

TEMPORARY ORDINANCE NO. 9-15*

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO **REPEAL AND REPLACE AMEND** LANCASTER CODIFIED ORDINANCE PART ELEVEN – PLANNING AND ZONING CODE, TITLE THREE – ZONING AND PROPERTY RESTRICTIONS, CHAPTERS 1123.11 SCREENING WALLS OR FENCES; 1123.15 DISPLAY FOR SALE, STORAGE AND PARKING OF VEHICLES AND PORTABLE STORAGE UNITS; ~~1123.18 GROUP RESIDENTIAL FACILITIES; 1123.18.1 TRANSITIONAL LIVING CENTER, RESIDENTIAL TREATMENT CENTER;~~ 1123.20 LOCATION OF CEMETERIES; 1125.01 YARDS; 1125.05 PRIVATE SWIMMING POOLS; 1155.03 PENALTIES FOR VIOLATION; AND 1161.01 DEFINITIONS; ~~AND TO REPEAL PART ELEVEN – PLANNING AND ZONING CODE, TITLE THREE – ZONING PROPERTY RESTRICTIONS – EXISTING CHAPTERS 1123.11 SCREENING WALLS OR FENCES; 1123.15 MOTORIZED VEHICLES; 1123.18 GROUP RESIDENTIAL FACILITIES; 1123.20 LOCATION OF CEMETERIES; 1125.01 YARDS; 1125.05 PRIVATE SWIMMING POOLS; 1155.03 PENALTIES FOR VIOLATION; AND 1161.01 DEFINITIONS,~~ AND TO DECLARE AN EMERGENCY

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

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

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

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

SECTION 1. That Lancaster Codified Ordinance Part Eleven – Planning and Zoning Code, Title Three – Zoning and Property Restrictions, Chapters 1123.11 Screening Walls or Fences; 1123.15 Display For Sale, Storage and Parking of Vehicles and Portable Storage Units; ~~1123.18 Group Residential Facilities; 1123.18.1 Transitional Living Center, Residential Treatment Center;~~ 1123.20 Location Of Cemeteries; 1125.01 Yards; 1125.05 Private Swimming Pools; 1155.03 Penalties For Violation; and 1161.01 Definitions; be **repealed and replaced amended** pursuant to Exhibit A, attached hereto.

~~SECTION 2. That Lancaster Codified Ordinance Part Eleven – Planning And Zoning Code, Title Three – Zoning and Property Restrictions, Chapters 1123.11 Screening Walls or Fences; 1123.15 Motorized Vehicles; 1123.18 Group Residential Facilities; 1123.20 Location of Cemeteries; 1125.01 Yards; 1125.05 Private Swimming Pools; 1155.03 Penalties For Violation; And 1161.01 Definitions, are repealed in their entirety.~~

SECTION 2. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements, including conflict with general State law, and shall go into effect immediately upon signage of the Mayor.

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

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Code Enforcement & Zoning Committee

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

Clerk of Council

EXHIBIT A*
TEMPORARY ORDINANCE 9-15*

1123.11 SCREENING WALLS OR FENCES.

For the purpose of maintaining a compatible relationship between certain land uses, when a screening requirement is required by this Code, the following regulations shall apply:

(a) When the provisions of this Code require construction of a screening wall or fence, unless otherwise specified, such screening wall or fence

(1) Shall consist of a fence, landscaped earthen mound of suitable slope, wall, planting or combination thereof installed, repaired, replaced and maintained to the total height required herein and to an opacity of not less than seventy- five percent (75%). The percentage of opacity shall be determined by measurement of any square foot of vertical surface of the screening from a point perpendicular thereto.

(2) Shall not be less than six (6) feet in height, except when in a required front yard in which case the screening wall or fence shall be four (4) feet in height.

(3) Shall be constructed with all braces and supports on the interior, except when both sides are of the same design and appearance.

(4) Shall be erected prior to the occupancy of the building or initiation of the use required to be screened.

(5) Shall be uniform in height except for significant changes in topography.

(6) Shall have consistency of design.

(7) Shall not be topped with barbed or razor wire.

(8) Shall not consist of a chain link fence which utilizes inserts of metal or other materials.

