception, and Accessory Uses for each District

d) Lot Area, Setback, Height, and Lot Coverage Requirements

Development Standards

Agriculture

Minimum Lot Size (Acres)	2
Maximum Density (utilize net acres)	1 dwelling unit per 2 acres
Minimum Frontage (Feet)	200
Minimum Front Setback (Feet)	35 (Arterial) 25 (All other roads)
Maximum Front Setback (Feet)	N/A
Minimum Side Setback (Feet)	10
Minimum Rear Setback (Feet)	40
Maximum Height (Feet)	35
Maximum Lot Coverage (Percent)	35

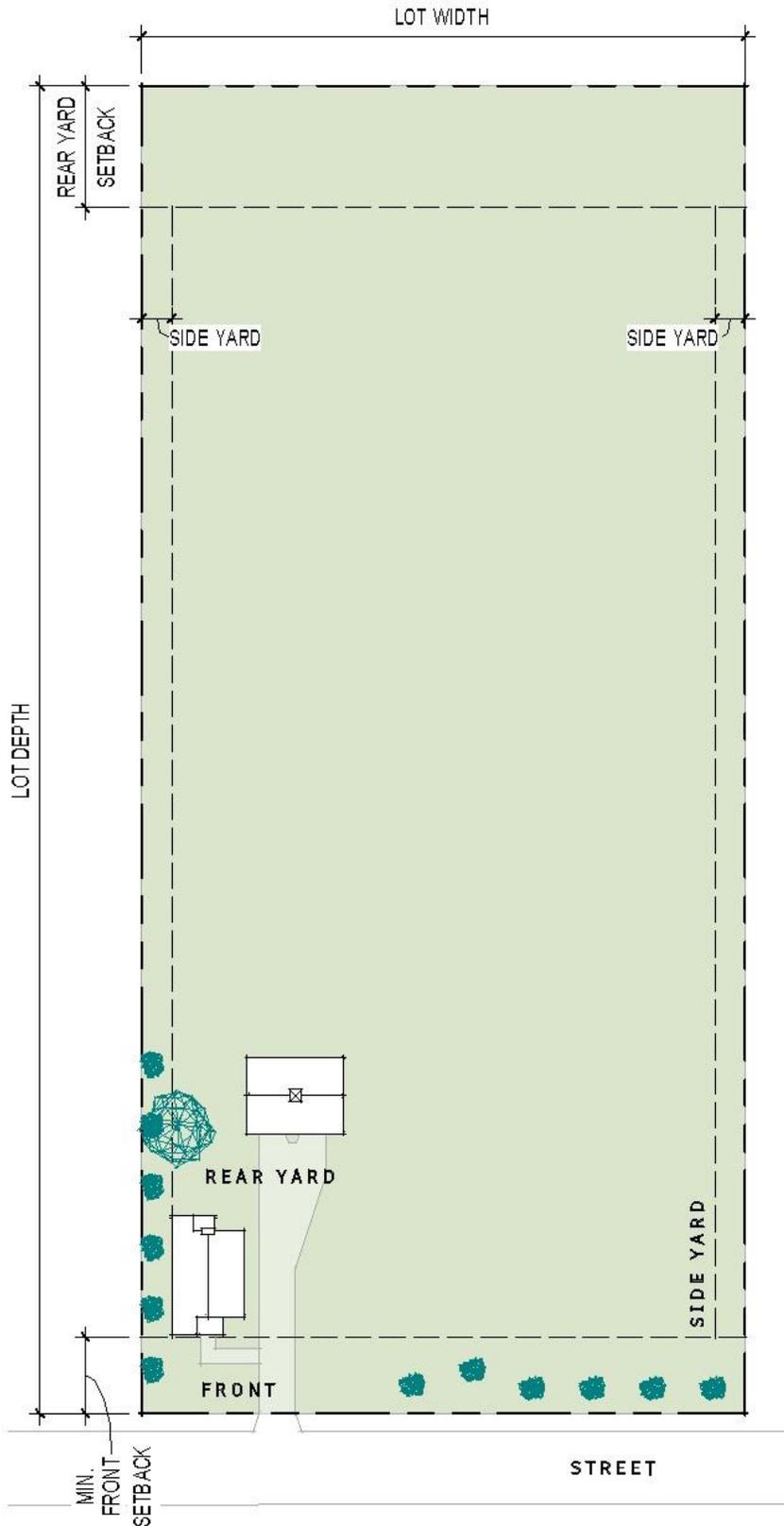
Projection into required setback

Cornices, canopies, eaves (roof overhang), fireplaces-chimneys, bay window, porch, stoop, or other similar architectural features may project into a required setback up to two feet.

Exemptions from required side and rear setbacks

Swimming pools, tennis courts, clotheslines, barbeque pits, playground equipment, portable or permanent dog run, house or kennel and similar structures customary and ancillary to the primary residential use of the property may be placed in a required minimum side or rear setback, but in no case shall such uses be closer than ten (10) feet from a side or rear lot line.

e) Example Lot Layout and Rendering



f) General Development Regulations

	Applicable	Section Reference	Notes
Accessory Structures	Y	Section 1147.02	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than (ten) 10 feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 1147.02.
Fences	Y	Section 1147.05	Fences and walls may be placed in a required minimum setback provided they comply with Section 1147.05
Landscaping/Buffering	Y	Chapter 1141	Plant material and berms may be placed in any required minimum setback provided they do not constitute a nuisance as provided in the Lancaster Codified Ordinances.
Parking	Y	Chapter 1143	Parking must be provided in accordance with Chapter 1143. Parking is prohibited on lawns or other unpaved areas.
Signs	Y	Chapter 1145	Signs, provided they comply with Chapter 1145, may be located within a front setback.

**CHAPTER 1129
Residential Districts**

1129.01	Residential Estate (RE)	1129.05	(RT) – Residential Transitional
1129.02	Residential – Low Density (R-LD)	1129.06	(RM) – Residential Multi-
1129.03	Residential – Medium Density (R-MD)	Family	
1129.04	Residential Mobile Home Community (MHC)		

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1129.01 RESIDENTIAL ESTATE (RE)

a) Purpose

- To promote development of one-unit residential dwellings on larger residential lots.
- To allow for typical suburban style residential developments.
- To allow for minimal non-residential uses, such as schools and parks, that are compatible with and maintain the overall residential character of the area and to provide pedestrian connections between such uses.

b) Target Areas:



c) Permitted, Special Exception and Accessory Uses

See Section 1125.02 – Permitted, Special Exception, and Accessory Uses for each District

d) Lot Area, Setback, Height, and Lot Coverage Requirements

Development Standards	Residential Estate
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Minimum Lot Size (Sq. Ft.)	22,500
Maximum Density (utilize net acres)	1.94 dwelling units/acre
Minimum Frontage (Feet)	150
Minimum Front Setback (Feet)	35
Maximum Front Setback (Feet)	N/A
Minimum Side Setback (Feet)	15
Minimum Rear Setback (Feet)	25
Maximum Height (Feet)	35
Maximum Lot Coverage (Percent)	35

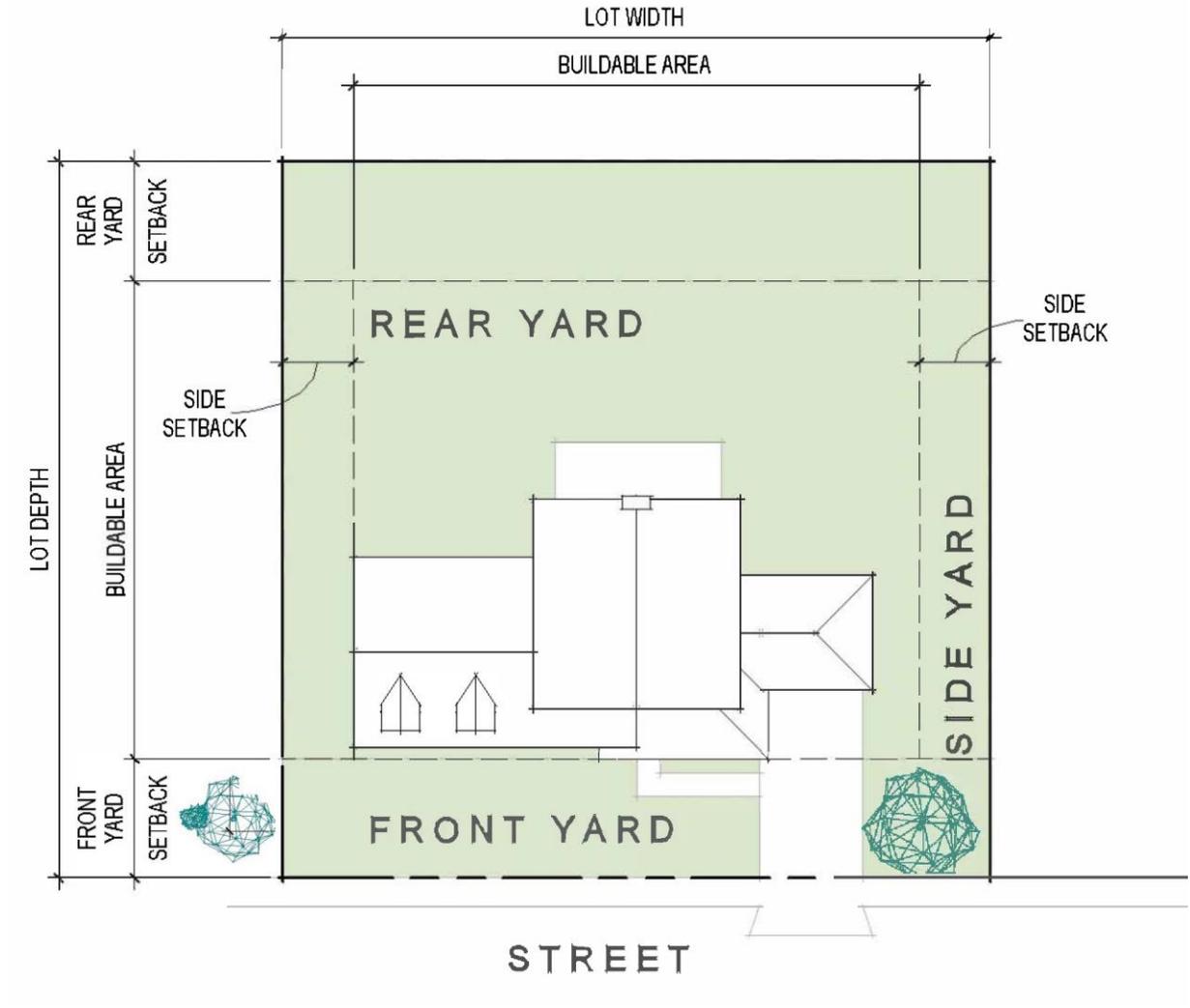
Projection into required setback

Cornices, canopies, eaves (roof overhang), fireplaces-chimneys, bay window, porch, stoop, or other similar architectural features may project into a required setback up to two feet.

Exemptions from required side and rear setbacks

Swimming pools, tennis courts, clotheslines, barbeque pits, playground equipment, portable or permanent dog run, house or kennel and similar structures customary and ancillary to the primary residential use of the property may be placed in a required minimum side or rear setback, but in no case shall such uses be closer than ten (10) feet from a side or rear lot line.

e) Example Lot Layout and Rendering



f) General Development Regulations

	Applicable	Section Reference	Notes
Accessory Structures	Y	Section 1147.02	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than (ten) 10 feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 1147.02.
Fences	Y	Section 1147.05	Fences and walls may be placed in a required minimum setback provided they comply with Section 1147.05
Landscaping/Buffering	Y	Chapter 1141	Plant material and berms may be placed in any required minimum setback provided they do not constitute a nuisance as provided in the Lancaster Codified Ordinances.
Parking	Y	Chapter 1143	Parking must be provided in accordance with Chapter 1143. Parking is prohibited on lawns or other unpaved areas.
Signs	Y	Chapter 1145	Signs, provided they comply with Chapter 1145, may be located within a front setback.

1129.02 RESIDENTIAL – LOW DENSITY (R-LD)

a) Purpose

- To allow for typical suburban style residential developments in a low-density setting.
- To allow for minimal non-residential uses, such as schools and parks, that are compatible with and maintain the overall residential character of the area and to provide for pedestrian connections between such uses.

b) Target Areas:



c) Permitted, Special Exception, and Accessory Uses

See Section 1125.02 – Permitted, Special Exception, and Accessory Uses for each District

d) Lot Area, Setback, Height, and Lot Coverage Requirements

Development Standards	Residential - Low Density
Minimum Lot Size (Sq. Ft.)	9,500
Maximum Density (utilize net acres)	4.56 dwelling units/acre
Minimum Frontage (Feet)	70
Minimum Front Setback (Feet)	35 (for all roads)
Maximum Front Setback (Feet)	N/A
Minimum Side Setback (Feet) (One side may be reduced to 5 feet)	10
Minimum Rear Setback (Feet)	25
Maximum Height (Feet)	35
Maximum Lot Coverage (Percent)	35

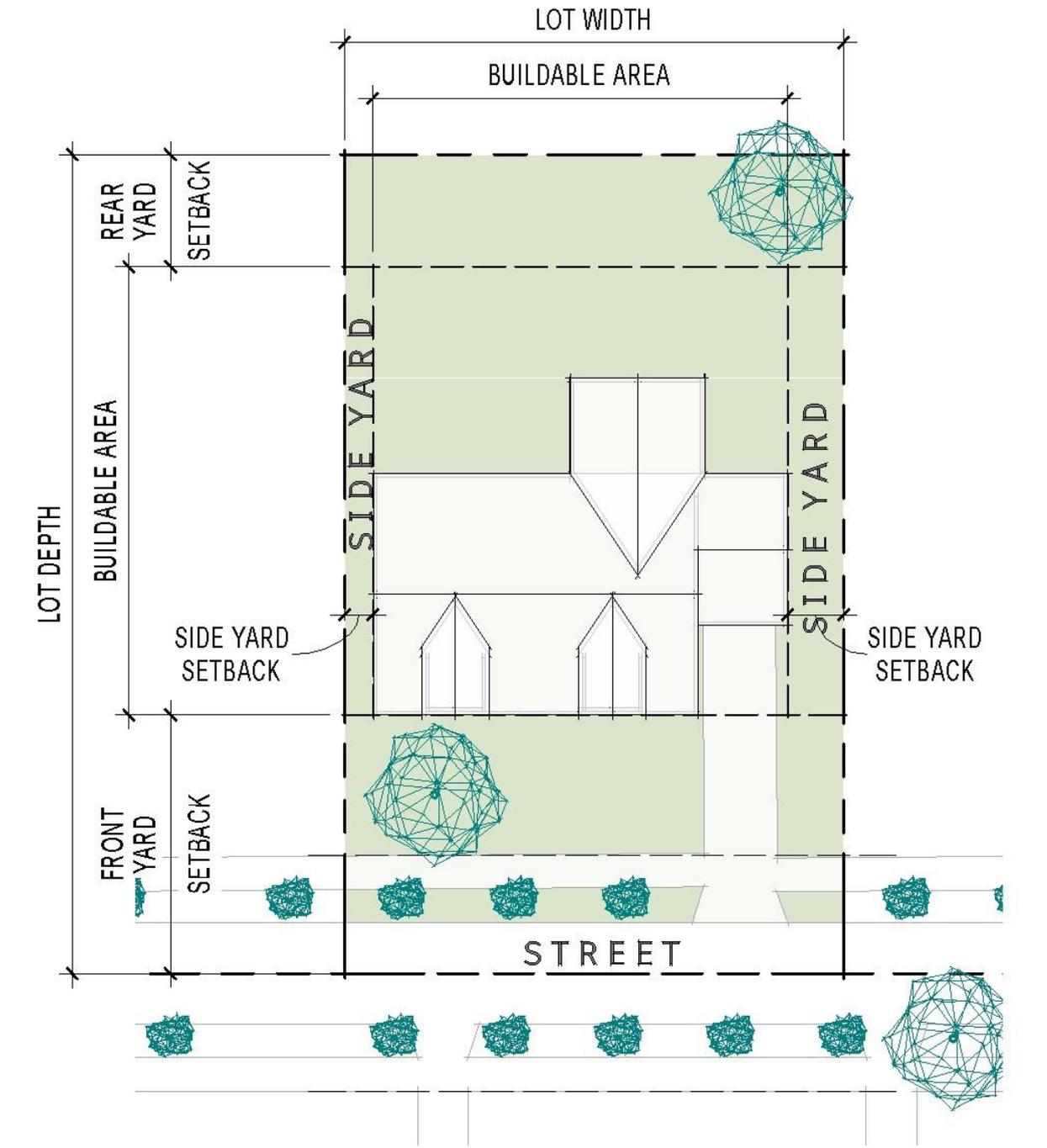
Projection into required setback

Cornices, canopies, eaves (roof overhang), fireplaces-chimneys, bay window, porch, stoop, or other similar architectural features may project into a required setback up to two feet.

Exemptions from required side and rear setbacks

Swimming pools, tennis courts, clotheslines, barbeque pits, playground equipment, portable or permanent dog run, house or kennel and similar structures customary and ancillary to the primary residential use of the property may be placed in a required minimum side or rear setback, but in no case shall such uses be closer than (ten)10 feet from a side or rear lot line.

e) Example Lot Layout and Rendering



f) General Development Regulations

	Applicable	Section Reference	Notes
Accessory Structures	Y	Section 1147.02	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than 10 (ten) feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 1147.02.
Fences	Y	Section 1147.05	Fences and walls may be placed in a required minimum setback provided they comply with Section 1147.05.
Landscaping/Buffering	Y	Chapter 1141	Plant material and berms may be placed in any required minimum setback provided they do not constitute a nuisance as provided in the Lancaster Codified Ordinances.
Parking	Y	Chapter 1143	Parking must be provided in accordance with Chapter 1143. Parking is prohibited on lawns or other unpaved areas.
Signs	Y	Chapter 1145	Signs, provided they comply with Chapter 1145, may be located within a front setback.

1129.03 RESIDENTIAL – MEDIUM DENSITY (R-MD)

a) Purpose

- To promote redevelopment of one-unit residential dwellings on moderately sized lots where off street parking may or may not be provided.
- To promote new residential development on moderately sized lots with off-street parking.
- To accommodate the growing trend of patio homes and other similar products.
- To allow for minimal non-residential uses, such as schools and parks, that are compatible with and maintain the overall residential character of the area and to provide pedestrian connections between such uses.

b) Target Areas:



c) Permitted, Special Exception, and Accessory Uses

See Section 1125.02 – Permitted, Special Exception, and Accessory Uses for each District

d) Lot Area, Setback, Height, and Lot Coverage Requirements

Development Standards

Residential - Medium Density

Minimum Lot Size (Sq. Ft.)	5,000
Maximum Density (utilize net acres)	8.71 dwelling units/acre
Minimum Frontage (Feet)	50
Minimum Front Setback (Feet)	35 (Arterial roadways) 25 (All other roadways)
Maximum Front Setback (Feet)	N/A
Minimum Side Setback (Feet)	5
Minimum Rear Setback (Feet)	20
Maximum Height (Feet)	35
Maximum Lot Coverage (Percent)	35

Projection into required setback

Cornices, canopies, eaves (roof overhang), fireplaces-chimneys, bay window, porch, stoop, or other similar architectural features may project into a required setback up to two feet.

Exemptions from required side and rear setbacks

Swimming pools, tennis courts, clotheslines, barbeque pits, playground equipment, portable or permanent dog run, house or kennel and similar structures customary and ancillary to the primary residential use of the property may be placed in a required minimum side or rear setback, but in no case shall such uses be closer than 5 feet from a side or rear lot line.

e) Example Lot Layout and Rendering



f) General Development Regulations

	Applicable	Section Reference	Notes
Accessory Structures	Y	Section 1147.02	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than five (5) feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 1147.02.
Fences	Y	Section 1147.05	Fences and walls may be placed in a required minimum setback provided they comply with Section 1147.05.
Landscaping/Buffering	Y	Chapter 1141	Plant material and berms may be placed in any required minimum setback provided they do not constitute a nuisance as provided in the Lancaster Codified Ordinances.
Parking	Y	Chapter 1143	Parking must be provided in accordance with Chapter 1143. Parking is prohibited on lawns or other unpaved areas.
Signs	Y	Chapter 1145	Signs, provided they comply with Chapter 1145, may be located within front setback.

1129.04 RESIDENTIAL – MOBILE HOME COMMUNITY (MHC)

a) Purpose

- To provide areas for mobile homes and tiny homes to enable a desirable residential environment, protected from adverse neighboring influences, with adequate access for vehicular traffic and circulation.
- To limit excessive vehicular traffic on streets in adjoining neighborhoods by providing pedestrian connections.
- To provide overall desirability equivalent to that for other forms of residential development.

b) Target Areas:



c) Permitted, Special Exception, and Accessory Uses

See Section 1125.02 – Permitted, Special Exception, and Accessory Uses for each District.

d) Lot Area, Setback, Height, and Lot Coverage Requirements

Development Standards

**Mobile Home Community
(MHC)**

Minimum Tract Size	5 acres
Minimum Tract Width (Feet)	200
Minimum Lot Frontage (Feet)	40
Minimum Lot Size (Sq. Ft.)	3,600
Minimum Lot Width <u>Front Setback</u> (Feet)	25 from Arterial or Collector 10 from internal private roads
Minimum Side Setback (Feet)	5
Minimum Rear Setback (Feet)	10
Maximum Height (Feet)	25
Maximum Lot Coverage (Percent)	45

Projection into required setback

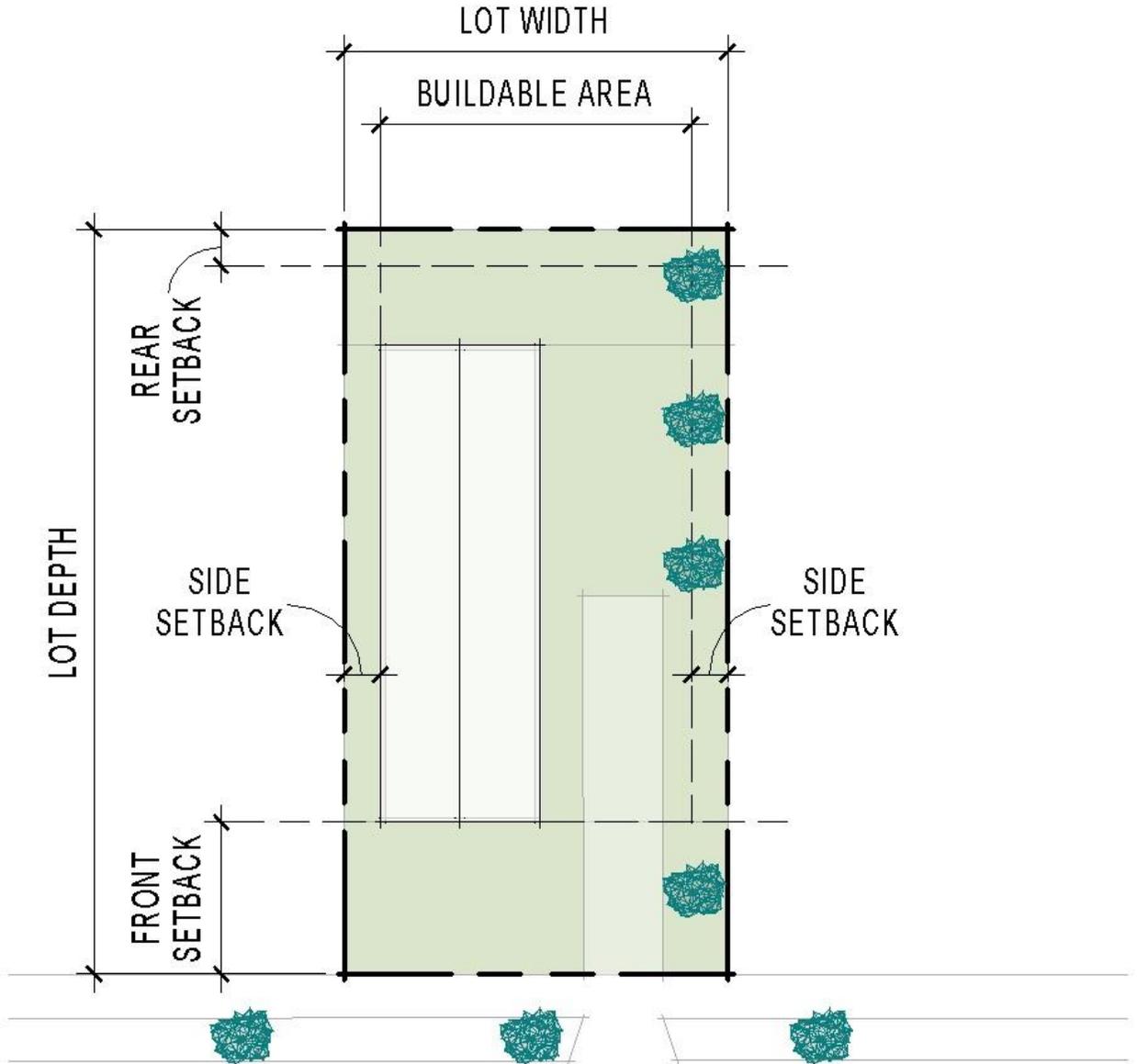
Cornices, canopies, eaves (roof overhang), fireplaces–chimneys, bay window, porch, stoop, or other similar architectural features may project into a required setback up to two feet.

Exemptions from required side and rear setbacks

Swimming pools, tennis courts, clotheslines, barbeque pits, playground equipment, portable or permanent dog run, house or kennel and similar structures customary and ancillary to the primary residential use of the property may be placed in a required minimum side or rear setback, but in no case shall such uses be closer than five (5) feet from a side or rear lot line.

A minimum of six (6) percent of the total gross tract area shall be provided as common open space and facilities including trails, playgrounds, community buildings or tot lots.

e) Example Lot Layout and Rendering



f) General Development Regulations

	Applicable	Section Reference	Notes
Accessory Structures	Y	Section 1147.02	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than five (5) feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 1147.02.
Fences	Y	Section 1147.05	Fences and walls may be placed in a required minimum setback provided they comply with Section 1147.05.
Landscaping/Buffering	Y	Chapter 1141	Plant material and berms may be placed in any required minimum setback provided they do not constitute a nuisance as provided in the Lancaster Codified Ordinances.
Parking	Y	Chapter 1143	Parking must be provided in accordance with Chapter 1143. Parking is prohibited on lawns or other unpaved areas.
Signs	Y	Chapter 1145	Signs, provided they comply with Chapter 1145, may be located within any front setback.

1129.05 RESIDENTIAL – TRANSITIONAL (RT)

a) Purpose

- To provide for a variety of housing options including one-unit dwellings, duplexes, triplexes and traditional row houses integrated with small residential scale retail and office uses with pedestrian connections between such uses.
- To foster reinvestment into vacant and/or deteriorating commercial structures integrated into existing residential areas.
- To promote a walkable community by creating pedestrian connections between the various uses.
- To encourage residential infill development on existing, narrow lots.
- To increase the housing supply and enhance streetscapes by redeveloping vacant properties and promote housing options on small lots.

b) Target Areas:



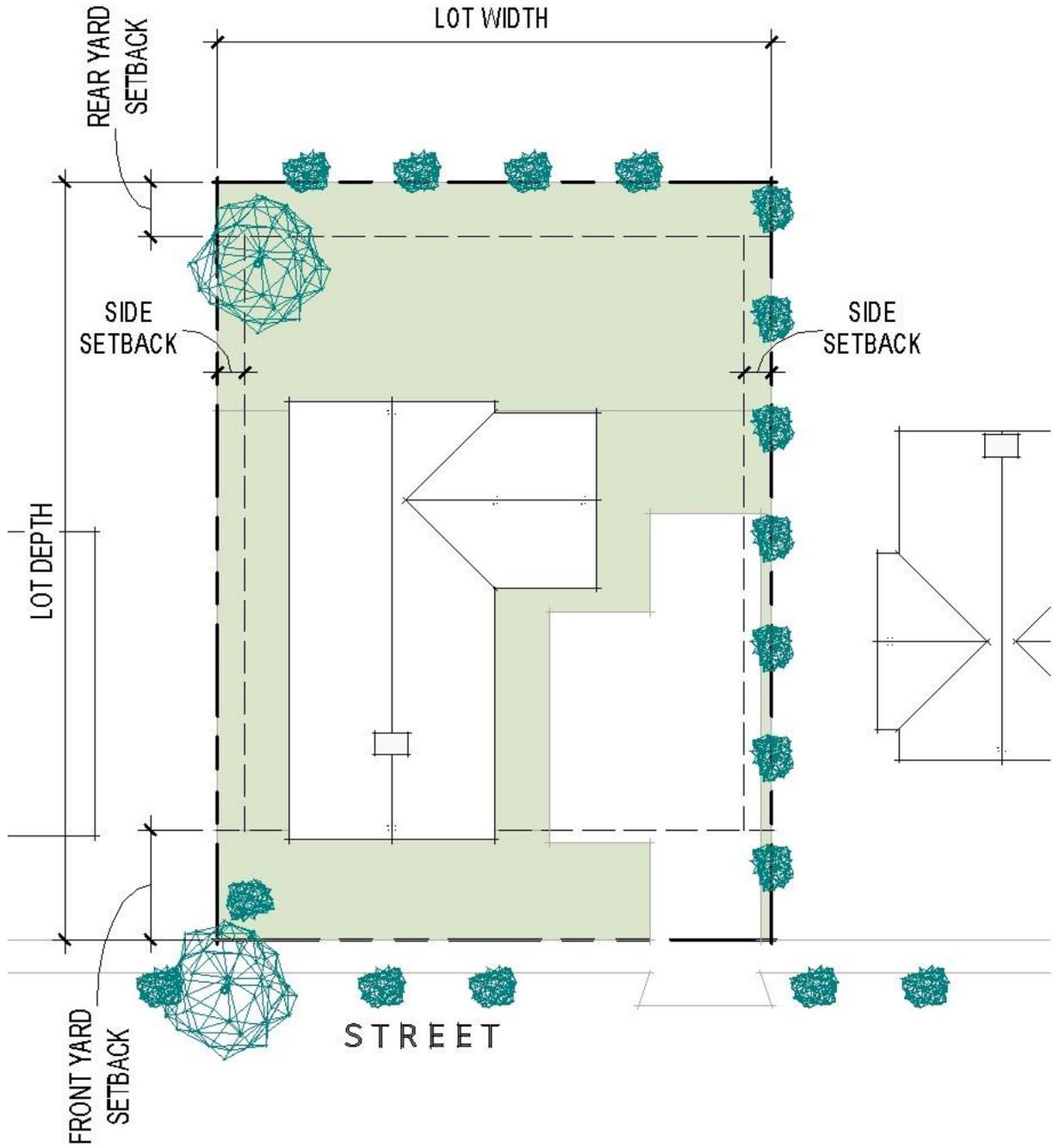
c) Permitted, Special Exception, and Accessory Uses

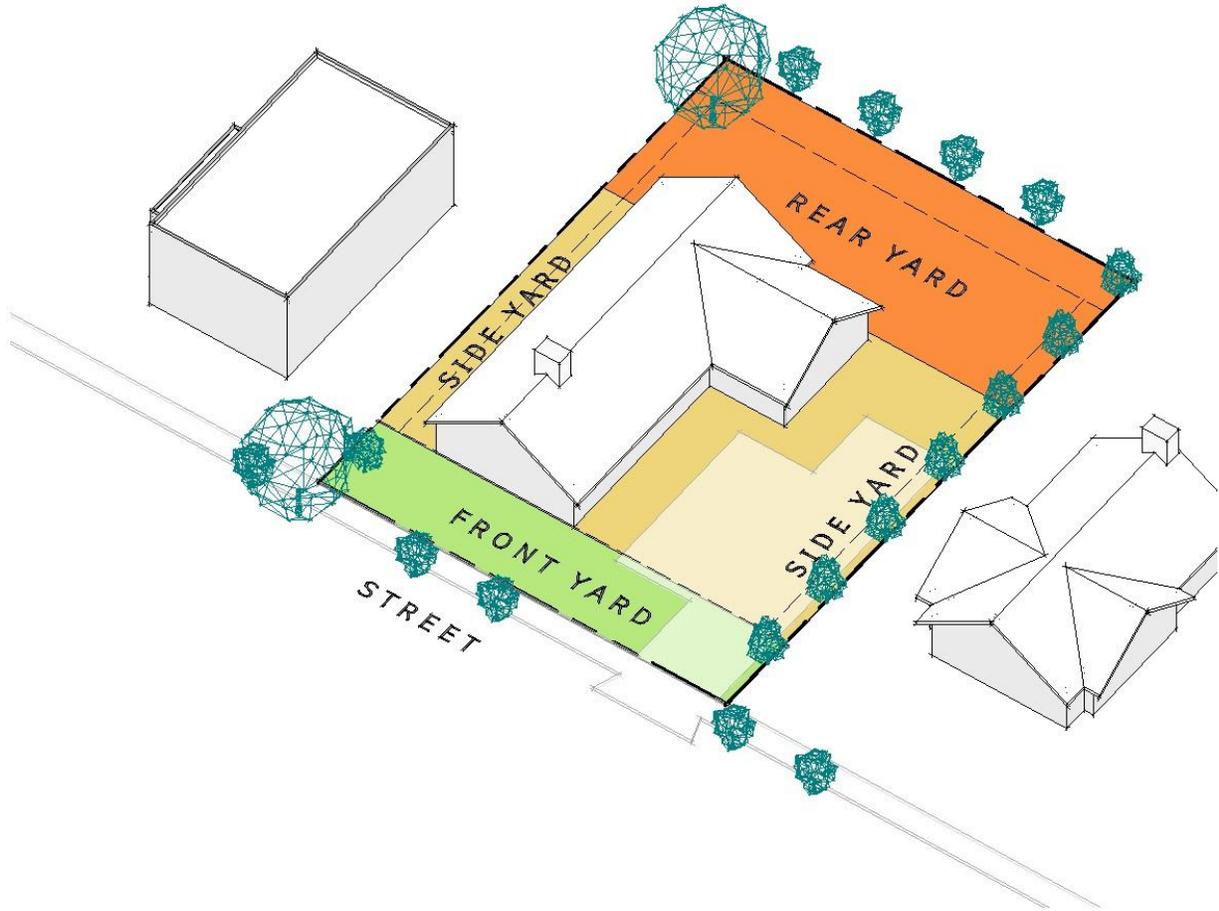
See Section 1125.02 – Permitted, Special Exception, and Accessory Uses for each District

d) Lot Area, Setback, Height, and Lot Coverage Requirements

Development Standards	Residential - Transitional
Minimum Lot Size (Sq. Ft.)	3,600
Maximum Density (utilize net acres)	12 units/acre
Minimum Frontage (Feet)	40
Minimum Front Setback (Feet) Arterial Roadway	20
Minimum Front Setback (Feet) All other roadways	No minimum - Utilize average front setback as defined in Chapter 1161
Maximum Front Setback (Feet)	35
Minimum Side Setback (Feet)	5
Minimum Rear Setback (Feet)	15
Maximum Height (Feet)	35
Maximum Lot Coverage (Percent)	45
Projection into required setback	
Cornices, canopies, eaves (roof overhang), fireplaces–chimneys, bay window, porch, stoop, or other similar architectural features may project into a required setback up to two feet.	
Exemptions from required side and rear setbacks	
Swimming pools, tennis courts, clotheslines, barbeque pits, playground equipment, portable or permanent dog run, house or kennel and similar structures customary and ancillary to the primary residential use of the property may be placed in a required minimum side or rear setback, but in no case shall such uses be closer than 5 feet from a side or rear lot line.	

e) Example Lot Layout and Rendering





f) General Development Regulations

	Applicable	Section Reference	Notes
Accessory Structures	Y	Section 1147.02	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than five (5) feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 1147.02.
Fences	Y	1147.05	Fences and walls may be placed in a required minimum setback provided they comply with Section 1147.05.
Landscaping/Buffering	Y	Chapter 1141	Plant material and berms may be placed in any required minimum setback provided they do not constitute a nuisance as provided in the Lancaster Codified Ordinances.
Parking	Y	Chapter 1143	Parking must be provided in accordance with Section Chapter 1143. Parking for multi-unit buildings should be placed to the side or rear of the principal structure. Parking is prohibited on lawns or other unpaved areas.
Signs	Y	Chapter 1145	Signs, provided they comply with Section Chapter 1145, may be located within a front setback.

1129.06 RESIDENTIAL – MULTI-UNIT (RM)

a) Purpose

- To provide for larger, denser multi-unit developments which include apartment complexes, condominiums, triplexes, and townhomes.
- To allow for a broad spectrum of housing choices including senior housing options to accommodate the aging population.
- To provide workforce housing to serve the employees of industries within and adjacent to the City of Lancaster.
- To create walkability within these developments and create pedestrian connections to adjacent areas.

b) Target Areas:



c) Permitted, Special Exception, and Accessory Uses

See Section 1125.02 – Permitted, Special Exception, and Accessory Uses for each District

d) Lot Area, Setback, Height, and Lot Coverage Requirements

Development Standards

Residential - Multi-Unit

Minimum Lot Size (Sq. Ft.)	One Unit Dwelling Lot = 3,600 All other dwelling units = 2,500 per unit Non-Residential Buildings = 4,000
Maximum Density (utilize net acres)	17.42 units/acre
Minimum Frontage (Feet)	Multi-Unit Dwellings and Non-Residential Buildings = 80 One Unit Dwelling, Duplexes and Triplexes = 50
Minimum Front Setback (Feet)	35 (Public Arterial, Collector, and Local Roads) 10 (Internal Private Roads)
Maximum Front Setback (Feet)	N/A
Minimum Side Setback (Feet)	One Unit Dwelling = 5 Duplexes = 5 Triplexes = 5 Multi-Unit Dwellings = 1' setback per 1' of building height; Non-Residential Buildings = 1' setback per 1' of building height
Minimum Rear Setback (Feet)	One Unit Dwelling = 15 Duplexes = 15 Triplexes = 15 Multi-Unit Dwellings = 1' setback per 1' of building height Non-Residential Buildings = 1' setback per 1' building height
Maximum Height (Feet)	50
Maximum Lot Coverage (Percent)	80

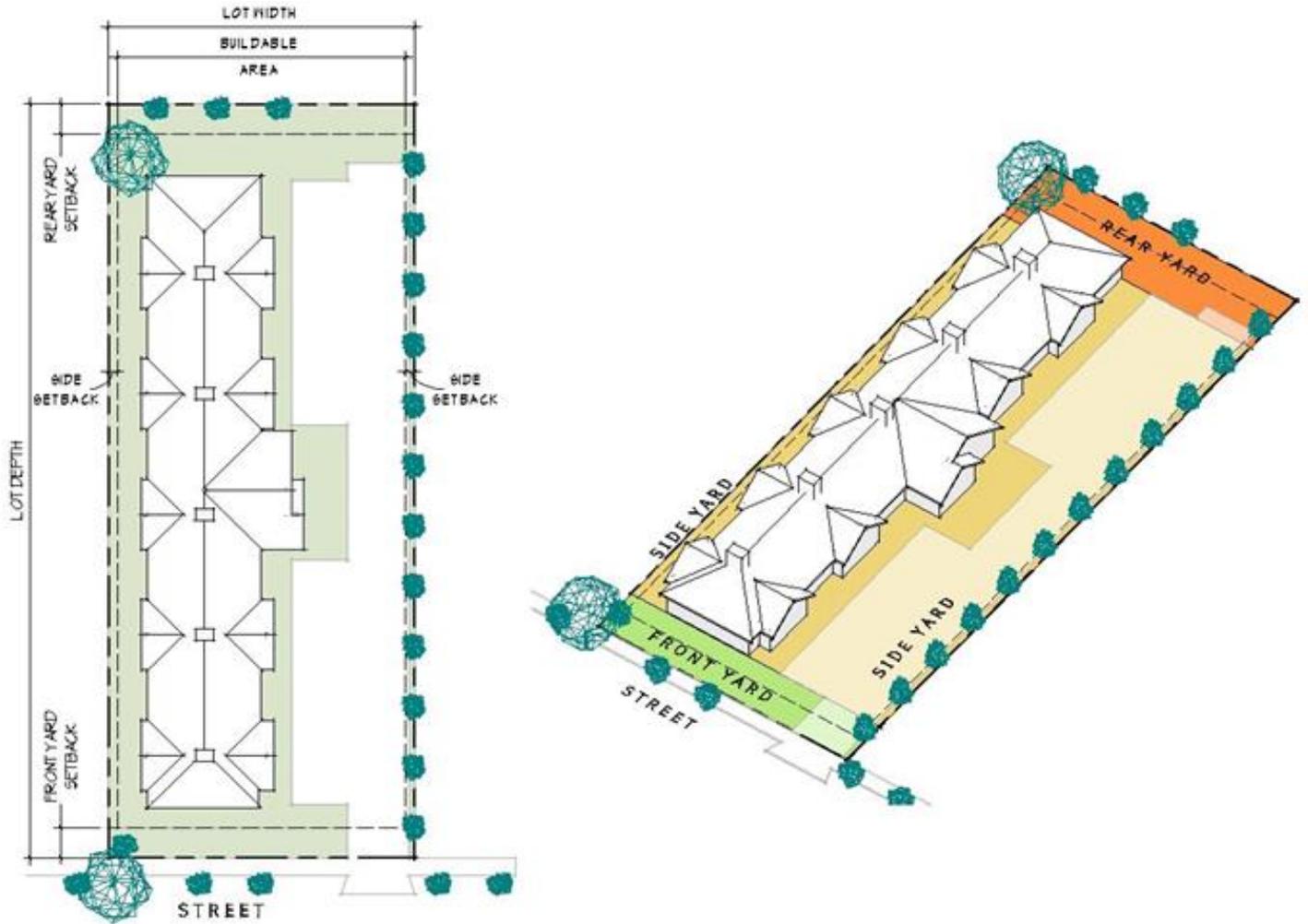
Projection into required setback

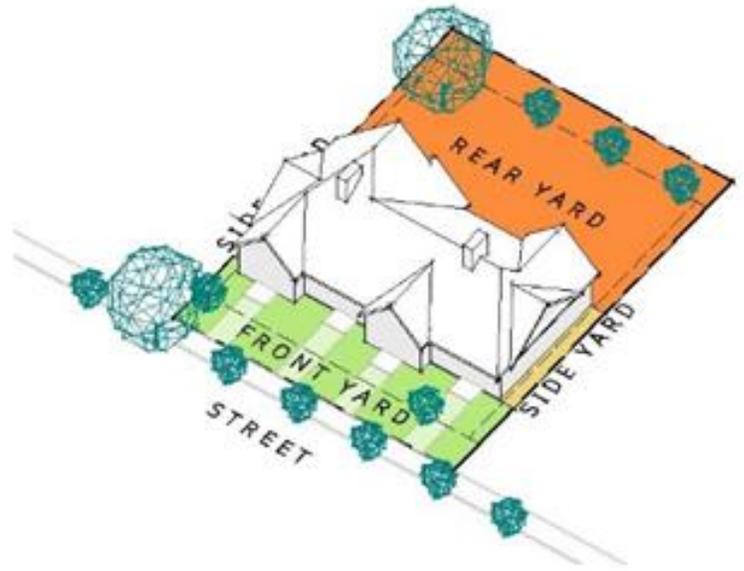
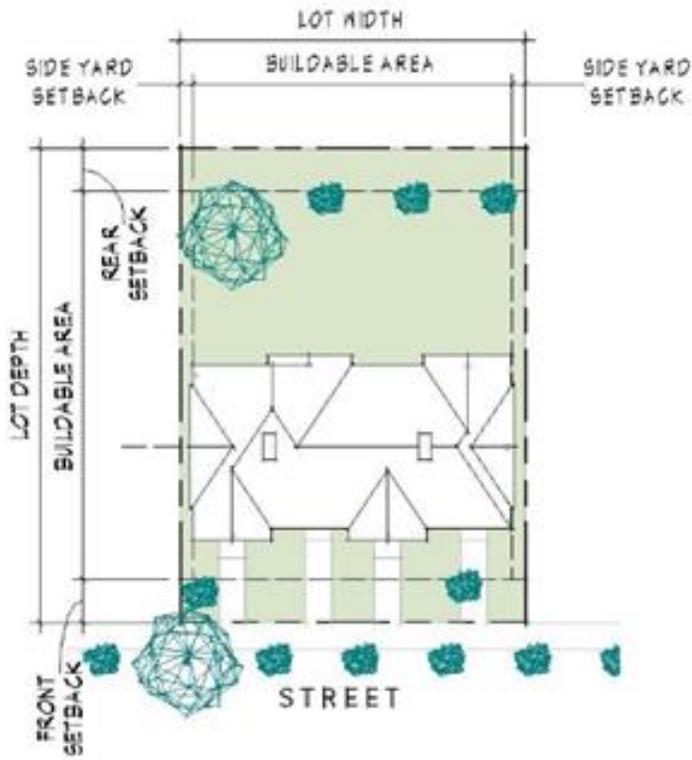
Cornices, canopies, eaves (roof overhang), fireplaces-chimneys, bay window, porch, stoop, or other similar architectural features may project into a required setback up to two feet.

