

TEMPORARY ORDINANCE NO. 21-17*

PERMANENT ORDINANCE NO. _____

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

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

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

WHEREAS, after receiving public comment the Lancaster City Planning Commission voted to recommend charges to Lancaster City Council in accordance with Lancaster Codified Ordinance 1159.01;

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

SECTION 1. That Lancaster Codified Ordinance part eleven-planning and zoning code title three-zoning and property restrictions, chapters 1123.10 existing building encroachment on front yards or building setbacks, 1123.11 screening walls or fences’ 1123.12 platting requirement 1125.03 accessory uses and/or structures, 1125.05 private swimming pools, 1125.07 temporary accessory tents, 1133.02 (CN) commercial neighborhood district, 1133.03 (CG) commercial general district, 1133.04 (CH) commercial high intensity district, 1139 landscape requirements’ 1153.02 existing land use or buildings’ 1153.06 discontinuance, 1153.07 damage and/or destruction of a nonconforming building or use, 1161 definitions be repealed and replaced pursuant to Exhibit A, attached hereto.

SECTION 2. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration, daily operations and avoid practical and legal

entanglements, including conflict with general State law, and shall go into effect immediately upon signage of the Mayor.

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

Approved: _____

President of Council

Clerk: _____

Mayor

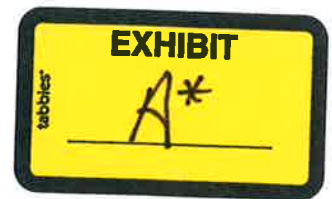
Offered by: _____

Second by: _____

Requested by Code Enforcement and Zoning Committee

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

Clerk of Council



**CHAPTER 1123
General Provisions**

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

1123.01 ZONING AND OVERLAY ZONING DISTRICTS ESTABLISHED.

The Zoning Districts and Overlay Zoning Districts set forth below are hereby established:

- AG Agriculture District
- RE Residential Single-Family Estate District
- RS-1 Residential Single-Family Low Density District
- RS-2 Residential Single-Family Medium Density District
- RS-3 Residential Single-Family High Density District
- RS-4 Residential Single-Family Highest Density District
- RM-0 Residential Multifamily Lowest Density District
- RM-1 Residential Multifamily Low Density District
- RM-2 Residential Multifamily Medium Density District
- RM-3 Residential Multifamily High Density District
- RMH Residential Manufactured Home District
- OM Office Medium Intensity District
- CN Commercial Neighborhood District
- CG Commercial General District
- CH Commercial High Intensity District
- CBD Central Business District
- IL Industrial Light District
- IM Industrial Moderate District
- IH Industrial Heavy District

PUD Planned Unit Development (Overlay Zoning District)
HP Historic Preservation District (Overlay Zoning District)
WH Wellhead Protection District (Overlay Zoning District)
FP Flood Plain District (Overlay Zoning District)
(Ord. 42-05. Passed 6-27-05.)

1123.02 OFFICIAL ZONING MAP ESTABLISHED.

The locations and boundaries of the various districts as defined herein shall be established by ordinance and shall be shown and delineated on the Official Zoning Map of the City of Lancaster. The Official Zoning Map shall be maintained by the Engineering Office of the City of Lancaster, and may be divided into parts, and such parts may be separately employed for identification purposes when adopting or amending the Official Zoning Map or for any reference to the Official Zoning Map.

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

1123.03 DISTRICT BOUNDARY DESCRIPTION AND INTERPRETATION.

District boundary lines shall be described by legal description or by a map. When a legal description is used, the boundary line shall be deemed to extend to the centerline of abutting streets and shall be so designated on the Official Zoning Map. When a map is used, district boundary lines shall be established by dimensions, property lines, recorded lot lines, or the centerline of abutting street, alley, or railroad rights-of-way, as the same were of record at the time of adoption. In all cases where there is doubt as to the exact location of district boundary lines, the same shall be determined by the Board of Zoning Appeals.