Inserts may be added to existing chain link fencing to provide screening, as long as inserts are of a neutral color. Inserts should be made of durable material and replaced whenever an insert is damaged.

(b) When screening consisting of live plants, alone or in combination with other materials, is installed, the plants

(1) Shall be selected for density of year round foliage

(2) Shall be selected to achieve the required height and density within three (3) years of installation

(3) Shall have a minimum height of three (3) feet at time of installation

(4) Shall be maintained in a healthy, live state and replaced as needed to comply with the original site plan and the specifications herein set forth.

(c) When the erection of a screening wall or fence is required by this Code due to the location of the use adjacent to an R District, and the R District property abutting such use is an arterial or collector roadway, such screening wall or fence shall not be required, except as provided in Section **1123.11** (d) below.

(d) For junk and salvage yards, as defined in Chapter **1161**, the required screen or fence enclosing such use shall:

(1) Be a minimum of eight (8) feet high

(2) Be constructed of common fencing materials, designed and arranged to provide substantial visual separation from other land uses, and from view from adjacent streets, highways and thoroughfares.

(3) Be uniform in height, except for significant changes in topography

(4) Be constructed with all braces and supports on the interior, except when both sides are of the same design and appearance.

(5) Be erected prior to occupancy and/or use of the site.

(e) The screening wall or fence shall be maintained by the owner of the lot containing the use required to construct the screening. Failure to maintain after notice by the Zoning Inspector shall constitute an offense hereunder.

(f) The Board of Zoning Appeals, as a Special Exception, may:

(1) Modify or remove the screening requirement where existing physical features provide for the visual separation of the uses.

(2) Modify the screening requirement where alternative screening will provide for the visual separation of the uses.

(3) Grant an extension of time to erect a screen where properties which are to be benefited by the screen are undeveloped.

(4) Remove the screening requirement where the purposes of the screening requirement cannot be achieved, or is prohibited by other ordinances or regulations.

1123.15 ~~MOTORIZED VEHICLES DISPLAY FOR SALE, STORAGE AND PARKING OF VEHICLES AND PORTABLE STORAGE UNITS.~~

(a) All motorized vehicles which are designed for travel upon public streets and which are being parked, stored or displayed for sale shall be parked, stored or displayed on an all-weather material as defined in Chapter 1161. Definitions. ~~The foregoing provisions of this Section shall not apply to vehicles located within junk and salvage yards.~~

~~(b) The Board of Zoning Appeals may, as a special exception, permit the storage and/or display of motorized vehicles on a surface other than one consisting of an all-weather material if located behind the building setback line. All recreational vehicles and portable storage units shall be parked, stored or displayed for sale in accordance with the following conditions:~~

~~(1) On an all weather material/surface as defined in Chapter 1161 of this Code;~~

~~(2) No closer than three feet to the side property lines; and~~

~~(3) Not within the front yard. Furthermore, no recreational vehicle or portable storage unit shall be parked, stored or displayed for sale in a manner that blocks any sidewalk or obstructs sight lines for any vehicle entering or exiting the right of way.~~

~~(A) Recreational vehicles and Portable Storage Units may be parked on an all weather surface within the front yard for a period not to exceed 48 hours for loading or unloading.~~

~~(B) A Portable Storage Unit may be placed in any right of way without first obtaining the appropriate permit(s) from the City.~~

~~(c) All vehicles not defined as a motor vehicle or recreational vehicle shall be parked stored or displayed for sale in accordance with the following conditions;~~

~~(1) On an all weather material/surface as defined in Chapter 1161 of this Code;~~

~~(2) No closer than three feet to the side property lines; and~~

~~(3) Not within the front yard within a residential district.~~

~~(d) This provision shall not apply to vehicles located within junk and salvage yards or construction equipment on a site with an approved active building permit.~~

~~(e) For the purposes of this sections, "recreational vehicle" shall have the same meaning as in Section 1161.01(96) of this Code, and the terms "vehicle" and "motor vehicle" shall have the same meaning as Chapter 301 of this Code.~~

