

TEMPORARY ORDINANCE NO. 22-25

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 1339.13 OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER ENTITLED "WIRELESS TELECOMMUNICATIONS"

WHEREAS, Lancaster Codified Ordinance Section 1339.13 was enacted in 2002 to address the erection, expansion, relocation, replacement, or structural alteration of wireless telecommunication facilities in the City limits; and

WHEREAS, pursuant to LCO Section 1339.13, in addition to obtaining a zoning clearance permit, wireless telecommunications facilities are required to submit an annual maintenance report to the City with a Five Hundred Dollar (\$500.00) fee to cover that review; and

WHEREAS, since 2002 the West Main Street Tower Company, the only entity regulated thereunder, has consistently paid the Five Hundred Dollar (\$500.00) fee, but has failed to submit the necessary Annual Maintenance Report for several years now; and

WHEREAS, the City has never had the technical expertise to analyze the Annual Maintenance Report or address any potential deficiencies thereof; and

WHEREAS, federal law, and specifically, the Federal Communications Commission, is also required to authorize and regulate such facilities; and

WHEREAS, the City's Environmental Engineer recommended removing the requirement that these facilities submit an Annual Maintenance Report and fee, which was submitted to and approved by the City Planning Commission at their meeting on March 13, 2025; now, therefore,

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

SECTION 1. That Section 1339.13 of the Codified Ordinances of the City of Lancaster be amended pursuant to the recommendation of the City Planning Commission as set forth in Exhibit "A", attached hereto.

SECTION 2. This Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

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

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Code Enforcement & Zoning Committee

I, Anitra Scott, Clerk of Council do hereby certify that on _____, 2025 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council



Lancaster City Planning Commission

Meeting Minutes

March 13, 2025

The Lancaster City Planning Commission met on Thursday, March 13, 2025. Members present were Kari James, John Sigafoos, Rick Wilkins, Sherry Orlando, Jan Coccia, and Service-Safety Director Carrie Woody. Also present were Curt Shonk, Jeff Baird, and Katie Wheeling from Engineering, Amy Hamilton from Income Tax, Slade Schultz from Fire, Steven Wellstead from Stormwater, Tim Deitz from LDOT, Stephanie Hall from the Law Director's Office, Christina Wetzal from the Service-Safety Director's Office, Chasilyn Carter and Andrew Lundell from Planning and Zoning, and Mayor Don McDaniel.

Service Safety Director Carrie Woody opened the meeting at 9:31 a.m. and welcomed everyone.

Chasilyn Carter began with Case No 2025.003 for petitioner EMH&T, agent Matt Kirk. The petitioner is requesting a variance to the requirements in 1105.03(c) sidewalks and 1105.03(d) Right of Way dedication. The petitioner has originally requested to split a 3.874-acre lot on Whiley Road, therefore this project falls under a Minor Subdivision.

Curt Shonk spoke and mentioned that there is nothing in this area, therefore, he supports the variance to the sidewalks and the variance for the Right of Way.

John Sigafoos asked what the plans were for this, and the attorney for the purchaser of the property stated that they wanted to develop it for industrial use, after the property is closed on, they would come back with development plans but cannot do anything until they close on the property. John Sigafoos stated that was what he wanted to hear.

Sherry Orlando motioned to approve the variance, seconded by John Sigafoos. With no further discussion, there was a unanimous vote to approve. Service Safety Director Carrie Woody carried the motion.

Chasilyn Carter began with Case No 2004.004.6 for petitioner Rockford Homes, agent Jim Lipnos. The petitioner has requested approval of the Final Development Plan and Planned Unit Development Amendment. Rockford Homes' proposal consists of increasing the total lot count, increasing the density, and decreasing the minimum lot width. This change will allow for 109 new single-family lots. Representatives Joe Looby and Jim Lipnos of Rockford Homes were in attendance.

Sherry Orlando asked about the current lot widths and the width of the houses. Jim Lipnos of Rockford Homes responded that the development has been around for a while and is stagnant, they are trying to rejuvenate the development, and the sales prices of the homes will still exceed the existing homes. He also stated that the house plan will be predominantly the same, with a few dropped because of the width of the homes.

John Sigafoos asked about the sidewalks on both sides of the streets and the site plans. Jim Lipnos of Rockford Homes responded that the streets would be the same or very similar, and there would be sidewalks on both sides. He also stated that the lots still accounted for the easements.

John Sigafoos asked about a timeline for the development. Jim Lipnos of Rockford Homes responded that they would like to begin later this year with approximately twenty homes per year over five years.

Rick Williams asked about certain lots on cul-de-sacs. Jim Lipnos of Rockford Homes responded that these measurements were frontage on the circle, and the critical dimensions were at the back of the home.

Sherry Orlando mentioned that our community needs housing, and concerns about the relative value of the other homes in the area decreasing because of the dimensions of the lots decreasing. Jim Lipnos of Rockford Homes responded the subdivision has been stagnant and that does not help anyone in regard to property values. He also stated that the market pricing on the new homes would still be more than the existing homes.

John Sigafoos motioned to approve as requested contingent on the Engineering Department's approval of the final plans, seconded by Rick Wilkins. With no further discussion, there was a unanimous vote to approve. Service Safety Director Carrie Woody carried the motion.

Chasilyn Carter began with Case No 2025.004 for petitioner Fairfield Homes, agent John Wickham. The petitioner has requested approval for their Open Space Fee, site location in Hunter's Trace. This was approved by the Park Board on March 5, 2025. They are recommending approval of the In Lieu Fee of \$30,271.50 in place of the required 0.775-acre dedication.

Sherry Orlando motioned to approve, seconded by Kari James. With no further discussion, there was a unanimous vote to approve. Service Safety Director Carrie Woody carried the motion.