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

1123.04 LIMITATION ON LAND USE.

No person, firm or corporation shall use or permit to be used any land or buildings, nor shall any person, firm or corporation make, erect, construct, move, alter, enlarge or rebuild or permit the making, erection, construction, moving, altering, enlarging or rebuilding of any building, structure or improvement, which is designed, arranged or intended to be used or maintained for any purpose or in any manner except in accordance with the use, height, area, yard, space, and other requirements established in the district in which such land, building, structure or improvement is located except as provided by Chapter **1153**, Nonconformities. Nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building, where a building permit has been lawfully issued prior to the effective date of this Code, and pursuant to such permit, construction is diligently carried to completion. Upon completion, such building or use shall be deemed nonconforming and may continue as regulated by Chapter **1153**, Nonconformities.

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

1123.05 SIMILAR USES.

(a) Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be considered as a permitted use in that district.

(b) Applications for zoning permits for uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section, shall be submitted to the Zoning Inspector.

(c) Within sixty (60) days after such submittal, the Board of Zoning Appeals shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Board of Zoning Appeals shall find that all of the following conditions exist:

(1) Such use is not listed as a permitted use or Special Exception in another zoning district.

(2) Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.

(3) Such use creates no increased danger to health and safety, creates no increased level of noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from uses listed in the classification to which it is to be added.

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

1123.06 DIVISION OF LOTS.

A lot shall not hereafter be divided into two or more lots, unless all lots resulting from such division conform to all the applicable regulations of the zoning district in which it is located.
(Ord. 42-05. Passed 6-27-05.)

1123.07 STREET FRONTAGE REQUIRED.

No lot shall contain any building used in whole or in part for residential purposes unless such lot has a minimum of thirty (30) feet of frontage on a public street or dedicated and improved right-of-way. For the purposes of this regulation an alley, as defined in Chapter **1161**, shall not be considered as an acceptable dedicated right-of-way. This Section shall not apply to a substandard lot of record or a lot within an approved Planned Unit Development or in the RMH District.

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

1123.08 ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD.

Not more than one (1) permitted residential use shall be allowed on any single residential lot, except in the case of a lot which is within an approved Planned Unit Development.

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

1123.09 HEIGHT EXCEPTIONS.

The following structures shall not be subject to the height limitations of the district in which they are located:

(a) Farm buildings and related structures.

(b) Chimneys, elevators, equipment penthouses, monitors, cooling towers and ventilators, provided they are not intended for human occupancy and they do not extend more than twenty (20) feet above the top of the principal structure.

(c) Belfries, clock towers, cupolas, domes, flag poles and spires, provided they are not intended for human occupancy and they do not exceed more than 150% of the maximum height of district in which they are located.

(d) Signs, including outdoor advertising, provided that the height does not exceed the allowable maximum sign height in Chapter **1317**.

Structures enumerated in subsections (b) and (c) above may be increased in height by the Board of Zoning Appeals as a special exception.

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

1123.10 EXISTING BUILDING ENCROACHMENT ON FRONT YARDS OR BUILDING SETBACKS.

Where an existing building or buildings on the same side of the street and within the same block encroach on the required front yard or building setback, the required front yard or building setback for new construction shall be established as follows:

(a) If the proposed building is to be located more than 200 feet from an encroaching building, the proposed building shall conform to the front yard or setback established for the district in which the proposed building is to be located.

(b) If the proposed building is to be located between adjacent buildings which conform to the required front yard or building setback, or between a conforming building and an intersecting street, the proposed building shall conform to the front yard or setback established for the district in which the proposed building is to be located.

(c) If the proposed building is to be located within 200 feet of encroaching buildings on both sides and there are no intervening buildings, the front yard or building setback shall be the average of the front yard or setback of the two nearest front corners of the encroaching buildings.

(d) If the proposed building is to be located within 200 feet of an encroaching building on one side, but not both sides, and there are no intervening buildings, the front yard or building setback shall be the average of the otherwise required front yard or setback and the setback of the nearest front corner of the encroaching building.

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

Provided, however, that in the application of subsections (c) or (d) above, the front yard or building setback shall not be reduced to less than **five (5)** feet.

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

1123.11 SCREENING WALLS OR FENCES.

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

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

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

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

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

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

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

(6) Shall have consistency of design.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1123.12 PLATTING REQUIREMENT.