~~1123.18 GROUP RESIDENTIAL FACILITIES.~~

~~—"Group residential facilities" shall be defined and classified in Chapter **1161** of this Code. A Class I Type B group residential facility, as defined in Chapter **1161**, is permitted by right in any zoning district that permits single-family dwellings. A Class I Type A group residential facility shall be considered as a Special Exception in the RM-2., RM-3, RM-4, CG and CH Districts, subject to the standards below. A Class II Type A or Type B group residential facility shall be treated as a Special Exception in the CG and CH Districts subject to the standards below:~~

~~—(a) The facility shall obtain all approvals and/or licenses as required by state and local laws.~~

~~—(b) The facility shall provide 24-hour supervision by trained and qualified professional personnel.~~

~~—(c) No exterior alterations of the structure shall be made which would be inconsistent with the residential character of the residential structures in the surrounding neighborhood.~~

~~—(d) The facility shall comply with the district regulations applicable to other properties in the zoning district in which they are located.~~

~~—(e) Such facilities shall be required to provide appropriate sleeping quarters without using normal living areas, such as living rooms, dining room or kitchen for sleeping.~~

~~—(f) Such facilities shall meet all applicable local and/or state building, safety and fire safety requirements for the proposed use and level of occupancy.~~

~~—(g) Such facilities shall be reasonably accessible, by virtue of location or transportation provided by the applicant, to medical, recreational and retail services, and employment opportunities.~~

~~—(h) The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, including a structured procedure whereby their grievances may be filed and resolved.~~

~~1123.18.1, TRANSITIONAL LIVING CENTER, RESIDENTIAL TREATMENT CENTER~~

~~In order to provide opportunities for location of the uses listed above, to avoid over concentration of said facilities, and to establish the suitability of the requested use at a proposed location, above said facilities shall be allowed as a Special Exception only in the RM Zoning District. A copy of a signed application that has been submitted to the appropriate State licensing or certifying agency for such a facility must be submitted before any Special Exception request can be processed. The applicant shall be responsible for demonstrating compliance with all requirements of this section. The Board of Zoning Appeals shall consider the following criteria in determining whether a location is appropriate for such a facility and may attach conditions to a zoning clearance consistent with the purpose of this section:~~

~~(a) Said facilities must be 500 feet from any other said facility listed in this section. The 500 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which said facility is located to the nearest point of the wall of the building in which another such facility is located.~~

~~(b) Above/said facilities must be 500 feet from a church. Church as used herein shall mean all contiguous church buildings or structures irrespective of any interior lot lines. The 500~~

~~feet shall be measured in a straight line from the nearest point of the property in which said facility is located, to the nearest point of the church property.~~

~~(c) Above/said facilities must be 500 feet from a school of the type which offers a compulsory education curriculum. School as used herein shall mean all contiguous property owned or leased by a school upon which is located the principal school building(s) irrespective of any interior lot lines. The 500 feet shall be measured in a straight line from the nearest point of the property of said facility to the nearest point of the school property.~~

~~(d) Above/said facilities must be 500 feet from a public park, private park, Historic District, or Central Business District. The 500 feet shall be measured in a straight line from the nearest point of the property of said facility to the nearest point of the park.~~

~~(e) The facilities shall be occupied by not more than thirty (30) residents, exclusive of staff, limited by the size of the existing or proposed building and its allocated space for sleeping.~~

~~(f) Prior to occupancy and continuously thereafter, the applicant of such facilities shall:~~

~~(1) Be licensed or certified by a federal, state, or local agency which requires screening potential residents.~~

~~(2) Comply with all applicable City Codes.~~

~~(3) Agree in writing to maintain with the Lancaster Police Department and/or Fairfield County Sheriff Department, a current list of all residents of the facility by name, description and photograph.~~

~~(4) Submit a copy of the B.1 License or Certificate to the zoning inspector initially prior to occupancy and subsequent to each renewal~~

1123.20 LOCATION OF CEMETERIES.

No person/**group** shall establish any cemetery or other place for the interment of dead bodies, human remains, or human ashes within the corporate limits of the City. However, nothing in this section shall prevent cemeteries existing before October 31, 2005, from acquiring land for expansion when done in accordance with the provision of the Ohio Revised Code.

1125.01 YARDS.

Except as otherwise provided, required yards shall be open and unobstructed from ground to sky. Yards provided for a building for the purpose of complying with the provisions of this Code, shall not be considered the yard for any other building, and yards provided for a lot shall not be considered the yard of any other lot.