Exemptions from required side and rear setbacks

Swimming pools, tennis courts, clotheslines, barbeque pits, playground equipment, portable or permanent dog run, house or kennel and similar structures customary and ancillary to the primary residential use of the property may be placed in a required minimum side or rear setback, but in no case shall such uses be closer than 5 feet from a side or rear lot line.

e) Example Lot Layout and Rendering





f) General Development Regulations

	Applicable	Section Reference	Notes
Accessory Structures	Y	1147.02	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than five (5) feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 1147.02.
Fences	Y	1147.05	Fences and walls may be placed in a required minimum setback provided they comply with Section 1147.05.
Landscaping/Buffering	Y	1141	Plant material and berms may be placed in any required minimum setback provided they do not constitute a nuisance as provided in the Lancaster Codified Ordinances.
Parking	Y	1143	Parking must be provided in accordance with Chapter 1143. Parking for multi-unit buildings should be placed to the side or rear of the principal structure. Parking is prohibited on lawns or other unpaved areas.
Signs	Y	1145	Signs, provided they comply with Chapter 1145, may be located within any front setback.

**CHAPTER 1133
Commercial Districts**

1133.01	Central Business District (CBD)	1133.03	Commercial General District (CG)
1133.02	Commercial Neighborhood District (CN)		

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1133.01 Central Business District (CBD)

a) Purpose

- To promote and foster the economic and physical revitalization of the historic downtown of the City of Lancaster.
- To recognize the unique physical characteristics of the area and preserve the historic mixed use, character, and pedestrian focus of the City.
- To continue to promote a mixture of uses, to support entrepreneurship and start-up businesses.
- To encourage walkability by creating pedestrian connections between these mixed uses.
- To encourage investment in and adaptive reuse of existing structures.

b) Target Areas:



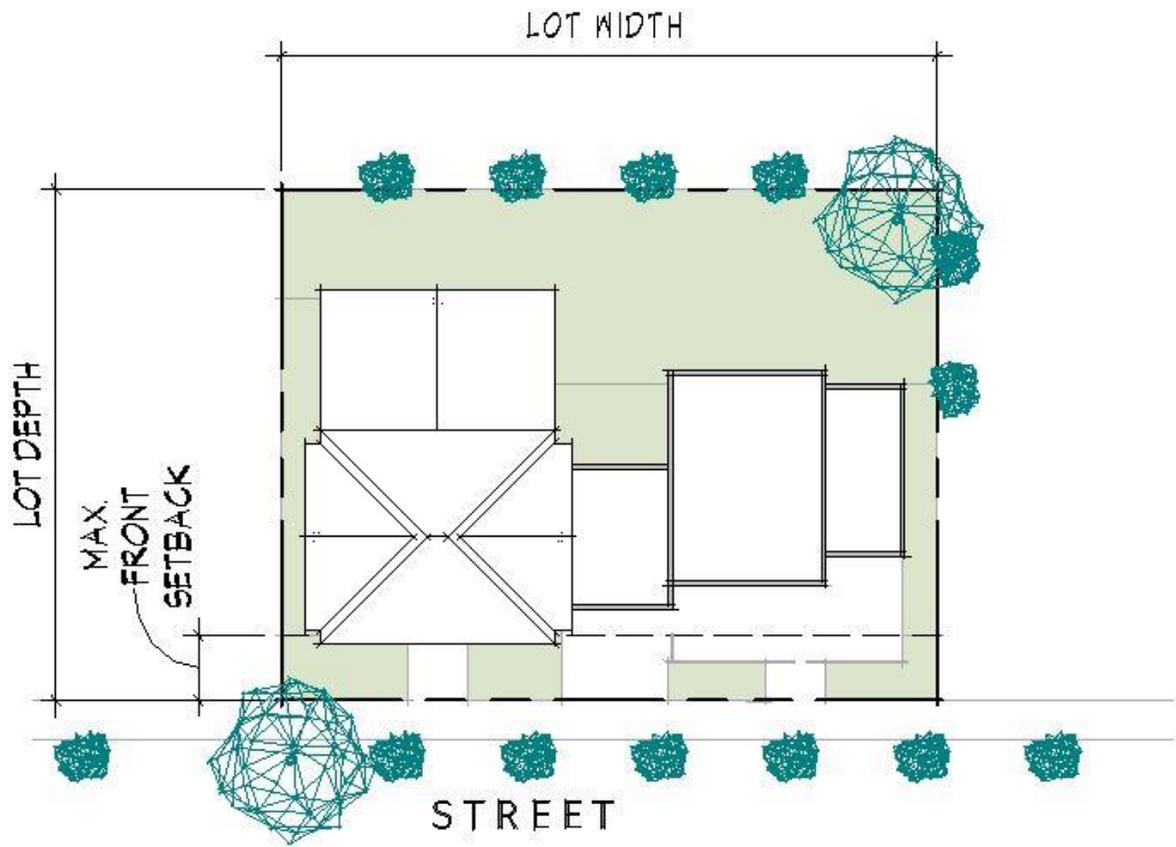
c) Permitted, Special Exception, and Accessory Uses

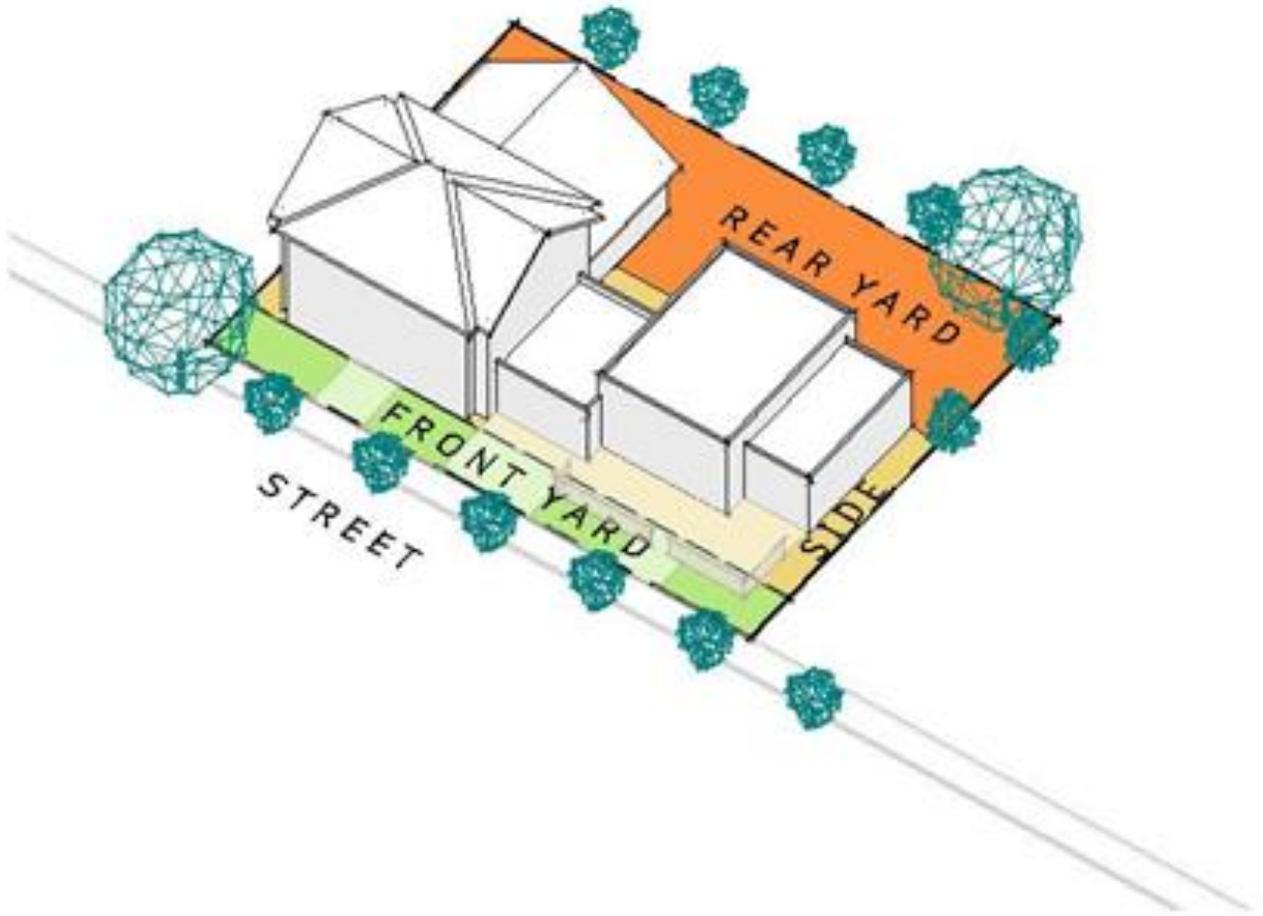
See Section 1125.03 – Permitted, Special Exception, and Accessory Uses for each District

d) Lot Area, Setback, Height, and Lot Coverage Requirements

Development Standards	Central Business District
Minimum Lot Size (Sq. Ft.)	None
Minimum Frontage	None
Minimum Front Setback	None, except when the proposed structure is located between two existing structures on adjacent lots, then utilize average front setback as defined in Chapter 1161.
Maximum Front Setback	10, except however, up to fifty percent (50%) of a building’s façade may be setback more than the required maximum front setback, if the required public gathering space is located in front of this portion of the building. In such cases, a decorative wall or fence shall be installed in front of the public gathering space to help enhance the overall streetscape.
Minimum Side Setback	None
Minimum Rear Setback	None
Residential Density	30 units/acre
Parking in front of Principal Building	Prohibited
Maximum Height	75, except however, mechanical equipment and/or ventilation systems may extend up to ten feet above the height of the building. Said mechanical equipment/ventilation systems must be screened from view by parapet walls, mansard roofs or other screening material approved by the City Planner or designee, provided said material has 100 percent opacity year-round.
Minimum amount of private gathering spaces for residential units (Patio/Balcony)	100 50 sq. ft. per unit
Public Open/Gathering Space (may include plazas, public patios, outdoor dining areas, courtyards, or common rooftop garden areas)	5% of gross square footage of all buildings

e) Example Lot Layout and Rendering





f) General Development Regulations.

	Applicable	Section Reference	Notes
Accessory Structures	Y	Section 1147.02	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than five (5) feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 1147.02.
Fences	Y	Section 1147.05	Fences and walls may be placed in a required minimum setback provided they comply with Section 1147.05.
Landscaping/Buffering	Y	Chapter 1141	Plant material and berms may be placed between the minimum and maximum setbacks provided they do not constitute a nuisance as provided in the Lancaster Codified Ordinances.
Parking	Y	Chapter 1143	Parking must be provided in accordance with Chapter 1143. Parking is prohibited in front of the principal structure. Parking may encroach a side or rear setback provided the parking is no closer than five feet from said lot line.
Signs	Y	Chapter 1145	Signs, provided they comply with Section Chapter 1145. Blade signs may encroach the public right-of-way when approved by the City Engineer.

1133.02 Commercial – Neighborhood (CN)

a) Purpose

- To promote small scale commercial and office uses that serve the daily needs of the adjacent nearby residential uses.
- Designed to accommodate both vehicular and pedestrian access with proper connections to adjoining residential neighborhoods.

b) Target Areas:



c) Permitted, Special Exception, and Accessory Uses

See Section 1125.03 – Permitted, Special Exception, and Accessory Uses for each District

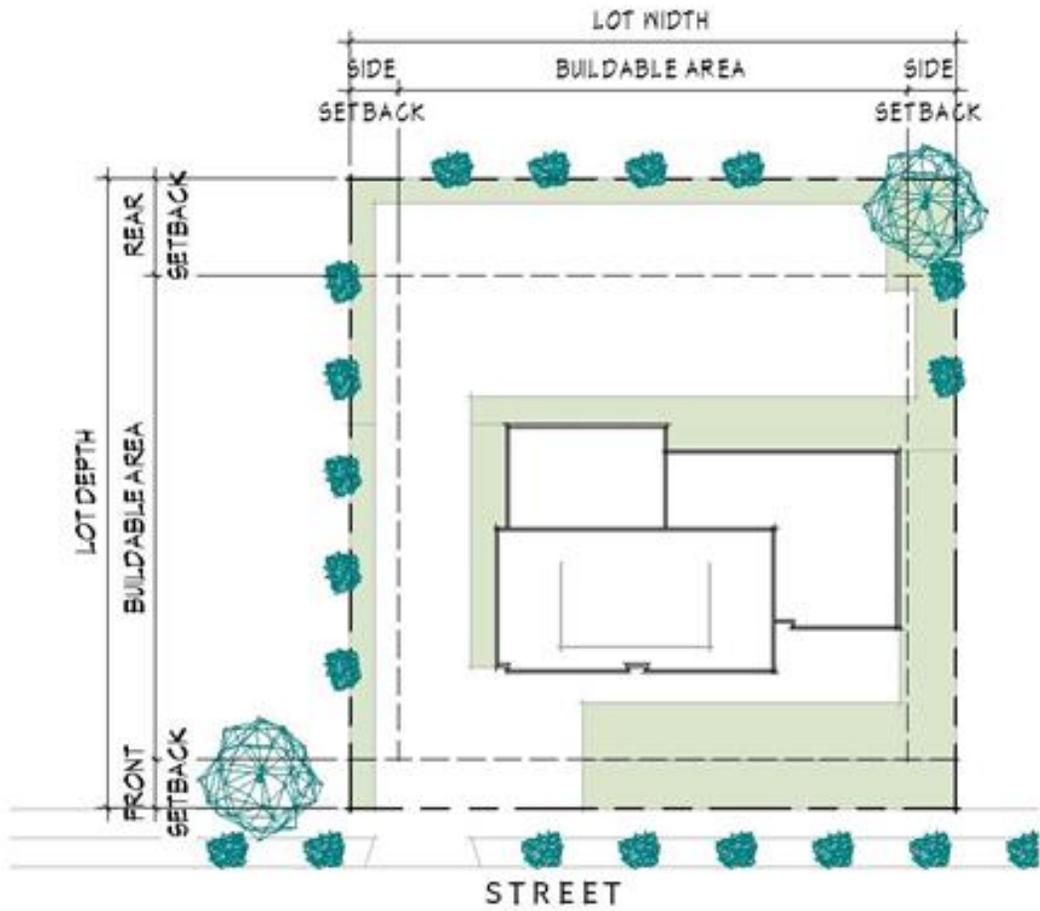
d) Lot Area, Setback, Height, and Lot Coverage Requirements

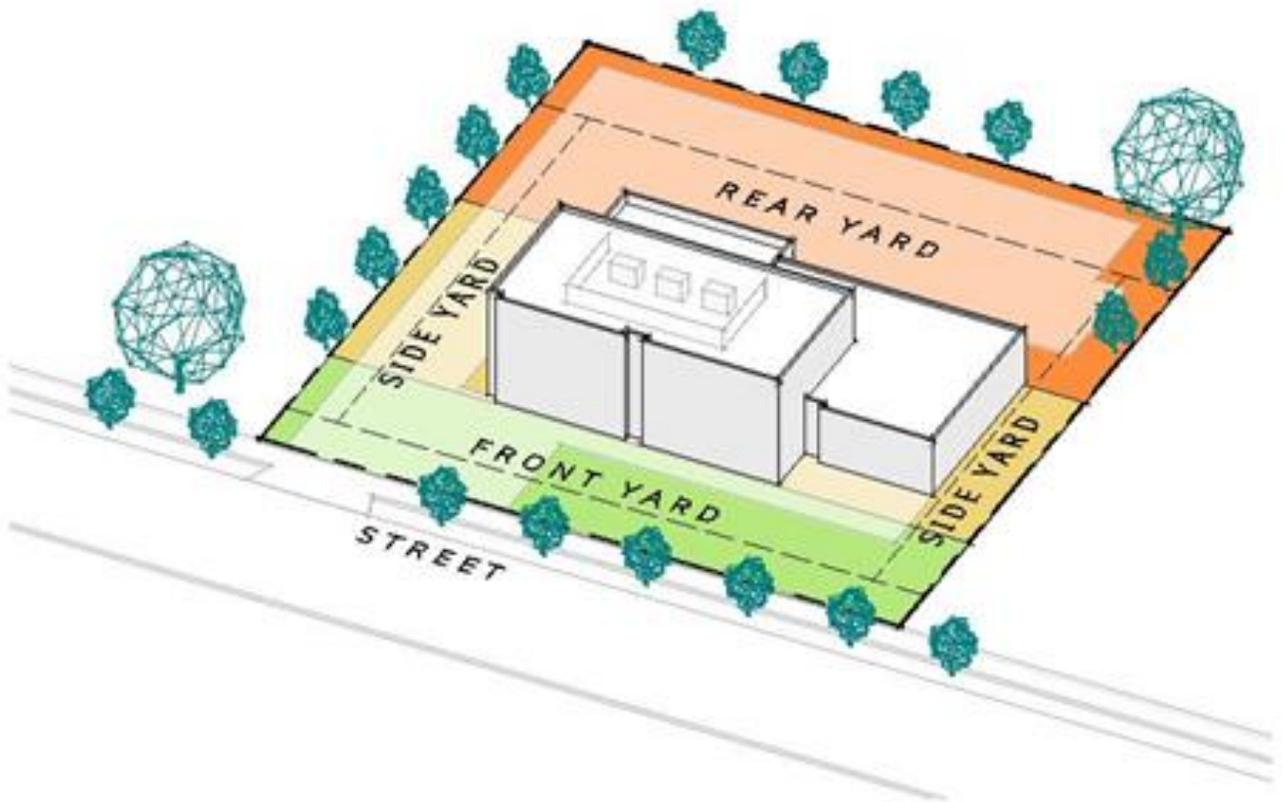
Development Standards

Commercial Neighborhood

Minimum Lot Size (Sq. Ft.)	None
Minimum Frontage (Feet)	None
Minimum Front Setback (Feet)	10
Maximum Front Setback (Feet)	60
Minimum Side Setback (Feet)	10, except however, when a side or rear lot line abuts an existing residential use or District that permits one unit dwellings, then a buffer shall be provided in accordance with Section 1141.10.
Minimum Rear Setback (Feet)	20, except however, when a side or rear lot line abuts an existing residential use or District that permits one-unit dwellings, then a buffer shall be provided in accordance with Section 1141.10.
Maximum Height (Feet)	35, except however, mechanical equipment and/or ventilation systems may extend up to ten feet above the height of the building. Said mechanical equipment/ventilation systems must be screened from view by parapet walls, mansard roofs or other screening material approved by the City Planner or designee, provided said material has 100 percent opacity year-round.
Maximum Lot Coverage (Percent)	80

e) Example Lot Layout and Rendering





f) General Development Regulations.

	Applicable	Section Reference	Notes
Accessory Structures	Y	Section 1147.02	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than five (5) feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 1147.02.
Fences	Y	1147.05	Fences and walls may be placed in a required minimum setback provided they comply with Section 1147.05.
Landscaping/Buffering	Y	Chapter 1141	Plant material and berms may be placed in the required setbacks provided they do not constitute a nuisance as provided in the Lancaster Codified Ordinances.
Parking	Y	Chapter 1143	Limited – Parking is permitted in front of a principal building, but it is encouraged to be placed to the side or rear of the principal building. Parking may encroach a front, side or rear setback provided the parking is no closer than five feet from said lot line.
Signs	Y	Chapter 1145	Signs, provided they comply with Section Chapter 1145, may be located within a front setback.

1133.03 Commercial – General (CG)

a) Purpose

- To accommodate uses that generate a high degree of vehicular traffic while integrating safe and appropriate pedestrian connections.
- To create design standards that include increased setbacks and building height to allow for these more intense business uses within high growth corridors.

b) Target Areas:



c) Permitted, Special Exception, and Accessory Uses

See Section 1125.03 – Permitted, Special Exception, and Accessory Uses for each District

d) Lot Area, Setback, Height, and Lot Coverage Requirements

Development Standards	Commercial – General
Minimum Lot Size (Sq. Ft.)	None
Minimum Frontage (Feet)	50
Minimum Front Setback (Feet)	50 (Arterial and Collector) 25 (all other roads)
Maximum Front Setback (Feet)	N/A
Minimum Side Setback (Feet)	20, except however, when a side or rear lot line abuts an existing residential use or District that permits single unit dwellings, then a buffer shall be provided in accordance with Section 1141.10.
Minimum Rear Setback (Feet)	25, except however, when a side or rear lot line abuts an existing residential use or District that permits single unit dwellings, then a buffer shall be provided in accordance with Section 1141.10.
Maximum Height (Feet)	60, except however, mechanical equipment and/or ventilation systems may extend up to ten feet above the height of the building. Said mechanical equipment/ventilation systems must be screened from view by parapet walls, mansard roofs or other screening material approved by the City Planner or designee, provided said material has 100 percent opacity year-round.
Maximum Lot Coverage (Percent)	80

e) Example Lot Layout and Rendering



f) General Development Regulations.

	Applicable	Section Reference	Notes
Accessory Structures	Y	Section 1147.02	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than five (5) feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 1147.02.
Fences	Y	Section 1147.05	Fences and walls may be placed in a required minimum setback provided they comply with Section 1147.05.
Landscaping/Buffering	Y	Chapter 1141	Plant material and berms may be placed in the required setbacks provided they do not constitute a nuisance as provided in the Lancaster Codified Ordinances.
Parking	Y	Chapter 1143	Limited – Parking is permitted in front of a principal building, but it is encouraged to be placed to the side or rear of the principal building. Parking may encroach a front, side or rear setback provided the parking is no closer than five feet from said lot line.
Signs	Y	Chapter 1145	Signs, provided they comply with Section Chapter 1145, may encroach a front setback.

**CHAPTER 1135
Industrial Districts**

1135.01 Service Industrial (SI)

1135.02 Advanced Manufacturing (AM)

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1135.01 Service Industrial District (SI)

a) Purpose

- To serve commercial and industrial businesses that create a transition from general business areas to more intense industrial uses.
- To encourage safe and appropriate pedestrian connections.

b) Target Areas:



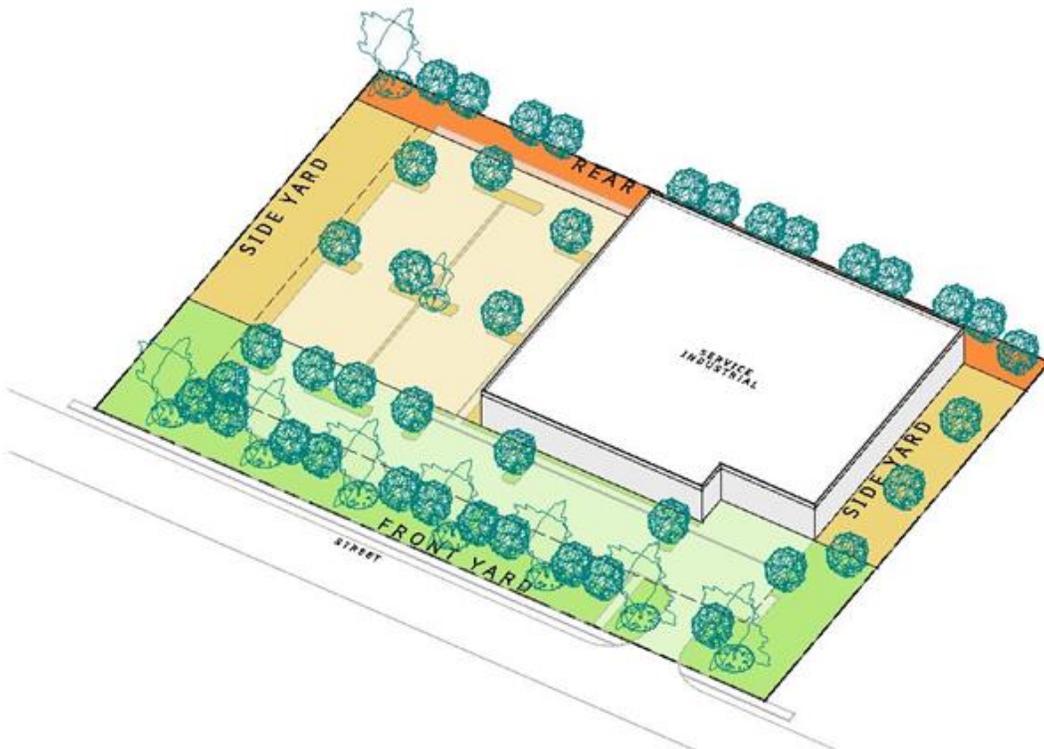
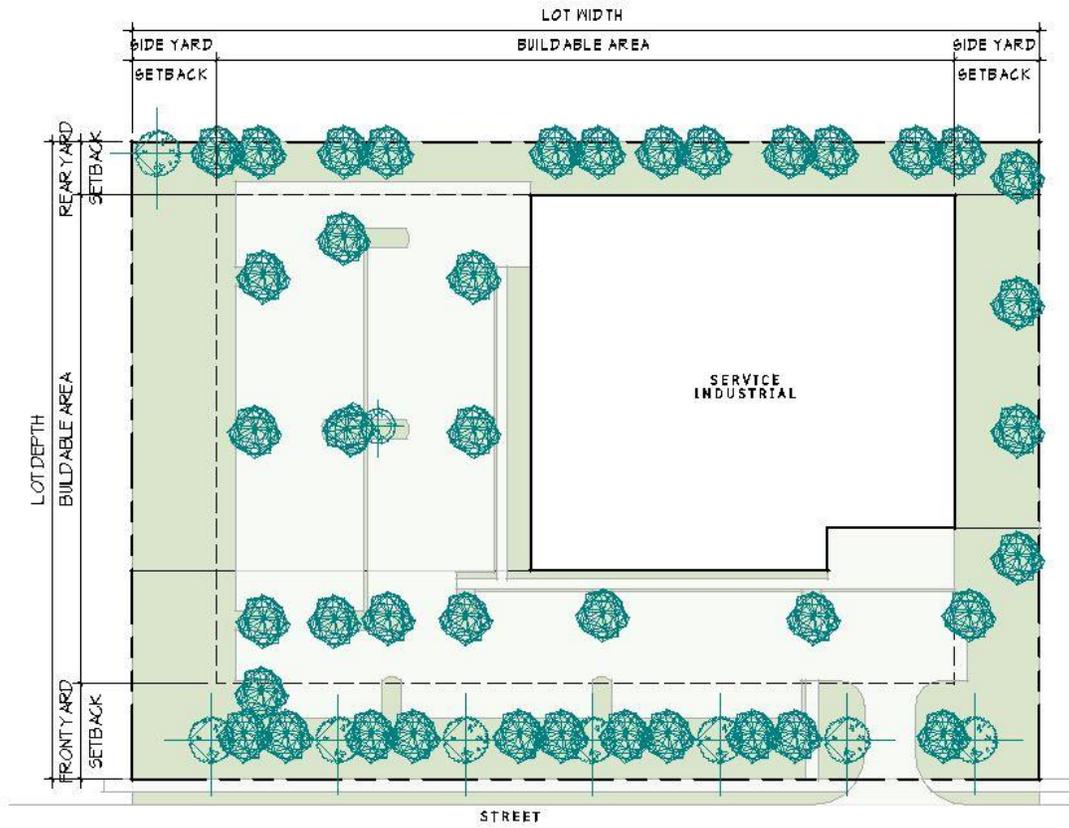
c) Permitted, Special Exception, and Accessory Uses

See Section 1125.03 – Permitted, Special Exception, and Accessory Uses for each District.

d) Lot Area, Setback, Height, and Lot Coverage Requirements

Development Standards	Service Industrial
Minimum Lot Size (Sq. Ft.)	None
Minimum Frontage (Feet)	50
Minimum Front Setback (Feet)	45
Minimum Side Setback (Feet)	25 - when a side or rear lot line abuts an existing residential use or District that permits one-unit dwellings, then a buffer shall be provided in accordance with Section 1141.10.
Minimum Rear Setback (Feet)	25 - when a side or rear lot line abuts an existing residential use or District that permits one-unit dwellings, then a buffer shall be provided in accordance with Section 1141.10.
Maximum Height (Feet)	45 except however, mechanical equipment and/or ventilation systems may extend up to ten (10) feet above the height of the building. Said mechanical equipment /ventilation systems must be screened from view by parapet walls, mansard roofs, or other screening material approved by the City Planner, provided said material has 100 percent opacity year-round.
Maximum Lot Coverage (Percent)	80

e) Example Lot Layout and Rendering



f) General Development Regulations.

	Applicable	Section Reference	Notes
Accessory Structures	Y	Section 1147.02	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than five (5) feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 1147.02.
Fences	Y	Section 1147.05	Fences and walls may be placed in a required minimum setback provided they comply with Section 1147.05.
Landscaping/Buffering	Y	Chapter 1141	Plant material and berms may be placed in the required setbacks provided they do not constitute a nuisance as provided in the Lancaster Codified Ordinances.
Parking	Y	Chapter 1143	Limited – Parking is permitted in front of a principal building, but it is encouraged to be placed to the side or rear of the principal building. Parking may encroach a front, side or rear setback provided the parking is no closer than five feet from said lot line.
Signs	Y	Chapter 1145	Signs, provided they comply with Section Chapter 1145, may be located within a front setback.

1135.02 Advanced Manufacturing District (AM)

a) Purpose

- To broaden the economic development opportunities of the City of Lancaster by creating development standards that will promote innovation and employment opportunities.
- To promote advanced manufacturing, research and development opportunities, logistics and other similar businesses that support the supply chains serving existing or evolving industry clusters in the Columbus region.
- To improve pedestrian connectivity of workforce areas to residential neighborhoods.

b) Target Areas:



c) Permitted, Special Exception, and Accessory Uses

See Section 1125.03 – Permitted, Special Exception, and Accessory Uses for each District.

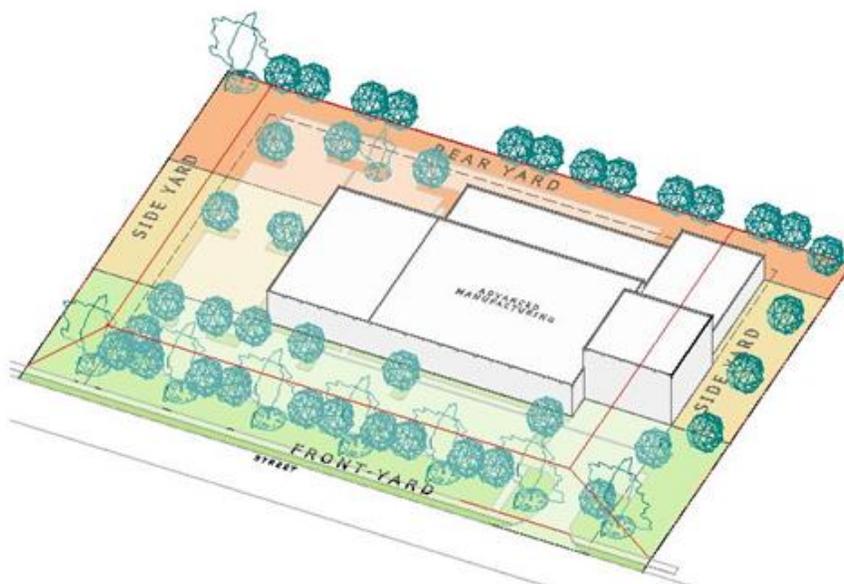
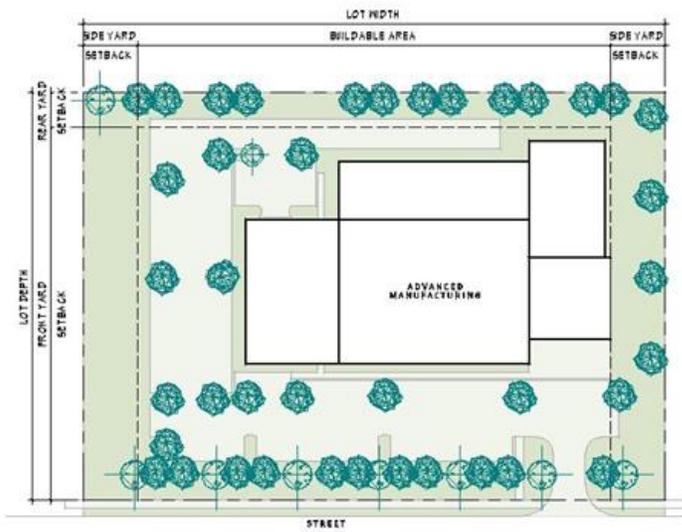
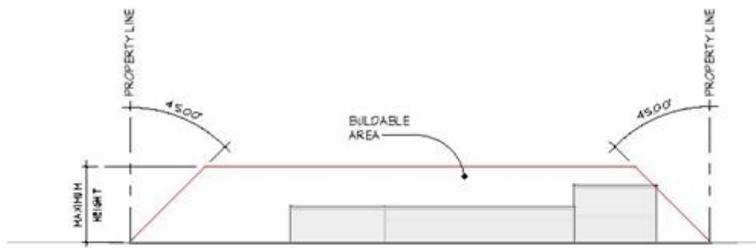
d) Lot Area, Setback, Height, and Lot Coverage Requirements

Advanced Manufacturing

Development Standards

Minimum Lot Size (Sq. Ft.)	None
Minimum Frontage (Feet)	100
Minimum Front Setback (Feet)	100
Minimum Side Setback (Feet)	1' setback per 1' of building height. When a side or rear lot line abuts an existing residential use or District that permits single unit dwellings, then a buffer shall be provided in accordance with Section 1141.10.
Minimum Rear Setback (Feet)	1' setback per 1' of building height. When a side or rear lot line abuts an existing residential use or District that permits single unit dwellings, then a buffer shall be provided in accordance with Section 1141.10.
Maximum Height (Feet)	No maximum height
Maximum Lot Coverage (Percent)	80

e) Example Lot Layout and Rendering



f) General Development Regulations.

	Applicable	Section Reference	Notes
Accessory Structures	Y	Section 1147.02	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than five (5) feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 1147.02.
Fences	Y	Section 1147.05	Fences and walls may be placed in a required minimum setback provided they comply with Section 1147.05.
Landscaping/Buffering	Y	Chapter 1141	Plant material and berms may be placed in the required setbacks provided they do not constitute a nuisance as provided in the Lancaster Codified Ordinances.
Parking	Y	Chapter 1143	Parking may encroach a front, side or rear setback provided the parking is no closer than five feet from said lot line.
Signs	Y	Chapter 1145	Signs, provided they comply with Chapter 1145, may be located in a front setback.

CHAPTER 1137
Planned Unit Development (PUD) District

1137.01	General Provisions and Purpose	1137.05	Procedure - PUD – Map
1137.02	Conflict		Amendment -Procedures
1137.03	Permitted Uses		Preliminary Development Plan
1137.04	Planning and Development Principles	1137.06	Procedure Final Development Plan
		1137.07	Submittal Requirements
		1137.08	Plan Approval Criteria

1137.01 GENERAL PROVISIONS AND PURPOSE

The intent of the PUD, Planned Unit Development District, is to create flexible design criteria that the traditional Zoning Districts may not include. These regulations are based upon the premise that the ultimate quality of the built environment is determined not by the compatibility of uses, but how uses are appropriately integrated together through character type and design standards. This District is intended for large scale developments and aims to:

- a) Provide an opportunity for a mix of land uses otherwise not permitted within the standard municipal Zoning District classifications.
- b) Allow the creation of development standards that respect the unique characteristics, natural quality, beauty of the immediate vicinity, and protect the community's natural resources by avoiding development on, and destruction of, sensitive environmental areas.
- c) Enable greater review of design characteristics to ensure the development project is appropriately integrated into its surroundings.
- d) Pursue the housing and economic development goals of the city.
- e) Encourage innovative architecture.
- f) Establish objective criteria for development plan review that ensure conformity to community and development standards and allow for consistent treatment throughout.
- g) Support the proper relationships between buildings, developments and structures and the land.
- h) Encourage a more efficient land–use pattern by reducing the amount of public infrastructure, creating usable open space, preserving existing natural features and providing for a variety of building styles, types, and uses.

1137.02 CONFLICT

Whenever there is a conflict or difference between the PUD development text approved in accordance with Chapter 1137 and other sections of the City of Lancaster’s Codified Ordinances, the provisions of the approved development text shall prevail for the development of land within the PUD District. Subjects not addressed within the approved development text shall be governed by the respective provisions found elsewhere in the City of Lancaster’s Codified Ordinances. Unless otherwise stated and varied in the approved PUD development text, the standards in the City of Lancaster Zoning Code that pertain to the specific uses or land development in the PUD shall be applicable. Such standards include, but are not limited to:

- a) Floodplain Damage Prevention Regulations set forth in Section 1331.
- b) Off-street parking and loading requirements set forth in Section 1143.11.
- c) Subdivision requirements set forth in Part Eleven – Title One.
- d) Requirements for stormwater management set forth in Chapter 919.
- e) Minimum Project Area and Ownership. No tract of land shall be rezoned to the PUD District unless it is a minimum of twenty (20) acres and is under joint or common ownership or control of the applicant at the time the application is made for a PUD District. A

preliminary development plan approved under these regulations for a PUD shall be binding upon the owners, their successors and assigns. The preliminary development plan shall also limit and control the issuance and validity of all Zoning Clearance Permits.

1137.03 PERMITTED USES

Permitted use within a PUD may include any combination of uses when such use(s) can be appropriately integrated into an overall design that maintains the intent of these general development criteria, provided the proposed location of the uses will not adversely affect adjacent property, or the public health, safety and general welfare.

- a) The list of specific uses to be included in the proposed PUD shall be clearly delineated in the preliminary development plan, the Zoning text, and its supporting documentation.
- b) Listed uses shall be defined by their customary name or identification, except where they are specifically defined or limited in this Zoning Ordinance.
- c) Any listed use shall be limited to areas delineated in the preliminary development plan.

1137.04 PLANNING AND DEVELOPMENT PRINCIPLES

The PUD Zoning text shall create development standards designed according to the following planning and development principles.

- a) Arrangement of use areas.
 - 1) Buildings and uses within the proposed development shall be located to reduce any adverse influences and to protect and enhance the character of areas adjacent to the development;
 - 2) Whenever a proposed development includes areas of a higher intensity than that permitted in adjacent areas, the location and arrangement of use areas shall include appropriate buffers, open spaces, setbacks, or other transitional areas to ensure compatibility with the lower intensity areas.
 - 3) Buildings, structures and parking areas shall be designed and located within the PUD to conserve environmentally sensitive or unique natural, historical, or cultural features while minimizing environmental impacts.
- b) Arrangement of buildings and yards.
 - 1) The physical relationship of buildings and other site improvements to one another and the surrounding open space, as created by building size, mass, height, shape, and setback, shall result in a harmonious development within the PUD and adjacent to it.
 - 2) Minimum lot size, width, and front, side and rear yard setbacks should be clearly denoted by subarea.
 - 3) The bulk and height of buildings within the proposed development shall be compatible with the surrounding development and sufficiently buffered from the surrounding development to mitigate any potential adverse impact(s).
- c) Density. The density of residential areas within a PUD shall be specifically defined within the PUD text.
- d) Landscaping, screening and buffering.
 - 1) The pattern of landscaping shall be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to reflect variations of topography, existing landscape or land uses.
 - 2) Privacy for residential buildings shall be maintained using landscaping, screening and buffering.
 - 3) Appropriate buffer zones with adequate landscaping shall be provided between the proposed development and adjacent areas.
 - 4) Alternative design approaches to meet the intent of the landscape regulations may be incorporated.
- e) Open space. Adequate open spaces shall be integrated throughout the development as follows

- 1) Open space shall be sufficiently aggregated to create large useable areas of planned open space.
 - 2) Open space shall conserve significant natural features within the PUD to the extent practicable.
 - 3) Open space shall provide a scenic natural environment along existing public streets characterized by large building setbacks that enable the preservation of natural features.
 - 4) All open space shall be easily accessible to residents of the PUD.
 - 5) Where possible, open space areas shall be connected with open space areas on abutting parcels, and wherever possible, by open space corridors.
 - 6) Open space must comply with Section 1109.12 (Public Sites and Open Space) of the Subdivision Regulations.
- f) Protection of natural features.
- 1) Trees shall be preserved, protected, and replaced in compliance with the requirements set forth 1141.06.
 - 2) A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. Walkways may be located within riparian buffers when the Planning Commission determines that such will create minimal change to the riparian buffer.
 - 3) Floodplains shall be protected in compliance with Chapter 1331.
 - 4) Wetlands that are to be retained in their natural state within the PUD shall be protected. A buffer area not less than (twenty) 20 feet in width measured from the edge of the delineated wetland shall be provided along the entire perimeter of the designated wetland. The buffer area shall not be disturbed and shall be retained in its natural state. Minimum building and pavement setbacks to protect such wetlands and buffer areas shall be established and shall be measured from the edge of such wetlands.
- g) Pedestrian circulation systems. A pedestrian circulation system shall be included and designed to provide convenient and safe pedestrian access throughout the PUD, and to connect the neighboring developments and community facilities. The pedestrian circulation system may include sidewalks and other walkways not located along streets. Trails with public right of passage should also be incorporated in the pedestrian circulation system.
- h) Bike paths and other trail systems. Trail systems for bikes and other purposes shall be included and designed in accordance with the city's plan for bike paths. Such trail system shall have a minimum width of 10 feet and be properly buffered from any adjacent residential areas. Protected bike lanes, where appropriate as determined by the Planning Commission, may also be utilized to meet this requirement.
- i) Street design and vehicular circulation.
- 1) The proposed vehicular circulation system shall provide adequate connections to the existing street network.
 - 2) The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement and access.
 - 3) Street alignments should be designed to conserve natural features and minimize the need for cut and fill practices.
 - 4) The function of adjacent thoroughfares shall be maintained by limiting access points to the minimum needed, relating them to existing access points, the street patterns on surrounding development, and the intensity of proposed uses.
 - 5) Private streets that utilize a common easement may provide access to clustered lots and/or structures.
 - 6) Street lighting and street signs shall be adequate for safety and security.
 - 7) The applicant shall provide and construct on-site and off-site street improvements for the PUD in accordance with the requirements of Part Eleven – Title One and consistent with recommendations included in traffic studies and with any agreements submitted as supporting documentation for the PUD.