(a) For the purposes of providing a proper arrangement of streets and assuring the adequacy of open spaces for traffic, utilities, and access of emergency vehicles, commensurate with the intensification of land use customarily incident to a change in zoning, a platting requirement is established as follows:

(b) For any land which has been rezoned to a zoning classification other than AG upon application of a private party, no building permit or zoning clearance permit shall be issued until that portion of the tract on which the permit is sought has been included in a **required** subdivision plat or replat, as the case may be, submitted to and approved by the Planning Commission, and filed of record in the Office of the Fairfield County Recorder. Provided that the Planning Commission, pursuant to their exclusive jurisdiction over subdivision plats, may remove this platting requirement upon determining that the above purposes have been achieved by previous platting or could not be achieved by a plat or replat.
(Ord. 42-05. Passed 6-27-05.)

1123.13 MAJOR STREET PLAN.

“The Official Thoroughfare Map of the City of Lancaster”, hereinafter referred to as “The Major Street Plan”, as adopted by the City Council of Lancaster, Ohio, as Resolution 90-04 on June 14, 2004, as may be subsequently amended.
(Ord. 42-05. Passed 6-27-05.)

1123.14 STRUCTURE SETBACK FROM ABUTTING STREETS.

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

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

(a) All motor vehicles which are designed for travel upon public streets and which are being parked, stored or displayed for sale shall be parked, stored or displayed on an all-weather material as defined in Chapter 1161. Definitions.

(b) All recreational vehicles and portable storage units shall be parked, stored or displayed for sale in accordance with the following conditions:

- (1) On an all-weather material/surface as defined in Chapter 1161 of this Code;
- (2) No closer than three (3) feet to the side property lines; and
- (3) Not within the front yard. Furthermore, no recreational vehicle or portable storage unit shall be parked, stored or displayed for sale in a manner that blocks any sidewalk or obstructs sight lines for any vehicle entering or exiting the right of way.
 - (A) Recreational vehicles and Portable Storage Units may be parked on an all-weather surface within the front yard for a period not to exceed 48 hours for loading or unloading.

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

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

- (1) On an all-weather material/surface as defined in Chapter 1161 of this Code;
- (2) No closer than three (3) feet to the side property lines; and
- (3) Not within the front yard within a residential district.

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

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

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

1123.16 ESSENTIAL SERVICES.

For the purposes of this Code, essential services, as defined in Chapter **1161**, shall be considered a permitted use in all zoning districts.

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

1123.17 FAMILY DAY CARE AND FAMILY CHILD CARE HOMES.

(a) "Type A Family Day Care Home" and "Type A Home" mean a permanent residence of the administrator in which the day care is provided:

(1) For seven (7) to twelve (12) children at one time, including any children under six (6) years of age who are related to a licensee, administrator or employee of the Type A home and who are on the premises of the Type A home; or

(2) For four (4) to twelve (12) children at one (1) time if four (4) or more of the children are under two (2) years of age, including any children under six (6) years of age who are related to a licensee, administrator or employee of the Type A home and who are on the premises of the Type A home.

(3) Type A homes are considered Special Exceptions and require approval of the Board of Zoning Appeals.

(4) All Type A homes must be licensed by the State of Ohio and must follow the standards set forth by the Department of Human Services.

(b) "Type B Family Day Care Home" and "Type B Home" mean a permanent residence of the provider in which child care is provided for one (1) to six (6) children at one (1) time and in which no more than three (3) children are under the age of two (2) years.

(1) In counting children for the purpose of this section, any children under six (6) years of age who are related to the provider and who are on the premises of the Type B home shall be counted. Children six (6) years of age and older who are related to the provider, who are not publicly funded and who are on the premises of the Type B home shall not be included in this count.

(2) A "Type B Home" also includes a home which is the permanent residence of the provider and the parent.

(3) Type B homes are considered a permitted use in all R Districts.

(4) Type B homes do not require a license as long as no more than six (6) children are cared for at one (1) time. Type B homes must be certified by local and/or State officials if child care is paid for with public funds.

(5) No person shall be employed other than a member of the immediate family residing on the premises or as a substitute caregiver as required by the standards for a Type B Child Care Home, as adopted by the Ohio Department of Human Services.

(c) All licensed Type A and Type B homes must obtain a Zoning Clearance Permit, pursuant to Chapter **1155** if established after the effective date of this Ordinance.

(d) Any signs on the lot shall comply with the provisions of Chapter **1317** of the Codified Ordinances.

(e) No exterior alterations of the dwelling or any customary accessory structure shall be made which would detract from the residential character of the structure.

(f) No Type A family day care home may be located on a lot within 300 feet from any other lot containing a Type A family day care home if any boundary of said lots abut the same street.

(g) Type A Family Day Care Homes licensed by the State of Ohio, in existence on the effective date of this amendment, but which would be prohibited by the spacing requirements herein, may continue as otherwise required herein.

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

1123.18 GROUP RESIDENTIAL FACILITIES.

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

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

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

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

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

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

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

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

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

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

1123.19 CONVICT PRERELEASE AND/OR CORRECTIONAL COMMUNITY TREATMENT CENTERS.

“Convict Pre-Release and/or Correctional Community Centers” shall be defined and classified in Chapter **1161** of this Code. In order to provide opportunities for location of convict pre-release and correctional community treatment centers, to avoid over concentration of said facilities, and to establish the suitability of the requested use at the proposed location, a convict pre-release or correctional community treatment center shall be allowed as a Special Exception only in the IL or IM Districts. No application for a Special Exception for such a facility shall be accepted for review unless accompanied by sufficient documentation by the appropriate

licensing or certifying agency determining the need for such a facility at the proposed location. The applicant shall be responsible for demonstrating compliance with the requirements of this Section. The Board of Zoning Appeals shall consider the following criteria in determining whether a location is appropriate for such a facility and may attach conditions to zoning clearance consistent with the purposes of this Section.

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

(b) Prior to occupancy and continuously thereafter, the applicant convict pre-release and correctional community treatment center shall:

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

(2) Comply with all applicable City codes,

(3) Agree in writing to maintain with the Lancaster Police Department a current list of all residents of the facility by name and photograph,

(4) Submit a copy of the B.1 License or Certificate to the Zoning Inspector initially prior to occupancy and therefore subsequent to each renewal.

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

1123.20 LOCATION OF CEMETERIES.

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

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

1123.21 MEDICAL MARIJUANA CULTIVATORS, PROCESSORS AND RETAIL DISPENSARIES.

The term “medical marijuana” shall have the same meaning as in Section 3769.01(A) of the Ohio Revised Code, effective September 8, 2016.

No person shall open, establish or operate any business or commercial enterprise engaged as a cultivator, processor, or retail dispenser of medical marijuana within the corporate limits of the City.

No zoning clearance, permit, or other administrative approval shall be approved or issued by any administrative official of the City, nor shall any variance be approved or granted, to any person, business, or other applicant desiring or intending to operate a business or commercial enterprise engaged as a cultivator, processor, or retail dispenser of medical marijuana within the corporate limits of the City.

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

CHAPTER 1125
Yards and Accessory Uses

1125.01 Yards.

1125.02 Accessory uses and/or structures.

1125.03 Residential fences and walls.

1125.04 Antennas, satellite dishes and supporting structures.

1125.05 Private swimming pools.

1125.06 Home occupations.

1125.07 Temporary accessory tents.

1125.01 YARDS.

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

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

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

(b) Fire escapes may project not more than **four and one-half (4 ½)** feet into a required yard.

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

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

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

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

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

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

1125.02 ACCESSORY USES AND/OR STRUCTURES.

“Accessory use or structure” shall mean a use and/or structure which is located on the same lot as the principal building or use and is subordinate, secondary, and incidental to such principal building or use. Such accessory uses or structures are subject to the requirements for Accessory Uses in the district in which they are located, and the following additional requirements:

(a) An unattached accessory structure shall be located within any side or rear yard, subject to the following:

(1) In the AG District, any detached accessory structure must be located not closer to the side or rear lot line than the requirement for principal structures.

(2) In the RE and RS Districts, a detached accessory building shall **meet the bulk and area requirements of the zoning district. For lots less than 50 feet in width the structure shall** be located a distance at least ten percent (10%) of the lot width, not less than three (3) feet from any

lot line; provided, however, in those cases where such lot line abuts a public street, the detached accessory building shall be located not closer than twenty (20) feet from the right-of-way line.

(3) In the OM, C and I Districts, any detached accessory structure shall meet all building setback requirements for principal buildings in the district.

(b) In the AG, RE and RS Districts, the height of a detached accessory structure shall not exceed eighteen (18) feet.

(c) In R Districts, the total floor area of any single detached accessory structure shall not exceed twenty percent (20%) of the area of the rear yard. In R Districts, the total floor area of all detached structures shall not exceed sixty percent (60%) of the ground floor area of the principal residential structure on the lot. If the ground floor area of the structure is less than 1,000 square feet, the total floor area of all detached structures shall not exceed 576 square feet.

(d) Accessory commercial uses allowed in the RMH Districts shall be designed and located for the convenience of the occupants of the multi-family structure, shall be located entirely within such structure with exterior public entrance(s) solely from the lobby of such structure, and shall occupy not more than ten percent (10%) of the gross floor area of the multi-family structure.

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

1125.03 RESIDENTIAL FENCES AND WALLS.

For residential properties, fences and/or walls within or enclosing yards shall not exceed a height of eight (8) feet in a side or rear yard, and four (4) feet in a front yard. Fences or walls containing barbed wire, razor wire or charged with electrical current are prohibited unless such fences or walls are in the AG District and solely used for the enclosure of livestock.

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

1125.04 ANTENNAS, SATELLITE DISHES AND SUPPORTING STRUCTURES.

(a) Antennas or towers of licensed amateur radio stations are exempt from municipal overview, but subject to licensing criteria of Part 97 of the Federal Communication Rules.

(b) Antennas, satellite dishes and their supporting structures shall comply with Chapter 1339 of the Lancaster Codified Ordinances.

(c) Structures other than a dwelling or customary accessory building which are used to support accessory antennas, including guy lines, shall:

(1) Be located only in the rear yard, and shall be limited to one such structure.

(2) Not exceed 65 feet in height, measured from the average ground elevation of the rear building wall of the residential dwelling to the highest horizontal plane of the antenna supporting structure.

(3) Not encroach upon the land or airspace of any abutting property, and

(4) Not exceed twenty-four (24) inches in width above twenty-five (25) feet in height, exclusive of guy lines.

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

1125.05 PRIVATE SWIMMING POOLS.

A "private swimming pool" as regulated herein, means any pool or open tank not located within a completely enclosed building and containing water to a depth, at any point greater than one and one-half (1 1/2) feet. A private spa or hot tub with a lockable cover shall not be considered as a "swimming pool" subject to the provisions of this Section. No such swimming

pool, exclusive of storable swimming pools, shall be allowed in any residential district unless the following conditions and requirements are complied with:

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

(b) No pool of any kind (including storable swimming pools), including any walks, paved areas, and appurtenances thereto, shall be located in any front yard, nor closer than five (5) feet to any property line or structure.

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

(d) Any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. Such wall or fence shall meet the requirements established in the current version of the International Residential Code (IRC), Appendix G (Swimming Pools, Spas and Hot Tubs) and be in good condition.

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

(f) **Shall meet the requirements established in the current version of the International Residential Code (IRC), Appendix G (Swimming Pools, Spas and Hot Tubs).**

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

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

1125.06 HOME OCCUPATIONS.

Home occupations shall be considered as an accessory use as specified in the respective zoning districts of this Zoning Ordinance. The applicant requesting use of property for a home occupation shall submit evidence that the proposed home occupation will comply with the following standards:

(a) The use shall be clearly incidental and secondary to residential use of the dwelling and not more than twenty-five percent (25%) of dwelling unit floor area is devoted to the home occupation.

(b) The home occupation shall be performed by the occupant of the premises. Not more than one (1) person, other than immediate family residing at the premises, shall be employed in such occupation.

(c) The home occupation shall not generate greater vehicular traffic than is normal for a residential neighborhood.

(d) External indication of such home occupation shall be limited to one sign. Such sign shall comply with the standards in Chapter **1317** of this Ordinance.

(e) No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot.

(f) No home occupation shall involve the exterior storage of equipment or inventory.

(g) No parking space associated with the home occupation shall be located within the front yard other than a paved driveway.

Generally, home occupations shall be regulated not by the specific activity performed, but rather by the presence of external impacts that may affect the residential character of the surrounding area. In particular, a home occupation shall consist primarily of rendering specific