Chasilyn Carter began with Case No 2025.006.2 for petitioner Lemmon Development, agent Perry Hostetler. The petitioner has requested approval for their Open Space Fee for Timbertop Lot 1-A and Lot 1-C. This was approved by the Park Board on March 5, 2025. They are

recommending approval of the In Lieu Fee of \$4,687.20 in place of the required 0.12-acre dedication for lot 1-A and of the In Lieu Fee of \$7,812.00 in place of the required 0.2-acre dedication for lot 1-C.

Kari James motioned to approve, seconded by John Sigafoos. With no further discussion, there was a unanimous vote to approve. Service Safety Director Carrie Woody carried the motion.

Chasilyn Carter began with Case No 2025.005 for petitioner City of Lancaster. The petitioner is requesting approval to amend LCO 1339.13 to remove the annual maintenance report and fee. The request is to remove the requirement of submitting the annual maintenance report and fee to hold all entities to the same requirements, currently only a single entity pays this fee.

John Sigafoos questioned what would happen if they did not pay this fee. Stephanie Hall as the City Law Director commented that we could assess this fee against their property taxes. She also stated that the FCC took over doing this, so nothing was being done for the fee the entity was required to pay.

Kari James motioned to approve, seconded by John Sigafoos. With no further discussion, there was a unanimous vote to approve. Service Safety Director Carrie Woody carried the motion.

Chasilyn Carter began Case No 2025.006 for petitioner City of Lancaster. The petitioner is requesting approval of LCO 1131 Short-Term Rentals. The request has been proposed to align Lancaster's regulations with those of other cities to better manage short-term rentals and ensure proper registration and tax compliance.

Sherry Orlando asked about the parking requirement in application to downtown homes and asked to consider the parking on street requirement of plus one parking on street section be amended to plus two parking on street.

Sherry Orlando stated that the current zoning requirements in regard to the central business district is not consistent with the language that is in the code. She would like to default to what currently exists as the code within each of those districts and let that be the first determining factor.

Rick Wilkins questioned the current parking space requirements for apartments downtown. Chasilyn Carter commented that for the central business district the requirements are the specific number of off-street parking spaces is not required as long as the property is within one thousand feet of sufficient on-street parking spaces or a public parking facility that has adequate capacity to serve the use of that property. Stephanie Hall as the City Law Director stated that these requirements are the current zoning code and that the central business district be separated out as

a special exception. She also commented that current short-term rentals would not be grandfathered in, and current short-term rentals would be told they now have to comply.

Rick Wilkins motioned that case be tabled, seconded by Jan Coccia. With no further discussion, there was a unanimous vote to table. Service Safety Director Carrie Woody carried the motion.

Service Safety Director Carrie Woody called a motion to adjourn the meeting. The motion was made by Sherry Orlando, seconded by Kari James. With no further discussion, there was a unanimous vote to approve. Service Safety Director Carrie Woody carried the motion, and the meeting was adjourned at 10:03 a.m.

City of Lancaster
Approval to Amend LCO 1339.13
Lancaster Planning Commission
March 13, 2025

CASE No.: 2025.005

PETITIONER: City of Lancaster
104 E. Main Street
Lancaster, OH 43130

DATE SUBMITTED: February 6, 2025

REQUEST: The Petitioner is requesting approval to amend LCO 1339.13 to remove the annual maintenance report and fee.

PROJECT DESCRIPTION:

The West Main Street Tower Company, under the stipulations of LCO 1339.13, is required to submit an Annual Maintenance Report along with a \$500 Site Review Fee. This requirement was specifically applied to this entity and is not mandated for any other cell tower within the City. The West Main Street Tower Company has consistently paid the \$500 fee but has failed to submit the necessary Annual Maintenance Report for several years. This arrangement, which dates back approximately 30 years, was made before the current Environmental Engineer's term and predates recent compliance monitoring practices.

The request is to remove the requirement of submitting the annual maintenance report and fee to hold all entities to the same requirements.

1339.13 ZONING CLEARANCE PERMIT ~~AND SITE REVIEW FEE.~~

(a) Each person or entity shall obtain from the City Engineering Department a Zoning Clearance Permit before erecting, adding to, relocating, replacing or structurally altering any Wireless Telecommunications Facility in the City. The Engineering Department may not issue a Zoning Clearance Permit until the Wireless Telecommunications Facility has been reviewed by all the Boards and Commissions as set forth in this chapter.

(b) Any person or entity that submits an application for a Zoning Clearance Permit for the location of a Wireless Telecommunications Facility within the City shall pay the City a non-refundable application fee of four hundred dollars (\$400.00) ("the Application Fee") and remit

said fee to the City Treasurer. Said fee shall be paid to the City Treasurer at the time that the application is submitted.

~~(e) Each person or entity granted a permit to locate a Wireless Telecommunications Facility within the City shall annually, no later than January 31, submit a report to the Office of City Engineer setting forth maintenance and repairs that have been performed on the Wireless Telecommunications Facility during the immediately preceding calendar year ("the Annual Maintenance Report"). Along with the Annual Maintenance Report, each person or entity granted a permit to locate a Wireless Telecommunications Facility within the City shall submit an annual site review fee of five hundred dollars (\$500.00) ("the Site Review Fee") to the City Treasurer.~~

~~(dc)~~ The Application Fee ~~and the Site Review Fee~~ shall be paid into the General Fund of The City.

(Ord. ~~43-02~~. Passed ~~11-25-02~~.)

STAFF RECOMMENDATION: Staff recommends approval of amending LCO 1339.13 and removing the annual maintenance report and fee.

ACTIONS FOR PLANNING COMMISSION: The Planning Commission may approve amending LCO 1339.13 as submitted, move to amend LCO 1339.13 with conditions, or deny amending LCO 1339.13.