- 8) The design and locations of streets and parking areas shall comply with the requirements set forth in Chapter 913, Stormwater Management.
- j) Off-street parking. The layout of parking areas, service areas, and related entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the character of the area and as well as those areas adjacent to the development. The number of minimum and maximum parking space requirements shall comply with Section 1143.11, unless the approved development text states otherwise.
- k) Signs. All signs and graphics within the PUD shall be compatible in size, location, height, material, shape, color and illumination.
 - 1) A sign plan for the entire PUD shall set forth the design parameters for the entire project to ensure a consistent and comprehensive character throughout the project. The sign plan shall include the design, layout, and dimensions of all ground, window, canopy, awning, projecting and wall signs as well as distances from rights-of-way and the type and intensity of illumination.
 - 2) Signs should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter.
 - 3) The overall design and placement of buildings should consider the general placement of signs so that all permanent signs and their associated lighting fixtures complement the appearance and architecture of the buildings and the PUD.
 - 4) Ground signs should be designed to relate to and share common design elements with the building.
 - 5) The materials and colors of the sign, sign background and sign frame should be compatible with the building's materials and colors.
- l) Utilities. The applicant shall provide and construct on-site and offsite water, sewer and other infrastructure improvements for the PUD in accordance with the requirements of Part Eleven - Title One, Subdivision Regulations and any agreements submitted as supporting documentation for the PUD.
- m) Project phasing. If the PUD is to be implemented in phases, each phase shall have adequate provision for access, parking, stormwater management, utilities, and other public improvements to serve the development in accordance with the applicable criteria set forth above. Each phase shall be provided with temporary and/or permanent transitional features, buffers, or protective areas to prevent any adverse impact on completed phases, future phases, and adjoining property. Open space areas shall be reasonably proportioned in each phase of the project.
- n) Common facilities. Common facilities and park areas, regardless of ownership, require maintenance. Adequate access to these facilities for vehicular traffic shall be provided at all times so that fire, police, health, sanitation, and other public utility vehicles can serve the area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

1137.05 PROCEDURE – PUD MAP AMENDMENT – PRELIMINARY DEVELOPMENT PLAN

Review of applications for Planned Development Districts shall be conducted in compliance with the following general provisions:

- a) Review for completeness. The City Planner or designee shall review each planned development application for completeness and compliance with the applicable submission requirements, unless the City Planner or designee, or designee, determines that specific items are inapplicable or unnecessary. If the City Planner or designee deems an application as insufficient, the City Planner or designee shall notify the applicant of the deficiencies. Only complete applications shall be placed on the Planning Commission agenda. When the application is determined complete and all applicable fees are paid, the City Planner or designee shall officially accept the application for consideration. This shall include either a preliminary development plan as set forth in Section 1137.07(b) or a final development plan as set forth in Section 1137.07(c).

- b) Previously approved Planned Development Districts. Planned Development Districts, including development plans and development standards text adopted prior to the effective date of these Planned Development District regulations, shall continue in effect and be considered legally conforming under this code. However, the procedures for the implementation of those developments must conform to the regulations indicated in this code.
- c) Subdivision plat approval. If the proposed development includes the subdivision of land, the development shall be subject to the requirements of the plat approval process in accordance with the subdivision regulations in Part Eleven – Title One including any subsequent changes to subdivision plats. The preliminary development plan and preliminary subdivision plat approval may proceed simultaneously. The final development plan and final plat shall proceed simultaneously, unless a final plat has already been approved or is not required for completion of the project.
- d) Zoning amendment pre-application meeting with concept plan. The applicant shall meet with the appropriate staff of the Planning Department for review of a concept plan prior to submitting an application for a Planned Development District Zoning amendment. The concept plan is intended to outline the basic scope, character and nature of a proposed project. The review is to provide input in the formative stages of design.
 - 1) The applicant shall submit a concept plan for the City Planner or designee to review. The concept plan shall include the elements indicated in Section 1137.07(a).
 - 2) The City Planner or designee may forward complex projects to the Planning Commission for their review and feedback.
 - 3) The applicant may request review and feedback from the Planning Commission prior to preparing a preliminary development plan.
 - 4) No discussions, opinions, or suggestions provided on any aspect of the concept plan shall bind the applicant, or the city, or be relied upon by the applicant to indicate subsequent approval or disapproval by the city.
- e) Zoning amendment request. An application for a Zoning amendment to the Planned Development District shall be submitted in accordance with Section 1159.02. In addition to the submission requirements for Zoning amendments, the applicant shall also submit a preliminary development plan, development text, and supporting documentation as required below.
- f) Preliminary development plan review procedures. The application, including all submission requirements for preliminary development plans in accordance with Section 1137.07(c), shall be reviewed and distributed according to the following procedures. A preliminary subdivision plat may be reviewed simultaneously provided all the required plat information is submitted.
- g) City Planner or designee review and transmittal to the Planning Commission. After determining that an application is complete according to Section 1137.05(a), the City Planner or designee shall forward the application to the appropriate city departments and, if determined necessary, professional consultants for review and comment. The City Planner or designee shall schedule a public hearing of the preliminary plan by the Planning Commission.
- h) Review and recommendation by Planning Commission. The Planning Commission shall review the application to determine if it complies with the approval criteria set forth in Section 1137.08(a). The Planning Commission shall take into consideration any submitted staff reports, comments, and expert opinions when reviewing the application.
- i) Action by Planning Commission. The Planning Commission shall recommend to City Council one of the following:
 - 1) That the preliminary development plan, development text and its supporting documentation be approved as submitted;
 - 2) That the preliminary development plan, development text, and its supporting documentation be approved with specific conditions set forth by the Planning Zoning Commission, and agreed to by the applicant, to further protect and improve the proposed and surrounding developments; or
 - 3) That the preliminary development plan be disapproved.

- j) Transmission to Council. The Planning Commission shall transmit the Zoning amendment application and the preliminary development plan in the form of an ordinance along with all appropriate documentation, including their recommendation to City Council, within 30 days of acting, unless otherwise requested by the applicant.
- k) Review and action by City Council. City Council shall review and act on the proposed ordinance(s), including conducting a public hearing, in accordance with City Council procedures and public notice provisions set forth in Section 1159.02.
 - 1) In reviewing the ordinance(s), the City Council shall consider the approval criteria set forth in Section .
 - 2) Disapproval by City Council shall terminate the process. Another Zoning amendment application pertaining to the land included in the disapproved application shall not be accepted within one year from the date of disapproval, unless there has been substantial change to warrant reconsideration.
- l) Approval of the Planned Development District/Preliminary Development Plan. Adoption of the ordinance shall constitute a rezoning of the property included in the preliminary development plan to a Planned Unit Development District, and the preliminary development plan and associated commitments become binding on the applicant. The Official Zoning Map shall be amended to reflect the Zoning changes. In the event City Council approves the preliminary development plan with modifications, the applicant shall incorporate such modifications into the appropriate documents and file the revised preliminary development plan with the City Planner or designee. No final development plan application will be processed until the revised preliminary development plan is submitted and approved.
- m) Significance of approved plan. Approval or approval with recommended modifications of the preliminary development plan by the City Council shall:
 - 1) Establish the development framework for the project, including the general location of open space, use areas, densities, unit types, recreational facilities, and street alignments;
 - 2) Permit the applicant to proceed with detailed planning of the final development plan; and
 - 3) Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.
- n) Expiration of Zoning approval. Given the nature of the Planned Unit Development District process and the unique standards simultaneously adopted, the Planned Unit Development District designation shall remain valid for three years from the date of City Council approval. During that time, the applicant shall prepare and submit a final development plan for review in compliance with Section 1137.07(b) below. In the event progress on the PUD is discontinued, the city may begin procedures to rezone the property to the Zoning District in place prior to the Planned Unit Development District or to another District as may be determined appropriate. For the purpose of this section, progress shall be considered discontinued when:
 - 1) The final development plan for the PUD, or for the first phase of the PUD, is not submitted within three years after approval by City Council of the preliminary development plan;
 - 2) A final development plan for the PUD is approved, and construction work is discontinued for a period of 2 years or for a longer period as may be agreed to as part of the PUD Zoning amendment.
 - 3) At any time, the Planning Commission may grant an extension to the above stated timeframes for good cause shown.

1137.06 PROCEDURE – FINAL DEVELOPMENT PLAN

- a) Final development plans. An application for final development plan review shall include the submission requirements set forth in Section 1137.07(c) and shall be submitted for review according to the following. An application for final development plan review shall be

required for each phase of development. The applicant shall also submit a final subdivision plat for simultaneous review unless a final plat has already been approved or is not required for completion of the project.

- b) Area included in Final Development Plan. The area included in an application for final development plan review shall be in substantial compliance with the phasing plan approved as part of the preliminary development plan.
- c) Review procedures for Final Development Plan. The application shall be reviewed according to the following procedures:
 - 1) The City Planner or designee review. After determining that an application is complete according to Section 1137.05(a), the City Planner or designee shall forward the application to the appropriate city departments and, if determined necessary, professional consultants for review and comments. The City Planner or designee shall schedule the Final Development Plan on a Planning Commission agenda within sixty (60) days the date the application is deemed complete.
 - 2) The application shall be reviewed for compliance with the approved preliminary development plan, the requirements of this Code and other applicable city codes.
 - 3) During the review, the City Planner or designee may meet with the applicant to review the application, and the applicant may revise the final development plan application in response to the City Planner or designee's comments.
 - 4) The application and supporting documents, staff comments, any other reports and accompanying documents (such as, but not limited to, letters from residents or maps) shall be transmitted to the Planning Commission.
- d) Review by Planning Commission. The Planning Commission shall review the application to determine if it complies with the approval criteria set forth in Section 1137.08(b). The Planning Commission shall take into consideration any submitted staff reports when reviewing the application. In reviewing the application, the Planning Commission shall determine if the final development plan substantially complies with all specific requirements, the purposes, intent and basic objectives of the preliminary development plan, and any commitments made or conditions agreed to with the adoption of the preliminary development plan and if it represents an expansion and delineation of the approved preliminary development plan. The Planning Commission may determine that the proposed plan complies with the preliminary development plan and may proceed to review the Final Development Plan in accordance with the procedures of this section.
- e) Action by Planning Commission. The Planning Commission shall take one of the following actions:
 - 1) Approve the final development plan as submitted;
 - 2) Approve the final development plan with modification(s) as agreed to by the applicant; or
 - 3) Disapprove the final development plan when the application does not demonstrate that the required standards have been met. Disapproval of the final development plan shall terminate the process. The applicant may revise the final development to respond to the Planning Commission's concerns and resubmit the plan. Such action shall be considered a new application for review containing all the information required for final development plans, including the payment of the application fee.
 - 4) The Planning Commission may, in reviewing the final development plan, approve a revision of a provision of the development standards text if they determine that all of the following provisions are satisfied:
 - i. The Planning Commission determines that the proposed modification does not significantly alter the list of permitted uses or cause an inappropriate increase in density;
 - ii. The proposed modification results in a development of equivalent or higher quality than that which could be achieved through strict application of the requirement(s);
 - iii. The principles of Section 1137.04 are achieved; and

- iv. The development, as proposed on the final development plan, will have no adverse impact upon the surrounding properties or upon the health, safety or general welfare of the community.

Any proposed revision to a preliminary development plan that fails to meet the above criteria shall require a Zoning amendment to the preliminary development plan according to Section 1137.05.

- f) Compliance with current city-wide standards. In the event development standards or construction standards that apply city-wide are updated, all subsequently approved final development plans shall comply with the updated standards when the Planning Commission determines that such updated standard(s) will not cause undue hardship.
- g) Zoning and building permits. Following the approval of the final development plan, and recording of the final subdivision plat if applicable, the applicant may proceed with the Zoning clearance and building permit process, consistent with approval as granted, including any conditions and modifications made by the Planning Commission. A Zoning clearance and building permit shall not be issued until the appropriate final plat has been recorded and the city has accepted any applicable land areas that are to be dedicated to the city. All construction and development under any building permit shall be in accordance with the approved final development plan, except as may be permitted in Section 1137.06(h). Any unauthorized departure from such plan shall be cause for revocation of the Zoning clearance. All required covenants, easements and restrictions shall be recorded prior to the approval of any construction permit in a location where such covenants, easements, or restrictions are intended to apply. The city may require a copy of the recorded document prior to issuing any construction permit.
- h) Modifications to approved final development plans. Requested modifications to approved final development plans shall be reviewed according to the following:
 - 1. Administrative approval. The City Planner or designee, in administering the approved final development plan and development text, may authorize minor plan modifications to building layouts, parking arrangements, sign locations, lighting, and other site-related improvements that are required to correct any undetected errors or address changes to the site made necessary during construction, provided the modifications remain consistent with the purpose of the approved final development plan.
 - i. No modifications shall be made that increase the permitted density of development or add to the list of permitted uses.
 - ii. Modifications deemed minor may include such changes as:
 - A. Minor adjustments in lot lines provided no additional lots are created and required setbacks are maintained;
 - B. Minor adjustments in the location of and layout of parking lots provided the perimeter setbacks, yards and buffers are maintained;
 - C. Minor adjustments in building footprints up to 10% in total floor area of the originally approved building, building height(s) or floor plans, that do not alter the character or intensity of the use;
 - D. Substitution of landscaping materials specified in the landscape plan with comparable materials of an equal or greater size;
 - E. Redesigning and/or relocating stormwater management facilities provided that general character and stormwater capacities are maintained and approved by the City's stormwater manager.
 - F. Redesigning and/or relocating landscape mounds, provided that the same level and quality of screening is maintained;
 - G. Minor modifications to the sign face, landscaping and lighting, provided the other sign requirements of the final development plan are maintained;
 - H. Minor changes in building material or colors that are similar to and have the same general appearance comparable to or of a higher quality as the material approved on the final development plan;

- I. Changes required by outside agencies such as the county, state, or federal departments; or
 - J. Other minor modifications deemed by the City Planner or designee that do not alter the basic design or any specific conditions imposed as part of the original approval.
- iii. The City Planner or designee shall report approved modifications to the Planning Commission. The City Planner or designee may submit any modification to the Planning Commission that would otherwise be considered minor if the City Planner or designee finds that the overall extent and effect of the proposed modification should be reviewed by the Commission.
2. Board of Zoning Appeals variances.
- i. Any request for a variation to the development standards text that pertains to an individual one unit dwelling shall be reviewed as a variance according to the procedures set forth in Section 1157.05.
 - ii. Requests for establishing a model home within the Planned Development District shall be reviewed according to the requirements of Section 1157.06.
3. Planning Commission approval.
- i. Modifications other than those listed in Section 1137.06(h)(1) above not determined by the City Planner or designee to be minor shall be submitted to the Planning Commission. Modifications may be approved provided the Commission finds that the requested changes are compatible with the surrounding development and that the modifications remain consistent with the preliminary development plan.
 - ii. Any requested changes shall be indicated on an amended final development plan. An application for an amended final development plan shall follow the review procedures for final development plan review set forth in this section. If approved, those amendments to the final development plan shall supersede the originally approved final development plan.

1137.07 SUBMITTAL REQUIREMENTS

- a) Contents of concept plan application. It is the intent of these regulations that the concept plan shall generally indicate overall design of the proposed project. Information submitted should be comprehensive enough to enable the City Planner or designee to understand the existing site and concept for the proposed development. The applicant shall submit a number of copies as determined by the City Planner or designee. The information submitted should include the following:
- 1) Completed application form along with the application fee.
 - 2) Vicinity map indicating the location of the site in the city and the general location of principal thoroughfares.
 - 3) A regional context map showing the proposed site and all areas within 2,000 feet in all directions showing both the basics of the proposed layout contained in the application and the property lines of the adjacent areas on a drawing that is eleven (11) inches by seventeen (17) inches.
 - 4) Map of existing conditions and features drawn to scale, with accurate boundaries of the entire project and a north arrow, including the property proposed for development, all adjacent rights-of-way and 100 feet of property immediately adjacent thereto, indicating:
 - i. Existing public improvements, permanent facilities, easements and property boundaries;
 - ii. General indication of existing structures on the site and abutting properties;
 - iii. Physical features and natural conditions of the site including the location of streams, tree masses, open spaces, etc.;
 - iv. General topography;

- v. Existing Zoning District boundaries and jurisdictional boundaries;
 - vi. Surface drainage and areas subject to flooding;
 - vii. Existing public and private utility systems;
 - viii. Regional transportation system.
- 5) The concept plan map, drawn to scale with accurate boundaries of the entire project and a north arrow, including the property proposed for development, all adjacent rights-of-way and 100 feet of property immediately adjacent thereto, indicating:
- i. Depiction of proposed land uses, including open space areas, indicating the approximate acreage by land use, density and type of buildings or dwelling units;
 - ii. The location of any lands to be dedicated to any public agency;
 - iii. The general circulation pattern;
 - iv. The relationship of the proposed project to the surrounding area.
- b) Contents of preliminary development plan application. The application shall include the maps, plans, and supplementary documentation itemized below. The applicant shall submit a number of copies as determined by the City Planner or designee. The information submitted should include the following:
- 1) Completed application form along with the application fee. The application shall be signed and notarized.
 - 2) Vicinity map showing the relationship of the proposed PD to existing development and including existing property lines, easements, utilities, and street rights-of-way of the subject property and property within 500 feet of the site, Zoning District boundaries, and existing land uses and structures.
 - 3) A regional context map showing the proposed site and all areas within 2,000 feet in all directions showing both the basics of the proposed layout contained in the application and the property lines of the adjacent areas on a drawing that is 11 inches by 17 inches.
 - 4) Legal description.
 - 5) Map of existing conditions and features drawn to scale, with accurate boundaries of the entire project and a north arrow, including:
 - i. Boundaries of the area proposed for development, dimensions and total acreage;
 - ii. Existing public rights-of-way, buildings, permanent facilities, access points and easements on, and adjacent to, the site;
 - iii. Identification of any existing buildings or structures to be removed or demolished;
 - iv. Existing Zoning District boundaries and jurisdictional boundaries;
 - v. Existing utility systems and providers;
 - vi. The location of existing topography showing contour lines at vertical intervals of not more than five feet, highlighting ridges, rock outcroppings and other significant topographical features and identifying any areas with slopes over 5%;
 - vii. Locations of all wooded areas, tree lines, hedgerows, and a description of significant existing vegetation by type of species, health, and quality;
 - viii. Delineation of existing drainage patterns on the property;
 - ix. Location of wetlands (and potential wetlands) the 100-year floodplain, floodway boundary, 20-foot buffer area beyond the floodway, and flood elevation as delineated by the Federal Emergency Management Agency maps including rivers and streams and their related river or stream bank, ponds, and water courses and as required by Chapter 1331, Flood Damage Reduction.
- 6) The preliminary development plan map shall include a plan for the entire area of the proposed project and shall be drawn to an appropriate scale with accurate boundaries of the entire project including a north arrow. The applicant shall submit a number of copies as determined by the City Planner or designee. The information submitted shall indicate:

- i. The proposed location, use and size of areas of residential, retail, office, industrial or institutional uses, community facilities, parks, playgrounds, school sites and other public areas and open spaces with the suggested ownership and maintenance provisions of such areas, and their related parking areas, and access points;
 - ii. The general layout of the proposed internal road system, indicating the proposed vehicular right-of-way of all proposed public streets, general indication of private streets and pedestrian circulation, bike paths and other trail systems, access drive locations, improvements to existing streets, and traffic control requirements;
 - iii. Any proposed off-site improvements and/or utility lines/extensions needed to serve the site;
 - iv. Natural areas and other natural features to be conserved and any required buffer areas;
 - v. Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.;
 - vi. A summary table showing total acres of the proposed development; the number of acres devoted to each type of use, including streets and common areas; the number of dwelling units by type and density for each residential use area and the building height(s); and square footage as proposed for retail, office, industrial and institutional uses, by use area; and the number of parking spaces provided for each use area;
 - vii. Space for signatures of the applicant and the City Planner or designee, Planning Commission Chair, and the dates of Planning a Commission and Council approvals.
- 7) Preliminary plat, if appropriate, designed in compliance with the subdivision requirements set forth in Part Eleven – Title One, Subdivision Regulations. The required subdivision information may be included in the preliminary development plan.
 - 8) Architectural drawings demonstrating the prototypical designs of the proposed buildings, to demonstrate the exterior design, character and general elements in sufficient detail to indicate the proposed visual character of the development.
 - 9) A phasing plan and schedule identifying the separate phases of the project, including utilities and any off-site improvements. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets, easements and natural areas.
 - 10) Proposed utilities including the proposed provision of water, sanitary sewer and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness, including verification of availability.
 - 11) Traffic study indicating the impact of future traffic on the existing and proposed roadway system, as required by the City Engineer.
 - 12) Explanation of relationship of proposed development to existing and future land use in the surrounding area, the street system, community facilities and open space system, services and other public improvements.
 - 13) The PUD development text identifying the requirements that are to govern the design and layout of the PUD.
 - i. The development standards text shall include signature and date lines for the applicant certifying the text.
 - ii. Dimensions and/or acreages illustrated on the development plan shall be described in the development standards text.
 - iii. Any dimensions or other provision that departs from any applicable standards set forth in the City of Lancaster Zoning Code, especially addressing signs, landscaping, appearance, and parking, shall be clearly described.
 - iv. Adequate provision shall be made to establish a private organization (i.e. homeowners association) with direct responsibility to provide for the

operation and maintenance of all common facilities that are part of the planned development, and, in such instance legal assurances shall be provided to show that the private organization is self-perpetuating.

- c) Contents of final development plan application. The application shall include the maps, plans, designs and supplementary documents itemized below. Copies of the maps, plans, designs and supplementary documents shall be submitted. Final development plans are intended to be detailed refinements for development and, as such, shall be accurate, detailed representations of the total aspects of the approved preliminary development plan. The applicant shall submit a number of copies as determined by the Director of Planning. The information submitted shall include the following:
- 1) Completed application form along with the application fee.
 - 2) Vicinity map showing the relationship of the area of the final development plan to the entire Planned Unit Development District and including existing structures, property lines, easements, utilities, and street rights-of-way of the subject property and property within 500 feet of the site;
 - 3) A regional contact map showing the proposed site and all areas within 2,000 feet in all directions showing both the basics of the proposed layout contained in the application and the property lines of the adjacent areas on a drawing that is eleven (11) inches by seventeen (17) inches.
 - 4) A final plat shall be submitted in accordance with Part Eleven – Title One, Subdivision Regulations, if the proposed development includes the subdivision of land and a final plat has not already been approved;
 - 5) Legal description of the property, if a final plat is not submitted. The legal description must include accurate distances and bearings from an established monument on the project to the three nearest established street lines or official monuments; and be stamped or sealed evidence from a surveyor registered in the State of Ohio or engineer that the monuments actually exist and that all dimensional and geodetic details are correct;
 - 6) Final development plan map prepared by a qualified professional such as a licensed architect, surveyor, engineer or landscape architect, and drawn to an appropriate scale indicating the following items, to the extent that the information is not already shown on the final subdivision plat or construction drawings for a subdivision:
 - i. A bar scale, north arrow, and total acreage of the area that is the subject of the final development plan, and accurate location of all monuments;
 - ii. Radii, arcs, points of tangency, central angles for all curvilinear street, radii for all rounded corners, and length of all straight center line between curves on all public and private street;
 - iii. The right-of-way lines of adjoining streets and alleys with their width and names, and indicating the edge of pavement and centerline;
 - iv. All lot lines and easements with their dimensions;
 - v. The dimensions and locations of proposed structures, buildings, streets, parking areas, yards, playgrounds, school sites and other public or private facilities; the proposed pedestrian and bike path systems; the arrangement of internal and in-out traffic movement including access roads and drives; lane and other pavement markings to direct and control parking and circulation; and the location of signs related to parking and traffic control;
 - vi. Location of existing and proposed structures including fences, walls, signs, and lighting;
 - vii. Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles;
 - viii. Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and stormwater management;
 - ix. Delineation and identification of areas to be dedicated or reserved for public use, provided those areas are acceptable to the city, with the purposes indicated thereon, and of any area to be reserved by deed covenant for the common use of all property owners, listing who will maintain the acreage of

- such areas, or indicating if it is to be dedicated or reserved and the proposed timing of dedication or reservation;
- x. Space for signatures of the owner, and applicant if different that the owner, and the Planning Commission Secretary, and the date of Commission approval;
 - xi. Summary table showing total acres of the proposed development, the number of acres devoted to each type of use including streets and open space, and the number of proposed dwelling units by type, building square footage, number of parking spaces, pavement coverage, impervious surface area and acreage devoted to open space, private streets, and other public facilities.
- 7) Verification of availability of all utilities, including water, sanitary sewer, gas, electric, cable, etc., and indication of all utility line extensions;
 - 8) Additional plans for proposed development.
 - i. Topographic maps showing existing and proposed grading contours, water courses, wetlands, flood plains and other flood hazard boundaries and information;
 - ii. Landscaping and screening plans as required by Chapter 1141;
 - iii. A lighting plan, including, but not limited to, light pole heights and locations, building accent lighting, pedestrian lighting, average footcandle calculations minimum foot-candles and maximum foot-candles.
 - iv. A dimensioned sign plan indicating the character, material, dimensions, location, shape, color(s) and type of illumination of signs;
 - v. Architectural plans for the proposed development, showing all exterior elevations, building floor plans, colors, materials, and other details to indicate the type of architectural style proposed for the development and conformity with applicable appearance standards, prepared by a licensed architect;
 - vi. Construction plans for all public improvements, site grading, and required development practices specified by the city code.
 - 9) The ownership interests of the subject property, including liens and easements, and the nature of the developer's interest if not the owner.
 - 10) Covenants, easements and restrictions.
 - i. The substance of covenants, grants of easements, or other restrictions which will be imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities; and proper acknowledgment of owners and/or holders of mortgages accepting such restrictions.
 - ii. For projects that include any area for common use of or to be maintained by multiple property owners, the association's bylaws or code of regulations, which shall include provisions that comply with the following requirements:
 - A. Membership in the association shall be mandatory for all purchasers of lots in the development or units in a condominium;
 - B. The association shall be responsible for maintenance, control, and insurance of common areas;
 - C. The association shall have the power to impose assessments on members for the maintenance, control and insurance of common facilities, and have the power to place liens against individual properties for failure to pay assessments;
 - D. The association shall have the authority to enforce reasonable rules and regulations governing the use of, and payment of assessments for maintenance, control and insurance of, common facilities by such means as reasonable monetary fines, suspension of the right to vote and the right to use any common recreational facilities, the right to suspend any services provided by the association to any owner, and the right to exercise self-help to cure violations;

- E. The conditions and timing of transfer of control from the developer to the unit or lot owners shall be specified;
 - F. The association shall convey to the city and other appropriate governmental bodies, after proper notice, the right to entrance to any common facilities for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public health, safety and welfare. The city shall have the right, after proper notice, to make improvements and perform maintenance functions. In addition, the city shall have the right to proceed against the association for reimbursements of said costs, including the right to file liens against individual condominium units, houses and vacant building lots.
- 11) A statement identifying any aspect of the final development plan in which the applicant is requesting a modification from the preliminary development plan, pursuant to Section 1137.06(e).
 - 12) Updated existing conditions. An updated/revised map of existing conditions indicating all changes since the map was submitted with the preliminary development plan.
 - 13) Table of contents. Table of contents or other index indicating where each of the plan submission requirements is located within the application package (page number of narrative or drawing).

1137.08 PLAN APPROVAL CRITERIA

- a) Preliminary development plan. In the review of proposed planned developments, the Planning Commission and City Council shall determine whether or not the preliminary development plan complies with the following criteria. In the event the Planning Commission determines that the proposed preliminary development plan does not comply with a preponderance of these criteria, the Planning Commission shall disapprove the application:
 - 1) The proposed development is consistent with the purpose, intent and applicable standards of the Zoning Code;
 - 2) The proposed development advances the general welfare of the city and immediate vicinity and will not impede the normal and orderly development and improvement of the surrounding areas;
 - 3) The proposed uses are appropriately located in the city so that the use and value of property within and adjacent to the area will be safeguarded;
 - 4) Proposed residential development will have sufficient open space areas;
 - 5) The proposed development respects the unique characteristic of the natural features and protects the natural resources of the site;
 - 6) Adequate utilities, access roads, drainage, retention and/or necessary facilities have been or are being provided;
 - 7) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets and to maximize public safety and to accommodate adequate pedestrian and bike circulation systems so that the proposed development provides for a safe, convenient and non-conflicting circulation system for motorists, bicyclists and pedestrians;
 - 8) The relationship of buildings and structures to each other and to such other facilities provides for the coordination and integration of this development within the PUD and the larger community;
 - 9) The density, building gross floor area, building heights, setbacks, distances between buildings and structures, design and layout of open space systems and parking areas, traffic accessibility and other elements having a bearing on the overall acceptability of the development plans contribute to the orderly development of land within the city;

- 10) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, water courses and drainage areas;
 - 11) The design, site arrangement, and anticipated benefits of the proposed development justify any deviation from the standard development regulations included in the Zoning Code or Subdivision Regulation, and that any such deviations are consistent with the intent of the Planned Unit Development District regulations;
 - 12) The proposed building design meets or exceeds the quality of the building designs in the surrounding area and all applicable appearance standards of the city;
 - 13) The proposed phasing of development is appropriate for the existing and proposed infrastructure and is sufficiently coordinated among the various phases to ultimately yield the intended overall development;
 - 14) The proposed development can be adequately serviced by existing or planned public improvements and not impair the existing public service system for the area;
 - 15) The applicant's contributions to the public infrastructure are consistent with the Thoroughfare Plan and are sufficient to service the new development.
- b) Final development plan. In the review of proposed PUD developments, the Planning Commission shall determine whether the proposed development, as depicted on the final development plan, complies with the following:
- 1) The plan conforms in all pertinent respects to the approved preliminary development plan provided however, that the Planning Commission may authorize revisions to said plans in accordance with Section 1137.06(e).
 - 2) Adequate provisions are made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
 - 3) The development has adequate public services and open spaces;
 - 4) The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this code;
 - 5) The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity;
 - 6) The proposed signs, as indicated on the submitted sign plan, will be coordinated within the PUD and with adjacent development; are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings; and are located so as to maintain safe and orderly pedestrian and vehicular circulation;
 - 7) The landscape plan will adequately enhance the principal building and site; maintain existing trees to the extent possible; buffer adjacent incompatible uses; break up large expanses of pavement with natural material; and provide appropriate plant materials for the buildings, site, and climate;
 - 8) Adequate provision is made for storm drainage within and through the site which complies with the applicable regulations in this code and any other design criteria established by the city or any other governmental entity which may have jurisdiction over such matters;
 - 9) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage;
 - 10) The project appears to be in compliance with all other local, state and federal laws and regulations.

CHAPTER 1139
Sexually Oriented Businesses

- 1139.01 Rationale and findings.**
1139.02 Definitions.
1139.03 Criteria.
1139.04 Severability.

CROSS REFERENCES

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

1139.01 RATIONALE AND FINDINGS.

- a) Purpose. It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, moral, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.
- b) Findings and Rationale. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the City Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 124 S.Ct. 2219 (June 7, 2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); and *Deja Vu of Cincinnati, Inc. v. Union Township, Ohio*, 411 F.3d 777 (6th Cir. 2005) (en banc); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Brandywine, Inc. v. City of Richmond*, 359 F.3d 830 (6th Cir. 2004); *Currence v. City of Cincinnati*, 2002 U.S. App. LEXIS 1258; *Broadway Books v. Roberts*, 642 F.Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v. City of Newport*, 830 F.Supp. 378 (E.D. Ky. 1993); *Richland Bookmart v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Center for Fair Public Policy v. Maricopa County*, 336 F.3d 1153 (9th Cir. 2003); *DéjB vu v. Metro Government*, 1999 U.S. App. LEXIS 535 (6th Cir. 1999); *Bamon Corp. v. City of Dayton*, 923 F.2d 470 (6th Cir. 1991); *Triplett Grille, Inc. v. City of Akron*, 40 F.3d 129 (6th Cir. 1994); *O'Connor v. City and County of Denver*, 894 F.2d 1210 (10th Cir. 1990); *DéjB vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County*, 274 F.3d 377 (6th Cir. 2001); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *ILQ Investments*,

Inc. v. City of Rochester, 25 F.3d 1413 (8th Cir. 1994); Threesome Entertainment v. Strittmather, 4 F.Supp.2d 710 (N.D. Ohio 1998); Bigg Wolf Discount Video Sales, Inc. v. Montgomery County, 256 F. Supp. 2d 385 (D. Md. 2003); Kentucky Restaurant Concepts, Inc. v. City of Louisville and Jefferson County, 209 F.Supp.2d 672 (W.D. Ky. 2002); Lady J. Lingerie, Inc. v. City of Jacksonville, 176 F.3d 1358 (11th Cir. 1999); Restaurant Ventures v. Lexington-Fayette Urban County Gov't, 60 S.W.3d 572 (Ct. App. Ky. 2001); World Wide Video of Washington, Inc. v. City of Spokane, 368 F.3d 1186 (9th Cir. 2004); Ben's Bar, Inc. v. Village of Somerset, 316 F.3d 702 (7th Cir. 2003);

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

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

1139.02 DEFINITIONS.

The words in this chapter shall have the meanings therein respectively ascribed to them by Chapter 707 of the Lancaster Code of Ordinances unless a different meaning is clearly indicated by the context.

1139.03 CRITERIA.

Sexually oriented businesses shall be considered a Special Exception in the SI District, subject to the following conditions:

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

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

1139.04 SEVERABILITY.

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

**CHAPTER 1141
Landscaping**

1141.01	Purpose	1141.11	Screening of Mechanical Equipment, Service Areas, Storage Areas, Trash Containers, and Loading Zones
1141.02	Sites Affected		
1141.03	Minimum Landscape Standards		
1141.04	Permitted and Prohibited Tree Species	1141.12	Landscaping for Redeveloped Sites
1141.05	Street Trees and Tree Lawn	1141.13	Landscape – Streetscape Requirements for the CBD
1141.06	Tree Preservation		
1141.07	Parking Lot Screening		
1141.08	Landscaping in Parking Lot Islands		
1141.09	Right-of-Way Setback Landscaping		
1141.10	Buffer Yard Requirements		

1141.01 PURPOSE

The purpose of this Chapter is to improve the beautification of the City of Lancaster and enhance its aesthetics thereby increasing the quality of life for residents. It is further the intent of this Chapter to promote the reasonable preservation and replacement of valued trees and landscaping, to aid in the establishing of ecological balance by contributing to air purification, oxygen regeneration, ground water recharge, and stormwater runoff retardation, and to promote public health and safety through the reduction in noise, air, and visual pollution.

1141.02 SITES AFFECTED

- a) Individual One Dwelling Unit Lots Exempted. Individual one dwelling unit lots are exempt from the requirements of this Chapter following the transfer of ownership from a developer or builder to the homeowner except that one dwelling unit lot owners must maintain and replace street trees with trees on the approved tree list and must comply with vegetative cover requirements in Section 1141.03(a).
- b) New Construction. No Zoning Clearance Permit shall be granted for any new construction of any building, structure or parking lot, unless the landscaping standards in Chapter 1141 are met.
- c) Redeveloped Sites. Landscaping for redeveloped sites shall comply with Section 1141.12. Redeveloped for purposes of this section means the expansion of more than 25% of a building or parking lot or the alteration of more than 25% of the interior of the building.
- d) CBD Development Sites. Landscaping for sites located within the CBD shall comply with Section 1141.13.

1141.03 MINIMUM STANDARDS

- a) Grass (seed or sod), shrubs, trees, garden planting areas or other appropriate landscaping materials shall be planted in all exterior areas. Other groundcover, such as ivy, may be planted in exterior areas which are not occupied by required landscaping material or required for drainage.
- b) All trees required by these regulations, or other applicable standards, shall be live plants and meet the following minimum tree sizes at the time of planting:

<u>Tree Type</u>	<u>Minimum Size at Time of Planting</u>
Deciduous Trees	2-inch caliper
Coniferous	5 feet in height
Shrubs and Hedges	3 feet in height

- c) All plants shall meet or exceed American Standards for nursery stock as set forth by the American Association of Nurserymen.
- d) Artificial plant materials shall be prohibited.
- e) All trees and landscaping shall be well maintained. Dead trees, shrubs and other landscaping material shall be promptly removed and, when required, shall be replaced within six (6) months.
- f) Landscaping shall be planted in a manner so that it does not extend beyond a property line at full growth.
- g) New trees installed under power lines shall be maintained so that there is a minimum overhead clearance of thirty (30) feet.
- h) Landscaping shall be planted and kept trimmed so that it complies with the Visibility at Intersection requirements in Section 1147.16.

1141.04 PERMITTED AND PROHIBITED TREE SPECIES

The City of Lancaster Tree Commission shall establish and adopt an Approved and Prohibited Tree Species list. This list may be amended from time to time by the Tree Commission. All trees required by this Chapter shall adhere to the then current Approved and Prohibited Tree Species list.

1141.05 STREET TREES AND TREE LAWN

- a) In all Zoning Districts, new sites shall plant and maintain street trees along public roadways in compliance with the following:
 - 1) The tree to be planted shall be listed on the Approved Tree Species List adopted by the Tree Commission.
 - 2) One tree shall be provided for every forty (40) linear feet of frontage, or fraction thereof, along each public right-of-way.
 - 3) The minimum spacing between trees shall be forty (40) feet for large trees, thirty (30) feet for medium trees and twenty (20) feet for small trees.
 - 4) The minimum distance between the tree and the edge of the street shall be two and one-half (2.5) feet for a large tree, two (2) feet for a medium tree and one and one-half (1.5) feet for a small tree. In areas where a sidewalk exists or is proposed, the minimum distance between the tree trunk and both the edge of



- the street and the sidewalks shall be two (2) feet for a large tree, two (2) feet for a medium tree and one and one-half (1.5) feet for a small tree.
- 5) The tree location shall be at least thirty (30) feet from street intersections, twenty (20) feet from fire hydrants or utility poles, and ten (10) feet from driveways.
 - 6) A small tree shall be used when planting under or within ten lateral feet of overhead utility wires. A small or medium tree shall be used when planting within ten to 20 lateral feet of overhead utility wires.
- b) **Required Tree Lawn.** A minimum tree lawn shall be established for all new sites involving a new publicly dedicated right-of-way. The required tree lawn shall comply with the following requirements:
- 1) The tree lawn along any new roadway shall be a minimum of nine (9) feet in width.
 - 2) No person shall reduce the width of a tree lawn without first procuring permission from the Tree Commission.

1141.06 TREE PRESERVATION

Reasonable and good faith efforts will be made to preserve existing trees. Consideration shall be given to laying out service roads, lots, structures and parking areas to avoid the unnecessary destruction of wooded areas and individual trees. Additionally, standard tree preservation practices must be used to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.

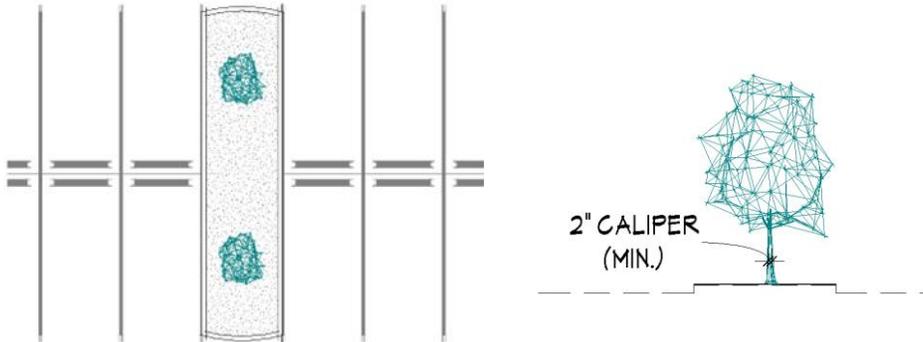
1141.07 PARKING LOT SCREENING

- a) All parking lots within all Districts shall comply with the following parking lot screening requirements:
- 1) Any surface parking areas adjacent to an existing or planned public right-of-way shall be screened from the respective right-of-way with a minimum of a thirty-six (36) inch continuous planting hedge and tree combination.
 - 2) In the CBD District, in lieu of continuous hedge planning, the use of a thirty-six (36) inch decorative wall with fence in conjunction with landscaping may be utilized to effectively screen the parking provided it complies with Chapter 1327 and receives approval of the Historic Lancaster Commission.
 - 3) The height of the required hedge or wall shall be measured from the elevation of the adjacent parking area.
 - 4) The City Planner or designee may waive the parking lot screening requirements when there is a natural separation of at least five (5) feet between the elevation of an existing road and the existing grade of the lot where the parking lot will be located for at least seventy-five (75) percent of the property's frontage along the public right-of-way. This natural separation is deemed to be sufficient to effectively screen the parking from the public right-of-way.



1141.08 LANDSCAPING IN PARKING LOT ISLANDS

All parking islands required in Section 1143.05(b) shall have a minimum of one shade tree with a minimum of 2" in caliper. The remaining area of the landscaped island shall be planted with grass or covered with stone.



1141.09 RIGHT-OF-WAY SETBACK LANDSCAPING

Example: Parking Island with stone material

Right-of-way setback landscaping is required for all new sites abutting an arterial or collector road, except for those located within the TR, CBD and CN Districts. Throughout the setback area along an existing or planned public right-of-way, there shall be a minimum of four (4) trees per one hundred (100) linear feet. Trees may be deciduous, coniferous or a combination thereof. This requirement shall not apply in the areas of ingress and egress, or to existing trees which are undisturbed by the project.



Example: Setback Landscaping

1141.10 BUFFER YARD REQUIREMENTS

Buffer Yard and Screening Requirements. The following buffer yard and screening requirements apply as follows:

District of Proposed Use	Abutting District	Yard	Buffer Yard Width (Feet)*	Min. # of trees per 50 lineal feet*** adjoining lot lines must include the following:		
				# of Large Trees (a)	# of Small Trees (b)	# of Shrubs (c)
TR**	RE;R-LD; R-MD	Side or Rear	10	2	3	17
CBD	RE; R-LD; R-MD; TR	Side or Rear	20	3	5	25
CN	RE; R-LD; R-MD; TR	Side or Rear	20	3	5	25
CG, SI	RE; R-LD; R-MD; TR	Side or Rear	20	3	5	25
AM	RE; R-LD; R-MD; TR	Side or Rear	45	4	10	33
AM	CBD, NB, GB, SI	Side or Rear	N/A	N/A	N/A	N/A

Minimum Spacing Requirements

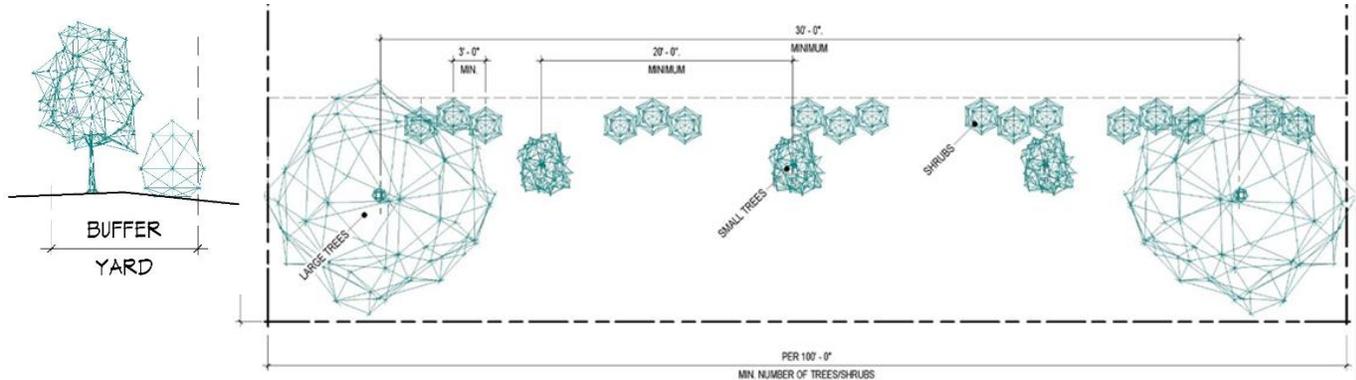
- (a) Planted 25 feet on center
- (b) Planted 10 feet on center
- (c) Planted 3 feet on center

*A six-foot tall buffer fence may be utilized may take the place of shrubs. For purposes of this section, a Buffer Fence is a fence constructed of brick, stone, treated wood, painted rustproof metal, chain link with vinyl or metal screening inserts, vinyl, or other commercially produced synthetic fencing material so long as it is durable, uniform, and attractive. Opaque gates matching the type, height, etc. of the fence shall be provided for access. The use of chain link fencing or gates with mesh screening, tarps, and similar materials shall not be considered as Buffer Fence.

**These buffer requirements do not apply when a proposed one-unit dwelling in the TR District will abut another one-unit dwelling.

***If adjoining lots have less than 100 lineal feet, utilize the spacing standards above to determine the number of plantings required on a prorated basis. For lots with more than 100 lineal feet, all units of 100 lineal feet must meet the buffer standard in the chart, and the fractional remainder will be determined using the minimum spacing requirements above.

Example shows AM adjacent to RE District:

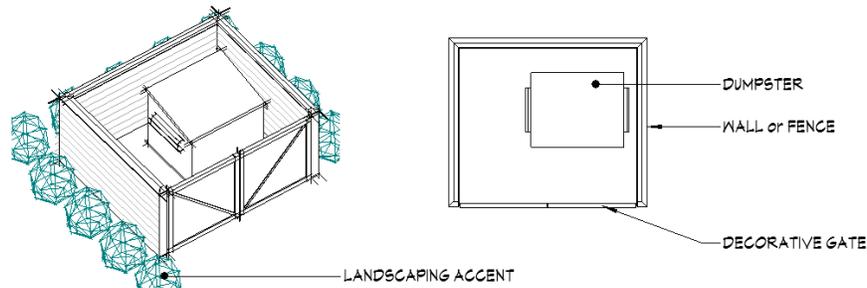


1141.11 SCREENING OF MECHANICAL EQUIPMENT – SERVICE AREA – STORAGE AREAS – TRASH CONTAINERS – LOADING ZONES

- a) Mechanical Equipment. All external mechanical equipment in all Districts, except the RE; R-LD, R-MD, and one or two unit dwellings in the TR Districts, shall be screened from adjacent existing or planned public rights-of-way or when located adjacent to a District that permits one unit residential dwellings. Said screening shall comply with one of the following requirements:
 - 1) A wall or fence that is a minimum of one foot taller than the mechanical units to be screened. Said wall or fence must be constructed with the same or similar materials as those used on the principal building; or
 - 2) A landscape screen that consists of evergreen trees that are a minimum of one (1) foot taller than said mechanical units at the time of installation. The evergreen trees or shrubs shall be installed in linear fashion around all sides of the mechanical unit(s) and shall have a maximum spacing of twelve (12) linear feet between each tree.
 - 3) Rooftop mechanicals shall be screened by a parapet wall or other similar screening mechanism that extends a minimum of one foot above said mechanical units.
- b) Service Areas, Production Areas, Storage Areas, Trash Containers, and Loading Zones. All production areas, service areas, storage areas, trash containers and loading zones for all uses in all Districts shall be located at the rear or the side of the building. They shall be effectively screened on all sides from all adjacent property lines, existing or planned public rights-of-way and private streets as follows:
 - 1) Production areas, service areas, and loading zones: Screening of such areas shall consist of either landscaping or a minimum 6-foot wall accented with landscaping materials that extends the entire length of the production area, service area of loading zone. Screening consisting of walls shall utilize the same or similar materials as those used on the principal building. When landscaping is utilized in lieu of a wall, it shall consist of evergreen trees that are a minimum of six (6) in height at the time of installation and spaced a maximum of twelve (12) feet between each tree.
 - 2) Trash containers and storage areas: Trash containers and storage areas shall be screened on three sides with a solid wall or fence that is a minimum of one foot taller than the trash container or the material within the storage area to be screened. Said wall or fence must be constructed with the same or similar materials as those used on the principal building and must be accented with landscaping for the entire screening perimeter. So that the trash container or storage area can be accessed, a

solid, decorative gate of the same height as the wall/fence shall be utilized as screening on the fourth side of said trash container or storage area.

- 3) Accent landscaping, as utilized in this section, means shrubs planted no more than five feet apart and adjacent to the entire perimeter of the fence or wall utilized to screen the production area, service area, loading zone, or trash storage area as required by this section.



1141.12 LANDSCAPING FOR REDEVELOPED SITES

The redevelopment of existing sites is key to furthering the City's goals of maintaining a healthy economy. Existing parking lots that do not comply with current screening and landscape standards present unique challenges. Imposing the same landscaping requirements to redeveloped sites as for new sites could become cost prohibitive and discourages the reinvestment into the community. The purpose of this section is to apply minimal landscaping requirements to enhance these existing properties. This section also promotes an urban tree canopy, assists with reducing the amount of impervious surfaces and fosters strong neighborhoods with successful commercial Districts.

This section applies only to sites where the property is being redeveloped. Redeveloped for purposes of this section means the expansion of more than 25% of a building or parking lot or the alteration of more than 25% of the interior or exterior of the building. Furthermore, existing buildings, structures or parking lots that are maintained in their existing lawfully existing condition upon the adoption of this Ordinance can continue as non-conforming use in accordance with Section 1153.05.

In lieu of the landscaping requirements in Sections 1141.05-1141.10, the following regulations shall apply when a property is being redeveloped:

- a) When a site is redeveloped, it shall provide a minimum of 100 square feet of landscaping for every 3,500 square feet of parking lot area. These landscaped areas shall be clustered and placed strategically within the parking lot to provide visual curb appeal as approved by the City Planner or designee. Any decision of the City Planner or designee on visual curb appeal may be submitted to



the Board of Zoning Appeals in accordance with Section 1157.07.

- b) The requirements of Section 1141.11 shall apply to the redevelopment of property.
- c) The requirements of Section 1141.03 and 1141.04 shall apply to any landscaping required or otherwise provided on redeveloped sites.

1141.13 LANDSCAPE – STREETSCAPE REQUIREMENTS FOR THE CBD

Historically, commercial buildings in the Central Business District are built to the setback, meaning that the buildings are constructed on or extremely close to the front lot line, leaving minimal area for significant landscaping or open space typically required for new development sites. In lieu of the landscaping requirements in Sections 1141.06-1141.10, The Landscaping – Streetscape Requirements for the CBD have been established to scale the landscaping to a traditional downtown setting and to create an attractive pedestrian streetscape. The following standards shall apply to all CBD sites, unless otherwise modified by the Historic Lancaster Commission when a site is located within the Historic Lancaster District.

- a) When a front setback is less than three (3) feet, no landscaping shall be required between the front building façade and the front lot line.



Photo credit: City of Dover, New Hampshire – Architectural and Urban Design Guidelines

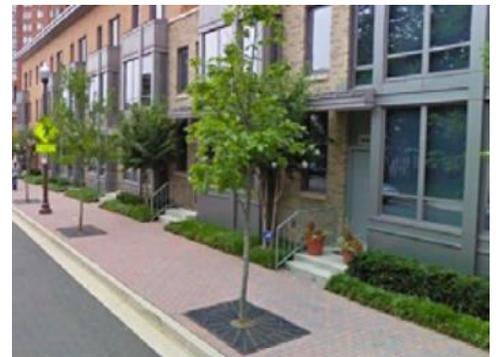
- b) When the front setback is between (3) and ten (10) from the front property line, the front setback shall include one of the following:

- 1) A minimum of two shrubs for every twenty (20) lineal feet of building façade. These shrubs can be clustered/offset or planted in a continuous hedgerow; or
- 2) An ornamental fence or a decorative wall not exceeding three (3) feet in height and extending for the entire length of the front building façade. Outdoor seating may be provided in this area. A break in the fence may be allowed in order to provide adequate pedestrian ingress/egress to the building.
- 3) One planter box for every twenty (20) feet of front building façade. Each planter box shall have a minimum soil capacity of 10 gallons and shall be planted and maintained with all season plant material to ensure year-round curb appeal. All season plant material shall be defined as those plant materials listed on the Approved Decorative Planter List, as approved by the Lancaster Historic Commission. The Approved Decorative Planter List shall apply



Example of clustered/offset shrubs

Photo credit: City of Dover, New Hampshire – Architectural and Urban Design Guidelines



Example of continuous hedge row

Photo credit: City of Dover, New Hampshire – Architectural and Urban Design Guidelines

to all properties within the Central Business District including those outside of the Historic Lancaster District.

- 4) A combination of any of the three above options may also be approved by the City Planner.

5)



Example ornamental fencing with optional outdoor seating

Photo credit: City of Dover, New Hampshire – Architectural and Urban Design Guidelines



Example of planter box:

Photo Credit: www.cityplanter.com

- c) **Parking Lot Screening.** Any surface parking area adjacent to a public right-of-way shall be screened from the respective right-of-way using one of the following methods:

- 1) A thirty-six (36) inch tall, continuous planting hedge and tree combination; or
- 2) A thirty-six (36) inch tall decorative wall with fence in conjunction with landscaping; or
- 3) A thirty-six (36) inch tall, continuous decorative planter with lattice or other similar design. The decorative planter shall be planted and maintained with flowers that are listed on the Approved Decorative Planter List, as approved by the City Tree Commission.



- 4) The height of the required screening shall be measured from the elevation of the adjacent parking area to the top of the screening material.

- d) **Tree Wells.** Tree wells are strategically located within the sidewalks along various streets within the CBD. If the site is located in an area where such tree wells are provided, then no additional street trees shall be required. Otherwise, the site shall comply with the Street Tree requirements in Section 1141.05.

- e) **Buffer Yard.** Whenever a proposed use within the CBD abuts the RE, R-LD, R-MD or a one unit dwelling in the TR District, a buffer yard that is a minimum of 20 feet in width shall be provided. It shall contain a minimum of 3 Large Trees, 5 Small Trees, and 25 Shrubs.

- f) The requirements of Section 1141.03 and 1141.04 shall apply to any landscaping required or otherwise provided on sites in the CBD.

Example of decorative wall with fence



Example of decorative planter with lattice

www.aliexpress.us

CHAPTER 1143
Parking, Loading Spaces, Access and Vehicular & Pedestrian Connectivity

1143.01	Purpose	1143.10	Shared Parking
1143.02	Applicability of Requirements	1143.11	Schedule of Required Off-Street Parking Spaces
1143.03	General Requirements	1143.12	Drive Thru Stacking Requirements
1143.04	Parking Lot Location	1143.13	Parking of Commercial Vehicles in Residential Districts
1143.05	Parking Bays	1143.14	Electrical Vehicle Charging Stations
1143.06	Design Standards for Off-Street Parking Areas	1143.15	Access and Vehicular & Pedestrian Connectivity
1143.07	Special Event Parking		
1143.08	Design Standards for Off-Street Loading Areas		
1143.09	Parking in the (CBD) Central Business District		

CROSS REFERENCES

Parking generally - see TRAF. Ch. 351

1143.01 PURPOSE

Parking lot areas shall be designed and constructed to minimize the visual impact of the parking area, minimize production of excess heat and prohibit any adverse effects on drainage. Appropriately sized landscaped areas shall be provided within each parking lot area allowing for a variety of shade trees to be planted. In order to accomplish these goals, all off-street parking lot areas shall be designed and constructed using the "Parking Bay" concept, which consists of parking spaces grouped together, with each Parking Bay separated by landscaped tree islands.

1143.02 APPLICABILITY OF REQUIREMENTS

Unless otherwise noted, these parking standards apply to all uses in all Districts. The off-street parking and off-street loading facilities whether they are principal uses, accessory uses, or a change of use, shall meet the requirements of this Chapter as follows, unless modified by Section 1143.10 and Section 1157.05.

- a) For all buildings and structures erected and all uses of land established after the effective date of this Code, parking and loading facilities shall be provided as required by the applicable use unit.
- b) When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.
- c) Except as noted herein, whenever the existing use of a building or structure shall hereafter be changed to a new use, parking and loading facilities shall be provided as

required for such new use. However, if the existing use is non-conforming as to parking requirements, then parking requirements for the change in use shall be established by the Board of Zoning Appeals.

- d) Accessory off-street parking and loading facilities in existence on the effective date of this Code and located on the same lot as the building or use served shall not hereafter be reduced below or if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this Code.

1143.03 GENERAL REQUIREMENTS

- a) Off-street parking and off-street loading facilities shall not occupy required livability space. Space allocated to any required off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities. Space allocated to any required off-street parking shall not be used to satisfy the space requirements for any off-street loading facilities.
- b) Required off-street parking spaces and required off-street loading spaces shall not be used for the storage, sale, dismantling, or servicing of any vehicle, equipment, materials or supplies.
- c) Required off-street parking spaces and required off-street loading spaces shall be located on the lot containing the use for which the required spaces or spaces are to be provided except as modified by Section 1143.10.
- d) In the CN, CB, SI and AM Districts, all off-street parking spaces shall be designed in a manner that allows each space to be entered and exited without passing through another parking space. Stacked parking may be allowed in the Central Business District with the approval of the Board of Zoning Appeals.
- e) Parking spaces provided inside of a garage that are dedicated to the principal use of the property shall count towards the parking space requirements.

1143.04 PARKING LOT LOCATION

All parking lots shall be located in accordance with the parking lot location requirements as noted in the development standards table for each District.

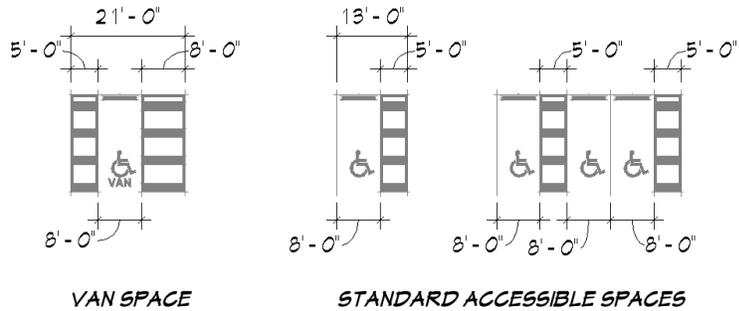
1143.05 PARKING BAYS

- a) All new sites shall provide parking bays within the parking lots. No parking bay shall contain more than twenty-four (24) parking spaces, with a maximum of twelve (12) spaces in a single row in the CN and CG Districts. In the SI and AM Districts, no parking bay shall contain more than forty-eight (48) parking spaces, with a maximum of twenty-four (24) spaces in a single row. Each parking bay shall be separated by a parking lot island on each side.
- b) Parking Lot Islands: Each landscape island in a single loaded parking stall design shall have a minimum area of one hundred sixty-two (162) square feet with a minimum width of nine (9) feet. Each landscape island in a double loaded parking stall design shall have a minimum of three hundred twenty-four (324) square feet with a minimum width of nine (9) feet and shall be landscaped in accordance with Section 1141.08.
- c) Parking bays are not required for property being redeveloped. For purposes of this section, redeveloped means the expansion of more than 25% of a building or parking lot or the alteration of more than 25% of the interior or exterior of the building.

1143.06 DESIGN STANDARDS FOR OFF-STREET PARKING AREAS

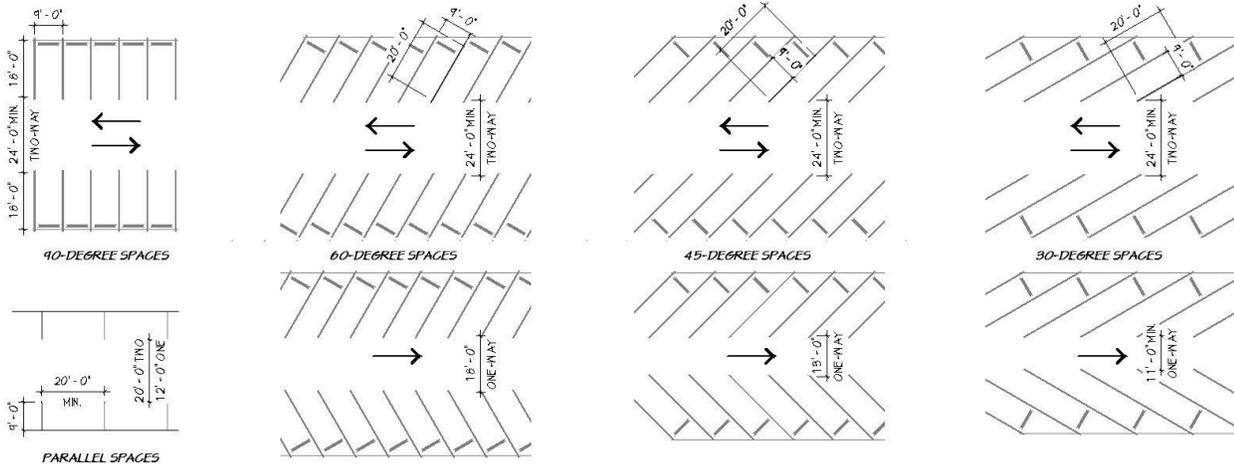
The following standards shall apply:

- a) All off-street parking spaces shall have a vertical clearance of at least six (6) feet six (6) inches;
- b) All parking areas, common areas and adjacent driveways in all Districts shall be paved with asphalt material, cement, cobblestone, or brick pavers and parking spaces shall be striped. The use of gravel or asphalt grindings for parking lots or driveways shall be prohibited. All vehicles in all Districts shall be parked on paved driveways or parking areas and shall be prohibited from being parked in grass or other unpaved areas of lots. Required off-street parking material shall be installed prior to the initiation of the use, unless an extension is granted based upon weather or unusual circumstances as determined by the City Planner or designee. This requirement does not apply to Special Event Parking as regulated in Section 1143.07.
- c) Off-street parking spaces shall be at least nine (9) feet in width and eighteen (18) feet in length exclusive of access drives and aisles.
- d) All off-street parking spaces shall be designed in accordance with Parking Table - 1.
- e) Handicap accessible parking spaces shall be provided in accordance with the Americans with Disabilities Act requirements and Ohio Building Code.



Parking Table - 1

Angle ³	Parking Row Depth	Drive Aisle Width		Space Width ²	Space Length
		One-Way	Two-Way		
	(A)	(B)	(C)	(D)	(E)
Parallel	9'	12'	20'	9'	20'
30°	17' ¹	11'	24'	9'	20' ¹
45°	20' ¹	13'	24'	9'	20' ¹
60°	21' ¹	18'	24'	9'	20' ¹
Perpendicular	18' ¹	24'	24'	9'	18' ¹
Tandem (two spaces)	18' ¹	14'	24'	9'	36' ¹



1143.07 SPECIAL EVENT PARKING

Special event parking areas shall comply with the following conditions:

- a) Special event parking shall not be used for more than thirty (30) days in any calendar year.
- b) Special event parking cannot occur for more than fifteen (15) consecutive days during any thirty (30) day period.
- c) Special event parking shall be set back at least fifty (50') feet from any off-site lot in any R District or any residential development area in a PUD.
- d) Special event parking areas shall be on the same lot(s) approved for the principal use to which they are accessory.

1143.08 DESIGN STANDARDS FOR OFF-STREET LOADING AREAS

- a) All off-street loading spaces must be located to the side or rear of the principal structure and screened in accordance with Section 1141.07 and are prohibited within any front yard.
- b) Required off-street loading spaces shall be provided access to and from a public street or alley by an access drive of at least ten (10) feet in width designed to permit convenient access by semi-trailer trucks.
- c) An off-street loading space shall consist of a rectangular area adequate for loading and unloading and be accessible from a maneuvering area.
- d) All off-street loading spaces and maneuvering areas shall be located on the same lot as the use they are intended to serve.
- e) A required off-street loading space shall have a clearance height of not less than 15 feet and shall have minimum dimensions of not less than 12 feet in width and 50 feet in length, exclusive of any driveway, aisle, or other circulation area.
- f) All unenclosed off-street loading areas, common areas and adjacent driveways shall be paved with asphalt material, cement, cobblestone, or brick pavers and parking spaces shall be striped.
- g) The number of off-street loading spaces required for various types of uses shall be no less than as set forth in the following:

CN, CG, and SI Districts: Each use in these Districts shall provide loading spaces based on gross floor area as follows:

Less than 5,000 square feet – none required

5,000 to 250,000 square feet = one space

Over 250,000 square feet = one space for each 250,000 square feet or portion thereof.

AM District: Each use in this District shall provide loading spaces based on gross floor area as follows:

Under 10,000 square feet = none.

10,000 square feet or more but less than 75,000 square feet = one space.

75,000 square feet or more but less than 150,000 square feet = two spaces.

150,000 square feet or more but less than 300,000 square feet = three spaces

Over 300,000 square feet = one space for each 100,000 square feet or portion thereof.

The loading space requirements for buildings with multiple uses or tenants shall be determined based on the aggregate total of gross floor area of all uses or tenants.

1143.09 PARKING IN THE (CBD) CENTRAL BUSINESS DISTRICT

- a) The (CBD) Central Business District is characterized by higher development density, small lots, and minimal building setbacks. Historically, a significant portion of the parking needs of this area has been provided by on-street parking, an option that is typically not available for suburban-type locations. For this reason, special parking regulations are warranted.
- b) A specific number of off-street parking spaces is not required as long as the property is within one thousand (1,000) feet from sufficient on-street parking spaces or a public parking facility that has adequate capacity to serve the use(s) on the property, as determined by:
 - 1) the Historic Review Commission if located within the Historic Overlay; or
 - 2) the Board of Zoning Appeals, if outside of the Historic Overlay.

Otherwise, the site must follow the required parking spaces as specified in Section 1143.11.

- c) When 1143.09(b) cannot be met and off-street parking spaces are required in accordance with Section 1143.11, two (2) or more uses within the CBD District may meet the parking requirements by complying with the Shared Parking Requirements in Section 1143.10. Additionally, if bicycle parking is provided, the number of required spaces can be reduced at the ratio of one (1) automobile off-street parking space for every six (6) bicycle spaces provided.

1143.10 SHARED PARKING

- a) In any District, when a mix of uses creates staggered peak periods of parking (see Parking Table - 2), the total parking requirements for the uses may be reduced provided a shared parking plan is submitted and approved as a Special Exception by the Board of Zoning Appeals.
- b) The shared parking plan must be based upon the number of originally required spaces for differed uses or facilities sharing the same parking area and documentation that the required parking needed for different uses is at different days and times generally based upon Table 2.
- c) Parking spaces included in the shared parking plan must be distributed in a manner that provides parking spaces within a reasonable distance from all proposed uses as determined by applicable reviewing entity.
- d) Shared parking must remain under common ownership providing access to all users of the shared parking. If common ownership is not proposed, the applicable approving authority may require documentation of shared access agreements to be provided.

Parking Table - 2

<u>Weekday Peaks</u>	<u>Evening Peaks</u>	<u>Weekend Peaks</u>
Banks	Bars	Retails Uses
Professional Offices	Ice Cream Shops	Movie Theaters
Medical Offices	Restaurants	Residential
Library	Movie Theaters	
Daycare	Residential	
Coffee Shops		
Restaurants		

1143.11 SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES

All uses within all Districts shall comply with the number of off-street parking spaces requirements specified herein. These standards are being established to encourage efficient use of parking areas by establishing a maximum number of spaces required and permitting sensible shared parking to reduce Impervious Surfaces and increase green space. The Total Number of Required Parking Spaces shall be calculated for each separate use on the lot. In no case shall the total number of parking spaces for a particular use be less than the Minimum nor more than the Maximum Number of Required Parking Spaces for said use based upon the below chart. When calculating the required number of spaces, fractional numbers shall be increased to the next whole number.

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Parking Table - 3 – Required Off-Street Parking Spaces

Use	Minimum Number of Required Parking Spaces	Maximum Number of Required Parking Spaces
General Business - Personal Services – Institutional - Office not otherwise specified herein	1 space per 500 square feet	1 space per 225 square feet
Daycare/School	1 space for every 7 children and 1 space for each employee on the largest shift	1 space for every 5 children and 1 space for each employee on the largest shift
Hospital/Nursing Home/Hospice – other than medical offices	1 space for every bed plus 1 space for each employee on largest shift	1 space for every bed, 4 spaces for every 1,000 square feet of inpatient treatment area, and 5 parking spaces for every 1,000 square feet of outpatient treatment area
Hotel/Motel	1 space per room	1.5 spaces per room
Movie Theater – Places of Assembly	.25 spaces per seat or 1 space per 40 square feet	.3 spaces per seat or 1 space per 30 square feet
Restaurants, Bars, Coffee and Ice Cream Shops	1 space per 100 square feet	1 space per 75 square feet
Recreational Uses		
Mini-Golf, Batting Cage	1 per tee or cage	1.5 per tee or cage
Bowling Alley	3 per lane	4 per lane
Recreation/Fitness Centers	7 spaces per 1,000 square feet	8 spaces per 1,000 square feet
Outdoor recreation fields	50 per field	75 per field
Ice Skating Rink or other recreational use not specified herein	1 per 200 square feet	1 per 150 square feet

Use	Minimum Number of Required Parking Spaces	Maximum Number of Required Parking Spaces
Industrial Uses not otherwise defined below	1 space per 2,500 square feet	2 spaces per 2,500 square feet
Flex-Office/Flex-Warehouse/Advanced Manufacturing	2 spaces per 1,000 square feet	2.5 spaces per 1,000 square feet
Logistics/Warehouses/Data Processing Center/Contractor's office/Machine Shop/ Equipment Repair	1 space per employee on largest shift plus 1 space per vehicle stored on site	1.5 space per employee on largest shift plus 1 space per vehicle stored on site
Residential, One- and Two-Family Units	1 space per unit	2 spaces per unit
Assisted Living Facilities	1 space for every 2.5 Dwelling Units plus 1 space for every 2 employees	1 space for 2 Dwelling Units plus 1 space for every 2 employees on largest shift
Independent Senior Living Facilities/Adult Group Homes	.85 spaces per Dwelling Unit	1 space per Dwelling Unit
Multi-Family Dwelling Units, Townhomes	1 Space per Dwelling Unit	3 spaces per Dwelling Unit
Note: Utilize gross square footage whenever there is a reference to square feet		

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1143.12 DRIVE THRU STACKING REQUIREMENTS

Drive thrus are considered Automobile Oriented Uses and require a Special Exception permit from the Board of Zoning Appeals.

- a) The following criteria shall be utilized by the Board of Zoning Appeals when approving a Special Exception permit for a drive thru.

Activity	Minimum Stacking Spaces (per lane)	Measured From and Including
Banks and ATMs	3	Teller/Window or ATM machine
Restaurant, Coffee Shop, or other similar use	8	First pick up window
Full Service Car Wash*	20	Entrance of tunnel
Self Service – Automated Car Wash*	4	Washing Bay
Fuel/Gasoline Pump Island	1	Pump Island
Other -Not specified	As determined by the Board of Zoning Appeals	

*BZA shall also ensure adequate spaces are provided at the end of the tunnel or wash bay for the drying and vacuuming of vehicles.

- b) Design and Layout:
 - 1) Pump spaces can count toward the stacking space requirement.
 - 2) Stacking spaces shall be a minimum of nine (9) feet by twenty (20) feet in size.
 - 3) Stacking spaces may not impede on- or off-site traffic movements or movements in or out of off-street parking spaces. There shall be a separate drive aisle allowing ingress and egress of vehicles that are not waiting in the drive thru lanes.
 - 4) Stacking spaces shall be separated from other internal driveways by surface markings or raised medians.
 - 5) These stacking space requirements shall be in addition to the off-street parking space requirements.
 - 6) When adjacent to the RE, R-LD, or R-MD Districts, stacking spaces shall be required to be located on sides of the lot opposite the adjacent residential use.

1143.13 PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS

- a) No commercial tractor, truck, trailer or commercial automobile weighing more than 8,000 pounds shall be parked, stored or allowed on any lot or parcel of land or on the street in any residential District.
- b) This section shall not apply to such vehicles used for conveying the necessary tools and materials to premises where labor using such tools and materials is to be performed during the actual time of parking of such vehicles, nor to the actual time during which such vehicles are being loaded or unloaded or used to deliver or hoist property or merchandise for completion of delivery as long as such activities referred to in this provision are conducted diligently and without unnecessary delay.

1143.14 ELECTRICAL VEHICLE CHARGING STATIONS

- a) The purpose of this section is to encourage electrical vehicle charging stations but not require them.
- b) To promote the installations of these stations, the total number of required automobile off-street parking spaces required by this code shall be reduced by two (2) automobile off-street parking spaces for every one (1) electric vehicle space with a charger provided.

1143.15 ACCESS, VEHICULAR & PEDESTRIAN/BIKEWAY CONNECTIVITY

- a) New sites shall be designed to provide for vehicular and pedestrian connectivity between adjoining properties.
- b) Vehicular Connectivity.
 - 1) Parking lots for new sites in the RM, CN, CG, SI and AM Districts shall provide a future connection point to each adjacent parcel that has the potential to develop or redevelop in the future, as determined by the City Planner or designee. If an adjacent parcel has an established connection point, the new site shall be required to connect to it. Cross access easements shall be provided when adjacent parking lots are connected.
 - 2) New roads established for residential developments in the RE, R-LD, or R-MD Districts shall provide for the future extension and connection to adjoining properties in accordance with Part Eleven – Title One, Subdivision Regulations.
- c) Pedestrian Connectivity.
 - 1) All new sites and redeveloped sites in all Districts shall provide a five (5) foot sidewalk adjacent to the public street when such sidewalk does not exist. The City Planner or designee may require a ten (10) foot multi-use path (MUP) in lieu of the five (5) foot sidewalk, when necessary to connect to an existing MUP.
 - 2) Additionally, any proposed new development or redevelopment of a Multi-Family, Commercial or Industrial Use or any single-family development that contains 5 or more new or redeveloped lots shall provide a Pedestrian and Bikeway Study. This study shall show all existing Pedestrian and Bicycle Accommodations within 0.25-mile buffer around the entire site (“study area”). For purposes of this Ordinance, Pedestrian and Bicycle Accommodations shall include all existing sidewalks, crosswalks, pedestrian signals, pedestrian push buttons, bike lanes and trails, sidewalk buffers, on-street parking, medians, and transit stops within the study area. This study shall be prepared and stamped by a Professional Engineer and submitted with the application for a Zoning Clearance Permit for review by the City Engineer. The City Planner or designee shall require the applicant to install any on-site Pedestrian and Bicycle Accommodations as deemed necessary by the City Engineer to increase connectivity and safety of pedestrians and cyclists as part of the Zoning Clearance Permit.

CHAPTER 1145 Sign Regulations

1145.01	Purpose	1145.11	Drive Thru Signs
1145.02	Regulations That Apply to All Signs	1145.12	Way Finding Signs
1145.03	Prohibited Signs	1145.13	Total Maximum Square Footage for All Signs
1145.04	Types of Signs	1145.14	Billboards
1145.05	Ground Mounted Signs	1145.15	Entry Feature Signs
1145.06	Wall Signs	1145.16	Sign Lighting
1145.07	Projecting Signs	1145.17	Temporary Signs
1145.08	Canopy Signs	1145.18	Changeable Copy and Electronic Message Displays
1145.09	Window Signs	1145.19	Murals
1145.10	Projecting Signs	1145.20	Sign Permits and Administration

1145.01 PURPOSE

Signs are an important mode of communication and should be permitted where safely and appropriately integrated into the surrounding areas within the City of Lancaster. This Chapter identifies various types of signs and the Zoning Districts in which each type of sign would be suitable. This Chapter also establishes time, place, and manner standards to help appropriately integrate the signs into the intended design and character of each Zoning District. It is further the intent of this Chapter to prevent signs from becoming a distraction or obstruction to the safe and efficient flow of pedestrian and vehicular traffic and to prevent signs from having an adverse impact on adjacent properties or uses to help promote the health, safety and welfare of the citizens of the City of Lancaster.

1145.02 REGULATIONS THAT APPLY TO ALL SIGNS

- a) The following regulations apply to all Signs within the City of Lancaster:
- 1) Unless otherwise exempted, a Zoning Clearance Permit shall be obtained prior to erecting any sign in any District. The following types of signs are exempt from obtaining a Sign Permit:
 - i. Signs not exceeding four (4) square feet in area that are customarily associated with a residential use. Signs associated with home occupations and/or special exceptions within said residential Districts shall not be exempt from these regulations.
 - ii. Signs erected by a governmental entity for a recognized public purpose and duly authorized by any law, statute or ordinance. Such signs include legal notices and traffic control devices, provided such signs carry no supplementary advertising.
 - iii. Signs that are on the inside of a structure or building that are not affixed to the window and are typically not visible from outside the window. This does not include:
 - 1) Signs that are not affixed to the window but can be seen from outside the window. Such signs shall be considered as Temporary

- Signs as defined in Chapter 1161 and shall be regulated per 1145.17.
- 2) Signs that are physically affixed to or painted on to the window – such signs are considered Window Signs as defined in Chapter 1161 and shall be regulated per Section 1145.09.
 - iv. Signs which are in the nature of cornerstones, commemorative tables and historic designation, provided such signs are less than twelve (12) square feet in size and not illuminated.
 - v. Signs clearly in the nature of decorations customarily associated with a national, local or religious holiday. Such signs shall be of any illumination or animation provided that a safety and/or visibility hazard is not clearly created.
 - vi. Flags or insignias of any governmental entity when not displayed as an advertising device or in connection with any commercial promotion.
- 2) In all Districts, except the AG, RE, R-LD, and R-MD, a Comprehensive Sign Package, as defined in Chapter 1161, shall be provided prior to the issuance of any Sign Permit. A sign shall comply with the Comprehensive Sign Package for said parcel(s) and these regulations in order for a Sign Permit to be issued.
 - 3) All signage and graphics shall be carefully coordinated with the building and architecture.
 - 4) Each building and unit, if applicable, shall have an address number that is clearly visible from the public right-of-way. Such signs shall not require a permit.
 - 5) No sign shall extend into the right-of-way, unless the City Engineer determines, upon demonstration from the applicant, that due to the location of the building or other physical characteristics of the lot, the erection of an alternate sign outside the right-of-way is not feasible. In such cases, said signs shall comply with the City of Lancaster Right-of-Way Ordinance - Chapter 901 *Management, Administration, and Control Ordinance Governing the Use of Public Rights-of-Way* - and a right-of-way permit shall be obtained.
 - 6) Small temporary signs as defined in Chapter 1161 provided said signs are located outside of the right-of-way and comply with Section 1145.17.
 - 7) All signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as to not constitute a safety hazard. The construction and installation of all signs shall be subject to inspection by the City and/or State of Ohio.
 - 8) Signs shall be maintained in good repair. Such maintenance and repair including, changes of copy, shall be permitted provided the size and structural shape of the sign is not changed or altered.
 - 9) Non-conforming signs shall be governed as a non-conforming structure subject to Section 1153 of this Ordinance.
 - 10) If any sign is found, upon inspection by the City Planner or designee, to constitute a hazard to public safety, such sign shall be subject to immediate removal by order of the City Planner or designee.
 - 11) No person or company shall install a sign requiring a permit unless the sign installer is a Registered Contractor with the City of Lancaster. The City may revoke a registration for failure to conform to all parts of this chapter. A registration fee shall be required of persons or companies installing a sign that requires a permit.
 - 12) Enforcement and Penalty – The enforcement and penalty of this Article shall be subject to Chapter 1155 of this Ordinance.

1145.03

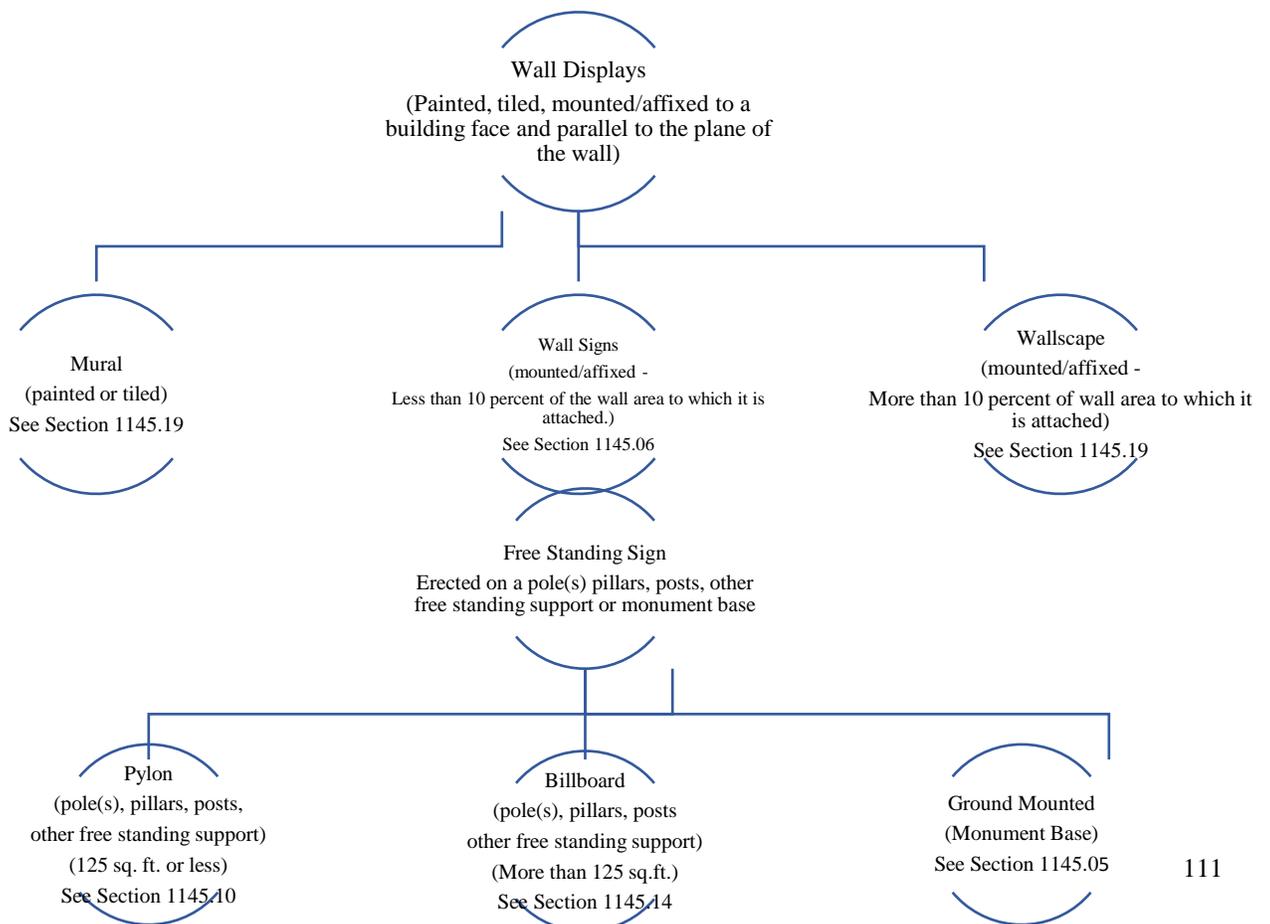
PROHIBITED SIGNS

- a) Any sign painted directly on the surface of a fence.

- b) Roof signs or roof mounted signs shall be prohibited. No part of any sign shall extend higher than the eave of any building, except when placed on the parapet of a building.
- c) Any sign that resembles or is intended to resemble a traffic control device, or is located in such a manner so as to obscure or impact the effectiveness of such traffic control device or signal, pursuant to Ohio R.C. 4522.26 and Section 313.07 of the Codified Ordinances of the City of Lancaster.
- d) Any permanent or temporary sign located on a utility pole, public sign post or otherwise displayed within the public right-of-way, pursuant to Section 541.09 of the Codified Ordinances, except as may be specifically controlled herein.
- e) Feathered flags.
- f) Any sign that obstructs any part of a direct access doorway, exit or fire escape.
- g) Portable displays or mobile signs that are not anchored or secured so as to prevent collapse or unintended movement.
- h) Any sign located within the Sight Visibility Triangle in Section 1147.16.
- i) Gas or air filled devices, revolving or rotating signs, exposed neon signs, exposed LED signs, signs with flashing messages or bare bulbs, flashing or high intensity lights mounted on a sign, signs on backlit awnings, signs with moving text or pictures, bench signs, and trailer signs.
- j) Off-Premises signs.

1145.04 TYPES OF WALL AND FREESTANDING SIGNS

The following graphic summarizes the various types of wall displays and freestanding signs. This graphic is for illustrative purposes only. The definitions for each type of signs Chapter 1161. The size, height and setback requirements (time, place and manner regulations) in this Chapter also apply to each type of sign (see referenced section numbers for application regulations).



1145.05 GROUND MOUNTED SIGNS

- a) Sign Table – 1 lists all Zoning Districts in which ground mounted signs are permitted. If a Zoning District is not listed, ground mounted signs are considered prohibited in said District. All ground mounted signs shall comply with the time, place and manner regulations Sign Table - 1. A sign permit shall be obtained prior to installing said sign.
- b) The maximum square footage in Sign Table – 1 applies to each sign face, and each sign face shall count towards the maximum size of the sign and total maximum square footage of all signs. There shall be a maximum of two (2) sign faces per sign.
- c) All ground mounted signs shall have a solid base consistent with the primary building material and have a minimum of fifty (50) square feet of landscaping around all sides of the ground mounted sign. Sign shall be affixed directly to a base having a width at least equal to that of the sign.
- d) Ground mounted signs shall not be permitted along rear access roads.
- e) The architecture of the sign base and sign face shall be coordinated with the overall architecture of the building(s) on the property.

Sign Table – 1 - Ground Mounted Signs

	Districts				
	RM When associated with a Special Exception	CBD	CN	CG, SI, AM	PUD
Maximum Number of Signs Permitted Per Public Road Frontage	1	Prohibited	1	1	Per Approved Development Plan
Maximum Square Footage	12		20	40	Per Approved Development Plan
Maximum Height (Feet)	6		6	8	Per Approved Development Plan
Setback Minimum Distance from ROW (Feet)	10		10*	20*	Per Approved Development Plan

*The following roads are existing developed corridors where new signs should be strategically placed to fit within the existing character of the area.

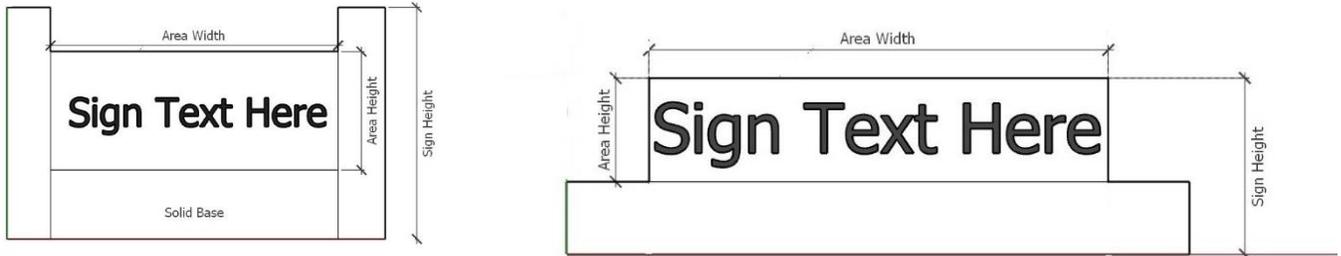
1. East Main Street from intersection of Pearl Avenue to the intersection of Kanawha Road.
2. Memorial Drive from the intersection of Main Steet Road to the intersection of Ety Road.
3. West Fair Avenue from the intersection of Memorial Drive to the intersection of Pierce Avenue.

Within these corridors, the City Planner or designee may administratively approve a sign that does not meet the minimum setback requirement for the applicable Zoning District as defined in Sign Table 1, provided any of the following criteria are met:

1. The location of existing building(s) on the lot where the proposed sign will be located, prevents the proposed sign from complying with the minimum setbacks for the applicable Zoning District as defined in Sign Table 1;
2. The location of the existing signs on the immediately adjacent lots are located in a manner that is less than the minimum setback requirements for the applicable Zoning District as defined in Sign Table 1, and

the proposed sign location will maintain a consistent setback with the exiting signs on said adjacent lots. In no such case shall City Planner or designee allow a new sign within these corridors to be placed less than five feet from the right-of-way line. Such action would require a variance through the BZA.

f) Measurement of Ground Mounted Sign Area and Height:



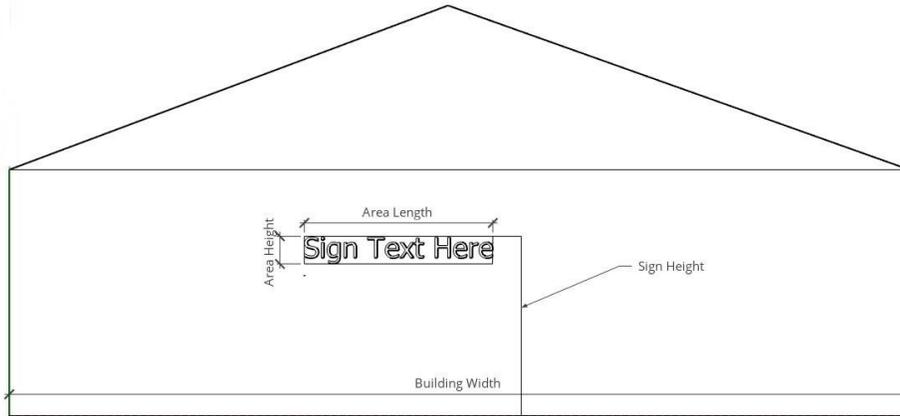
1145.06 WALL SIGNS

- a) Sign Table – 2 lists all Zoning Districts in which wall signs are permitted. If a Zoning District is not listed, wall signs are considered prohibited in said District. All wall signs shall comply with the time, place and manner regulations Sign Table – 2. A sign permit shall be obtained prior to installing said sign.
- b) Each wall sign shall count towards the total maximum square footage of all signs.
- c) Wall signs may be erected on any building wall or extension of a building wall (i.e. parapet) which faces a street, parking lot, or service drive. Wall signs shall be attached parallel to the building face and may be extend outward perpendicular from the building face a maximum of fifteen (15) inches from the wall surface, however, an internally illuminated wall sign may be erected not more than twenty-four (24) inches from the wall surface, provided such distance is required for enclosure of the necessary electrical components.

Sign Table 2 – Wall Signs

	Districts				
	RE, R-LD, R-MD, RT, RM, MHC Permitted Uses	RE, R-LD, R-MD, RT, RM When associated with a Special Exception	CBD, CN	CG, SI, AM	PUD
Maximum Number of Signs Permitted Per Public Road Frontage	1	1	1	1	Per Approved Development Plan
Maximum Square Footage	2	12	1 sf. ft. per 1 lineal foot of building wall	2 sq. ft. per 1 lineal foot of building wall	Per Approved Development Plan
Maximum Height (Feet)	8	15	Height of Eave	Height of Eave	Per Approved Development Plan

Measurement of Wall Sign Area and Height:



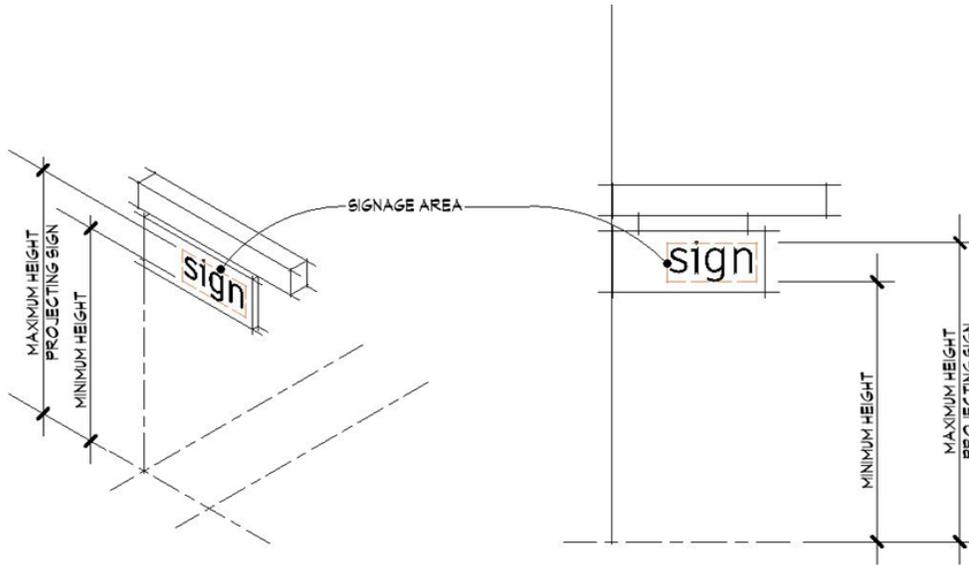
1145.07 PROJECTING SIGNS

- a) Sign Table – 3 lists all Zoning Districts in which projecting signs are permitted. If a Zoning District is not listed, projecting signs are considered prohibited in said District. All projecting signs shall comply with the time, place and manner regulations Sign Table - 3. A sign permit shall be obtained prior to installing said sign.
- b) The maximum square footage in Sign Table – 3 applies to each sign face, and each sign face shall count towards the maximum size of the sign and total maximum square footage of all signs. There shall be a maximum of two (2) sign faces per sign.
- c) Projecting signs shall be scaled with the building design and shall blend with the architectural design of the building to which it is attached.

Sign Table – 3 – Projecting Signs

	RT When Associated with a Special Exception	RM, CBD, CN	CG, SI, AM	PUD
Number of Signs Per Business	1	1	1	Per Approved Development Plan
Maximum Square Footage	12	12	24	Per Approved Development Plan
Maximum Height (Feet)	Height of Eave	Height of Eave	Height of Eave	Per Approved Development Plan
Minimum Height (Feet)	9	9	9	Per Approved Development Plan
Maximum Projection from Edge of Building (Feet). Section 1145.02(a)(4) will apply, if the proposed sign will project into the right-of-way.	3	3	4	114 Per Approved Development Plan

Measurement of Projecting Sign Area and Height:



1145.08

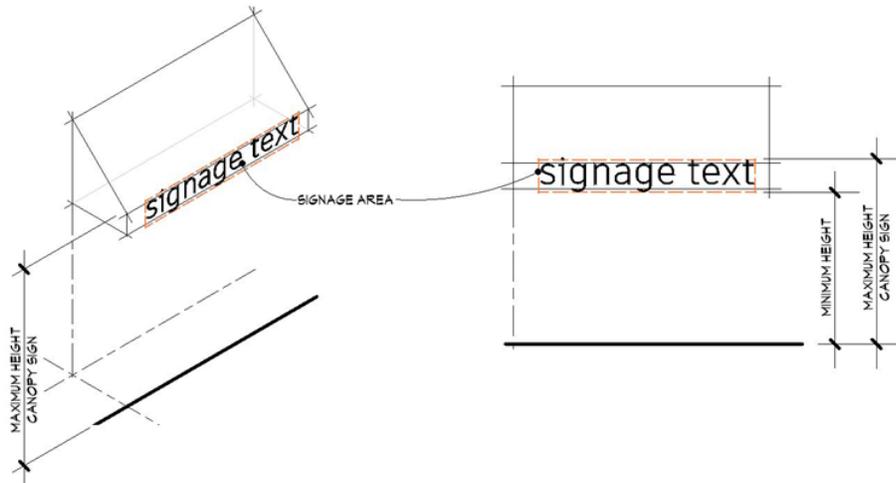
AWNING SIGNS

- a) Sign Table – 4 lists all Zoning Districts in which awning signs are permitted. If a Zoning District is not listed, awning signs are considered prohibited in said District. All awning signs shall comply with the time, place and manner regulations Sign Table – 4. A sign permit shall be obtained prior to installing said sign.

Sign Table – 4 – Awning Signs

	RT When Associated with a Special Exception	CBD, CN, CG, SI, AM	PUD
Maximum Number of Signs Per Business	1	1	Per Approved Development Plan
Maximum Square Footage	2 sf/lf of awning	2 sf/lf of awning	Per Approved Development Plan
Maximum Height (Feet)	15	15	Per Approved Development Plan
Minimum Height (Feet) Section 1145.02(a)(4) will apply, if the proposed sign will project into the right-of-way.	8	8	Per Approved Development Plan

Measurement of Awning Sign Area and Height:



1145.09 WINDOW SIGNS

- a) Sign Table – 5 lists all Zoning Districts in which window signs are permitted. If a Zoning District is not listed, window signs are considered prohibited in said District. All window signs shall comply with the time, place and manner regulations Sign Table – 5. A sign permit shall be obtained prior to installing said sign.
- b) Window signs do not count toward the maximum size of the sign and total maximum square footage of all signs.

Sign Table – 5 – Window Signs

	AG, RE, R-LD, R-MD, RT, RM, MHC	CBD, CN, CG, SI, AM	PUD
Maximum Number of Signs Permitted	1 per lot	1 per window	Per Approved Development Plan
Maximum Square Footage	10 percent of window area	33 percent of window area	Per Approved Development Plan
Maximum Height (Feet)	15	15	Per Approved Development Plan

1145.10 PYLON SIGNS

- a) Sign Table – 6 lists all Zoning Districts in which pylon signs are permitted. If a Zoning District is not listed, pylon signs are considered prohibited in said District. All pylon signs shall comply with the time, place and manner regulations Sign Table – 6. A sign permit shall be obtained prior to installing said sign.
- b) The maximum square footage in Sign Table – 6 is per sign face. Each sign face shall count towards the maximum size of the sign and total maximum square footage of all signs. There shall be a maximum of two (2) Sign faces per sign.

Sign Table – 6 – Pylon Signs

			Districts	
	RE, R-LD, R-MD, RT, RM, MHC, CBD	CN	CG, SI, AM	PUD
Maximum Number of Signs Permitted Per Public Road Frontage	Prohibited	1	1	Per Approved Development Plan
Maximum Square Footage	Prohibited	50	125	Per Approved Development Plan
Maximum Height (Feet)	Prohibited	15	35	Per Approved Development Plan
Minimum Distance from ROW (Feet)	Prohibited	20*	20*	Per Approved Development Plan

*The following roads are existing developed corridors where new signs should be strategically placed to fit within the existing character of the area.

1. East Main Street from intersection of Pearl Avenue to the intersection of Kanawha Road.
2. Memorial Drive from the intersection of Main Street to the intersection of Ety Road.
3. West Fair Avenue from the intersection of Memorial Drive to the intersection of Pierce Avenue.

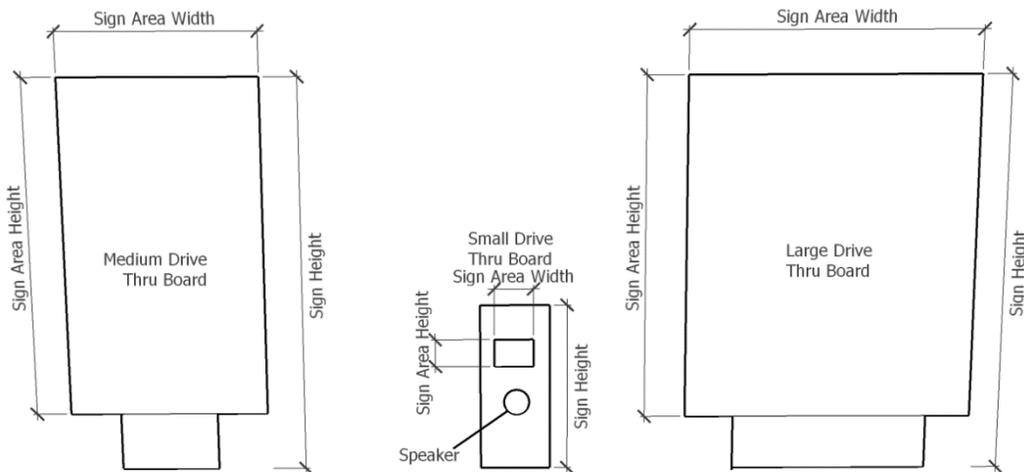
Within these corridors, the City Planner or designee may administratively approve a sign that does not meet the minimum setback requirement for the applicable Zoning District as defined in Sign Table 1, provided any of the following criteria are met:

1. The location of existing building(s) on the lot where the proposed sign will be located, prevents the proposed sign from complying with the minimum setbacks for the applicable Zoning District as defined in Sign Table 1;
2. The location of the existing signs on the immediately adjacent lots are located in a manner that is less than the minimum setback requirements for the applicable Zoning District as defined in Sign Table 1, and the proposed sign location will maintain a consistent setback with the exiting signs on said adjacent lots. In no such case shall City Planner or designee allow a new sign within these corridors to be placed less than five feet from the right-of-way line. Such action would require a variance through the BZA.

1145.11 DRIVE THRU SIGNS

- a) Signs accessory and adjacent to drive-thru food and beverage establishments, car washes, and other similar uses are subject to the following standards:

- 1) One large drive-thru board shall be permitted per drive thru lane. Said sign shall not exceed fifty (50) square feet, must be located a minimum of one (1) foot and a maximum of five (5) feet from the edge of pavement of the drive thru lane to which it serves and shall not exceed eight (8) feet in height.
 - 2) One medium drive thru board shall be permitted per drive thru lane. Said sign shall not exceed fifteen (15) square feet in area, must be located a minimum of one (1) foot and a maximum of five (5) feet from the edge of pavement of the drive through lane to which is serves and shall not exceed eight (8) feet in height.
 - 3) One small drive-thru sign board shall be permitted per drive through lane shall be permitted. Said sign shall not exceed two and half (2.5) square feet area, must be located on the drive thru speaker and shall not exceed five (5) feet in height.
 - 4) Drive thru board signs shall be permitted to have changeable copy electronic display messages provided the graphics and/or words on the sign change no more than once per car service. Video, flashing images or effects, or moving content shall be prohibited.
- b) Each sign face shall count toward the maximum size of the sign and total maximum square footage of all signs.



1145.12 WAY FINDING SIGNS

There may be two way finding signs per access driveway connecting to a public or private street. Way finding signs shall be limited to a maximum height of three (3) feet, a maximum area of six (6) square feet per side and shall be located outside of the right-of-way and on the property of the user(s) of which they are identifying the entry or exit.

1145.13 TOTAL MAXIMUM SQUARE FOOTAGE OF ALL SIGNS

The total maximum square footage of all signs shall not exceed the amounts listed in Sign Table – 7 below:

Sign Table – 7 – Total Maximum Square Footage for All Signs

Total Maximum Square Footage for All Signs	
CBD, CN	150 for internal lots
	250 for corner lots
CG, SI, AM	400 for internal lots
	500 for corner lots
PUD	Per Approved Development Plan

1145.14 BILLBOARDS

Billboards shall be prohibited in all Districts except the CG and AM Districts. In the CG and AM Districts, billboards shall be considered special exceptions and shall not exceed 400 square feet in area (per sign face); shall be setback a minimum of 200 feet from the right-of-way, and a minimum 1,500 feet from any residential Zoning District or existing residential use. There shall also be a minimum of 1,000 feet between billboards. Billboards shall maintain a maximum height of forty-five (45) feet and not less than ten feet (10') above ground level of the surface directly below the sign. Notwithstanding the above, if the elevation of the roadway from which the billboard is intended to be viewed (as measured at the centerline of the roadway at the point in closest proximity to the billboard) is more than fifteen feet (15') different from the elevation of the ground level directly below the sign, then such roadway elevation shall be used for measuring the permitted height of the billboard. Billboards may be back-to-back, double faced, "V" type and/or multiple faced with not more than two faces facing the same direction, and such structure shall be considered as one billboard, provided that the area of all faces toward one direction shall not exceed 600 square feet. In areas not adjacent to roadways on the Federal Aid Primary Highway System, billboards shall not have more than one face per structure toward each direction. Nothing contained in this chapter shall prohibit the changing or alteration of the display surface of any billboard using mechanical, electronic or other available technology.

1145.15 ENTRY FEATURE SIGNS

Each development (residential or non-residential) that consists of more than one (1) lot or contains a multi-tenant building is permitted to have one Entry Feature Sign per entrance that does not exceed twenty (20) square feet (per side), fifteen (15) feet in height and setback a minimum of ten (10) feet from the right-of-way.

1145.16 SIGN LIGHTING

- a) Sign lighting shall be consistent, understated, and properly disguised. One of the following methods of lighting may be employed:
 - 1) A white, steady, stationary light that does not glare onto surrounding areas, is directed solely at the sign, and is otherwise prevented from beaming directly onto adjacent properties or rights-of-way.

- 2) A white interior light with primary and secondary images lit or silhouetted on an opaque background. The background must be opaque. No additional background lighting or illuminated borders or outlines shall be permitted.
 - i. The color temperature of the sign lighting shall not exceed 4,000K.
 - ii. The level of illumination emitted or reflected from a sign shall not be of an intensity sufficient to constitute a demonstrable hazard to vehicular traffic on any right – of – way or parking lot from which the sign can be viewed.
 - iii. Light fixtures shall be screened from view by site grading or landscaping.

1145.17 TEMPORARY SIGNS

- a) The following Temporary Sign regulations apply to all uses within all Zoning Districts:
 - 1) All temporary signs shall be prohibited within the right-of-way.
 - 2) Small Temporary Signs:
 - i. In residential Zoning Districts, two (2) small temporary signs shall be permitted per parcel per street frontage without a permit.
 - ii. In all other Zoning Districts, the following small temporary signs shall be permitted:
 - A. Up to six (6) small temporary signs shall be permitted per parcel per street frontage without a permit. Each small temporary sign shall be eight (8) square feet in area or less and three (3) feet in height or less.
 - B. Temporary freestanding changeable copy signs shall be permitted only through the granting of a special exception permit. Said signs shall count toward the maximum number of temporary signs permitted on said property.
 - C. On all properties within the CN, CG and CBD Districts, folding portable A-frame signs shall be permitted provided such signs are secured and/or anchored so as to prevent accidental collapse or unintended movement, are eight (8) square feet in area or less, and are three (3) feet in height or less. Such signs shall count toward the maximum number of temporary signs permitted on said lot.
 - 3) Two (2) large temporary signs, including banners, shall be permitted per parcel provided a sign permit is issued in accordance with the following regulations. Large temporary signs and banners shall be subject to the following restrictions:
 - 3) Shall not exceed eight (8) feet in height.
 - 4) Shall not exceed forty (40) square feet in area (per sign face).
 - 5) Banners shall be secured to prevent movement which would allow any portion of the banner to extend into the right-of-way. Pennants and streamers are only as temporary signs. Each banner shall count toward the maximum number of temporary signs permitted for said lot.
 - 6) On parcels of five (5) acres or less, such signs shall be displayed for no more than thirty (30) consecutive days and no more than three (3) times per calendar year. A new permit must be obtained for each thirty (30) day or less period. After said permits have been exhausted, the City Planner or designee may grant one (1) extension for up to ninety (90) days per sign. No other extensions may be administratively approved and must be approved by the Board of Zoning Appeals. On parcels that are greater than five (5) acres, such signs may be displayed for up to three-hundred and sixty-five (365) days. Upon the expiration of this permit, the City Planner or designee may grant one (1) extension up to an additional one-hundred eighty (180) days. No other extensions may be administratively approved and must be approved by the Board of Zoning Appeals.
 - 7) The sign permit number for large temporary signs must be printed on the sign in a visible location.

- 4) Small and large temporary signs shall not count toward the total maximum square footage of signs permitted on a lot as designated in Section 1145.13.

1145.18 CHANGEABLE COPY AND ELECTRONIC MESSAGE DISPLAY

- a) These Changeable Copy and Electronic Message Display standards are applicable to all signs, except as follows:
 - 1) Drive thru menu boards since the purpose of these boards is to service those utilizing the drive through lane, and cars are typically stopped to view said sign.
 - 2) Video screens on individual gas pumps since the purpose of these devices is to service those outside of a stopped vehicle; and
 - 3) Any sign that is located along a state or federal highway and is regulated by the state of Ohio.
- b) All other changeable copy and electronic messaging displays shall:
 - 1) Be limited to fifty (50) percent of the overall sign area.
 - 2) The electronic display shall comply with the following requirements:
 - i. Any digital display containing animation, streaming video, or text or images that flash, pulsate, move or scroll is prohibited.
 - ii. The digital display may change, but it must transition by changing instantly with no transition graphics (e.g., no fade in/no fade out).
 - iii. The duration of the digital display shall not be less than (8) seconds.
 - iv. The brightness of all digital signs shall be reduced to sixty percent (60%) at dusk. In no case shall the brightness of the sign, that abuts a residential Zoning District, exceed a maximum of 0.3 footcandles above ambient light levels, as measured from the base of the sign.
 - 3) Signs shall be maintained in good repair. Such maintenance and repair, including changes of copy, shall be permitted, provided the size and structural shape of the sign is not changed or altered.

1145.19 MURALS AND WALLSCAPES

- a) Original Art Mural Requirements (“Mural”). Original art murals and wallscapes that meet all of the following requirements shall be issued a Special Exception permit by the Board of Zoning Appeals:
 - 1) Original Art Murals (“mural”) and wallscapes are permitted as Special Exception only in the CBD, CN, CG, SI, and AM. Original Art Murals and wallscapes are also permitted as part of an approved development plan in a PUD.
 - 2) A mural or wallscape shall not exceed thirty (30) percent of the wall area to which it is painted or attached.
 - 3) The mural or wallscape shall remain in place without alteration, for a period of five (5) years. The applicant shall certify in the permit application that the applicant agrees to maintain the mural or wallscape in accordance with this regulation.
 - 4) The applicant, if different from the property owner, must obtain an affidavit from the building’s owner giving permission for the applicant to adhere the mural or wallscape to the building.
 - 5) There shall be no more than one mural or wallscape per parcel or per building, whichever is more restrictive.

- 6) Murals and wallscape shall only be permitted on sides and rear elevations and shall be prohibited on front elevations of buildings.
- 7) No part of the mural or wallscape shall exceed the height of the structure to which it is tiled or painted.
- 8) The materials or paint utilized to create the mural or wallscape shall be weatherproofed or resistant to wear.
- 9) The mural or wallscape shall be properly maintained through repair and paint, or any necessary treatment so as to prevent decay. Defective or insufficient weather protection for exterior treatments and facades, including fading paint or materials or graffiti shall be promptly repaired or shall otherwise be subject to the violation provisions in this Ordinance.
- 10) Murals or wallscape on properties within the Historic Overlay District must obtain a Certificate of Appropriateness from the Historic Review Board prior to the Board of Zoning Appeals issuing a Special Exception permit for a mural or wallscape.
- 11) Murals or wallscape that would result in a property becoming out of compliance with any other City Ordinance shall be prohibited.
- 12) Ghost and Vintage Art Murals. All murals created prior to the date of adoption of this Ordinance shall be considered existing non-conforming and may be maintained in accordance with Chapter 1153 of this Ordinance.

1145.20 SIGN PERMITS AND ADMINISTRATION

- a) Permit Required. No sign, except as exempted in Section 1145.02(a)(1) shall hereafter be erected, constructed or maintained within the City of Lancaster unless a permit for the same has been issued by the City Planner or designee. Application for a permit to construct or erect a sign shall be made by the owner of sign or the property upon which the sign is proposed, or their agent. An application for a permit to erect a sign shall contain, at a minimum and drawn to scale;
 - 1) The dimensions and weight of the sign, and where applicable, the dimension of the wall surface of the building to which it is to be attached.
 - 2) The dimension and weight of the sign's supporting members.
 - 3) The maximum and minimum height of the sign.
 - 4) The proposed location of the sign in relation to the face of the building, in front of or above which it is to be erected.
 - 5) Where the sign is to be attached to an existing building, a diagram of the face of the building to which the sign is to be attached.
 - 6) A color rendering of the proposed sign image.
 - 7) The name and address of the user, or owner of the sign and the location of the sign.
 - 8) The name and address of the sign installer. In addition, if the proposed sign requires an installation permit from the State of Ohio, a copy of such permit shall be provided prior to erection of the sign.
- b) Action on Sign Permit. The City Planner or designee shall issue a sign permit upon submittal of a completed application and payment of applicable fees if he/she determines that the provisions of this chapter have been met. If the application for a sign permit is denied, the applicant shall be given written notice of such denial, along with the reasons therefore.
- c) Appeals. Any decision made by the City Planner or designee under the terms of this chapter may be appealed to the Board of Zoning Appeals in the manner set forth in Chapter 1157 of the Codified Ordinances.

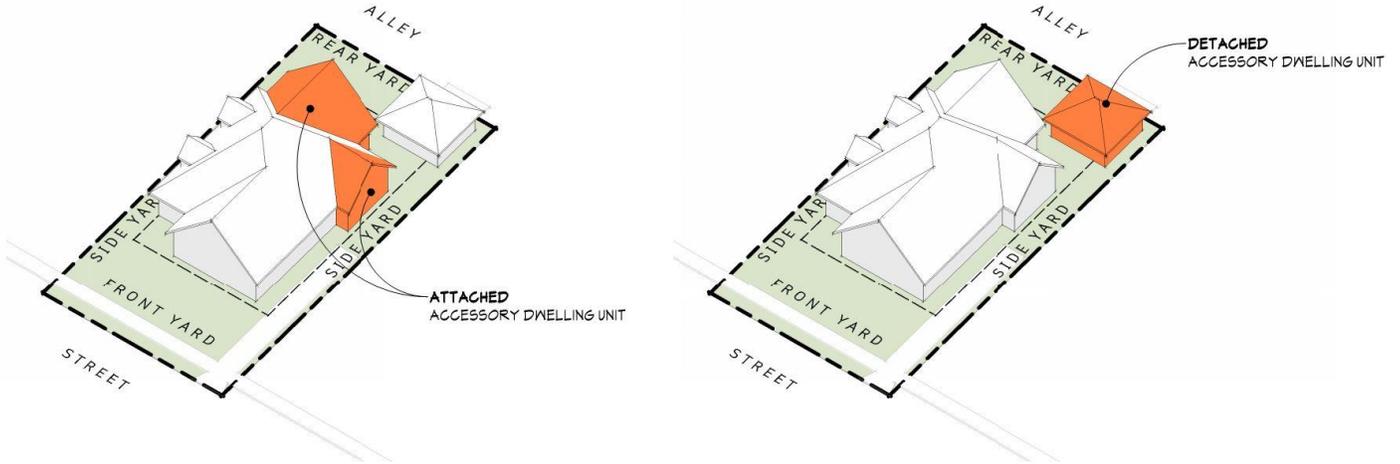
**CHAPTER 1147
General Development Standards**

1147.01	Accessory Dwelling Units	1147.10	Private Swimming Pools
1147.02	Accessory Uses and Structures	1147.11	Recreational Vehicles
1147.03	Architectural Requirements	1147.12	Reserved for Future Use
1147.04	Community Gardens	1147.13	Solar Energy Systems
1147.05	Fences and Walls	1147.14	Temporary Construction Trailers/Offices
1147.06	Food Trucks	1147.15	Temporary Tents
1147.07	Home Occupations	1147.16	Visibility at Intersections
1147.08	Lighting		
1147.09	Portable Storage Units		

1147.01 ACCESSORY DWELLING UNITS

- a) Purpose. The purpose of the Accessory Dwelling Unit (ADU) regulations is to:
- Respond to changes in housing needs and increasing housing costs, while simultaneously respecting the curb appeal and scale of the dwelling units within the surrounding residential area; and
 - Increase affordable housing options to vulnerable populations such as the elderly and persons with disabilities; and
 - Support more efficient use of the existing housing stock and associated infrastructure; and
 - Reduce the carbon footprint by allowing smaller dwelling units.
- b) Applicability. The standards apply to any residential District where ADUs are listed as a permitted - accessory use.
- 1) Number. Only one ADU shall be permitted on a lot in the R-MD, RT and CBD Districts.
 - 2) Density. ADUs do not count toward the density calculations for the District in which they are located.
 - 3) Accessory Suite (Attached) ADU Standards: All Accessory Suite ADUs shall comply with the following general ADU design standards:
 - i. The primary dwelling in which the ADU is located shall be owner occupied.
 - ii. An ADU may be no larger than 800 square feet or the size of the primary dwelling unit, whichever is less.
 - iii. ADU's shall be limited to residential uses including a minor home occupation and shall not be utilized for any other purpose.
 - iv. One additional parking space is required for the ADU.
 - v. No new entrances into the primary dwelling shall be created for the Accessory Suite ADU.
 - vi. Any required fire escapes or exterior stairs for access to an upper level Accessory Suite ADU shall not be located along the front façade of the primary dwelling.

- c) Detached ADU: Detached ADU's shall be prohibited.



1147.02 ACCESSORY USES AND STRUCTURES

- a) Applicability. These standards shall apply to all Accessory Structures as defined in Chapter 1161.
- b) Location. All accessory structures shall be located to the side or rear of the principal structure. In no case, shall an accessory structure be located nearer to the front lot line than the principal building.
- c) Accessory structures may encroach a required side or rear yard setback as follows:

District	Minimum Distance Between Accessory Structure and Side or Rear Lot Line (Ft)
AG, RE & R-LD	10*
All other districts	5*

*If a side or rear yard abuts an alley, an accessory structure must be setback a minimum of 20 feet from the alley.

- d) An accessory structure shall not be located closer than 5 feet from the principal building or any other accessory structure.
- e) Height.
 - 1) Accessory structures located in the AG, RE, R-LD, R-MD, RT, MHC and RM Districts shall not exceed 18 feet.
 - 2) Accessory structures located in the CBD and CN Districts shall not exceed 25 feet.
 - 3) Accessory structure located in the CG, SI and AM Districts shall not exceed the height of the principal building.
- f) Size.
 - 1) In the AG, RE, R-LD, R-MD, MHC and TR Districts, the cumulative area of all accessory structures shall not exceed eight hundred (800) square feet or ten (10) percent of the lot area, whichever is smaller. In any District, if 10 percent of the lot

size is less than 580 square feet, the lot shall be permitted to have one accessory structure up to 580 square feet in area.

- 2) In the RM District, a lot containing one or more multi-unit residential building(s) may have accessory structures devoted to each unit (i.e., detached garage) or may have one or more larger structures accessible to all units (i.e., club house). The cumulative maximum size of all accessory structures on a lot shall be calculated on a rate of 290 square feet of accessory structure per residential unit on said lot.
 - 3) CDB and CN District, the cumulative area of all accessory structures shall not exceed one thousand (1,000) square feet or 10 percent of the lot area, whichever is smaller.
 - 4) There is no maximum cumulative square footage of accessory structures in the CB, SI and AM Districts, but in no may the total square footage of all accessory structures exceed the size of the principal building.
- g) Accessory Commercial Uses in the RM District. Any commercial use allowed in the RM District shall be considered an accessory use and shall be designed and located for the convenience of the occupants of the multi-unit structure. Said accessory use shall be located entirely within such structure with exterior public entrance(s) solely from the lobby of the structure and shall occupy not more than ten (10) percent of the gross floor area of the multi-unit structure.

1147.03 ARCHITECTURAL REQUIREMENTS

- a) Purpose. These requirements are designed to increase the quality of neighborhoods and commercial centers, to promote positive architectural appearance within the city, to encourage design flexibility and creativity, and to establish an interesting, aesthetically pleasing built environment. It is also the intent of this section to promote durable, quality materials that will allow neighborhoods and commercial centers to endure and mature for future generations in the city.
- b) Applicability.
 - 1) Unless otherwise exempted below in Section 1147.03(b)(3), Section 1147.03 applies to all Zoning Clearance Permits issued for any new house, multi-unit dwelling, commercial, office, mixed-use building or industrial structure located on a lot within the City of Lancaster.
 - 2) Any house, multi-unit dwelling, or non-residential structure constructed within a Planned Unit Development approved after the effective date of this section shall comply with these requirements. Substitute residential appearance requirements may be applied in lieu of these standards as approved in the Planned Unit Development Zoning text approved by Council.
 - 3) Exemptions: These regulations shall not apply to:
 - A. Any house, multi-unit dwelling or other structure proposed to be constructed on a lot that is a part of a PUD approved by City Council prior to the effective date of this section.
 - B. Any structure constructed prior to the effective date of this section.
 - C. The addition or modification to any structure existing prior to the effective date of this section.
 - D. Structures located within the Historic Overlay District.

E. Accessory structures.

€.4) Infill Housing: The city acknowledges the importance of infill housing and aims for it to adhere to design standards, while also granting the city planner the authority to waive any such requirement in case where the proposed standard fails to harmonize with the prevailing character of the existing neighborhood. Any decision of the City Planner can be appealed to the Board of Zoning Appeals in accordance with Section 1157.07 of this Ordinance.

c) Residential Architectural Requirements. For purposes of this section, one-unit dwellings, duplexes and triplexes will be referred to as a "house". Unless otherwise exempted in Section 1147.03(b)(3), the following requirements apply to all new houses in any District:

1) Building Materials. Street facing facades shall be comprised of a minimum of ~~fifty (50)~~ thirty-five (35) percent of the following materials: brick, stone, cultured or cast stone, wood board and batten, wood shake, or fiber cement. Windows, doors and attached garage doors shall be excluded in the calculations for determining minimum natural materials percentages on front facades.

All vinyl material that is permitted on a house must have a minimum thickness of 44 mils and must be applied over minimum one-half inch thick oriented strand board or plywood.

2) Shutter and Trim. Shutters or trim shall be required on all the single and double-wide windows on all street facing facades. Shutters shall be full height and at least one-half the width of the single or one-quarter the width of the double window. When trim is utilized in lieu of shutters, the trim shall include either a top and bottom finish of soldier course, rowlock, lintel or sill; or a minimum 3 1/2-inch board around all sides of the window.

3) Roof Pitch.

Houses. The main architectural roof of a house must have a minimum 6:12 pitch. Flat roofs may be permitted, but not as the main architectural roof. Dormers, porches, and other similar secondary architectural features may have roofs with a minimum 4:12 pitch. The roof shall have a minimum eight-inch (8") overhangs on all sides.

4) Design Elements. Blank walls facing a public right-of-way shall be prohibited. All street facing facades must contain at least three design elements, in any combination. Design elements include any of the following:

- A door of at least seventeen (17) square feet in area
- A window of at least six (6) square feet in area. Windows with a horizontal separation of less than ten (10) feet shall be considered as one (1) design element. Sets of adjacent windows shall be considered as one (1) design element.
- A chimney

- A Portico
- Dormer
- A gable vent of at least four (4) square feet in area
- Porches, decks or similar structures
- Water table

Design elements do not include side of porches, rooflines, or interior chimneys.

- 5) Garages. Garage door openings totaling 18 feet in width or less shall not make up more than ~~35%~~ 42% of the linear distance of the front elevation nor project more than twelve (12) feet from the adjacent vertical wall plane. Garage door openings totaling more than eighteen (18) feet to thirty-six (36) feet in width shall not make up more than 45% of the linear distance of the front elevation nor project more than ten (10) feet from the adjacent vertical wall plane. For purposes of this section, a covered porch shall be considered a vertical wall plane, whereas an open uncovered porches shall not be considered a vertical wall plane.
- d) Multi-Unit Dwellings, Mixed-Use Buildings and Non-Residential Structures. Unless otherwise exempted in Section 1147.03(b)(3), the following requirements apply to all new multi-family dwellings, mixed-use buildings and non-residential structures located within any District, except the SI and AM Districts.
- 1) Blank walls shall not be permitted. There shall be a minimum of three design elements for every one hundred (100) feet of elevation width for any street facing elevation and a minimum of two (2) design elements for every one hundred (100) feet of elevation for each side and rear elevation that does not face a public right-of-way.
 - 2) Typical design elements are as follows:
 - A door of at least twenty-eight (28) square feet in area with an awning, window, faux window or other feature subject to approval by the City Planner or designee, as applicable;
 - A window of at least six (6) square feet in area. Windows closer than ten (10) feet shall be considered as one (1) element. A set of adjacent windows, such as double or bay windows, shall be considered one element;
 - Portico;
 - Dormers;
 - Projecting canopy;
 - Masonry water table;
 - Trellis containing plantings;
 - A gabled vent of at least four (4) square feet in area;
 - Patio, deck, or similar feature; or
 - A similar significant permanent architectural feature consistent with the style of the building upon approval of the City Planner or designee.
 - 3) All elevations shall have similar style, materials, colors and details.
 - 4) Façade Appearance. A building frontage that exceeds a width of fifty (50) feet shall incorporate sectioning and offset of the wall plane to inhibit a large expanse of blank wall and add interest to the façade. Such offsets may be met through the use of bay

windows, porches, porticos, building extensions, gables, dormers, or other architectural treatments.

5) Materials.

Predominant Materials. All exterior walls shall be comprised of eighty (80) percent natural materials or of synthetic materials that the city has deemed to mimic the look of natural materials. This permitted list of materials includes only the following: brick, stone, cultured or cast stone, E.I.F.S., wood, or fiber cement. Foundations must be clad with the same natural material utilized on building to blend with the overall architecture of the structure. Exposed cement block or split face block foundations shall be prohibited.

As technology evolves, newer synthetic materials, that did not exist at the time of the adoption of this Article, may be created and may mimic the look of the natural materials required within this Section. The City Planner or designee may approve the use of a newer material under the following conditions:

- The manufacturing of said material did not exist at the time of adoption of this section; and
- The City Planner or designee determines that said material provides a substantially similar appearance to the natural materials required by this section.

Accent Materials. Fiber cement, E.I.F.S., and like materials may be used as accents provided the total square footage of accent material does not exceed twenty (20) percent of the gross exterior building wall square footage. Other natural materials may also be incorporated into the building's exterior design. Vinyl and/or aluminum shall be prohibited except when used for trim details such as downspouts, soffits, gutters, and shutters.

- 6) Glass. The use of black, gold, green, silver, opaque or any other reflective or colored glass on a building is prohibited.
- 7) Roofing. All single-story buildings shall have a pitched roof. Multi-story buildings may be permitted to have flat roofs. When pitched roofs are utilized, they shall be constructed of dimensional shingles, standing seam metal, slate or simulated slate.
- 8) In-Line Retail Exemption. Side or rear elevations of an in-line retail development may be exempt from the building design standards of these regulations if such elevations are not visible to customer traffic, a public right-of-way, or if a future phase of the in-line retail development is forthcoming adjacent to the elevation. Such exempt elevations shall use materials complimentary to the primary elevation and be screened by landscaping, mounding fencing, or a combination thereof, as deemed appropriate by the City Planner or designee.
- 9) Drive Thru Features. When a drive thru is permitted, it shall be designed as an integral part of the structure it serves. Features incorporated with a drive thru including, but not limited to, canopies, awning, and support posts shall match the materials and color scheme of the building they are serving. Drive thru features shall not have any pickup windows, ordering areas, signage, or other related items located on the front elevation of a building or located between the building and a street right-of-way.
- e) Buildings within the SI and AM Districts. Unless otherwise exempted in Section 1147.03(b)(3), the following requirements apply to all new structures located within in the

SI and AM District:

- 1) Façade. Sides of building visible from a public right-of-way shall be broken up with architectural design elements, landscaping, or a combination thereof.
- 2) Use of Color. Earth tones, muted hues, and natural tones are permitted as a structure's base color. Brighter hues are permitted only as an accent feature on building elements such as awnings, doors and trim. A mixed color palette on a single building should be carefully selected so all colors harmonize with each other.
- 3) Glass. The use of black, gold, green, silver, opaque or any other reflective or colored glass on a building is prohibited. Frosted glass may be permitted in some cases, subject to approval of the Planning Commission.

1147.04 COMMUNITY GARDENS

When Community Gardens are listed as a Permitted Use in a Zoning District, they shall be prohibited within the right-of-way and a required front setback. Any shed, storage container or other similar structure associated with a community garden shall be considered an accessory structure and shall comply with the requirements in Section 1147.02.

1147.05 FENCES AND WALLS

Fences are not required to obtain a permit, but all fences in the AG, RE, R-LD, R-MD, and TR Districts shall not exceed four (4) feet when located forward of the front plane of the house and eight (8) feet when located to the side and rear of the house. No fence shall be permitted within the right-of-way and must comply with the Visibility at Intersection requirements in Section 1147.16. Fences or walls containing barbed 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.

1147.06 FOOD TRUCKS

a) Purpose.

The intent of these regulations is to create an entrepreneurial opportunity for the food industry by providing creative opportunities outside of the traditional brick and mortar restaurants while controlling potential impacts such as traffic, food safety and compatibility with the surrounding areas. The City of Lancaster understands the importance of these start up businesses and the economic benefits they provide by creating additional foot traffic to better support surrounding businesses. These regulations have been crafted to ensure that Food Trucks are properly integrated into the overall existing or future streetscape designs of the surrounding area. It is further the purpose of these regulations to limit the time frame for food trucks to allow ample time for business incubation but also discourage them from becoming permanent fixtures.

b) Applicability

- 1) These standards apply to all food trucks that are located on private property within any District that allows restaurant uses. Food trucks shall comply with the requirements of this section.
- 2) Food trucks located within the public right-of-way shall be governed by a Right-of-Way Permit and are not subject to this Zoning Code.

c) All Food Trucks when located on private property must comply with the following regulations:

- 1) Food trucks shall be lit with existing and available site lighting. No additional exterior lighting shall be permitted. Lighting inside the food truck for the purpose of inside food preparation and menu illumination may be permitted. There shall be no light trespass or additional glare onto adjacent properties. Flashing lights shall be prohibited.
- 2) No signs shall be permitted except as follows:
 - i. Signs directly painted or applied directly onto the food truck shall be permitted.
 - ii. One small temporary sign that does not exceed eight (8) square feet.
- 3) The selling of alcohol shall be prohibited.
- 4) There shall be one (1) trash receptacle for use by patrons and placed a convenient location that does not impede pedestrian or vehicular traffic. Trash must be removed daily from the site.
- 5) The food truck shall be located on an entirely paved, level parking lot to enhance the safety of pedestrians and patrons.
- 6) All equipment and storage associated with and required for the operations of the food truck, except for the trash receptacles required in this Section, shall be located on or within the Food Truck. This includes any generators.
- 7) There shall be no furniture, umbrellas or other objects outside of the food truck. Any proposed furniture or umbrellas shall be subject to the outdoor dining standards of the applicable District in addition to these regulations.
- 8) The food truck shall have access to water (i.e., water tank, connection to central water line, etc.) and electricity (generator, connection to utility lines, etc.) and such services shall be located in a manner that does not create a safety hazard to employees, patrons, or pedestrians.
- 9) When a food truck is proposed to be located within hundred (500) feet of an existing single family dwelling unit, operations of said food truck are limited to 10:30 a.m. to 3:30 p.m. daily. The operations of food trucks in all other locations shall be limited to 6 a.m. to 9 p.m. Sunday – Thursday and 7 a.m. to 11 p.m. Friday and Saturday.
- 10) There shall not be obstruction or interference with the free flow of pedestrian or vehicular traffic, including but not limited to or from any business, public building, the remainder of the parking area or adjacent public right-of-way.
- 11) There shall be no restriction of the visibility area sight distance at any driveway or intersection.
- 12) The food truck may only operate in the location approved on the site plan for the Zoning Clearance Permit and may not be moved to any other location on the property or to a different property within the City of Lancaster without first receiving a new Zoning Clearance Permit.
- 13) Each food truck shall have a minimum 35 X 15-foot area. Any food truck that exceeds 27 feet in length shall have a minimum 70 X 15 feet area. In no case shall the combined area of all food trucks permitted on one lot exceed twenty-five percent of the lot area.
- 14) The applicant, if not the owner of the property, shall provide written permission from the property owner to utilize the property for a food truck.
- 15) The food truck shall pass a fire safety inspection.
- 16) Due to the temporary nature of food trucks, the General Development Standards in this Code for parking (Chapter 1141), landscaping (Chapter 1143) and signs (Chapter 1145) do not apply to these uses.
- 17) If the food truck complies with all of the above standards, a Food Truck Permit may be issued for up to thirty (30) consecutive days on a property within any sixty (60) consecutive calendar days.

d) Exemptions. Food Trucks are exempt from obtaining a Food Truck Permit when:

- 1) It is parked in one location for a period of less than eight (8) hours; or
- 2) It operates exclusively as a subset of a City approved Special Event, within the approved areas and time frames. The City may increase the maximum number of food trucks allowed for one (1) lot for City approved Special Events.

1147.07 HOME OCCUPATIONS

A Home Occupation shall be conducted entirely within a dwelling unit and shall be clearly subordinate to the use of the dwelling unit. Home occupations shall not be conducted within accessory structures, such as garages or sheds.

a) The following regulations apply to all home occupations:

- 1) The appearance of the dwelling unit in which a home occupation is conducted shall not be altered or the occupation within the dwelling shall not be conducted in a manner which would cause the premises to differ from its surrounding character either by colors, materials, construction, or lighting.
- 2) The home occupation shall not generate traffic greater in volume than normal for the subarea.
- 3) The home occupation shall not involve delivery trucks other than normal parcel delivery services.
- 4) No equipment or processes shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses on the lot. No equipment or processes shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises or causes fluctuations in voltage off the premises.
- 5) There shall be no employees of the minor home occupation other than a person or person(s) who are residents of the dwelling unit in which the home occupation is conducted.
- 6) Home occupations shall not be conducted within accessory structures, such as garages or sheds.
- 7) There shall be no signs associated with the minor home occupation.
- 8) The minor home occupation shall not occupy more than 20 percent of the livable floor area of the dwelling unit.
- 9) There is no permit required for a minor home occupation.

1147.08 LIGHTING

a) Exterior lighting shall comply with these standards unless otherwise specified in this code.

b) Exemptions:

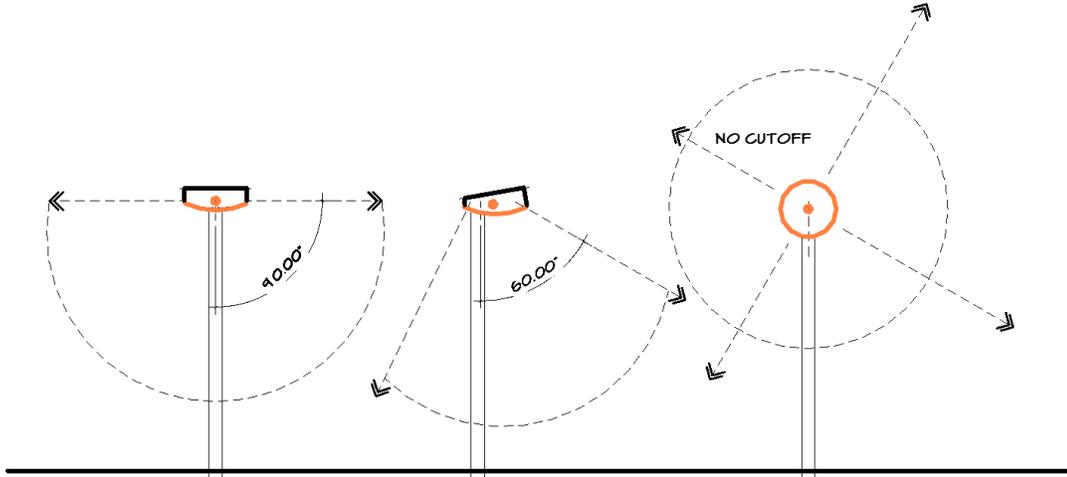
- 1) All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps are exempt from the requirements of this section.
- 2) Holiday lighting shall be exempt from the requirements of this section.
- 3) All temporary emergency lighting needed by the police, fire department, other emergency service vehicles, and public service vehicles, as well as all vehicular luminaries, shall be exempt from the requirements of this section including flashing or blinking lights.
- 4) Streetlights shall be exempt from the provisions of this section.

c) Prohibited Lighting:

Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited, except in emergencies by police and/or fire department personnel.

- d) Types of Fixtures: All light fixtures shall be full cut-off type fixtures except for decorative light fixtures.

Full cutoff fixtures qualify with a cutoff angle equal to or less than 90-degrees with no light projecting skyward



- e) Fixture Height:
- 1) The fixture height in parking lots shall not exceed 20 feet.
 - 2) Lighting located under canopies shall be flush mounted or recessed within the canopy.
 - 3) Fixture height shall be measured from the finished grade to the topmost point of the fixture.
- f) Kelvin Temperature: The color temperature for all lights shall not exceed 4,000K.
- g) Exterior lighting shall be designed and located to have the following maximum illumination levels. The levels shall be measured at the finished grade at the lot line as demonstrated by a lighting plan:
- 1) The maximum illumination at a lot line that abuts a lot within an existing residential use or is zoned or designated for residential uses shall be 0.3 foot-candles.
 - 2) The maximum illumination at a lot line that abuts any other use shall be 1.0 foot-candles.
 - 3) The maximum illumination at a lot line for properties used for outdoor sports and recreation shall be reviewed for compliance with regard to the intent of these guidelines to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way.

The illumination across any property shall be designed to not create excessive dark spots that may create safety issues.

- h) Automobile Oriented Uses - Canopy Lighting: Automobile Oriented Use canopy lighting must be recessed within the canopy and use an opaque shield around the sides of the light.

1147.09 PORTABLE STORAGE UNITS AND ROLL-OFF CONTAINERS

- a) Portable Home Storage Units and Roll-Off Containers shall be permitted within any residential District, provided the following regulations are met. A Zoning Clearance Permit shall be obtained for any portable home storage unit or roll-off container.
 - 1) Portable home storage and roll-off containers shall be prohibited from being located within any right-of-way.
 - 2) Portable home storage units and roll-off containers shall be kept in the driveway of the property at the furthest accessible point from the street.
 - 3) Only two (2) portable home storage units or one (1) roll-off container shall be permitted on any residential property at any one time.
 - 4) Portable home storage units shall be permitted for 30 consecutive calendar-days within any 365 calendar-day period.
 - 5) Roll-off containers shall be permitted for three (3) consecutive calendar months within any 365calendar-day period.
 - 6) The City Planner may grant a one-time extension of up to 30 consecutive calendar days. Any additional extensions would require action by the Board of Zoning Appeals, which would be processed as a variance from these regulations.
 - 7) Portable home storage units and roll-off containers shall not be utilized for living purposes.

1147.10 PRIVATE SWIMMING POOLS, HOT TUBS AND SPAS.

No private swimming pool, exclusive of storable swimming pools, shall be allowed in any residential District unless the following conditions and requirements are complied with.

A Zoning Clearance Permit shall be required for the construction or installation of any private swimming pool. The owner of the property, or their agent, shall certify that the pool will be constructed, installed, and maintained in conformance with the requirements below:

- a) Shall meet the requirements established in the 2009 International Residential Code (“IRC”) Appendix G Swimming Pools, Spas and Hot Tubs.
- b) The pool is intended to be used solely for the occupants of the principal use of the property on which it is located.
- c) No pool of any kind (including storable swimming pools), including any walks, paved areas, and appurtenances thereto, shall not be in any front yard, nor closer than five (5) feet from any side or rear yard including corner lots or any other structure.
- d) The area of the swimming pool, spa, or hot tub, exclusive of decks, walks and other appurtenances, shall not exceed ten percent (10%) of the area of the lot or parcel.
- e) Any private swimming pool, spa or hot tub, or the property on which the pool, spa or hot tub is located, shall be enclosed by a wall or fence constructed to prevent uncontrolled access. Such wall or fence shall meet the requirements established by the 2009 IRC Appendix G AG105 and maintained in good condition.
- f) All lights used for the illumination of the swimming pool, spa or hot tub and adjacent areas shall be designed, located, and installed so as to confine the direct beams thereof to the lot or parcel in which the swimming pool, spa or hot tub is located.

1147.11 RECREATIONAL VEHICLES

Recreational Vehicles: Residents shall be permitted to park a recreational vehicle on a lot in any Zoning District which permits one or two dwelling units, provided the following criteria are met:

- a) There shall be a maximum of one recreational vehicle per dwelling unit permitted on said lot. For purposes of this Ordinance, a boat stored on a boat trailer is considered one recreational vehicle. Said recreational vehicle shall not exceed thirty (30) feet in length, nine (9) feet in width, and twelve (12) feet in height.

- b) Said vehicles shall be parked on a paved surface and shall not be parked in the grass or on any other unpaved surface.
- c) Said vehicle shall be parked no closer than three (3) feet from any side property line.
- d) Said vehicle shall not be located forward of the front plane of the main dwelling, except however, the recreational vehicle may be parked on the paved driveway in front of the main dwelling for a period not to exceed forty-eight (48) hours for loading and unloading. In no case shall said recreational vehicle 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.
- e) In no case, shall a recreational vehicle be utilized for living, sleeping, housekeeping, business or storage purposes.

1147.12 RESERVED FOR FUTURE USE

1147.13 SOLAR ENERGY SYSTEMS

- a) Establishment and Purpose

The purpose of this article is to provide a regulatory framework for the installation and construction of solar energy systems (SES) in the City of Lancaster, subject to reasonable restrictions, which will preserve the public health, safety, and welfare, while also maintaining the character of the City of Lancaster. This section applies to SES to be installed and constructed on any property in any Zoning District.

- b) Solar Energy Systems in the Historic District

Solar energy systems in the Historic Lancaster District shall receive a Certificate of Appropriateness from the Historic Lancaster Commission prior to Zoning approval. The process for applying for a Certificate of Appropriateness can be found in Section 1327.09 of this code. These SES shall be designed, sized, and located to minimize their effect on the character of a historic building and/or property by observing the following:

- 1) Place SES to avoid obscuring significant features or adversely affecting the perception of the overall character of the property.
- 2) Minimize visual impacts by locating the SES so that there is no visibility of the SES from the front of the historic building or structure.
- 3) When applicable, the SES should be installed on an addition or secondary structure.
- 4) Use the least invasive method feasible to attach the SES to a historic roof such that it avoids damage to significant features and historic materials and can be removed and the original character easily restored.
- 5) Additionally, the SES shall comply with all applicable criteria in Section 1327.10 of this code.

- c) Roof-Mounted and Integrated Solar Energy System Standards

- 1) Roof-mounted and integrated SES shall be considered an accessory use and permitted by right within all Districts if mounted to an existing structure subject to the standards for accessory uses in the applicable Zoning District and the specific criteria set forth in this code.
- 2) All SES are subject to the requirements of Section 1147.02 of this code and must comply with all bulk and area requirements for the corresponding Zoning District.

- 3) On a pitched/sloped roof, the SES shall be installed parallel to the roof surface and shall not extend beyond the roof peak or roof edge.
 - 4) On a flat roof, the SES is permitted to exceed the respective Zoning District height limit by up to five (5) feet.
 - 5) Screening shall not be required for roof-mounted or integrated SES.
- d) Ground-Mounted Solar Energy System Standards
- 1) The City of Lancaster allows for the development of commercial or utility-scale solar energy systems where such systems present few land-use conflicts with current and future development patterns. Ground-mounted SES that are the principal use on the development lot or lots are special exceptions in selected Zoning Districts.
 - 2) Ground-mounted SES shall not be taller than the height requirements for the underlying Zoning District in which they are located.
 - 3) No ground-mounted SES shall be located within the front yard.
 - 4) Ground-mounted SES shall meet the required setbacks of the underlying Zoning District in which they are located. Setbacks shall be the same as what is required for accessory buildings in the underlying Zoning District in which they are located.
 - 5) All ground-mounted SES shall adhere to the bulk and area requirements for the underlying Zoning District in which they are located. Additionally, accessory ground-mounted SESs are subject to the requirements of Section 1147.02 of this code.
 - 6) Accessory ground-mounted SES shall not be included in total ground floor area calculations.
 - 7) Power transmission lines, not including lines that connect one panel to another or from the project to the main transmission lines, from ground-mounted SESs must be underground and must be completely shielded against shock hazards.
 - 8) For primary use SES, parking areas are exempt from the off-street parking regulations but must still meet the required setbacks in the underlying Zoning District and the landscaping requirements.
 - 9) An owner of a ground-mounted SES site shall follow site management practices that (1) provide diverse native perennial vegetation and foraging habitat beneficial to pollinators, and (2) reduce stormwater runoff and erosion at the solar generation site at a rate of one (1) square foot of plantings for each one (1) square foot of panels.
 - i. A landscape plan shall be submitted showing the proposed layout and types of plantings for the site. A list of native perennial vegetation may be found in Section 1147.13(g) of this code. Other low-growing meadow/prairie plants and native or flowering perennials may also be approved.
- e) The SES Matrices below identify the types of SES allowed in each District, or if a special exception is required. Certain SES may be prohibited in certain Zoning Districts.

Solar Energy System (SES) Matrix 1						
Use District	Agriculture (AG)	Central Business District (CBD)	RE, R-LD, R-MD, RT	RM	Mobile Home Community (MHC)	
Accessory Use						
Integrated SES	P	P	P	P	P	
Roof Mounted SES	P	P	P	P	P	
Ground Mounted SES						
Small Scale SES (1-5 ac)	P	SE	P	P	P	
Intermediate Scale SES (5-15 ac)	P	–	SE	SE	SE	
Large Scale SES (15+ ac)	P	–	SE	SE	SE	
Primary Use						
Integrated SES	–	–	–	–	–	
Roof Mounted SES	–	–	–	–	–	
Ground Mounted SES						
Small Scale SES (1-5 ac)	SE	–	–	–	–	–
Intermediate Scale SES (5-15 ac)	SE	–	–	–	–	–
Large Scale SES (15+ ac)	SE	–	–	–	–	–
P: Permitted use. The SES is allowed in this District.						
SE: Special exception use. Applicant must be granted permission to install an SES in this District.						
Blank (–): Prohibited. The SES is prohibited in this District or is not applicable.						

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Solar Energy System (SES) Matrix 2						
Use District	CG		CN	SI		AM
Accessory Use						
Integrated SES	P		P	P		P
Roof Mounted SES	P		P	P		P
Ground Mounted SES						
Small Scale SES (>1-5 ac)	P		P	P		P
Intermediate Scale SES (5-15 ac)	SE		SE	P		P
Large Scale SES (15+ ac)	SE		SE	SE		SE
Primary Use						
Integrated SES	-		-	-	-	-
Roof Mounted SES	-		-	-	-	-
Ground Mounted SES						
Small Scale SES (1-5 ac)	SE		SE	SE		SE
Intermediate Scale SES (5-15 ac)	-		-	SE		-
Large Scale SES (15+ ac)	-		-	-		-
P: Permitted use. The SES is allowed in this District.						
SE: Special exception use. Applicant must be granted permission to install an SES in this District.						
Blank (-) Prohibited. The SES is prohibited in this District or is not applicable.						

f) Removal and Decommissioning

- 1) The owner, operator, or successors in interest shall remove any ground-mounted SES that ceases to perform its intended function for more than twelve (12) consecutive months, or which has reached the end of its useful life, or has been abandoned at the owner or operator's expense.

- 2) The former SES site shall be restored to as natural condition as possible within six (6) months of the removal.

g) Solar Vegetation

Native Perennial Vegetation for Ground-Mounted Solar

Flowering Plants

- Aster
- Bee Balm
- Black-eyed Susan
- Blue-Eyed Grass
- Blue False Indigo
- Butterfly Weed
- Cardinal Flower
- Giant Catmint
- Golden Alexander
- Gray-Headed Coneflower
- Heath Aster
- Jerusalem Artichoke
- Lanceleaf Coreopsis
- Lavender/Anise Hyssop
- Prairie Dock/Rosinweed
- Milkweed
- Mountain Mint
- Nodding Onion
- Obedient Plant
- Ohio Goldenrod
- Ohio Spiderwort
- Prairie Blazing Star
- Purple Coneflower
- Purple Prairie Clover
- Rough Blazing Star
- Shooting star
- Showy Goldenrod
- Sky Blue Aster
- Smooth Aster
- Smooth Penstemon
- Stiff Goldenrod
- White Prairie Clover
- Wild Bergamot
- Wild Geranium
- Wild Quinine

Grasses & Sedges

- Blue Grama
- Little Bluestem
- Prairie Dropseed
- Sideoats Grama

1147.14 TEMPORARY CONSTRUCTION TRAILERS/OFFICES

- a) Temporary Construction Trailers/Offices. Temporary construction trailers/offices may be permitted in any District during the construction of building(s) and site improvements provided the following regulations are met. A Zoning Clearance Permit shall be obtained prior to installing and utilizing the temporary construction trailer/office.
- 1) The temporary trailer/office shall be prohibited from being located in the right-of-way and shall be setback a minimum of 10 feet from the right-of-way line.
 - 2) In all Districts, except the AM, the temporary trailer/office shall only be permitted for a period of two (2) years in any calendar year. If additional time is necessary due to a delay in construction, the applicant shall seek an extension from the Board of Zoning Appeals. Due to the intensity of use and length of construction time for sites within the AM District, this time frame does not apply to temporary construction trailers/offices in the AM District.

1147.15 TEMPORARY TENTS

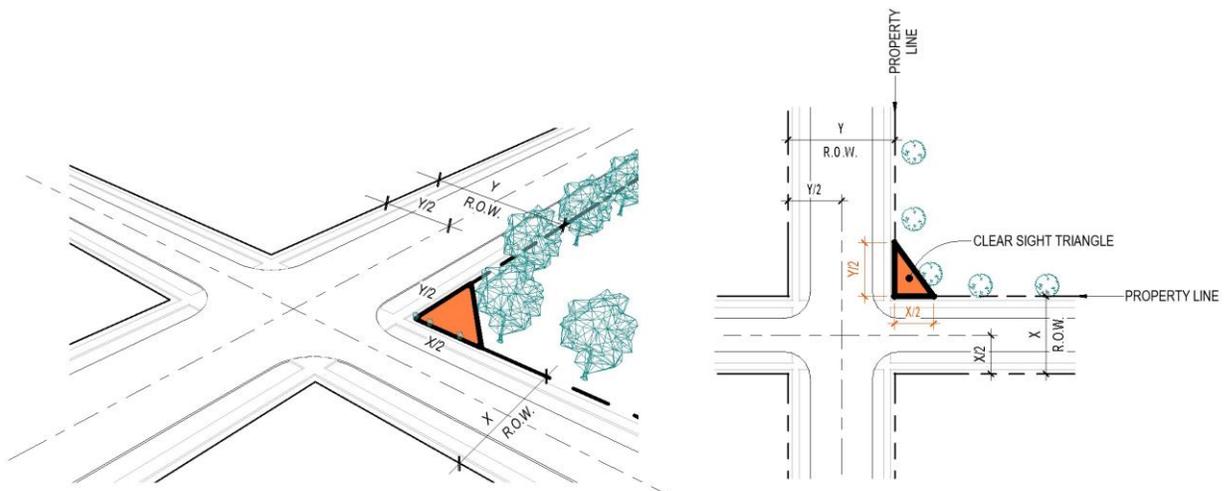
- a) Temporary tents shall be considered as an accessory use in the CN, CB, CBD, SI and AM Districts when retail sales are a principal use as so specified by this chapter. Tents used for festivals, fairs and carnivals for a maximum of fifteen (15) days are exempt from application. The applicant requesting use of such tents shall submit evidence that the following standards will be met.
- 1) Tent(s) on a lot or contiguous lot in the same ownership shall have an aggregate floor area of not more than 700 square feet.
 - 2) Tent(s) erected shall meet the requirements of the Ohio Building Code.
 - 3) Tent(s) may not be erected for more than 89 days during any calendar year except when special exception permit is granted by the Board of Zoning Appeals.
 - 4) Tent(s) shall not cover or restrict access to any required parking space.
 - 5) Any tent that is 200 square feet or larger require a fire safety inspection.
 - 6) Tent(s) permitted under this section shall not be utilized for living purposes.

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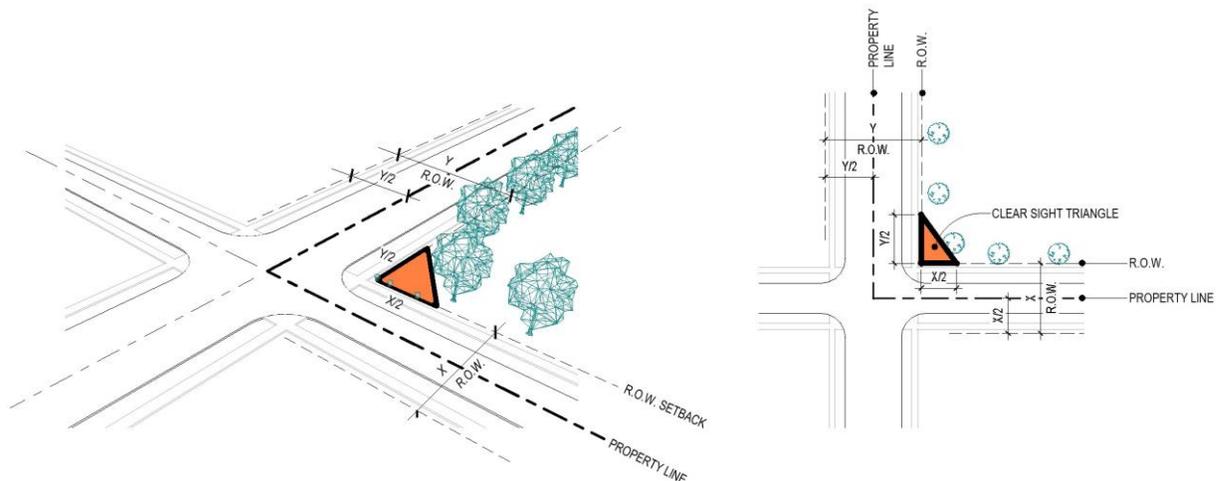
1147.16 VISIBILITY AT INTERSECTIONS

- a) There shall be sight triangle established at every intersection of two public rights-of-way. The sight triangle is the triangular area where two (2) streets intersect, bounded by the edge of the street and a line joining the points on the rights-of-way from their point of intersection for a distance equal to half the width of each street right-of-way. The vision triangle shall be measured along the right-of-way within the boundaries of the property.
- b) Visibility Maintained. There shall be no visual obstructions within the defined sight triangle. A visual obstruction is any object between the height of no more than three (3) feet measured relative to the elevation to the nearest pavement crown. This is based on a driver eye height of three feet (based on the American Association of State Highway and Transportation Official standards). Overhanging branches or other elevated obstructions shall not be any lower than ten (10) feet measured relative to the elevation of the nearest pavement crown.

Example where right-of-way = lot line



Example where lot line is the centerline of the road:



CHAPTER 1149

Wellhead Protection and Flood Damage Prevention

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

Editor's note: Flood Plain Zoning is an overlay of basic Zoning as shown on the Zoning map. It will be applied to only those areas designated by Federal Emergency Management Agency as being subject to flooding. The City currently has Flood Damage Prevention legislation. The Flood Damage Prevention legislation is found in Chapter [1331](#) of the Lancaster Codified Ordinances. Chapter [1331](#) is included as part of the Zoning Ordinance in order to show the relationship of flood damage prevention to Zoning and development issues within the City of Lancaster.

CRA-3 Overlay Zone and Historic Lancaster District

- a) The CRA-3 Overlay Zone is an overlay Zoning District in the area of the the third Community Reinvestment Area (CRA). This overlay zone is shown on the Zoning map and mimics the CRA-3 boundary designated on the City of Lancaster CRA maps created by Permanent Resolution 71-19. The permitted and special exception uses, including duplexes and triplexes, as listed in the underlying Zoning District shall control and such uses must comply with the underlying Zoning requirements. The purpose of the Zoning overlay is to identify areas where tax incentives may be applied to assist with promoting workforce housing and increasing the housing options in the city. Within the CRA-3 Overlay Zoning District a developer may apply for and receive exemption from real property tax for the construction of an approved residential development of up to three family dwelling units, also known as a triplex. Tax exemption is subject to Mayoral approval and determined on a case by case basis.
- b) The Historic Lancaster District is an overlay Zoning District in the areas established in Section 1327.03 of the City of Lancaster's Codified Ordinances. This overlay zone is shown on the Zoning map. The permitted uses, special exceptions and other Zoning requirements as listed in the underlying Zoning District shall apply. Additionally, the requirements of Chapter 1327 shall also apply to all buildings, structures and land within this Zoning overlay District. No certificate of Zoning compliance, variance, or special exception permit for any building, structure, or land within this overlay District shall be issued until such time a certificate of appropriateness has been issued in accordance with Chapter 1327.

**CHAPTER 1153
Nonconformities**

1153.01	Intent	1153.07	Discontinuance
1153.02	Existing land or buildings	1153.08	Damage and/or destruction of a non-conforming building or use.
1153.03	Construction commenced	1153.09	Maintenance and repair.
1153.04	Lots of Record		
1153.05	Non-Conforming Structures		
1153.06	Non-Conforming Uses		

1153.01 INTENT

The purpose of this Chapter is to allow for the continuation of uses and structures that were lawfully permitted prior to the enactment of this Code or amendments thereto but do not conform to the currently adopted regulations.

1153.02 EXISTING LAND OR BUILDINGS

Any use, land or building that lawfully existed on the effective date of this Zoning Ordinance may be continued, even though such use does not conform to the provisions in this current Zoning Ordinance. No non-conforming building, structure, or use shall be moved, extended, enlarged, reconstructed, or structurally altered, except as provided in this Zoning Ordinance.

1153.03 CONSTRUCTION COMMENCED

The construction, change, or remodeling of a use, structure, or building that was legally commenced prior to the effective date of this Zoning Ordinance or amendment thereto but does not conform to these regulations may be continued as long as the following criteria are met:

- a) The property was purchased or otherwise legally acquired prior to the effective date of this Zoning Ordinance or amendment thereto making it non-conforming.
- b) Said work has been completed within two (2) years of the effective date of this Zoning Ordinance or amendment making it non-conforming.

1153.04 LOTS OF RECORD

- a) A Lot of Record is any lot or parcel of land that was lawfully created by a subdivision plat of record or by a metes and bounds description and recorded in the County Recorder's Office prior to the effective date of this Ordinance.
- b) Any lot of record existing on the initial effective date of this Ordinance may be used for any single family dwelling when such use is permitted in the District, regardless of the width or area of said lot, provided all of the following criteria are met:
 - 1) Adequate access is provided to the lot as determined by the City Engineer and Fire Chief.

- 2) The side setback for any lot of record shall not be less than ten (10%) percent of the width of the lot, and in no case shall a side yard be less than three (3) feet.
 - 3) The rear setback for any lot of record shall not be less than twenty (20%) percent of the depth of the lot, and in no case shall the rear yard be less than ten (10) feet.
 - 4) Accessory structures shall comply with all side and rear setback requirements in the applicable District regulations.
- c) In any District where dwellings are not listed as a permitted use, a lot of record may be used for any permitted use in the District in which it is located, provided the following criteria are met:
- 1) The side setback shall be a minimum of ten (10%) percent of the lot width.
 - 2) The rear setback shall be a minimum of twenty (20%) percent of the lot depth.
 - 3) All other regulations for the District, including but not limited to impervious surface ratio, shall apply as stated in the applicable Zoning District.
- d) Any lot of record that contains a structure that complies with the regulations in this Section shall be considered to be in compliance with these Zoning Regulations.

1153.05 NON-CONFORMING STRUCTURES

- a) A non-conforming structure is any building or structure lawfully existing on the effective date of these regulations or amendment thereto, which does not conform to the development standards of the District in which it is located.
- b) A non-conforming structure may continue to exist in accordance with the provisions of this Chapter.
- c) A non-conforming structure may be enlarged, maintained, repaired, or structurally altered, provided, the existing non-conformity is not increased or extended and no new non-conformities are created, except however, a front porch may be added to an existing non-conforming structure provided in complies with the average setback as defined in Chapter 1161.
- d) A non-conforming structure shall not be moved in whole or in part for any distance to any other location on the same or any other lot. If such structure is moved, the entire structure shall conform to the regulations of the applicable Zoning District in which it is located. A Zoning Clearance Permit shall be required prior to moving such Structure.
- e) A non-conforming mobile home, as defined in this Code, located in any District, once removed shall not be relocated on such lot, or replaced with another mobile home.

1153.06 NON-CONFORMING USES

- a) A non-conforming use is any use that was lawfully being conducted within any building or on any land on the effective date of these regulations or amendment thereto but is not listed as a permitted use of the District in which it is located.
- b) A non-conforming use may continue to operate in its current location in accordance with the provisions of this Chapter.

- c) The Board of Zoning Appeals may authorize a non-conforming use to be changed to another non-conforming use, provided the proposed use is equally appropriate or more appropriate to the District than the existing non-conforming use. The Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Zoning Code, which if violated are punishable under Chapter 1155 of this Zoning Code.
- d) Unless otherwise permitted by this Chapter, a non-conforming use shall not be enlarged, extended or expanded.
- e) The Board of Zoning Appeals may permit, on a once-only basis, the expansion of a non-conforming use, provided such expansion does not exceeding twenty-five (25) percent of the ground floor area of the existing building or buildings devoted to a non-conforming use at the time of enactment of this Zoning Ordinance or at the time of its amendment making a use non-conforming. The Board of Zoning Appeals shall not authorize any enlargement which would:
 - 1) Result in a violation of the provisions of this Zoning Ordinance with respect to any adjoining premises;
 - 2) Occupy ground space required for meeting the setback or other requirements of this Zoning Ordinance.

1153.07 DISCONTINUANCE

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

- a) When the use has been voluntarily discontinued for a period of six (6) months. It is the responsibility of the applicant to prove the non-conforming use has not been discontinued.
- b) When the non-conforming use has been replaced by a conforming use.

1153.08 DAMAGE AND/OR DESTRUCTION OF A NON-CONFORMING 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 non-conforming use provided that the restoration or rebuilding is commenced within twelve (12) months of the time of damage, that construction is completed within twenty-four (24) months, and that such restoration or rebuilding would not extend or expand the existing use, except as may be permitted in Section 1153.06 above.

If any part of the damaged or destroyed building encroaches or intrudes on an adjacent property, the location 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 1153.06 shall apply.

1153.09 MAINTENANCE AND REPAIR

Nothing in this chapter shall be deemed to prevent normal maintenance and repair of a building or structure containing a non-conforming use. Structural alterations may be made

to a building or structure containing a non-conforming 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 non-conforming 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.

1153.10 NON-CONFORMING SIGNS

- a) Any sign erected prior to the effective date of this section, constructed in conformance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, or construction is not in conformance with the regulations of this chapter may be continued as a legal non-conforming sign. Said signs must be located outside of the right-of-way unless otherwise approved by the City Engineer, a right-of-way permit has been issued for said sign and the annual right-of-way fee has been paid.
- b) A legal non-conforming sign shall immediately lose its legal non-conforming designation and shall be immediately brought into compliance with this chapter and a new permit secured if so required, or shall be removed upon any of the following occurrences:
 - 1) The non-conforming sign is structurally altered, enlarged, relocated or replaced.
 - 2) The non-conforming sign is determined by the City Planner or designee or the Chief Building Official: to be in a dangerous or defective condition; to fail to conform to health and fire codes; a public nuisance; or abandoned, deteriorated; or in need of repair or replacement.
 - 3) The non-conforming sign face and/or supportive structure is destroyed or damaged in excess of 50 percent of the combined replacement value of the sign and supportive structure, by any cause.
- c) No non-conforming sign shall be moved in whole or in part to any other location unless such sign is made to conform to this chapter, unless forced to move the non-conforming sign by the City, state or federal officials for any reason other than enforcement.
- d) Nothing in this section shall prevent the ordinary repair, maintenance and non-structural alteration of non-conforming signs. Maintaining the non-conforming sign to the exact legal non-conforming design shall be allowed; however, any proposed changes to a non-conforming sign, except for replacement faces, shall require that the sign be made to conform to the requirements of this chapter. No structural alterations shall be made in, to, or upon such non-conforming sign, except those required by law to make the sign conform to the requirements of this chapter.

**CHAPTER 1155
Enforcement**

1155.01	Duty of City Planner or designee and other officials	1155.05	Complaints regarding violations
1155.02	Zoning Clearance Permit Required.	1155.06	Entry and Inspection of Property
1155.03	Certificate of Zoning Compliance	1155.07	Zoning Clearance Permit Revocation
1155.04	Failure to Obtain a Zoning Clearance Permit	1155.08	Stop Work Order
		1155.09	Violation Procedures and Penalties

1155.01 DUTY OF CITY PLANNER OR DESIGNEE

The City of Lancaster Planner or designee shall serve as the Zoning Inspector and shall be responsible for overseeing, interpreting and implementing this Zoning Ordinance. The City Planner may designate additional staff to assist with these activities. All departments, officials, and employees of the City of Lancaster vested with the duty or authority to issue permits or licenses shall comply with the provisions of this Code and shall issue no permit or licenses for any use, purpose, excavation, construction, structure, building, or sign, unless it complies with this Zoning Ordinance.

1155.02 ZONING CLEARANCE PERMIT REQUIRED

- a) A Zoning Clearance Permit is required prior to:
 - 1) Constructing, creating, moving, expanding, converting or structurally altering any portion of a building or structure. This includes temporary structures.
 - 2) Changing the use of a building, structure or land.
 - 3) Occupying or using vacant land.
 - 4) Demolishing of any building or structure.
- b) The failure to obtain a Zoning Clearance Permit shall be considered a violation of this Code and shall be punishable in accordance with this Code.
- c) An application for a Zoning Clearance Permit shall be submitted to the City Planner or designee and shall include the following information.
 - 1) Name, address, phone number and email address of the applicant.
 - 2) Address and parcel number of the property subject to the application.
 - 3) Legal description of the property as recorded in the County Recorder's office. If there is not a complete and accurate survey readily available from existing records, the City Planner or designee may require the applicant supply a survey of the property by a Registered Surveyor in the State of Ohio.
 - 4) Existing and proposed uses.
 - 5) The Zoning District in which the property is located.
 - 6) Plans and/or drawings drawn to scale in blackline or blueprint showing:
 - i. The actual shape and dimensions of the property.

- ii. The proposed use(s) for each building, structure or portion of the lot.
 - iii. The location and dimensions of all easements.
 - iv. The dimension of existing and proposed buildings or structures on the property, including their size and height.
 - v. The distance between the lot lines and the existing and proposed structures.
 - vi. The dimensions and number of existing and proposed parking spaces.
 - vii. Any existing or proposed signage. (not required for single unit dwelling permit)
 - viii. Any existing or proposed landscaping (not required for single unit dwelling permit)
 - ix. Number of proposed dwelling units, if applicable.
 - x. A copy of any required approvals including but not limited to: any necessary variances or special exception permits.
 - xi. Any other information, including information on neighboring lots, as determined by the City Planner or designee to determine compliance and with and enforcement of this Ordinance.
- d) No Zoning Clearance Permit shall be issued until a fee has been paid in accordance with the schedule of fees as determined by the Mayor.
- e) If a Zoning Clearance Permit application is approved:
- 1) The City Planner or designee, or designee, shall mark the permit as approved, sign, date and return the approved permit to the applicant.
 - 2) The applicant shall commence work within one (1) year of the date of Zoning Clearance Permit approval, unless an extension is granted by the City Planner or designee. The City Planner or designee may grant a one-time extension of up to one (1) year due to unexpected delays that are not a result of any action of the applicant and provided there are no changes in area conditions, as determined by the City Planner or designee. Otherwise, the permit shall be considered null and void and a new Zoning Clearance Permit must be obtained.
 - 3) The work described in the permit must be completed and a Certificate of Zoning Compliance must be issued within two (2) years of the date of Zoning Clearance Permit approval. Any work described in the permit that has not been completed within this two (2)-year period or as extended by the City Planner or designee shall not proceed unless and until a new Zoning Clearance Permit is obtained.
- f) If a Zoning Clearance Permit application is denied:
- 1) The City Planner or designee shall mark the permit as denied, sign and date it, provide a list of reasons for denying the permit, and return it to the applicant.
 - 2) The applicant shall have thirty (30) days from the date that the City Planner or designee denied the Zoning Clearance Permit to file an Appeal application to the Board of Zoning Appeals.
- g) The City Planner or designee, or designee, may declare an approved Zoning Clearance Permit void, if he/she determines that the permit was issued based upon incorrect information or false statement(s) being provided by the applicant.

- 1) In such cases, the City Planner or designee shall send a certified letter to the applicant at the address on the application indicating the reasons the Zoning Clearance Permit is being revoked.
- 2) The letter shall state that all work shall cease, and no additional work shall continue unless and until a new permit is obtained.
- 3) The applicant shall have thirty (30) days from the date of this letter to appeal the City Planner or designee's decision to the Board of Zoning Appeals.

1155.03 CERTIFICATE OF ZONING COMPLIANCE

- a) An applicant shall apply for a Certificate of Zoning Compliance after completing the Work described in an approved Zoning Clearance Permit. The application shall be submitted to the City Planner or designee.
- b) No building or structure shall be occupied or utilized in any manner until such time a Certificate of Zoning Compliance has been issued by the City Planner or designee. The Certificate of Zoning Compliance shall state:
 1. The proposed use is in conformance with the approved Zoning Clearance Permit; and
 2. The buildings and/or structures have been constructed in accordance with the approved Zoning Clearance Permit.
 3. If there are any non-conforming uses or structures located on said property, the Certificate of Zoning Compliance shall note the existing non-conforming status on the Certificate of Zoning Compliance.
- c) A Certificate of Zoning Compliance shall not be issued until a signed letter from the applicable water and sewer authority has been provided stating that water and sanitary sewer systems have been installed and approved by said authority.
- d) The City Planner or designee shall maintain a record of all Certificates of Zoning Compliance.
- e) The City Planner or designee is authorized to issue a Temporary Certificate of Zoning Compliance that does not exceed six (6) months provided:
 1. All completed work at the time the Temporary Certificate of Zoning compliance is issued complies with the approved Zoning Clearance Permit.
 2. The reason the unfinished work has not been completed is due to circumstances beyond the applicant's control, such as the weather.
 3. That the temporary occupancy of a building does not impair public health and safety.

1155.04 FAILURE TO OBTAIN A ZONING CLEARANCE PERMIT

Failure to obtain Zoning Clearance Permit prior to the commencement of the construction, alteration, or use for which the permit or certificate is required, shall be a violation of this Zoning Code and punishable under Section 1155.09 of this Ordinance.

1155.05 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Zoning Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the City Planner or designee who shall record properly such complaint, immediately investigate, and take such appropriate action as provided by this Zoning Ordinance.

1155.06 ENTRY AND INSPECTION OF PROPERTY

The City Planner or designee is authorized to make inspections of properties and structures in order to examine and survey the property for the purpose of enforcing the provisions of this Zoning Code. Prior to seeking entry to any property or structure for such examination or survey, the City Planner or designee shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the City Planner or designee shall request the assistance of the City Police Department when the matter is an immediate hazard to life safety. Nothing in this section limits the ability of the City Planner or designee to work with the Law Director to secure a valid search warrant prior to entry.

1155.07 ZONING CLEARANCE PERMIT REVOCATION

The City Planner or designee may issue a revocation notice to revoke a permit which was issued contrary to this Zoning Code or based upon false information or misrepresentation in the application.

1155.08 STOP WORK ORDER

The City Planner or designee shall write a stop work order when it is determined that work is being done contrary to this Zoning Ordinance. Said order shall be posted on the property that is in violation. Removing a stop work order from property, except by the order of the City Planner or designee, shall constitute a punishable violation of this Zoning Ordinance. The City Planner or designee shall commence the Violation Procedures in accordance with Section 1155.09.

1155.09 VIOLATION PROCEDURES AND PENALTIES

- a) Whenever the City Planner or designee determines that there is a violation of any provision of this Zoning Ordinance, a written Notice of Violation shall be issued to the Responsible Party as defined in Chapter 1161. Such notice shall:
1. Be in writing.
 2. Identify the violation.
 3. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Zoning Ordinance being violated.
 4. Include a statement that the violation shall be corrected within thirty (30) days of the Date of Service of the Notice of Violation (which shall be referred to as the Violation Remedy Date). Failure to correct the violation prior to the Violation Remedy Date shall be cause for a citation to be issued by the City Planner or designee in accordance with Section 1155.09(c).
 5. The Date and Method of Service for the Notice of Violation shall be one of the following:
 - i. The date the Notice of Violation is personally delivered to the Responsible Party; or
 - ii. The date the Notice of Violation is sent by certified mail in the US Post Office to the both the property owner address as listed on the Fairfield County Auditor's Tax List and the address for the property; or

- iii. The date the Notice of Violation is posted in a conspicuous place on the property in violation.

Service of this notice shall be deemed complete on the date the City Planner or designee certifies that the Notice of Violation was delivered via one of the above methods.

- b) Re-Inspection and Citation Notification. Within three (3) business days after the Violation Remedy Date, the City Planner or designee shall re-inspect the property in question. If, upon re-inspection following the issuance of a notice of violation, the condition has not been corrected by the Responsible Party a Citation shall be issued in accordance with Section 1155.09(c). Such Citation Notification shall:
 1. Be served by one of the methods specified in Section 1155.09(a)(5).
 2. Be in writing.
 3. Identify the violation. State the amount of the penalty being assessed in accordance with 1155.09(c).
 4. Shall direct the Responsible Party to remedy the violations within seven (7) days of the date of the Citation Notification and failure to do so will result in additional citations in escalating amounts specified in Section 1155.09(c). The Citation Notification shall also inform the Responsible Party that a civil complaint or criminal summons may be filed if the code violation is not remedied in accordance with the Lancaster Codified Ordinances.

- c) Citations for Violation. The following citations shall apply to violations:

The first citation for a violation shall constitute a minor misdemeanor and the penalty shall be \$150.

The second citation for a violation shall constitute a fourth-degree misdemeanor and the penalty shall be \$250.

The third citation for a violation shall constitute a third-degree misdemeanor and the penalty shall be \$500.

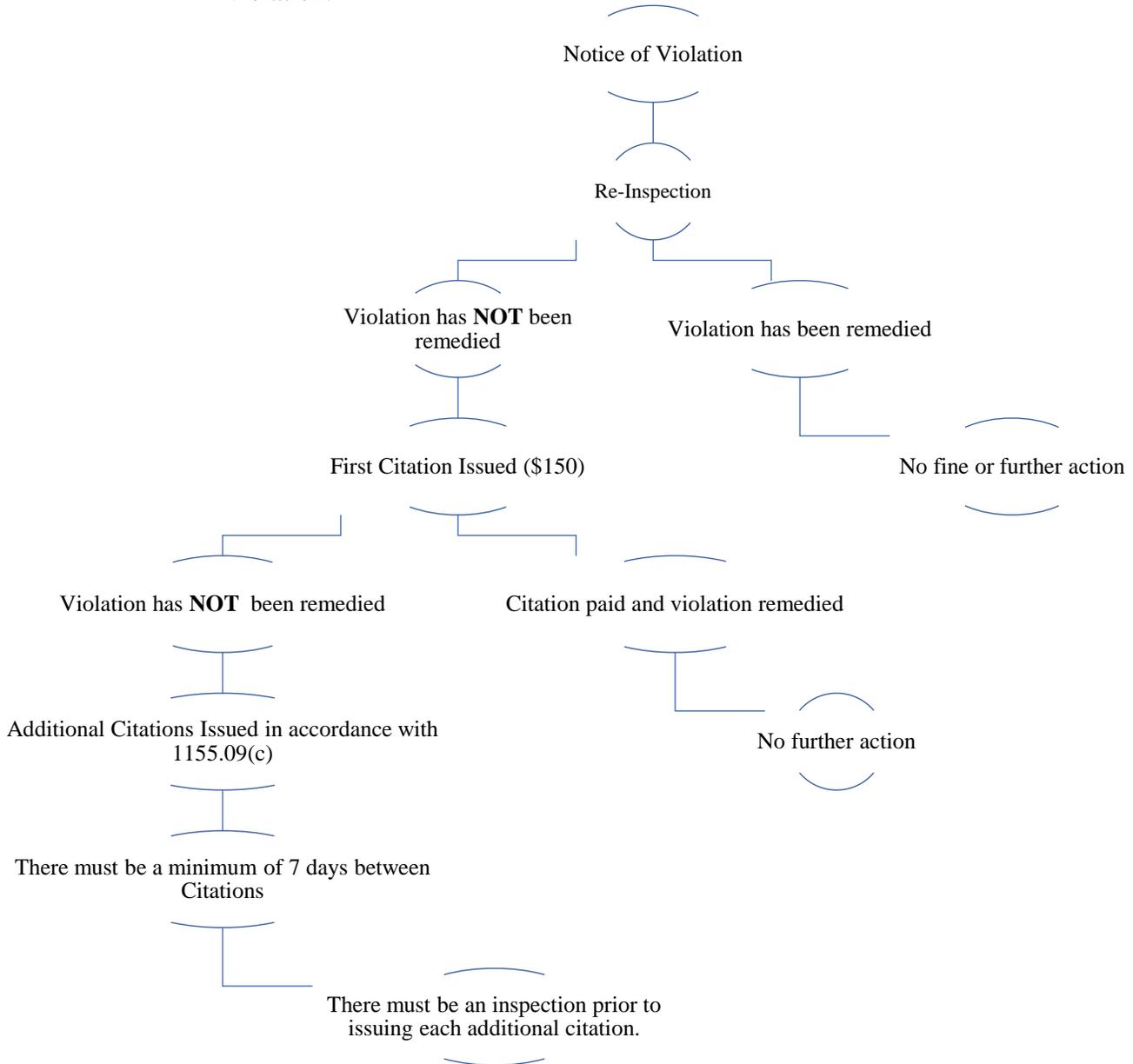
The fourth citation for a violation shall constitute a second-degree misdemeanor and the penalty shall be \$750.

Each additional citation shall constitute a first-degree misdemeanor and the penalty shall be \$1,000.

There shall be a minimum of seven (7) days between the dates of each citation for the same violation. The City Planner or designee shall be required to re-inspect the property and document the continued violation prior to issuing additional citations for the same violation. Each additional Notice of Violation shall follow the requirements of Section 1155.09(a).

All unpaid citations shall be cumulative and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of the debt.

Nothing in this Zoning Ordinance shall be deemed to abolish, impair or prevent other additional remedies as provided by law, including but not limited to civil procedures. In the event of a violation of any provision or requirement of this Zoning Ordinance, or in the case of an imminent threat of such a violation, the City Planner or designee, the Law Director, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.



Flowchart is for general guidance only - Code language in this document controls

CHAPTER 1157
Board of Zoning Appeals

1157.01	Establishment of the Board of Zoning Appeal	1157.07	Appeals from an Administrative Official
1157.02	Powers of the Board	1157.08	Fees
1157.03	Proceedings of the Board	1157.09	Interpretation
1157.04	Conflict of interest	1157.10	Appeals to the District Court
1157.05	Variance Applications	1157.11	Compensation
1157.06	Special Exception Applications		

1157.01 ESTABLISHMENT OF THE BOARD OF ZONING APPEALS

- a) In accordance with Section 713.11, a Board of Zoning Appeals of the City of Lancaster is hereby established with the powers and duties set forth by this Ordinance. The Board of Zoning Appeals shall consist of five members, who shall be nominated by the Mayor and confirmed by the City Council, and shall serve for a term of three years. Initial appointments will be as follows: two (2) members serving for three (3) years; two (2) members serving for two (2) years; and one (1) member serving for one year. Thereafter all full-term appointments shall be for three (3) years.
- b) Vacancies shall be filled for an unexpired term of any member in the manner set forth for appointments to a full term. A Board member may be removed for cause, by the appointing authority after notice, written charges and public hearing. The Board shall organize, elect its chairman, and appoint a secretary and adopt rules necessary to the conduct of its affairs.

1157.02 POWERS OF THE BOARD

The Board of Zoning Appeals shall have the following duties and responsibilities:

- a) Hear appeals, upon application of an aggrieved person, of the City Planner or designee's issuance or denial of a Zoning Clearance Permit, interpretation of this Ordinance, or other administrative action taken by the City Planner or designee, or designee, in accordance with this Ordinance.
- b) Hear and take action on any application filed for a variance or from the regulations in this Ordinance.
- c) Hear and take action on any application filed for a special exception permit in accordance with this Ordinance.

- d) Hear and take action on requests regarding the continuance, expansion or extension of non-conforming uses in accordance with the provisions of this Ordinance.
- e) Authorize the operation of a similar use in accordance with the provisions of this Ordinance.
- f) Make interpretations of the Zoning map and text.
- g) Such other official actions authorized by this Ordinance or Ohio Revised Code that are not herein specified.

1157.03 PROCEEDINGS OF THE BOARD

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

1157.04 CONFLICT OF INTEREST

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

1157.05 APPLICATION AND PROCEDURES VARIANCES

- a) The Board of Zoning Appeals, upon application, and after hearing and subject to the procedural and substantive standards set forth herein, may grant variances from the terms of this Code. Variances are distinguished as either "use" variances or "area" variances. A "use" variance is an application for a deviation from the permitted uses in a Zoning District as opposed to a variance from a Zoning restriction on setbacks, bulk, height, etc. An "area" variance is an application for a deviation from the Zoning restrictions on setbacks, bulk, height, etc. in a Zoning District.
- b) An application an appeal or variance shall include the following information:
 - 1) Seven (7) copies and one (1) digital pdf copy of an application form provided by the City that includes:
 - i. The name, address, phone number and email address of the applicant and property owner(s).

- ii. The address and parcel number of the property in question.
 - iii. The Section of the Code from which the variance being sought or the action that is being appealed.
 - iv. The existing Zoning District in which this property is located.
 - 2) A copy of the denied Zoning Clearance Permit or a copy of such other action taken under this Ordinance that is being appealed.
 - 3) If the applicant is not the owner of the property, a signed letter from the property owner shall be submitted authorizing the applicant to serve as their agent for the application.
 - 4) A legal description of the subject property.
 - 5) A plot plan drawn to an appropriate scale, as determined by the City Planner or designee, showing at a minimum the following information:
 - i. The entire lot(s) subject to the application request.
 - ii. All adjacent rights-of-way.
 - iii. The location and height of all existing and proposed buildings and structures with a notation of the setbacks of each from all property lines and rights-of-way.
 - iv. All parking lots, driveway or other vehicular use areas.
 - v. All existing and proposed signs.
 - vi. Proposed landscaping.
 - vii. Distances to any residential District if less than 1,000 feet from the lot(s).
 - viii. The existing use of the lots on all adjacent lands.
 - ix. Building elevations, if determined necessary by the City Planner or designee to better understand potential impacts on adjacent properties.
 - 6) The names and addresses of all property owners within one hundred (100) feet of the subject property as appearing on the County Auditor's current tax list.
 - 7) A narrative statement explaining the following:
 - i. A description of the existing and proposed uses
 - ii. The nature and magnitude of the variance request.
 - iii. A response as to how the proposed variance satisfies each of the decision criteria listed in Section 1157.05(g).
 - 8) The applicable fee as listed in the separate fee schedule adopted by City Council.
- c) Public Hearing.

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of a completed application for a variance or appeal. The Board may recess such hearings from time to time, and if the time and place of the continued hearing is publicly announced at the time of adjournment, no further public notice shall be required. Any person with interest may appear and testify at the public hearing in person or by attorney.

- d) Notice of the public hearing shall be placed in one (1) or more newspapers of general circulation in the City at least ten (10) days before the day of said hearing.

The notice shall set forth the date, time and place of the public hearing, and the nature of the proposed appeal or variance.

- e) At least ten (10) days before the public hearing, notices shall also be sent by first class mail to all parties of interest. Parties of interest shall include at a minimum, owners of property within 100 feet from, contiguous to, and directly across the street from the property being considered. The notice shall contain the same information as required for the notice published in the newspaper as specified in Section 1157.05(d). Failure of delivery of such notice shall not invalidate the findings of the Board.

- f) Criteria for Approving a Use Variance

The Board of Zoning Appeals may grant a use variance only upon a finding by clear and convincing evidence of an "unnecessary hardship". The factors to be considered and weighed by the Board in determining whether and unnecessary hardship exists include, but are not limited to, the following:

- 1) Whether the requested use variance stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or District;
- 2) Whether the claimed hardship was created by actions of the applicant;
- 3) Whether granting the variance will adversely affect the rights of adjacent property owners;
- 4) Whether granting the variance will adversely affect the public health, safety or general welfare;
- 5) Whether the variance will be consistent with the general spirit and intent of the Zoning Code;
- 6) Whether the variance sought is the minimum which will afford relief to the applicant; and
- 7) Whether there is an economically viable use of the property which is permitted in the Zoning District

- g) Criteria for Approving an Area Variance

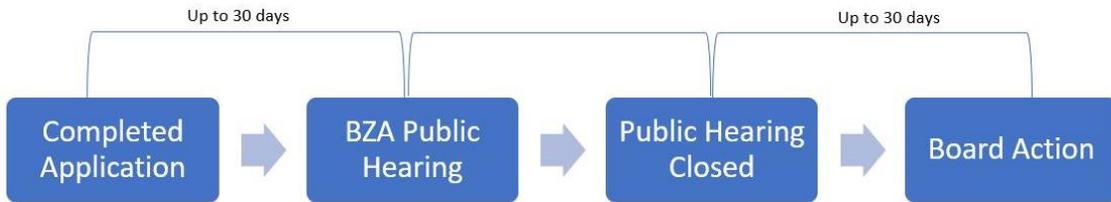
The Board of Zoning Appeals may grant an area variance upon a finding by clear and convincing evidence of "practical difficulty" in meeting Code requirements. The factors to be considered and weighed by the Board in determining whether a property owner has encountered practical difficulties include, but are not limited to, the following:

- 1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- 2) Whether the variance is substantial;
- 3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- 4) Whether the variance would adversely affect the delivery of governmental services, for example, water, sewer, garbage, etc.;

- 5) Whether the property owner purchased the property with knowledge of the Zoning restriction;
 - 6) Whether the property owner's practical difficulty can be eliminated through some method other than a variance, and;
 - 7) Whether the spirit and intent behind the Zoning requirement can be observed and substantial justice can be done by granting a variance.
- h) Burden of Proof. The burden of proof is on the applicant to present reliable, probative, and substantial testimony and evidence that supports the request for a variance.
- i) Action by Board. Within thirty (30) days of the conclusion of the public hearing, the Board of Zoning Appeals shall either: approve, approve with supplementary conditions, or disapprove the request for a variance. The Board of Zoning Appeals must provide consideration of the requirements listed in Sections 1157.05(f) or 1157.05(g) as applicable when making its decision. Its decision shall be accompanied by written findings of fact specifying the reasons for the decision reached. If the application is approved or approved with supplementary conditions, the Board of Zoning Appeals shall make a finding that the reasons set forth in the application justifying the granting of the variance that will make possible a reasonable use of the land, building, or structure.
- j) Supplemental Conditions. The Board of Zoning Appeals may prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the Variance has been granted, shall be deemed a punishable violation under this Zoning Code.
- k) Time Limitation on Variances. A variance that has been granted, but which has not been utilized within 24 months from date of mailing the order granting the variance shall thereafter be void, provided that the Board has not extended the time for utilization. For the purpose of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.
- l) Reapplication. No application for a variance that is substantially similar to an application that has been disapproved or granted, wholly or in part, shall be submitted for one year after the decision of the Board of Zoning Appeals. The City Planner or designee shall consider factors such as the nature or size of a proposal, changes in the development of traffic pattern in the area, or newly discovered evidence pertinent to a decision on a previous application.

Time Line

For general guidance only – Time line not to be used for regulatory purposes – Code language in this document controls



1157.06 APPLICATION FOR SPECIAL EXCEPTION

- a) Any person who owns or has interest in a lot subject to the special exception requirements, may file an application to use such property for special exceptions provided for by this Ordinance in the District in which the property is situated. Seven (7) copies and one (1) digital pdf of an application for a special exception shall be filed with the City Planner or designee, who shall forward a copy to the members of the Board of Zoning Appeals. The application shall contain the following information:
- 1) All of the information required for a Zoning Clearance Permit pursuant to Section 1155.03.
 - 2) A plan of the proposed site for the special exception use showing the location of all buildings, parking and loading areas, traffic circulation, open spaces, landscaping, trash disposal and service areas, utilities, signs, setbacks, and other information that the Board may require to determine if the proposed special exception meets the intent and requirements of this Ordinance.
 - 3) A narrative statement evaluating the effects on the adjoining property, and a discussion of the general compatibility with adjacent and other properties in the District.
 - 4) The names and addresses of all property owners within 100 feet, contiguous to and directly across the street from the property, as appearing on the County Auditor's current tax list.
 - 5) The applicable review fee as listed in the separate fee schedule adopted by City Council.
 - 6) Such other information regarding the property, proposed use, or surrounding areas as may be pertinent to the deliberations of the Board of Zoning Appeals.
- b) Board of Zoning Appeals Action. The Board of Zoning Appeals shall hold a public hearing and provide notification of such hearing using the same procedure and notification requirements as 1157.05 (c) and (d). The Board shall take action within thirty (30) days from date of the hearing, unless the applicant and the Board mutually agree to waive this requirement. In order for a special exception to be granted, it must be determined by at least three members that said special exception is in harmony with the spirit and intent of the Code and will not be injurious to the

neighborhood or otherwise detrimental to the public welfare. Provided that the Board in granting the special exception shall have the authority to prescribe appropriate conditions and safeguards, may limit the grant of the special exception to a specified period of time, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

- c) Time Limitation on Special Exceptions. A special exception which has not been utilized within 24 months from date of the order granting same shall thereafter be void, provided that the Board has not extended the time for utilization. For the purposes of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.
- d) If the application is approved with supplementary conditions, the Board of Zoning Appeals shall direct the City Planner or designee to issue a Zoning Clearance Permit listing the specific conditions listed by the Board of Zoning Appeals for approval.
- e) If no action is taken by the Board of Zoning Appeals within the timeframe specified in this Section, the application shall be considered approved.

1157.07 APPEALS FROM AN ADMINISTRATIVE OFFICIAL

- a) General. An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board or bureaus of the city affected, where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Code.
- b) Notice of Appeal. An appeal be made by filing an Application for Appeal within 30 days from action by the City Planner or designee or by any other officer, department, board acting under the authority of this Zoning Ordinance. The application for an appeal shall include the same information for a variance application in Section 1157.05(b). Upon the receipt of the Application for Appeal, the City Planner or designee, or designee, shall forthwith transmit to the Clerk of the Board of Zoning Appeals, certified copies of all the papers constituting the record of said matter. Upon receipt of the record, the Clerk of the Board of Zoning Appeals shall set the matter for public hearing within 30 days of the filing of the filing of the application for an appeal. Notice of said hearing shall follow the same requirements in Section 1157.05(d).
- c) Board of Zoning Appeals Action. At the conclusion of the public hearing the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of an administrative official enforcing this Code.
- d) Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board of Zoning Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his

opinion cause imminent peril to life or property. In such a case, proceedings shall not be stayed other than by a restraining order granted by the Board on due and sufficient cause shown.

1157.08 FEES

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

1157.09 INTERPRETATION

- a) The Board shall interpret the text of this Code or the Official Zoning Map upon an appeal from a determination of an administrative official after compliance with the procedural standards of Section 1157.10(a).
- b) Where a question arises as to the Zoning District classification of a particular use, the Board of Zoning Appeals, upon written request of an administrative official may find and determine the classification of the use in question and may, prior to such determination, order the giving of notice and hold a public hearing. Such public hearing shall be held within 30 days of the date of request from the administrative official. At the conclusion of the public hearing, the Board shall rule upon the question. Costs of publication shall be borne by the City.

1157.10 APPEALS TO THE COMMON PLEAS COURT

- (a) Procedure. An appeal from any action, decision, ruling, judgment, or order of the Board of Zoning Appeals may be taken by any person or persons aggrieved, or any taxpayer or any officer, department, board or bureau of the City to the Common Pleas Court of Fairfield County by filing with the City Clerk and with the Clerk of the Board within 30 days from the date of such action, a notice of appeal, which notice shall specify the grounds of such appeal. No bond or deposit for costs shall be required for such appeal. Upon filing of the notice of appeal, the Board shall forthwith transmit to the Court Clerk of the County, the original or certified copies of all the papers constituting the record in the case, together with the order, decision or ruling of the Board. Said case shall be heard and tried de novo in the Common Pleas Court of Fairfield County, Ohio. An appeal shall be from the action of the Common Pleas Court as in all other civil actions. Costs shall not be allowed against the Board unless it shall appear to the Court that it acted with gross negligence or in bad faith, or with malice in making the decision appealed from.
- b) Stay of Proceedings. An appeal to the Common Pleas Court stays all proceedings in furtherance of the action appealed from unless the Chairman of the Board certifies to the Court Clerk, after notice of appeal shall have been filed, that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the Common Pleas Court.

1157.11 COMPENSATION

Compensation for members of the Board of Zoning Appeals shall be established by separate ordinance adopted by Council and may be amended from time to time.

CHAPTER 1159
Amendments

1159.01 General.

**1159.02 Policy on Zoning Map
Amendments.**

1159.03 Zoning Text Amendments.

1159.04 Zoning Map Amendments.

1159.01 GENERAL.

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

1159.02 ZONING TEXT AND MAP AMENDMENTS.

- a) Map and Text Amendments to this Ordinance may be initiated by any of the following methods:
1. By referral of a proposed amendment to the Planning Commission from City Council.
 2. By adoption of a motion of the Planning Commission
 3. By the filing of a completed application by at least one (1) owner or lessee of property, or their designated agent, within the area proposed to be affected by the amendment.

Each year the City of Lancaster Planning Commission shall adopt a Zoning Amendment Schedule, which shall include monthly submittal deadlines for Zoning amendment applications. The submittal deadline immediately following a motion, by the Planning Commission or City Council, or upon the submission of a completed application, as determined by the City Planner or designee, shall be considered the “submittal date” of said application.

- b) When a property owner files a Zoning amendment application, three (3) copies and one (1) electronic copy of said application must be submitted, and it shall include the following information:
- 1) A completed application on a form provided by the City that includes the name, address, phone number and email address of the applicant.
 - 2) A description of the proposed changes:
 - i. Proposed text changes, which shall include the existing text of the section(s) of the code to be revised. Proposed additions shall be shown in bold text and proposed deletions shown with a strikethrough.

- ii. Proposed map changes shall include:
 - i. A legal description, prepared, signed and stamped by a surveyor registered in the State of Ohio, of the Tract to be rezoned including all parcels within said Tract. An existing legal description on file with the County Recorder's office may be utilized to meet this requirement.
 - ii. A map showing the Tract and surrounding properties within 200 feet of that shows property lines of the Tract and surrounding parcels.
 - iii. A list of property owners(s) within 200 feet, contiguous to, and directly across the street from the Tract to be rezoned and their addresses as they appear on the County Auditor's current tax list. This requirement may be waived when the Tract proposed to be rezoned includes more than ten (10) parcels.
 - 3) Present use and District.
 - 4) Proposed use and District.
 - 5) Traffic study – when the uses permitted within a proposed Zoning amendment can generate one hundred (100) or more a.m. or p.m. peak hour trips and/or more than five (500) hundred or more daily vehicle trips or when otherwise required by the Service Director. A traffic impact study, when required shall be signed and sealed by a Professional Engineer. Vehicle Trips per day shall be determined by utilizing the ITE Trip Generator Book (8th Edition or most current edition).
 - 6) A narrative statement explaining how the proposed changes will impact the adjacent neighborhood and the City as a whole.
 - 7) Any other information required by the City Planner or designee to determine compliance with and enforcement of this Ordinance.
 - 8) The applicable fee, as determined by separate Ordinance adopted and periodically updated from time to time by City Council.
- c) Application/Review Process:
- 1) Within thirty (30) days of the Submittal Date, as defined in Section 1159.02(a), the Planning Commission shall schedule and hold a public hearing on the proposed amendment.
 - 2) The Planning Commission shall give notice of public hearing on any proposed Zoning changes as follows:
 - i. At least a twenty (20) day notice of the date, time, and place of the hearing by publication in a newspaper of general circulation in the City of Lancaster. Said notice shall include a map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in said area.
 - ii. By posting of the affected property at least 20 days before the date of the hearing. The notice shall state;
 - A. The date, time, and place of public hearing; and
 - B. Who will conduct the public hearing; and
 - C. The present and desired Zoning classifications; and
 - D. The proposed use of the property; and

- E. Other information that may be necessary to provide adequate and timely public notice.
- iii. By mailing written notice to all owners of real property included in the proposed change and all owners contiguous to and directly across the street from the property included in the proposed change at least twenty (20) days prior to the hearing (when the proposed rezoning contains less than 10 parcels). The notice shall contain:
- A. The legal description of the property and the street address or approximate location in the City of Lancaster; and
 - B. The present Zoning of the property and the Zoning sought by the applicant; and
 - C. The date, time and place of the public hearing.
- 3) Planning Commission Action on Zoning Map Amendments. Within thirty (30) days of the closing of the Planning Commission’s public hearing, the Planning Commission shall vote to:
- i. Recommend to the City Council that the application be approved as submitted, or as amended, or be approved subject to modification or;
 - ii. Recommend to the City Council that the application be denied.
- 4) Transmittal to Council. Within fifteen (15) days of the Planning Commission’s action to recommend approval or approval subject to modifications, the City Planner or designee shall transmit the application, with the report and recommendation of the Planning Commission, to the City Council.
- 5) Any application recommended for denial by the Planning Commission, shall not be further considered, unless the applicant within (fifteen)15 days from the date of the Planning. Commission action, files a written request with the Clerk of City Council for a hearing by the City Council. The request for hearing shall be accompanied by the payment of a fee pursuant to the adopted fee schedule. Upon notice of such request, the Planning Commission shall forthwith transmit the application and its report and recommendations to the Clerk of City Council.
- 6) In the event the Planning Commission arrives at a tie vote, the City Planner or designee shall transmit the application, with a report and notation of the tie vote, to the Clerk of City Council within 15 days from the date of Planning Commission action.
- 7) City Council Action on Zoning Map Amendments. The City Council shall hold a hearing on each application transmitted from the Planning Commission and on any proposed Zoning Map amendment initiated pursuant to Section 1159.02(c). The City Council shall approve the application as submitted, or as amended, or approve the application subject to modification, or deny the application. Prior to the hearing on the proposed rezoning ordinance before the City Council, the applicant shall remit to the office of the Clerk of City Council a publication fee, said fee to be in accordance with the schedule of fees adopted by resolution of the City Council of the City of Lancaster. Council shall also provide a thirty (30) day notice of the its public hearing. The notice requirements shall be the same as Section 1159.02(c)(2).

CHAPTER 1161 Definitions

1161.01 Definitions.

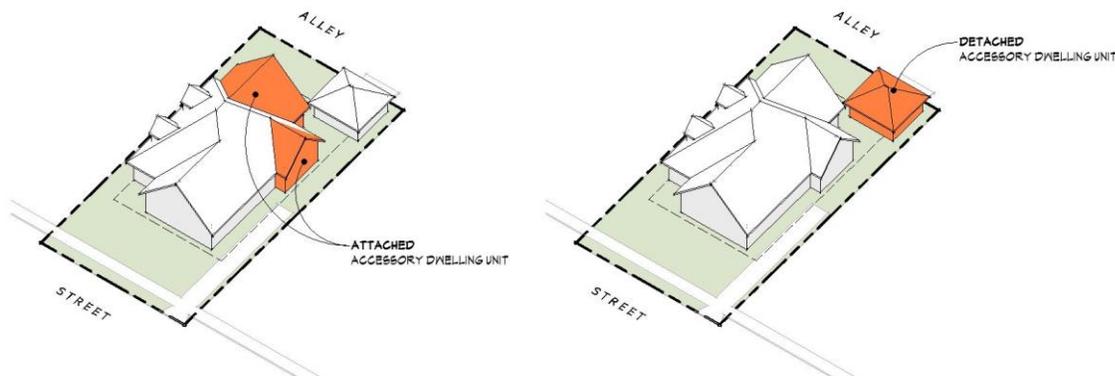
1161.01 DEFINITIONS.

For the purpose of this Ordinance, certain terms are herein defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word “shall” is mandatory; the word “used” shall include the words “arranged,” “designed,” “constructed,” “altered,” “converted” or “intended to be used,” and a “person” shall mean, in addition to any individual, a firm, corporation, association, or any legal entity which may own and/or use land or Buildings.

ACCESSORY DWELLING UNIT (ADU) – A smaller, secondary dwelling unit on the same lot or within a primary dwelling unit. An ADU is an independent dwelling unit that provides for the basic requirements of shelter, heating, cooking, and sanitation.

ADU, Accessory Suite : An ADU that is adjacent and connected to or located completely within the primary dwelling unit, including but not limited to the basement, attic, attached garages, or an addition to primary structure.

ADU, Detached: An ADU located in a structure that is detached from primary dwelling unit, including but not limited to a detached garage or a newly constructed structure.



ACCESSORY STRUCTURE OR USE – A use or structure subordinate to the principal use of a building on the lot or tract and serving a purpose customarily incidental to the use of the principal building. Accessory structures are located on the same lot as the primary structure and are not designed for human occupancy as a dwelling or commercial use. Examples of accessory structures are detached private garages, storage or garden sheds, pool houses, metal storage buildings, hot tubs and other similar type buildings. This definition does not include gardens, patios, uncovered porches, and decks. Private swimming pools are regulated by 1147.10.

Community gardens are considered primary uses and shall not be considered an accessory structure or use. Any sheds, storage containers or other similar structures associated with a community garden shall be considered an accessory structure.

ADVANCED MANUFACTURING - A use that involves computer technology, robotics, or other innovation to improve a product or process.

AGRICULTURE – The use of land for growing crops in the open, dairying, pasturage, horticulture, floriculture and necessary accessory uses, including structures necessary for carrying out farming operations and the residence of the person who owns or operates the farm and family thereof, provided such agricultural use shall not include:

- A. Maintenance and operation of commercial greenhouses or hydroponic farms.
- B. Wholesale or retail sales as an accessory use, unless specifically permitted in a specific Zoning District.
- C. Feeding, grazing, or sheltering of animals in pens or confined areas within 200 feet of any residential use.
- D. The storage or feeding of garbage to animals or operation or maintenance of a commercial stockyard or feed lot.
- E. Raising fur-bearing animals as a principal use.

AIRPORT – A complex of runways and buildings for the takeoff, landing, and maintenance of civil aircraft that is approved and/or properly licensed by the Federal Aviation Authority or applicable agency.

ALLEY – A secondary access way that is a public right-of-way dedicated to public use for travel or transportation and affording vehicular access to abutting property.

ALTERATION (in Historic District) – See Chapter 1327

ANIMAL SERVICES FACILITIES - any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases, and where the animals are not boarded or kept overnight except as necessary in the medical treatment of the animal. Animal care facilities may also include animal grooming establishments.

APPEAL – A request by an aggrieved party for a review of any adverse decision by a Choose an item.
official, board or commission.

ARCHEOLOGY – means the scientific study of material remains (such as tools, pottery, jewelry, stone walls, and monuments) of past human life and activities.

AREA OF SPECIAL FLOOD HAZARD- the land in the Flood plain adopted by the Choose an item.,

including that identified by the Federal Emergency Management Agency (FEMA), which is subject to a 1% or greater chance of Flooding in any given year.

ASSISTED LIVING FACILITY – 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.

AUTOMOBILE-ORIENTED USES – a use where a service is rendered or a sales transaction is made while the patron is typically not required to exit his/her vehicle, or a facility that includes services rendered directly on, to, or for vehicles. Auto-oriented commercial facilities include, but are not limited to drive-thru restaurants, drive-in restaurants, automated teller machines (ATMs), drive-thru banks, drive-in movie theaters, car washes (all types), gas stations (including convenience market), facilities specializing in oil changes, car repair, other similar auto service facilities, and stand-alone parking lots. The sale of vehicles (new and used) in addition to any facility that provides a fixed parcel pickup location is not included within this definition.

AUTOMOBILE OIL CHANGING FACILITY – A facility where oil is removed from a vehicle and new oil is placed into the vehicle without any repair services to the vehicle being provided.

AUTOMOBILE REPAIR – Any building or portion of a building used for the servicing and minor repair of automobile including but not limited to shall include the installation of exhaust systems, repair of the electrical system, transmission repair, brake repair, radiator repair, and tire repair.

AWNING – A hood or cover that projects from the wall of a building and which can be retracted, folded or collapsed against the face of the supporting Building.

BANK – A financial institution licensed to receive deposits and make loans. Such use may also include financial services including but not limited to wealth management, currency exchange, and safe deposit boxes.

BASE FLOOD - the Flood having a 1% chance of being equaled or exceeded in any given year. The base Flood may also be referred to as the 100-year Flood.

BASEMENT – The portion of a building where the floor is not less than 2 feet below and the ceiling is not more than 4 feet, 6 inches above the average Grade.

BED AND BREAKFAST – A residential use consisting of one dwelling unit with no more than eight (8) rooms or suites that are rented to the public for overnight or weekly accommodation for a fee. Only the breakfast meal may be prepared for the guests by the proprietor and no other meals are provided by the proprietor. The rented rooms do not contain cooking facilities and do not constitute separate dwelling units.

BEVERAGE SALES, ALCOHOLIC - A facility that is primarily devoted to the serving of alcoholic beverages. Food can be served but is incidental to the sale of beverages.

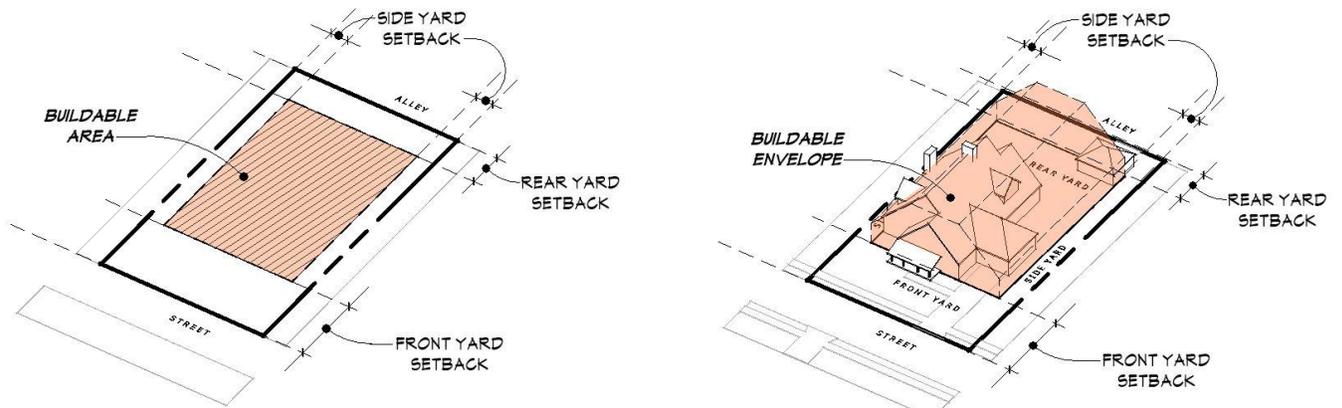
BEVERAGE SALES, MICROBREWERY – A limited production brewery, typically producing specialty beers and selling them on-site or for local distribution.

BILLBOARD – See Sign, Freestanding - Billboard

BIO-TECHNOLOGY – A facility designed to manipulate living organisms or their components to produce useful, common commercial products such as but not limited to pest resistant crops, new bacterial strains, and novel pharmaceuticals. This type of use is typically fully enclosed by four solid walls and a roof.

BODY ART ESTABLISHMENT – A building or portion of a building in which a practitioner performs body piercing, tattooing, branding, or application of permanent cosmetics.

BUILDABLE AREA – The area of a lot, exclusive of the required front, side and rear setbacks, where a building can be constructed.



BUILDING – A combination of materials to form a construction that is safe and stable and adapted to permanent or continuous occupancy for public, institutional, residential, business, or industrial purposes.

BUILDING LINE – A line parallel to the right-of-way line and at a distance there from equal to the required depth of the front setback (as determined by the applicable Zoning District), and

extending across the full width of the lot.

BUSINESS – Any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

BUSINESS, RETAIL – a Use primarily engaged in the selling of merchandise including but not limited to clothes, food, furniture, guns, household goods, gifts, specialty items, and other similar goods, and the rendering of services that is incidental to the sale of the goods.

BUSINESS, LARGE RETAIL– a Retail or Wholesale business that is up to twenty thousand (20,000) square feet or larger.

BUSINESS, MEDIUM RETAIL – a Retail or Wholesale business that is up to twenty (20,000) square feet in area.

BUSINESS, SMALL RETAIL – a Retail or Wholesale business that is less than five thousand (5,000) square feet in area and typically services nearby neighborhoods.

BUSINESS, WHOLESALE – A use that generally sells commodities in large quantities or by the piece to the general public, business members, retailers, or other wholesale establishments.

CEMETERY – Land used for or intended to be used for the burial of human or animal remains and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of the cemetery.

CERTIFICATE OF ZONING COMPLIANCE – A certificate issued by the Zoning Administrator confirming that the requirements of this Ordinance have been met and the building can be occupied.

CO – LOCATION – The use of a telecommunication tower by more than one (1) telecommunications provider.

COMMENCEMENT OF WORK – The time at which physical improvements begin to be made to a property or structure so that it may be utilized for its intended purpose stated in the Zoning permit.

COMMERCIAL RECREATIONAL FACILITY, LARGE – a facility that is full enclosed by four solid walls and a roof for the provision of athletic and amusement facilities involving the active participation of the user – public in a sports related activity and includes but is not limited to racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades. Large Commercial Recreational Facilities are greater than 5,000 square feet.

COMMERCIAL RECREATIONAL FACILITY, OUTDOOR– a facility that is not fully enclosed by four solid walls for the provision of athletic and amusement facilities involving the active participation of the user – public in a sports related activity and includes but is not limited to fields for soccer fields, football, baseball, lacrosse or other related sports, racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades.

SMALL, OUTDOOR RECREATIONAL FACILITY - Less than 5,000 square feet.

LARGE, OUTDOOR RECREATIONAL FACILITY – 5,000 square feet or larger.

COMMERCIAL RECREATIONAL FACILITY, SMALL– a facility that is fully enclosed by four solid walls and a roof for the provision of athletic and amusement facilities involving the active participation of the user – public in a sports related activity and includes but is not limited to racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades. Small Commercial Recreational Facilities are smaller than 5,000 square feet.

COMMUNICATION FACILITIES – A lot or an area of a lot that includes a telecommunication tower, radio tower, or other similar communication tools including any associated appurtenances.

COMMUNITY GARDEN – An area for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family generally organized and managed by a public or not-for-profit organization.

COMMUNITY SERVICES – Institutional uses that include but are not limited to community centers, museums, galleries, libraries, and other similar facilities.

CONTRACTOR OFFICE – facility or area for the storage of materials, equipment, and commercial vehicles utilized by building and construction contractors, craftsmen and tradesmen, and may include accessory offices related to such activities.

DATA PROCESSING CENTER - A facility that houses computer systems and associated data and is focused on the mass storage of data.

DAY-CARE CENTERS – Any place in which child day care or publicly funded child day care is provided for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator. In counting children for purposes of this code, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted.

DAY-CARE HOME, FAMILY LARGE – a permanent residence of the administrator in which childcare or publicly funded childcare is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which childcare is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this division, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. “Type A Family Day-Care Home” and “Type A home” do not include any child day camp (ORC Section 5104.01(RR)). This definition does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. This definition shall not be construed to include child day camps.

DAY-CARE HOME, FAMILY SMALL – a permanent residence of the provider in which child care is provided for one (1) to six (6) children at one time and in which no more than three

(3) children under two (2) years of age at one time. In counting children for the purposes of this division, 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. “Type B Family Day-Care Home” and “Type B home” do not include any child day camp (ORC Section 5104.01(SS)). This definition does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is home of the siblings. This definition shall not be construed to include child day camps.

DENSITY, NET – The number of dwelling units permitted to be developed on a net acre of land. A net acre of land is the total acreage minus any wetlands, water bodies, public parks, open spaces, roads or other public rights-of-way.

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 or storage of equipment or materials located within the area of special Flood hazard.

DISTRICT – Any section of the Choose an item.in which the Zoning regulations are uniform.

DRIVEWAY (ACCESS POINT) – A private drive giving access from a public way to a detached one unit dwelling on abutting ground or to a group of multifamily, commercial, or industrial Buildings, which is not dedicated to the City for the maintenance of which shall not be responsible.

DWELLING, CONTAINER – A residential unit built from one or more standard shipping container(s) which meets the requirements of the Planning and Zoning Code of the City of Lancaster, Ohio and the current Ohio building codes.

DWELLING, DUPLEX – A building designed for two dwelling units where each dwelling shares one common wall and the remaining sides of the building are surrounded by open areas or street lines.

DWELLING, MULTI-UNIT- A building designed or used primarily as a residence with four (4) or more dwellings units.

DWELLING, ONE BEDROOM UNIT – A dwelling unit that is contained within a Multi-Unit Dwelling or Mixed Use Building as defined herein that contains only one bedroom.

DWELLING, STUDIO – A dwelling unit that is contained within a Multi-Unit Dwelling or Mixed Use Building as defined herein that combines a number of different types of rooms, such as living room, bedroom and kitchen, into a single room.

DWELLING, THREE BEDROOM UNIT - A dwelling unit that is contained within a Multi-Unit Dwelling or Mixed Use Building as defined herein that contains three bedrooms.

DWELLING, TWO BEDROOM UNIT - A dwelling unit that is contained within a Multi-Unit Dwelling or Mixed Use Building as defined herein that contains two bedrooms.

DWELLING, ONE UNIT- A building designed exclusively for one detached dwelling unit that is situated on a parcel with no other principal structures and having a Front, Side, and Rear Yard.

DWELLING, TOWNHOME - A building designed exclusively for four (4) or more dwelling units that are structurally attached to one another, side by side, above one another, or in a quad formation, and erected as a single building.

DWELLING, TRI-PLEX – A building containing three (3) dwelling units, designed for occupancy by not more than three (3) families.

DWELLING UNIT – Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating, which is designed or used for residential purposes. This definition does not include a cabin, hotel or motel.

DWELLING UNIT, ACCESSORY – See Accessory Dwelling Unit

EARLY CHILDHOOD LEARNING CENTER – An education establishment that provides learning space to children prior to beginning their compulsory education. This facility may also provide for the extended care of infants and young children.

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.

EMERGENCY AND PROTECTIVE SHELTER – A facility which provides room and board for the protection, counseling, and pre-placement screening for abused, displaced, or transient children or adults.

ENCROACHMENT – the intrusion on another person’s property or public right-of-way, intentional or unintentional.

ENVIRONMENTAL CHANGE – means the construction, alteration, demolition or removal of any property subject to the provisions of the Historic Overlay District.

EQUIPMENT REPAIR, LARGE – A facility that is fully enclosed by four solid walls and a roof that is used for the repair of contractor’s equipment, heavy machinery, repair equipment, motor vehicles or trucks.

EQUIPMENT REPAIR, SMALL – A facility that is fully enclosed by four solid walls and a roof that is used to repair small tools and equipment such as lawn mowers, small tractors, and other small equipment.

FAÇADE – the face of a building, especially the principal front that looks onto a street or open space.

FEATHERED FLAG – a vertical, portable and temporary sign that contains a harpoon style pole or staff driven into the ground for support or supported by means of an individual stand.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – the agency with the overall responsibility for administering the National Flood Insurance Program.

FENCE – Any structure composed of wood, metal, stone, plastic or other natural or permanent material erected in such a manner and positioned as to enclose or partially enclose any portion of a lot.

FENCE, OPEN - Any fence that has 62 percent or more of its vertical surface area open to light or air. An example of this type of fence is a Kentucky 3-Board Fence.

FENCE, PARTIALLY OPEN – Any fence that has at least 50 percent of its vertical surface area open to light or air. An example of this type of fence is a picket fence.

FENCE, PICKET – A partially open fence made of upright poles or slats where the space between the poles/slats is greater than the width of the poles/slats.

FENCE, SOLID – Any fence that is designed to inhibit public view and provide seclusion, when viewed at right angles, and having more than 50 percent of its vertical surface area closed to light and air.

FENCE, WROUGHT IRON – A fence constructed of metal, including aluminum, iron or steel, pipe, tubes or bar stock and having some type of decorative features or design. Wrought iron fences shall not have pointed ends exposed but may have finials with blunt ends.

FLEX-OFFICE LABORATORIES – a space for a combination of office and laboratory uses that has build out capabilities to meet individual needs.

FLEX-OFFICE – RETAIL - a space with store fronts with small rear warehousing that has build out capabilities to meet individual needs.

FLEX-OFFICE WAREHOUSES – a space for a combination of office and warehouse uses that has built out capabilities to meet individual needs.

FLOOD OR FLOODING – means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOODWAY FRINGE – The portion of the regulatory floodplain outside the floodway.

FLOOD INSURANCE –RATE MAP (FIRM) – an official map on which the Federal Emergency Management Agency has delineated both the areas of special Flood hazards and the risk premium zones applicable to the Choose an item..

FLOOD INSURANCE STUDY (FIS) – the official report provided by the Federal Emergency Management Agency that includes Flood profiles, Floodway boundaries, and the water surface elevation of the base Flood.

FLOOD PROTECTION ELEVATION – the elevation not less than one- and one-half feet above the base Flood elevation to which uses regulated by the Special Flood Hazard Regulations are required to be elevated or Flood proofed to compensate for the many unknown factors that could contribute to Flood elevations greater than that calculated for a base Flood. In areas where no base Flood elevations exist from any authoritative source, the Flood protection elevation can be historical Flood elevations, of base Flood elevations determined and/or approved by the Floodplain administrator.

FLOODPLAIN ENCROACHMENT – any Floodplain development that could obstruct Flood flows, such as fill, a bridge, or other development.

FLOODWAY – the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base Flood discharge. A Floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base Flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The Floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity Flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

FLOOR AREA – The sum of the gross horizontal areas of the one or several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of common walls separating two buildings. Floor area for the purpose of these regulations will not include basement, elevator and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps.

FLOOR AREA, LIVABLE – The portion of floor area of a dwelling unit that is constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, entertainment, common space, areas for personal hygiene, or combination thereof. Unheated rooms, unfinished garages, basements or rooms used exclusively for utilities or storage shall not be considered as livable floor area. In no case shall an area less than 6 feet in height be considered livable floor area.

FOOD CART – a small, wheeled vehicle typical pushed by hand, bicycle or propelled in some similar muscular manner to move it from place to place in order to offer already prepared or prepackaged food or ice cream for sale to the public. Any vehicle that is capable of preparing food within it shall not be included in the definition of a food cart.

FOOD TENT – a open-aided, temporary structure with four legs and a canvas top used to prepare and sell food at special events where large groups of people are situated in a park, parade, fraternal organization, or other similar venue.

FOOD TRUCK – A vehicle from which food for human consumption is sold and dispensed. Said food can be prepackaged or prepared within the vehicle. Such vehicle may be self-propelled or towed by another vehicle and must be licensed in the state of Ohio.

FOOT CANDLE – A unit of incident light (on a surface) stated in lumens per square foot and measurable with a illuminance meter (light meter). One (1) foot-candle equals one (1) lumen per square foot.

FREESTANDING SIGN – See Sign, Freestanding

FRONTAGE – The portion of a lot that directly abuts a public street or street right – of – way and provides primary access to the property. If a lot has two (2) or more segments that abut a public street or street right – of – way that are not continuous or abuts two (2) or more separate and distinct rights – of – way, the segments shall not be totaled together when calculating lot frontage. Rather each side of the lot abutting a public right-of-way shall be considered to the front of a lot and both must comply with the minimum frontage and front setback requirements (see Part 2 – Section C) . Property lines that abut limited access roads shall not be construed to be included within any calculation of lot frontage.

FUNERAL SERVICES FACILITIES – A Building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the storage of caskets, funeral urns, and other related funeral supplies; and I the storage of funeral vehicles. Funeral services facilities exclude crematoriums.

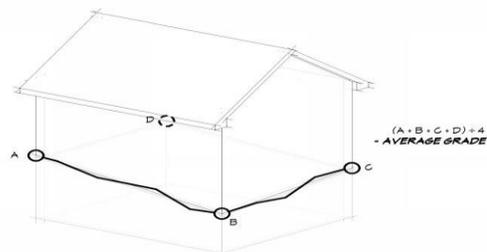
GARAGE, PRIVATE – An accessory building or an accessory portion of the main building enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling for which it is accessory.

GARAGE, PUBLIC – A building or portion of a building in which more than two motor vehicles are or are intended to be housed under arrangements made with patrons for renting or leasing such space and accommodation in which no repair work is carried on.

GOVERNMENTAL SERVICES – Any service provided by a governmental agency including but not limited to road and maintenance services and related infrastructure, water and wastewater facilities, fire and safety protection services, and other administrative services associated with a governmental agency.

GRADE – The elevation of the ground at any given point.

GRADE, FINISHED - The elevation of the finished surface of the ground adjoining the base of all exterior walls of a building or the elevation of the finished surface of the ground at the base of a structure, exclusive of any artificial embankment at the base of such building or structure. If the ground is not entirely level, the finished grade shall be determined by averaging the grade of the ground at each corner of the building or structure.

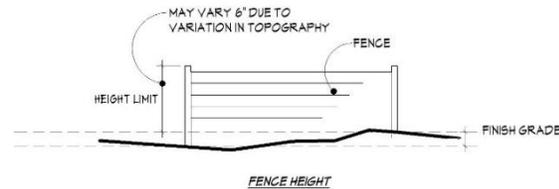


GROUND MOUNTED SIGN – See Sign, Freestanding – Grounded Mounted

HEALTH CARE FACILITIES – General and specialized hospitals and associated clinics, rehabilitation centers, senior and assisting living, nursing homes, or other similar facilities providing health related services and involving the overnight or long term stay of patients.

HEIGHT, BUILDING – The vertical distance between the finished grade of the building and the highest point of the roof.

HEIGHT, FENCE – The vertical distance between the highest point of the fence and the finished grade.



HEIGHT, SIGN – See Chapter 1145.

HOME DAY-CARE FAMILY, LARGE – SEE DAY-CARE HOME, FAMILY LARGE

HOME DAY-CARE FAMILY, SMALL – SEE DAY-CARE HOME, FAMILY SMALL

HOME OCCUPATION - An accessory use which is an activity, profession, occupation, service, craft or revenue – enhancing hobby conducted by a person on the same premises as his principal place of residence which is clearly subordinate and incidental to the use of the premises for residential purposes. Home occupations may include, but are not limited to, home offices for insurance agents, financial planners, real estate agents, consultants, lawyers, architects, engineers, accountants, or other similar professional services, sewing, tailoring, teaching of music, dance lessons, or tutoring, or other similar uses that do not change the character of the residential neighborhood. Family Day Care Homes, Types A and B shall not be considered to be home occupations and shall be treated as permitted and special exception as listed in the applicable Zoning District.

HOTEL – An establishment consisting of a group of attached or detached living or sleeping units with bathroom and closet space, located on a single lot, and designed for use by transient automobile travelers. A hotel furnishes customary services such as maid service and laundering of linens, telephone, secretarial or desk service and the use of furniture. Ingress and egress to and from all rooms is made through an inside lobby.

HOTEL, BOUTIQUE – A small hotel with less than 50 rooms that is located in a pedestrian oriented business area. These hotels typically have a strong artisan sense and focus on the design of the building and rooms.

INDUSTRIALIZED UNIT - A building unit or assembly of closed construction fabrication in an off-site facility, which is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use, including units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods

to form a completed structural entity but does not include a permanently sited manufactured home or mobile home as defined in this Ordinance.

INSTITUTIONAL USES – Those uses organized, established, used or intended to be used for the promotion of public, civic, educational, charitable, cultural or social or philanthropic activity and include but are not limited to art galleries, art studios, libraries, etc.

JUNK YARDS AND SCRAP METAL PROCESSING FACILITIES – An establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, selling or exchanging old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, iron, steel, or other old or scrap materials and where such business or operation is not completely conducted within an enclosed building.

KENNEL- any enclosure, premises, building, structure, lot, area of one ownership where six (6) or more dogs, cats, or other animals are kept. These facilities also consist of services open to the public that includes, but are not limited to boarding, training, and sale of animals.

LANDMARK – means any property identified and listed individually, and protected under the terms of this ordinance, but not located within a Historical Overlay District.

LANDSCAPE/HARDSCAPE BUSINESS – A place where employees are housed and/or vehicles, machinery and materials such as trees, shrubs, flowers or other living vegetation, as well as irrigation systems, stone, brick pavers or other non-living components of a landscape design are stored. Typically workers are dispatched from this site and said materials are transported to another location for installation.

LANDSCAPING – The improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects.

LEGAL DESCRIPTION – The geographical description of real estate that identifies the precise location, boundaries and any easements for the purpose of a legal transaction, such as a transfer of ownership. A legal description can include either a metes and bounds description or a subdivision plat.

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.

LOADING SPACE, OFF – STREET – An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

LOGISTICS – A large building where material, products, or other manufactured goods are acquired, stored and transported to their final destination. There is no production, processing, assembling or packaging of products or materials in these buildings.

LOT – A division of land separated from other divisions for purposes of sale, lease, or separate use, described on a recorded subdivision plat, recorded map or by metes and bounds.

LOT, CORNER – A lot situated at the intersection of two streets, or which fronts a street on two or more sides forming an interior angle of less than 135 degrees. (Also see LOT LINE, FRONT)

LOT, COVERAGE – The total area of those portions of a lot that are covered by a building or structures, paved areas, and other impervious surfaces.

LOT, INTERIOR – A lot that abuts no more than one street and that fronts a street on not more than one side.

LOT LINE – A line bounding or demarcating a plot of land or ground. May also be referred to as a Property Line.

LOT LINE, REAR – The lot line that is opposite the front lot line and farthest from it.

LOT LINE, SIDE – The lot line running from the front lot line to the rear lot line. This line is also the line dividing two interior lots.

LOT, MINIMUM AREA – The area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

LOT OF RECORD – Any lot or parcel of land that was lawfully created by a subdivision plat of record or by a metes and bounds description and recorded in the County Recorder's Office prior to the effective date of this Resolution.

LOT WIDTH – The width of a lot at the building line measured at right angles to its depth.

LUMBER YARD – A building where bulk supplies of lumber and other building materials are stored, offered or kept for retail sale and may include storage inside of the building. Any components of this use that include the outdoor storage of said materials shall all within the definition of an outdoor service facility.

MACHINE SHOP – A facility performing cutting, grinding, turning, honing, milling, deburring, lapping, electrochemical machining, etching, or other similar operations.



MAKER SPACE, LARGE – A facility that is 5,000 square feet or larger and serves as shared co-working space for independent craftsmen to produce woodwork, furniture, pottery, glass or other related items. The facility can also have shared office space.

MAKER SPACE, SMALL – A facility that does not exceed 5,000 square feet that is utilized for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, glass or other related items. No odor, fumes or excess noise may be produced at the facility.



MANEUVERING AISLE – A paved area in an off-street parking lot or loading area which provides access to parking, stacking, or loading spaces, exclusive of driveways and is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space. This area is not used as space for the parking or storage of motor vehicles or for loading or unloading.

MANUFACTURED HOME – A building unit or assembly of closed construction fabricated in an off-site facility, which 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 that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

MANUFACTURED HOME COMMUNITY – Any tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and include any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park, even though three (3) or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.

MANUFACTURED HOME, PERMANENTLY SITED – A manufactured home, as defined herein, that meets all of the following criteria:

1. The structure is affixed to a permanent foundation such as masonry or concrete and is connected to appropriate facilities.
2. The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area of at least nine hundred (900) square feet, excluding garages, porches, or attachments.
3. The structure has a minimum 3:12 roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering.
4. The structure was manufactured after January 1, 1995.
5. The structure is not located within a manufactured home park.
6. Otherwise complies with 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.

MANUFACTURING - Any industry that makes products from raw materials by the use of manual labor or machinery. This definition also includes the compounding, processing, assembling and packaging of goods.

MEDICAL MARIJUANA – As defined in ORC Section 3796.01(A), effective September 8, 2016.

MINING AND MINERAL PROCESSING – The extraction and/or processing of sand, stone, gravel, or topsoil.

MIXED USE BUILDING – A building that contains retail, office or entertainment uses on the ground floor and residential units on the upper floors.

MOBILE HOME – A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or a flatbed or other trailer, and arriving at the site where it is occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, locations on jacks or other temporary or permanent foundations, connections to utilities and the like. A Permanently Sited Manufactured Home and travel trailers are not considered to be a mobile home.

MONOPOLE – A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

MOTEL – An establishment consisting of a group of attached or detached living or sleeping units with bathroom and closet space, located on a single lot, and designed for use by transient automobile travelers. A motel furnishes customary services such as maid service and laundering of linens, telephone, secretarial or desk service and the use of furniture.

MOTOR VEHICLE – A passenger vehicle, truck, tractor, tractor – trailer, trailer, boat recreation vehicle, semi-trailer, or any other vehicle propelled or drawn by mechanical power.

MUNICIPAL SERVICES – Any building, area and appurtenances owned and operated by a city for the purposes of providing water, wastewater or transportation services.

MURAL – See Sign, Wall Display, Mural

NON – CONFORMING STRUCTURE – Any building or structure lawfully existing on the effective date of these regulations or amendment thereto, which does not conform to the development standards of the District in which it is located.

NON – CONFORMING USE – Any use that was lawfully being conducted within any building or on any land on the effective date of these regulations or amendment thereto but is not listed as a permitted use of the District in which it is located.

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.

OFFICE, ADMINISTRATIVE, BUSINESS, MEDICAL OR PROFESSION, LARGE - A building that is 5,000 gross square feet or larger in area and includes a set of rooms or tenant spaces used for commercial, professional, medical or bureaucratic work.

OFFICE, ADMINISTRATIVE, BUSINESS, MEDICAL OR PROFESSION, SMALL - A building that is less than 5,000 gross square feet in area and includes a set of rooms or tenant spaces used for commercial, professional, medical or bureaucratic work.

OFF-STREET PARKING GARAGE – A public or private structure that is principally utilized for the parking or storage of motor vehicles to meet the minimum parking requirements in this Zoning code.

OPEN SPACE – That part of a zoned property, including courts or yards, which are open and unobstructed from its lowest level to the sky, accessible to all tenants upon the Zoning property.

OUTDOOR RECREATION FACILITY – an area that is not fully enclosed by walls and a roof which includes, but are not limited to uses such as athletic fields, parks, (excluding neighborhood parks) court sports, tracks, swimming pools, golf related activities, and similar outdoor recreation uses.

OUTDOOR SEASONAL BUSINESS – A use that is conducted on a temporary basis and is outside of a fully enclosed building. Such uses shall include, but are not limited to, holiday tree sales, pumpkin sales, sidewalk sales, etc.

OUTDOOR SERVICE FACILITY – An area that is not fully enclosed by solid walls and a roof and where services are rendered or goods are permanently displayed, sold or stored. For the purposes of this Ordinance, outdoor service facilities include, but are not limited to, restaurant patios, outdoor storage areas, and garden stores. This definition shall not include any use classified as an outdoor seasonal business as defined herein.

OWNER – Owner of record according to records contained in the County Recorder’s Offices.

PARK, COMMUNITY OR REGIONAL – A park that is 20 acres or larger and designed to service a larger region beyond a specific neighborhood and may include playground apparatus and other space for active recreational purposes, along with some areas for passive use.

PARK, NEIGHBORHOOD – A park that is up to 20 acres in size, serving an area one to two miles in diameter and serving a population of less than 5,000 persons. Neighborhood parks are typically designed to service a specific neighborhood area and may include playground apparatus and other space for active recreational purposes, along with some areas for passive use.



PARKING AREA - An open area other than a street or other public way that is used for the parking of motor vehicles.

PARKING SPACE, OFF-STREET – Any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in this Ordinance.

PENNANT – A flag or banner longer in the fly than in the hoist, usually tapering to a point.

PERMANENT SUPPORTIVE HOUSING – Community-based, long-term housing and supportive services, as appropriate, for homeless individuals with disabilities.

PERSONAL SERVICES – Uses that primarily provide services to a person or provide for the care and maintenance of personal goods. Such Uses include, but are not limited to, beauty shops, barber shops, salons, shoe repair shops, tailoring services, or garment repair services. This includes laundry or dry cleaning drop off/pick up services, but the process of dry cleaning is not included in this definition.

PLACES OF ASSEMBLY, LARGE – any facility or business where 300 or more individuals gather to participate or observe programs or services or assemble for social purposes. This includes public halls, theatres, churches, worship facilities, and other similar meeting facilities.

PLACES OF ASSEMBLY, SMALL – any facility or business where less than 300 individuals gather to participate or observe programs or services or assemble for social purposes. This includes public halls, theatres, churches, worship facilities, and other similar meeting facilities.

PLANTS, ASPHALT – A stationary source that manufactures asphalt concrete by heating and drying aggregate and mixing asphalt cements. This includes any combination of dryers, systems for screening, handling, storing and weighing dried aggregate, systems for loading, transferring, and storing mineral filler, systems for mixing, transferring, and storing asphalt concrete, and emission control systems within a stational source.

PLANTS, CONCRETE – The production of concrete that uses a manufacturing process involving the mixing of a number of aggregates, sand, water, cement and/or other components. This use also includes the stockpiling of bulk materials required for the process and storage of the required equipment used in the operation.

PORTABLE HOME STORAGE UNIT – Any assembly of materials which is designed, constructed or reconstructed to make it portable and capable of movement from one site to another and designed to be Used without a permanent foundation. Such Structures are typically utilized for temporarily storing household goods or other such materials on a residential property.

PRACTICAL DIFFICULTY – A standard utilized to determine whether an area variance should be granted. It is based a number of criteria that are weighed against one another to determine if granting the variance will provide a reasonable use of the land without altering the essential character of the area.

PRESERVE OR PRESERVATION – The process, including maintenance, of treating an existing building to arrest or slow future deterioration, stabilize the structure and provide structural safety without changing or adversely affecting the character or appearance of the structure.

PRIVATE LANDING STRIP – A long flat piece of land from which private aircraft can take off and land that is properly licensed by the Federal Aviation Authority or applicable agency. It can be constructed of either grass or pavement.

PRIVATE SWIMMING POOL – 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 ½) feet. A private spa or hot tub with a lockable cover shall not be considered as a “swimming pool.”

PROPERTY LINE – A line bounding or demarcating a plot of land or ground. May also be referred to as a Lot Line.

PUBLIC PROTECTION FACILITY – A facility operated by a public agency for the purposes of public safety including but not limited to fire stations, police stations, public safety dispatch facilities, civil defense, storm shelters, and other similar uses.

PYLON SIGN – See Sign, Freestanding - Pylon

RECONSTRUCTION – The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

REHABILITATION – The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

RESEARCH AND DEVELOPMENT – A use where individuals are employed to search for knowledge and test processes that might be used to create new technologies, products, services, or systems.

RESIDENTIAL FACILITY – A publicly or privately operated home or facility that is further categorized as

RESIDENTIAL FACILITY CLASS 1– A facility that provides accommodations, supervision, personal care services, and mental health services for one or more unrelated adults within mental illness or one or more unrelated children with adolescents with severe emotional disturbances.

RESIDENTIAL FACILITY CLASS 2 - A facility that provides accommodations, supervision and personal care services to any of the following:

- One or two unrelated persons with mental illness
- One or two unrelated adults who are receiving payments under the residential state supplement program.
- Three to sixteen unrelated adults.

Residential facilities exclude hospitals, facilities licensed under ORC 5123.19, an institution subject to certification under ORC 5103.03, hospice care programs, nursing homes, residential care facilities, homes for the aging, a facility operating an opioid treatment program, a terminal care facility for the homeless, a facility approved exclusively for the placement and care of the veterans per Section 104(a) of the Veterans Health Care Amendments of 1983, or the residence of a relative or guardian of a person with mental illness.

RESIDENTIAL FACILITY, LARGE - Any facility licensed as a Class 2 Residential Facility per ORC 5119.34 and provides accommodations and personal care services to six to sixteen unrelated persons. (See ORC 5119.341)

RESIDENTIAL FACILITY, SMALL – Any facility licensed as a Class 2 Residential Facility per ORC 5119.34 and provides accommodations and personal care services to one (1) to five (5) unrelated persons. (See ORC 5119.341)

RESIDENTIAL – OFFICE, ADMINISTRATION, BUSINESS, AND MEDICAL – A small office for administrative, business or medical services as defined in this section but located within a structure that was existing at the time of the effective date of this code.

RESIDENTIAL – RETAIL – A small business retail as defined in this section but located within a structure that was existing at the time of the effective date of this code.

RESIDENTIAL TREATMENT FACILITY – A Residential Facility – Class 1 (ORC 5119.34) 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 and/or mental disorders.

RESPONSIBLE PARTY – The owner of the property as determined by the County Auditor’s Tax List, the agent of the property owner authorized to be responsible for the premises, or the occupant of the property.

RESTAURANT – An establishment which offers food and/or drinks to the public, guests, or employees. The food may be prepared and consumed either on or off site.

RIGHT-OF-WAY LINE – The boundary of the strip of land occupied or intended to be occupied by a road, street, or alley and associated sidewalk or multi-use path.

ROLL-OFF CONTAINER – any non-Compactor storage and collection equipment or device with a capacity of more than eight (8) cubic yards, which is normally loaded onto a motor vehicle and transported to a disposal facility for dumping.

SATELLITE DISH ANTENNA, LARGE - Any antenna greater than one meter in diameter that is designed to receive or transmit signals, either directly or indirectly, to or from satellites. This definition does not include any antenna used for AM/FM radio, amateur (“ham”) radio, Citizen’s Band (“CB”) radio, Digital Audio Radio Services (“DARS”) or short-wave listeners.

SATELLITE DISH ANTENNA, SMALL - Any antenna that is one meter or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite. It further means any antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via MMDS (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.

SCHOOL, HIGH SCHOOL – A public or private institution providing secondary education prior to students starting college or obtaining a job. It typically includes grades 9 – 12.

SCHOOL, POST-SECONDARY – A public or private institution providing educational or training services to individuals who have completed high school.

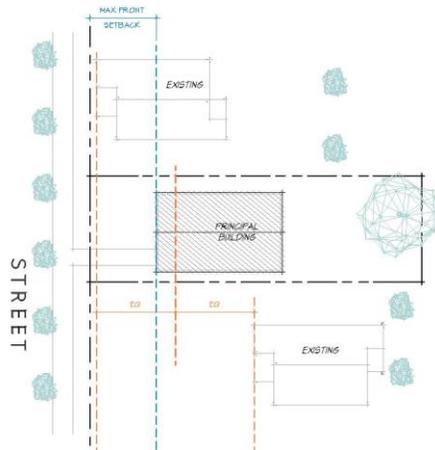
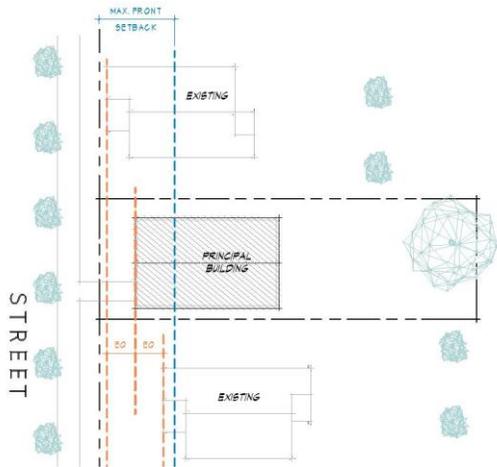
SCHOOL, PRIMARY, INTERMEDIATE, OR MIDDLE – A public or private institution providing educational services to children in kindergarten through the eighth grade.

SCHOOL, TECHNICAL – A secondary or post-secondary school that provides designed training to students for a specific job or skilled trade.

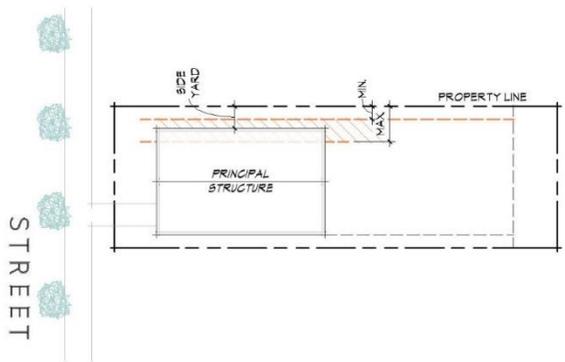
SELF SERVICE STORAGE FACILITY– An individual compartment or stall used for the storage of customer’s goods or wares.

SETBACK – A required distance between a lot line and a principal structure established by the Zoning District in which the principal structure is located.

SETBACK, AVERAGE FRONT– The distance between a front lot line and principal building that is established by averaging the front setbacks of two existing structures on adjacent lots. In no case shall an average front setback exceed any applicable maximum setback requirement.



SETBACK, MAXIMUM – The largest distance permitted between a lot line and a principal structure. The City Planner or designee shall not administratively approve the location of a principal structure that is more than this required distance.



SETBACK, MINIMUM – The smallest distance permitted between a lot line and a principal structure established by the Zoning District in which the principal structure is located. The City Planner or designee may not administratively approve the location of a principal structure that is less than this required distance but may administratively approve the location of a principal structure that is more than this required distance. In such cases, the area between the required minimum setback and the principal structure is considered to be “yard” space as defined in this code.

SHORT TERM RENTAL: Renting a home, or a space in a home, with five guestrooms or less that is reserved/rented wholly or partly for compensatory fee for less than thirty (30) consecutive days.

SIGN – Any device for visual communication which is designed, intended or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object or product. Signs erected by the local, state or federal government for the purposes of discharging in any normal governmental function, such as traffic control or safety, are likewise excluded from the regulations of this Article. This definition includes all signs visible from any public right – of – way or adjacent property, including interior signs oriented towards the exterior façade of any Building or structure that includes any name, number, symbol, identification, description, display, illustration, object, graphic, sign structure, or part thereof, which directs attention to any object, product, place, activity, person, institution, organization or business.

SIGN, ANIMATED – Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene.

SIGN, COMPREHENSIVE PACKAGE – A plan that includes both drawings and text showing the number, design, appearance, location and elevation of all existing and proposed signs on a parcel.

SIGN, ENTRY FEATURE – A sign intended to provide the identity a residential development or commercial development with more than one lot or tenant.

SIGN, FLASHING - A sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.

SIGN, FREESTANDING – A sign erected on a pole, poles, pillars, or posts (pylon sign) or any monument type sign (sign with a base) which is wholly independent of any building or support. Types of free standing signs include:

SIGN, FREESTANDING – BILLBOARD - A type of free-standing sign that is mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl and/or 3-D printed elements, that are typically attached or affixed to a pole or other type of free-standing support. Said signs are greater than 125 square feet.

SIGN, FREESTANDING – GROUND MOUNTED – A type of free-standing sign that is supported by a monument style base and does not include any poles, pillars or posts.

SIGN, FREESTANDING – PYLON – A type of free-standing sign that is supported by pole(s), pillars, posts or other free-standing support and is less than 125 square feet.

SIGN, GAS INFLATABLE – Any device which is capable of being expanded by any gas and is typically tethered or otherwise anchored to the ground or structure and used on a permanent or temporary basis to attract attention to a product, event or business.

SIGN, PERMANENT – A sign intended to be erected, displayed or used, or in fact which is used

for time period in excess of 30 days within any 180-day period.

SIGN, PROJECTING – A sign which extends outward perpendicular to the building face.

SIGN, ROOF – Any sign erected upon or completely over the roof of any building.

SIGN, TEMPORARY – A display, banner, or other advertising device constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame, including but not limited to portable signs, development signs, community event signs, Garage sale signs, real estate signs, sandwich type signs, sidewalk or curb signs, and balloon or other air or gas filled figures.

SIGN, TRAILER – A sign that is constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved forward.

SIGN, WALL DISPLAY – A sign attached to a building face, with the exposed face thereof in a plane parallel to the plane of the wall. Wall signs include, messages, graphics and other designs painted along with any letters or numerals mounted directly on buildings or awnings. Types of Wall Display Signs include:

SIGN, WALL DISPLAY – MURAL, GHOST – A type of wall display that has a primary purpose of displaying an historical advertisement painted directly on the exterior of a structure.

SIGN, WALL DISPLAY – MURAL, ORIGINAL ART – A type of wall display that has a primary purpose of displaying an original work of visual art produced by hand that is tiled or painted directly upon directly to an exterior wall of a structure. Original Art Mural does not include:

- a) Mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl; or
- b) Murals containing electrical or mechanical components; or
- c) Changing mural images

SIGN, WALL DISPLAY – MURAL, VINTAGE ART – A type of wall display that has a primary purpose of displaying an original work of visual art produced by hand that was tiled, painted directly upon or affixed directly to an exterior wall of a structure prior to the date of adoption of this Ordinance.

SIGN, WALL DISPLAY – WALL – A type of wall display that comprises less than ten (10) percent of the wall area to which it is mounted or affixed to said wall.

SIGN, WALL DISPLAY – WALLSCAPE – A type of wall display that comprises ten (10) percent or more of the wall area to which it is attached and is mechanically produced or computer generate prints or images, including but not limited to digitally printed vinyl and/or 3-D printed elements, which are typically attached to the side of a building.

SIGN, WAY FINDING – Any sign which provides direction or guidance to help navigate a person to a specific location of an institution, organization or business, or property.

SIGN, WINDOW – A sign, graphic, poster, symbol or other identification which is physically affixed to or painted on the glass or other structural component of the window.

SOLAR, ARRAY - A mechanically integrated assembly of modules or panels with a support structure and foundation, tracker and other components as required to form a direct-current power producing unit.

SOLAR ENERGY – Radiant energy (direct, diffused, or reflected) received from the sun at wavelengths suitable for conversion into thermal, mechanical, chemical, or electrical energy.

SOLAR ENERGY SYSTEM (SES) – An energy system that consists of one or more solar collection devices, solar energy-related equipment, and other associated infrastructure with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy. Solar energy systems may generate energy in excess of the energy requirements of a property if it is to be sold back to a public utility in accordance with the law.

SOLAR ENERGY SYSTEM, INTEGRATED – An SES where solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight, shingles, canopy, light, or parking meter.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED – An SES where an array is mounted on a rack or pole that is ballasted on, or is attached to, the ground.

Small-Scale Ground-Mounted Solar Energy System (Small Scale SES) – A ground mounted SES with a footprint of between one (1) and five (5) acres.

Intermediate-Scale Ground-Mounted Solar Energy System (Intermediate Scale SES) – A ground mounted SES with a footprint of between five (5) and fifteen (15) acres.

Large Scale Ground Mounted Solar Energy System (Large Scale SES) – A ground mounted SES with a footprint of more than fifteen (15) acres.

SOLAR ENERGY SYSTEM, ROOF MOUNTED – An SES mounted to the roof of a building or structure. Roof-mount systems are accessory to the primary use of a property.

SPECIAL EXCEPTION – A desirable use within a Zoning District that may more intensely affect the surrounding area than would a permitted use in said District. Such uses may require supplementary conditions and safeguards to ensure they blend with the surrounding area.

START OF CONSTRUCTION - the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor

does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, “start of construction” means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, “start of construction” is the date on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

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

STREET- A paved public vehicular right-of-way which provides access to abutting properties from the front.

STRUCTURAL ALTERATIONS – Any change in the supporting members of a Building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of a building.

STRUCTURE – Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground, including outdoor advertising signs, (billboards), and farmers’ street-side stands. This does not include decorative features such as gazebos or community gardens.

STRUCTURE, PRIMARY – The structure associated with the principal use of the property. If more than one structure is associated with the principal use of the property, the one with the highest value shall be considered the primary structure.

SUBSTANTIAL IMPROVEMENT/ALTERATION - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or the first other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places provided the alteration will not preclude the structure’s designation as a historic structure.

SUBSTANTIALLY COMPLETE – The stage in which the work, described in the Zoning Clearance Permit, is finished to a point that the applicant/owner can occupy or utilize the land or building for its intended purpose.

SWIMMING POOL, COMMERCIAL – A body of water in an artificial or natural receptacle or another container, whether located indoors or outdoors, used or intended to be used for public, semi-public, or private swimming by adults and/or children whether or not any charge or fee is imposed, operated by an owner, lessee, operator, licensee or concessionaires, exclusive of a family pool as defined herein, and shall include all structures, appurtenances, equipment, appliances, and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also, all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, apartments and condominiums, and community associations.

SWIMMING POOL, PRIVATE – 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 ½) 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.

TELECOMMUNICATION TOWER – A structure situated on a site used to support antennas and radio or cellular communications equipment. Antennas used by amateur radio operators are excluded from this definition.

TELECOMMUNICATION TOWER, ATTACHED – Any structure that will be attached to a Building or other structure that meets the criteria for a telecommunication tower, as defined herein.

TELECOMMUNICATIONS TOWER, FREE STANDING – Any free-standing structure that meets the criteria for a telecommunication tower, as defined herein.

TEMPORARY STRUCTURE, CONSTRUCTION TRAILER/OFFICE – Any structure that is not permanent and is located on a construction site for purposes of storing materials and tools or for offices for construction management.

TEMPORARY TENT – A temporary structure composed of a covering made of a pliable membrane or fabric, supported by such mechanical means as poles, metal frames, ropes or cables and anchored in such a manner to reduce uplift.

TINY HOME --A one-unit dwelling not more than 600 square feet in floor area including loft floor area that is site built or prefabricated and may or may not be permanently anchored to a foundation. Such homes shall be provided with permanent utility connections. A tiny house is not designed to be a manufactured home, recreational vehicle, shipping container, trailer, or other similar object.

TRANSITIONAL LIVING CENTER – A facility that provides short-term 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.

TREE, LARGE – any tree species which normally attains a full-grown height above 60 feet.

TREE, MEDIUM – any tree species which normally attains a full-grown height between 30-60 feet.

TREE, SMALL – any tree species which normally attains a full-grown height of under 30 feet.

TRUCK AND TRAVEL CENTER – A commercial facility which provides refueling, parking, and often ready-made food for motorists and truck drivers. These facilities sometimes also include showers for truck drivers.

UNNECESSARY HARDSHIP – A standard utilized to determine whether a use variance should be granted. It is based on the deprivation of an owner’s right to the beneficial use of property that is caused by the strict enforcement of this Ordinance. It must involve unique characteristics of the property itself and does not include economic difficulties of the owner/applicant.

USE – The purpose for which a Building or land may be arranged, designed, or intended to be occupied or maintained.

VARIANCE – A modification of the strict terms of this Ordinance due to the strict enforcement of these regulations resulting in a practical difficulty or Unnecessary Hardship and where such modification will not be contrary to the public interest.

VARIANCE, AREA – A type of variance that is from a regulation based on the dimensions or physical requirements of applicable Zoning regulations such as setbacks, height, or other similar requirement. This type of variance is typically reviewed using a Practical Difficulty standard.

VARIANCE, USE – A type of variance to allow a use that is otherwise prohibited within the District. This type of variance is typically reviewed using an Unnecessary Hardship standard.

VEHICLE, CHARGING STATION – The design and construction of a parking space with Electric Vehicle Supply Equipment that supplies electric energy for the recharging of electric vehicles.

VEHICLE, RECREATIONAL – Any motorized or non-motorized vehicle that is used for recreational purposes including, but not limited to all terrain vehicles, dune buggies, motor bikes, recreational vehicle trailers, snowmobiles, trail bikes, and various watercraft including canoes, kayaks, boats and jet skis.

VEHICULAR SALES, EQUIPMENT – An open area or building used for the display, sale or rental of farm, construction or other similar machinery.

VEHICULAR SALES, MOTORCYCLES – An open area or building used for the display, sale or rental of new or used motorcycles and where only incidental repair work is done.

VEHICULAR SALES, NEW AND USED CARS – An open area other than a street, used for the display, sale or rental of new or used motor vehicles in operable condition and where only incidental repair work is done.

VEHICULAR SALES, RECREATIONAL - An open area or building used for the display, sale or rental of new or used recreational vehicles and where only incidental repair work is done.

WALL, DECORATIVE – An architecturally designed wall that is intended to prohibit public view and provide seclusion, has more than 50 percent of its vertical surface area closed to light and air, and is not designed for purposes of retaining soil.

WALL DISPLAY – See Sign, Wall Display

WALL, RETAINING – An engineered wall that is designed and intended to support soil laterally so that it can be retained at different levels on the two sides.

WALLSCAPE – See Sign, Wall Display - Wallscape

WALL SIGN – See Sign, Wall Display – Wall Sign

WIND ENERGY CONVERSION SYSTEM – An energy system consisting of a wind turbine, a tower, and associated control or conversion electronics.

WINDOW SIGN – See Sign, Window

YARD – An open space on a lot with a building that is unoccupied and unobstructed by any portion of a principal structure. Fences and other accessory structures may be permitted within a yard as regulated in this code.

FRONT YARD – The horizontal distance between the right-of-way line and the nearest foundation or structural appurtenance of the principal structure.

REAR YARD – The horizontal distance between the rear lot line and the nearest foundation or structural appurtenance of the principal structure.

SIDE YARD – The horizontal distance between the side lot line and the nearest foundation or structural appurtenance of the principal Building.

CITY PLANNER OR DESIGNEE – The authorized representatives appointed by the City to issue Zoning Clearance Permits and perform other duties as specified in this Ordinance.

ZONING MAP – A map of the City of Lancaster that legally denotes the boundaries of the Zoning Districts as they apply to the properties within the Choose an item. The official Zoning map shall be kept on file in the administrative offices.

ZONING CLEARANCE PERMIT – A document issued by the Zoning administrator authorizing the construction or alteration of a building, structure, or use consistent with this Ordinance.

APPENDIX B

To amend the Zoning attached to Ordinance No. 1866, passed on the 18th., day of Nov. 1939, and as subsequently amended as herein provided.

BE IT ORDAINED by the Council of the City of Lancaster, State of Ohio.

SECTION 1: That the Zoning Map attached to Ordinance No. 1866 passed November 18, 1939, and as subsequently amended by and the same is hereby revised by changing the Zoning of the following described territory, to-wit:

Beginning at the Northwest corner of Forest Rose Ave., and Fifth Ave.; thence North along the West line of Forest Rose Ave., to the alley North of North Street; thence west in the alley North of North Street to the alley west of Forest Rose Ave.; thence North in the alley West of Forest Rose Ave. to the South-East corner of Lot No. 14 of Dickson's Subdivision; thence West along the South line of Lots 14 and 15 of Dickson's Subdivision to the East line of Front Street; thence Northwestwardly along the East line of Front Street to the alley South of Fair Ave.; thence East in the alley South of Fair Avenue to the Southeast corner of Lot No. 11 of Mumaugh's Addition; thence North along the East line of Lot No. 11 of Mumaugh's Addition to Fair Ave.; thence west in Fair Ave., to the alley east of Front Street; thence North in the alley east of Front Street to Reber Avenue; thence in Reber Ave. to a point 260' East of Center line of Front Street as surveyed by the State Highway Department for State Highway No. 49; thence parallel to and 260' northeast of said highway center line to Schryver Ave.; thence in Schryver Avenue and Wildwood Avenue to the Northeast corner of Lot No. 34 of Avondale Addition; thence west along the North line of the Avondale Addition to the West Corporation line; thence South along the west corporation line to a point 260' feet South of and perpendicular to the center line of the State Highway Department Survey; thence Southeastwardly parallel to and 260' distance from the center line of said Highway Survey to the Bolenbaugh land; thence Southwestwardly along the Bolenbaugh land to Hocking River; thence Eastwardly along Hocking River to Sixth Ave.; thence East in Sixth Ave., to Front Street; thence South in Front Street to Fifth Avenue; thence East in Fifth Avenue to the place of beginning.

That the territory above described be changed from Class Residential "A" and Class Residential "B" to Class "C" Commercial.

SECTION 2: That the "Set Back" of "Front Building Line" of all property abutting on Front Street from Union Street Northwestwardly to the Northwest Corporation line be fixed at 60 feet from the Center line of the Proposed State Highway.

SECTION 3: That the City Engineer be and is hereby authorized and directed to make said change on the said Original Zoning Map of said City.

SECTION 4: That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

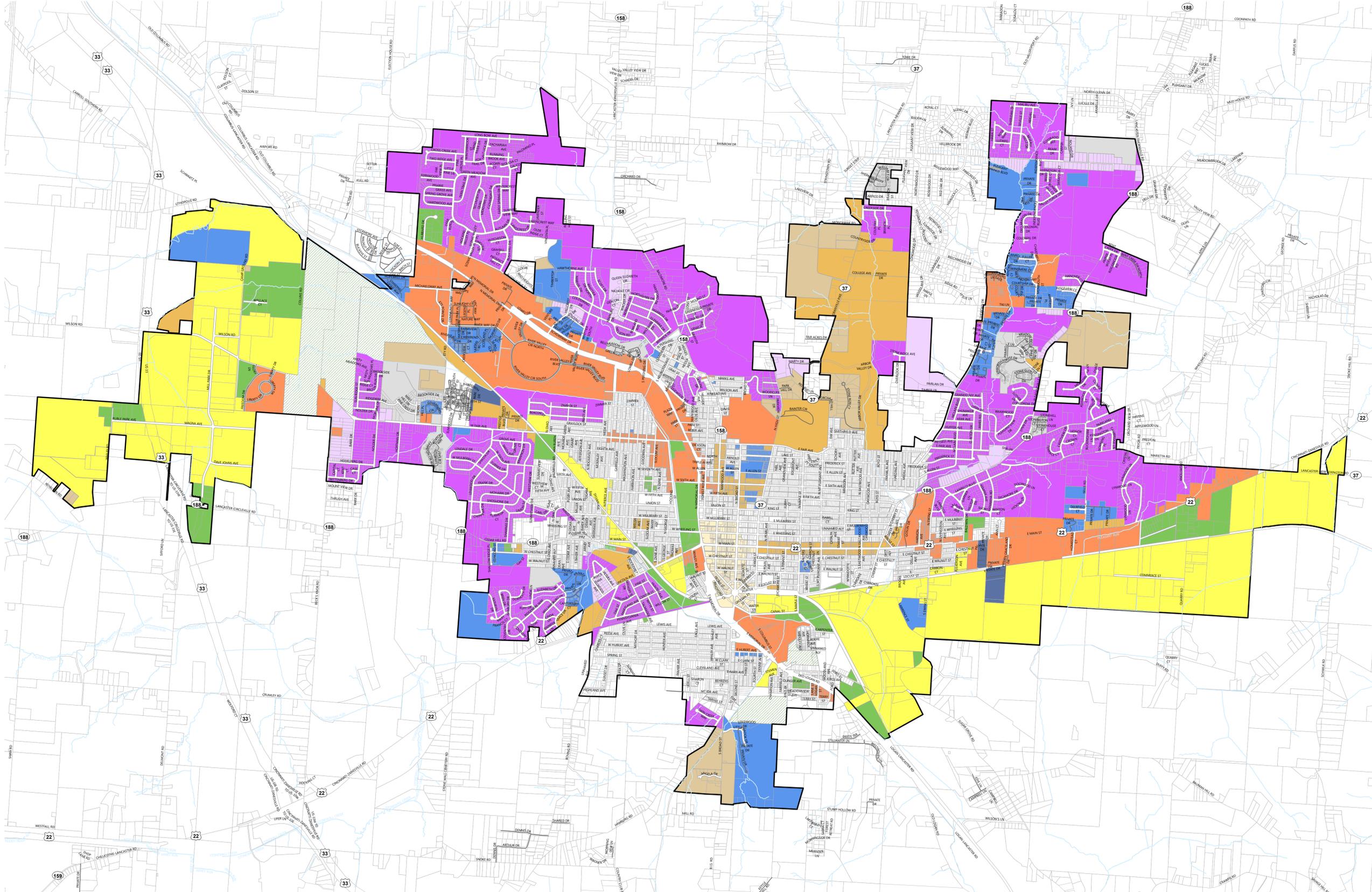
APPENDIX C

WIRELESS TELECOMMUNICATIONS

Wireless Communications as it relates to antenna and antenna support structures is referenced throughout the Zoning code. Because the City has recently adopted specific legislation with regard to wireless telecommunications no effort was made to directly incorporate specific language into the Zoning Code. The City currently has designated Wireless Communications rules and regulations. This Appendix incorporates the existing Wireless Communications legislation from Chapter 1339 of the Lancaster Codified Ordinances.

Zoning Map

City of Lancaster, Ohio



Zoning Districts

- RE Residential - Estate
 - R-LD Residential - Low Density
 - R-MD Residential - Medium Density
 - RM Residential - Multi-Family
 - RT Residential - Transitional
 - MHC Mobile Home Community
 - CN Commercial - Neighborhood
 - CG Commercial - General
 - CBD Central Business District
 - SI Service Industry
 - AM Advanced Manufacturing
 - AG Agricultural
 - PUD Planned Unit Development
- Corporation Boundary