Obstructions are permitted in required **side and rear** yards as follows:

(a) Cornices, canopies, eaves, fireplaces and similar architectural features may project not more than two (2) feet into a required yard.

(b) Fire escapes may project not more than 4 1/2 feet into a required yard.

(c) Fences, plant materials, berms, walls and permitted signs may be located in any yard provided that the same do not constitute a nuisance as provided in Lancaster Revised Code. Fences must meet the standards of Section **1125.03** below.

(d) Detached accessory structures, subject to the standards of Section **1125.02** below.

(e) Swimming pools, tennis courts, clotheslines, barbeque pits, playground equipment, portable or permanent dog run, house or kennel and similar structures customary and ancillary to the primary residential use of the property.

(f) Antennas and supporting structures, subject to the standards of Section **1125.04** below.

(g) Signs which are otherwise permitted as an accessory use in the specific district, may be located within any yard bounded by a public street, provided the setback requirements of Chapter **1317** are met.

1125.05 PRIVATE SWIMMING POOLS.

A "private swimming pool" as regulated herein, means any pool or open tank not located within a completely enclosed building and containing water to a depth, at any point greater than one and one-half (1 1/2) feet. A private spa or hot tub with a lockable cover shall not be considered as a "swimming pool" subject to the provisions of this Section. No such swimming pool, exclusive of ~~portable~~ **storable** swimming pools ~~with an area of less than 100 square feet,~~ shall be allowed in any residential district unless the following conditions and requirements are complied with:

(a) The pool is intended to be used solely for the occupants of the principal use of the property on which it is located.

(b) ~~No Such~~ **No pool of any kind (including storable swimming pools)**, including any walks, paved areas, and appurtenances thereto, shall ~~not~~ be located in any front yard, nor closer than five (5) feet to any property line or structure.

(c) The area of the swimming pool, exclusive of decks, walks and other appurtenances, shall not exceed ten percent (10%) of the area of the lot or parcel.

(d) Any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. Such wall or fence shall **meet the requirements established in the current version of the International Residential Code (IRC), Appendix G (Swimming Pools, Spas and Hot Tubs) and be not be less than six (6) feet in height, maintained in good condition, and affixed with an operable gate and lock.**

(e) All lights used for the illumination of the swimming pool and adjacent areas shall be designed, located and installed so as to confine the direct beams thereof to the lot or parcel on which the pool is located.

A zoning clearance permit shall be required for the construction or installation of any private swimming pool. The owner of the property, or his agent, shall certify that the pool will be constructed, installed and maintained in conformance with the above requirements.

1155.03 PENALTIES FOR VIOLATION

(a) Any person, firm or corporation ~~who violates~~ **who violates** any provisions of ~~the~~ **Lancaster Zoning Code**, or who otherwise fail ~~or failing~~ to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variance or special exceptions, ~~shall be deemed~~ is guilty of a **minor** misdemeanor ~~punishable by a fine of not more than one hundred dollars (\$100.00).~~ **on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.** Each day that a violation continues shall be deemed a separate offense.

(b) Nothing herein contained shall prevent the City of Lancaster or its authorized officials from taking other action, authorized by law, to remedy a violation.

1161.01 DEFINITIONS.

(1) **Abutting:** In the context of notice and a screening or enclosure requirement, abutting shall mean contiguous or separated there from only by a nonarterial street, alley or railroad right-of-way. In other instances, abutting shall mean contiguous.

(2) **Accessory Use or Structure:** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

(3) **All-Weather Material:** A hard surface, dust-free material capable, during ordinary use, of withstanding without substantial deterioration, normal weather conditions. Gravel, rock, or screenings alone, without use of a petroleum or cement binder, does not meet the definition of an all-weather, dust-free material.

(4) **Alley:** A public right-of-way ten (10) to twenty (20) feet wide which provides only secondary means of access to abutting property.

(5) **Animation:** The presentation of pictorials and graphics on signs displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shape.

(6) **Arterial:** A street designated on the Major Street and Highway Plan as an arterial, thoroughfare, parkway or special traffic way.

(7) **Assisted Living Center:** A residential facility designed to meet housing and care needs of older persons and individuals with disabilities in a residential rather than institutional environment, while maximizing independence, choice, and privacy. Assisted living programs provide personal care for persons with needs for assistance in the activities of daily living, and can respond to unscheduled needs for assistance. Services typically provided include: meals, housekeeping, laundry and linen service, medication monitoring, transportation, and activities. Assisted living settings also typically provide features that enhance resident autonomy, such as lockable doors, full bathrooms, temperature control, and single occupancy, and may provide limited cooking facilities in individual units. Assisted Living Centers exclude nursing homes and other special housing facilities as elsewhere defined.

(8) **Average Ground Elevation:** The mid point between the highest and lowest ground elevations at the building wall.

(9) **Bar/Tavern:** A commercial establishment open to the general public which sells and serves intoxicating beverages (as defined herein) for consumption on the premises.

(10) **Bed and Breakfast Inn:** A residential structure that provides twelve or fewer guest rooms and meals for overnight guests who pay a fee for such services. Said structure may also be rented for special events, such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc., as may be approved by the Board of Zoning Appeal.

(11) **Board of Zoning Appeals (BZA):** The Board of Zoning Appeals of the City of Lancaster.

(12) **Building:** A structure which is permanently affixed to the land, and has one or more floors and a roof, and is bounded by either another building with a common party wall, open air, or the lot lines of a lot.

(13) **Building Setback:** The horizontal distance, from the point of measurement, such as the right-of-way line of an abutting street or the boundary line of an abutting zoning district to the nearest building wall.

(14) Bulk and Area Requirements: The term “bulk and area requirements” as used in this code refers to lot widths, lot areas, structure heights, front, rear and side yard setbacks and floor area ratios.

(15) Caliper: The diameter of the tree trunk measured at 6" above ground level for a tree trunk having a diameter of 4" or less and the diameter of the tree trunk measured at 12" above ground level for a tree trunk having a diameter exceeding 4".

(16) Changeable Copy: A sign which, in whole or in part, provides for periodic changes in the material or message composing the sign. This definition includes both electronically and manually changeable signs.

(17) Character: Any letter of the alphabet or numeral.

(18) City Council: The City Council of the City Lancaster.

(19) Commercial Mixed Use Development: shall mean any development containing a combination of uses permitted by right or special exception in a CN zoning district. (Ord. 47-05. Passed 6-27-05.)

(20) Condominium New: A form of ownership of property where each owner has title to a percentage of a project and the project's common areas and the actual ownership is of the interior surfaces established by the perimeter walls, floor and ceilings of a unit. Because of the unique ownership of the lot or lots, condominiums shall be included in PUD zoning. Copies of the ownership structure shall be filed with the Certified Building Department prior to issuance of an occupancy permit. A new condominium is a new development that is not currently in existence and is not a conversion of any existing structure.

(20 1.) Condominium Conversion: A form of ownership of property where each owner has title to a percentage of a project and the project's common areas and the actual ownership is of the interior surfaces established by the perimeter walls, floor and ceilings of a unit. Copies of the ownership structure shall be filed with the Certified Building Department prior to issuance of an occupancy permit. A condominium conversion contemplates the conversion of an existing structure.

(Ord. 20-08. Passed 7-14-08.)

(21) Convict Pre-Release Center or Correctional Community Treatment Center: means a facility for supervision and rehabilitation of persons placed therein by the Department of Rehabilitation and Correction, Federal Bureau of Prison, a court, or otherwise for parole, probation, furlough, treatment of drug or alcohol abuse and addiction, vocational training and counseling, or adjustment to private life and noninstitutional society and which may be licensed and inspected by the Ohio Department of Rehabilitation and Correction, the Adult Parole Authority, the Ohio Department of Health or a similar agency. Prisoners in these facilities are not in the custody of local law enforcement and the facilities are often privately owned.

(22) Curb Level: The mean level of the established curb at the frontage of a lot. Where no curb has been established, the City Engineer shall establish such curb level or its equivalent for the purposes of this Code.

(23) Customary Residential Exterior Finishing Materials: Roof and siding materials traditionally used to provide the finished exterior of single-family dwellings. Customary roofing materials include composition shingles, fiberglass shingles, wood shingles (shakes), and clay tile applied according to the manufacturers specifications. Customary siding materials include aluminum lap or vinyl lap siding, cedar or other wood siding, masonry (stucco, brick, stone, block, tilt-up panel) and wood grain weather resistant pressboard siding.

- (24) Dance Hall: A commercial establishment open to the general public which provides a dance area of 1,000 square feet or more.
- (25) Day Care Center: A facility providing child day care as defined by Ohio Law to seven or more children of any age. Such a facility must be licensed by the Ohio Department of Human Services.
- (26) Designated Residential Development Area: An area specifically designated for residential development by conditions imposed in a Planned Unit Development (PUD) or Corridor District (CO).
- (27) Detention/Correctional Facility: A facility for the detention, confinement, treatment and/or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, jail and prison. These facilities house prisoners who are in the custody of City/county/law enforcement and the facilities are typically government owned.
- (28) Development: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
- (29) Display Surface: The surface of a sign as defined in Section **1317.10**.
- (30) Drip line: The periphery of the area underneath a tree which would be encompassed by perpendicular lines extending from the exterior edges of the crown of the tree.
- (31) Dwelling: A building or structure used in whole or in part for human habitation.
- (32) Dwelling, Duplex: A building containing two dwelling units, designed for occupancy by not more than two families.
- (33) Dwelling, Manufactured Home: See Manufactured Home.
- (34) Dwelling, Multifamily: A building containing three or more dwelling units.
- (35) Dwelling, Townhouse: A building containing two or more attached dwelling units with no unit above another unit and each unit located on a separate lot within a townhouse development.
- (36) Dwelling, Single-Family Detached: See Single Family Dwelling.
- (37) Dwelling Unit: A room or group of rooms arranged, intended, or designed as a habitable unit, containing kitchen, bath and sleeping facilities, for not more than one family living independently of any other family.
- (38) Elderly/Retirement Housing: A residential complex containing multifamily dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care and are distinguished from life care retirement centers as elsewhere defined.
- (39) Emergency and Protective Shelter: A residential facility which provides room and board for a temporary (30 days or less) period, protection, counseling, and pre-placement screening for abused, displaced, or transient children or adults.
- (40) Essential services: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare.

(41) Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption or marriage, no such family shall contain more than five (5) persons.

(42) Family Child Care Home (Type B): The provider's personal residence used to house and provide supervision and care for one to six children, said total to include those children of the provider under six years of age who reside in the residence. No more than three children may be under the age of two years. A "Type B" home does not require licensing. Certification by Department of Human Services is required if child care is publicly funded.

(43) Family Day Care Home (Type A): The provider's personal residence used to house and provide supervision and care for seven to twelve children, said total to include those children of the provider under six years of age who reside in the residence. The facility must be licensed by the Ohio Department of Human Services.

(44) Flashing Illumination: A light source or other image which in whole or in part physically changes in light intensity or gives the appearance of such change.

(45) Floor area: The sum of the horizontal areas of a building as measured by the outside dimensions of the building at each floor area intended for occupancy or storage, provided that for the purposes of calculating required parking spaces, basements shall not be included.

(46) Floor Area Ratio (FAR): The floor area of a building or buildings on a lot divided by the lot area.

(47) Freeway: A street designated as a freeway on the Major Street Plan.

(48) Freeway Sign Corridor: Reserved.

(49) Frontage: The lineal measurement of a lot boundary which abuts a public street or the lineal measurement of the building setback line when the boundary of the lot abuts a curved nonarterial street or cul-de-sac.

(50) Group Residential Facility: A community facility, licensed and/or authorized by the State of Ohio, which provides rehabilitative or habilitative services in a residential setting. "Group residential facility" shall include the terms "adult group home", as defined in Ohio Revised Code 37722.01(A) (8) and "group home", as defined in Ohio Revised Code 5123.19(A) (3). There are two (2) classes of group residential facilities:

A. "Class I group residential facility" means any state, federal or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a place for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A facility contains more than five (5) residents, exclusive of staff. A Class I Type B facility contains five (5) or fewer residents, exclusive of staff.

B. "Class II group residential facility" means any state, federal or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and/or drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains more than five (5) residents, exclusive of staff. A Class II Type B facility contains five (5) or fewer residents, exclusive of staff.

(51) Habitable Floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor".