

ORDINANCE NO. 99-207

**AMENDING PART ELEVEN OF THE ZONING ORDINANCE OF THE CITY OF MASON, OHIO, SPECIFICALLY THE SUBDIVISION REGULATIONS AND ACCESS MANAGEMENT REGULATIONS CONTAINED IN CHAPTERS 1101, 1103, 1105, 1107, 1109, 1111, 1113, 1115, 1117, 1133, 1135; CREATING CHAPTER 1110, 1114, 1118, AND DELETING CHAPTER 937**

WHEREAS, the Planning Commission has reviewed the request of the Engineering and Planning Department for the City of Mason to amend the Zoning Ordinance of the City of Mason, Ohio to update Chapters 1101, 1103, 1105, 1107, 1109, 1111, 1113, 1115, 1117, 1133 and 1135; to create Chapters 1110, 1114, 1118 and to delete Chapter 937; and

WHEREAS, the Planning Commission has recommended approval of said Amendments; and

WHEREAS, a public hearing was held pursuant to the requirements of the Zoning Code and the City Charter.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, **seven (7)** members thereto concurring:

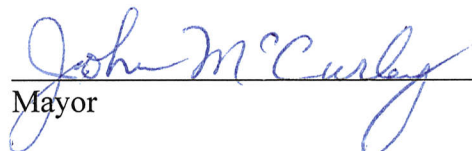
Section 1. That the Zoning Ordinance of the City of Mason, Ohio, Chapters to update Chapters 1101, 1103, 1105, 1107, 1109, 1111, 1113, 1115, 1117, 1133 and 1135 are hereby amended as set forth on Exhibit "A", attached hereto and incorporated herein by reference.

Section 2. That the Zoning Ordinance of the City of Mason, Ohio is hereby amended to create Chapters 1110, 1114, 1118 and to delete Chapter 937 as set forth on Exhibit "A", attached hereto and incorporated herein by reference.

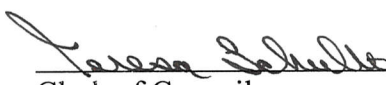
Section 3. That all other provisions of the Zoning Code shall remain in full force and effect.

Section 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 10th day of January, 2000.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk of Council

Additional changes to proposed Subdivision Regulations. (Changed areas are in *italics*.)

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1101.1 PURPOSE, INTENT, AUTHORITY AND ADOPTION OF REGULATIONS

**It is the general intent of these Subdivision Regulations to regulate the division and development of land so as to further the following policies:**

- J) **Guarantee the equitable distribution of the costs and benefits of public works and facilities by requiring that the initial cost of *constructing improvements which are necessitated by the new development shall be borne by the developer and not by the city taxpayer. Such improvements include:***
- A) **Public improvements and facilities in new developments**
  - B) **Public improvements and facilities necessary for proper public access and services to new developments;**
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1105.1 PRELIMINARY PLAT PURPOSE AND PROCEDURE; ~~SUBMISSION; FEES; WHEN DEPOSIT FOR FEE REQUIRED.~~

**The preliminary plat shall illustrate the proposed development of the entire parcel or parcels. The purpose of the preliminary plat is to show, on a map, all facts needed to enable the Planning Commission to determine the merit of the proposed development based upon aspects of proper planning and whether the proposed layout of the land in the subdivision furthers the public interest, health, safety, and welfare. The preliminary plat shall not serve as a record or final plat.**

(Remove following paragraph.)

~~D) *When, in the opinion of the City Engineer Planning Officer, the costs of review will exceed the minimum fee set forth in Table Section 1121.01 the City Engineer Planning Officer may make an estimate of such costs of review and require that the subdivider make a cash deposit or certified check payable to the City in the amount of such estimate. The deposit or check shall be held by the City until the final costs of preliminary plat review have been determined. The deposit or proceeds of the check shall then be applied towards payment of the actual cost of the preliminary plat review and the balance, if any, shall be returned to the subdivider. If the proceeds of such deposit or check are insufficient to cover the actual costs of the preliminary plat review, the subdivider shall pay the balance due. Such fees for review by the City shall be charged in accordance with the rate set forth in Table 1121. in accordance with subsections (b) and (c) hereof. (Ord. 20-1981. Passed 3-9-81.*~~

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1105.3 EXISTING DATA AND INFORMATION.

The preliminary plat shall clearly show the following existing features and information:

All streets; or other public ways, in *and adjacent to* the subdivision: names, location, lane dimensions, shoulders, curbs, centerline, medians, right-of-way, and roadway width, bike paths, and sidewalks.

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1105.8 PRELIMINARY PLAT REFERRALS AND APPROVAL BY PLANNING COMMISSION.

- B) Upon receipt of the recommendations, or other action provided by the above, the Commission shall approve such plat within thirty (30) days of their next regular meeting, or shall disapprove the same plat, or shall table its consideration of the plat until the next regularly scheduled meeting, with the reason for tabling specifically stated. The failure of the Commission to *approve, or disapprove, or table* a plat within the time herein fixed or such further time as the applying party may agree to, shall constitute approval of the plat by the Commission, and the certificate of the Secretary of the Commission City Engineer as to the date of the submission of the plat for approval and the failure to take action thereon within such time shall be issued on demand and shall be sufficient in lieu of the written endorsement of approval required by this section.
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1109.2 FLOOD HAZARDS; ADVERSE PHYSICAL CHARACTERISTICS.

In order to protect the health, safety and general welfare of the people, the Planning Commission will reject any *part of a proposed subdivision that is* located in an area subject to flooding in accordance with Chapter 1305.

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1109.3 SUITABILITY OF LAND.

(Remove end of paragraph.)

If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, poor soils, topography, inadequate water supply, *schools*, transportation facilities and other such conditions which may endanger health, life, or property; and if from investigations conducted by the public agencies concerned, it is determined that in the best interest of the public, the land should not be developed for the intended purpose, the Commission shall not approve the land for subdivision *unless the subdivider legally binds himself to make such improvements as, in the judgment of the Planning Commission, will render the subdivision safe and acceptable for the intended use. In this case the subdivider shall post a surety performance bond, running to the City, sufficient to cover the cost of such improvements as estimated by the officials having jurisdiction.*

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1109.14 UNDERGROUND WIRING AND UTILITIES.

**Public and common u**nderground electric, **cable**, and telephone lines and other utilities are mandatory in all residential, office and commercial subdivisions and districts, **and shall be placed in their own easement, shown on the final or record plat.**

- A) Electric, Cable, and Telephone Lines. In industrial subdivisions where **Cinergy the Cincinnati Gas & Electric Company** advises the City that the power load requirements are sufficiently large as to make underground service impractical or unfeasible, electric, **cable**, and telephone lines may be installed overhead along rear lot ~~and telephone~~ lines **with the recommendation by Planning Commission and the approval of City Council**. In an event where **Cinergy the Cincinnati Gas & Electric Company** requires a transmission, subtransmission or main line distribution feed and the cost of installing underground service is impractical and unfeasible, electric and telephone lines may be installed overhead with the **recommendation by Planning Commission and the approval of the City Manager and Council Council**. Should ~~Council~~ **City Council** approve the overhead distribution system, all connections to it shall be made underground. All facilities are to be constructed on one side of the road without overhead crossovers. (Ord. 98-1983. Passed 10-24-83.)

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1110.4 STREET LIGHTING.

The ~~developer~~ **subdivider** shall submit a street lighting plan in accordance with the following standards:

- B) **All light poles that Cinergy will not maintain shall be maintained by the developer or homeowners' association.**

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1113.1 FINAL PLAT SUBMISSION AND FEES.

(Remove following paragraph.)

- D) ~~When in the opinion of the City Engineer Planning Officer, the costs of review of the final plat exceed the minimum fee set forth in Table Section 1121.01 the City Engineer Planning Officer may make an estimate of such costs of review and require that the subdivider make a cash deposit or certified check payable to the City in the amount of such estimate. The deposit or check shall be held by the City until the actual costs of the final plan review have been determined. The deposit or proceeds of the check shall then be applied towards payment of the actual cost of the final plan review and the balance, if any, shall be returned to the subdivider. If the proceeds of such deposit or check are insufficient to cover the actual costs of the final plan review the subdivider shall pay the balance due.~~
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1115.3 DEFINITIONS.

**D) Collector, Primary.** A three-lane roadway that allows for access at at-grade public street intersections, *restricts* direct property access, provides access and mobility at moderate speeds, and connects local or secondary collector streets to arterial roadways.

(Remove definitions; use new traffic volume generator definition instead)

~~HH) — Traffic Generator, Major. A land development for which the ADT is greater than 5,000 vehicles per day and the peak hour trip generation (both ingress and egress) is higher than 500 vehicle trips.~~

~~II) — Traffic Generator, Minimum Use. A land development for which the ADT is less than 50 vehicles per day and the peak hour trip generation (both ingress and egress) is less than 5 vehicle trips. Examples include single family residences, approaches to open fields, etc.~~

~~JJ) — Traffic Generator, Minor. A land development for which the ADT is 51 - 5,000 vehicles per day and the peak hour trip generation (both ingress and egress) is between 5 and 500 vehicle trips. Low and Medium Volume Generators are minor traffic generators.~~

~~LL) — Volume Generator, High. The trip generation (both ingress and egress) during the peak hour is between 200 to 500 vehicle trips. Examples include fast-food restaurants with drive-throughs, discount stores, etc.~~

~~MM) — Volume Generator, Low. The trip generation (both ingress and egress) during the peak hour is between 5 to 100 vehicle trips. Examples include general office buildings with less than one hundred employees, new car dealerships, day-care centers, etc.~~

~~NN) — Volume Generator, Medium. The trip generation (both ingress and egress) during the peak hour is between 100 to 200 vehicle trips. Examples include drive-through banks, convenience markets with gas pumps, etc.~~

**II Traffic Volume Generator.** A measure of the amount of traffic, as shown in Table 1115.1.

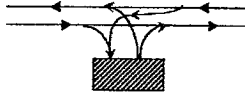
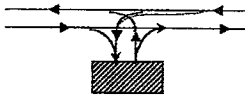
**Table 1115.1: Traffic Volume Generators.**

| <i>Level</i>  | <i>Peak Hour Trip Generation (Both Ingress and Egress)</i> | <i>Qualifier</i> | <i>ADT - Daily Trip Generation (Both Ingress and Egress)</i> | <i>Examples</i>   |
|---------------|--|------------------|--|---|
| <i>Low</i>    | <i>less than 100 (&lt; 100)</i>                            | <i>AND</i>       | <i>less than 1000 (&lt; 1000)</i>                            | <i>general office buildings with less than one hundred employees, new car dealerships, day-care centers, etc.</i> |
| <i>Medium</i> | <i>less than 200 (&lt; 200)</i>                            | <i>AND</i>       | <i>less than 2000 (&lt; 2000)</i>                            | <i>drive-through banks, convenience markets with gas pumps, etc.</i>  |
| <i>High</i>   | <i>200 or more (≥ 200)</i>                                 | <i>OR</i>        | <i>2000 or more (≥ 2000)</i>                                 | <i>fast-food restaurants with drive-throughs, discount stores, etc.</i>   |

**Table 1115.2: Roadway Access Classification**

| <b>Functional Roadway Classification</b> | <b>Access Level</b> | <b>Comments</b>  |
|--|---------------------|--|
| <b>Freeways</b>                          | <b>1</b>            |  |
| <b>Major Arterials</b>                   | <b>2 and 3</b>      | <b>Depends on the turning restrictions imposed on access points. The turning restrictions are decided based upon roadway geometry; roadway classification and access level; and required degree of access control.</b> |

**Table 1115.3: Roadway Access Level Specifications**

| Access Level | Roadway Classification | Description   | Access Sketch  | Direct Property Access                                   | General Design Features        |
|--------------|------------------------|---|--|--|--------------------------------|
| 4            | Primary Collectors     | Right and left turn in and out with left turn lane in and out required.<br>Interrupted flow in both directions. |  | Restricted when permitted.                               | 2 lanes with turning movements |
| 5            | Secondary Collectors   | Right and left turn in and out with left turn lane in and out optional.<br>Interrupted flow in both directions. |  | Restricted by volume, speed, sight distance and spacing. | 2 lanes with turning movements |

**Table 1115.4: Access Spacing Regulations - Interchanges and Signalized Intersections**

| Access Level | General Roadway Type            | Posted Speed Limit in mph   | Interchanges (I)         |       | Signalized Intersection                               |
|--------------|---------------------------------|---|--------------------------|-------|---|
|              |                                 |   | Minimum Spacing in Miles |       | Minimum Spacing (in feet) at the Corresponding Speeds |
|              |                                 |   | Urban/Suburban           | Rural |   |
| 3            | Major and Minor Arterials       | 40 suburban<br>35 suburban/urban<br>30 urban<br>25 highly developed urban areas | NA                       | NA    | 1500<br>1000<br>1000<br>1000                          |
| 6 and 7      | Local and Private Roads, Alleys | 25 and under  | NA                       | NA    | NS  |

NOTES:  
1. NA – Not applicable; NS – Not specified.

1115.7 ACCESS SPACING REGULATIONS.

- J) **Unsignalized Intersections and Driveways.** Minimum spacing regulations have been set for unsignalized driveways and roadways. The intent of these regulations is to avoid significant delays and/or accidents caused by frequent access points along a given roadway. The spacing regulations are based upon the type of traffic volume generator or land use, and its location classification (urban, suburban, rural) along a given roadway. To determine the roadway location classification, refer to Map 1115.1. Refer to Table 1115.5 for the specific development standards.

**Table 1115.5: Access Spacing Regulations - Unsignalized Intersections and Driveways**

| Roadway Type         | Posted Speed Limit in mph | Minimum Spacing for Unsignalized Driveways & Roadways (in feet)                  |        |      |                  |        |      |               |        |      |
|----------------------|---------------------------|--|--------|------|------------------|--------|------|---------------|--------|------|
|                      |                           | Distances based on Roadway Locations, Traffic Volume Generators and Speed Limits |        |      |                  |        |      |               |        |      |
|                      |                           | Urban Roadway  |        |      | Suburban Roadway |        |      | Rural Roadway |        |      |
|                      |                           | Low  | Medium | High | Low              | Medium | High | Low           | Medium | High |
| Major Arterials      | 50                        |  |        |      |                  |        |      | 250           | 400    | 500  |
|                      | 45                        |  |        |      |                  |        |      | 225           | 350    | 450  |
|                      | 40                        |  |        |      | 250              | 350    | 400  |               |        |      |
|                      | 35                        | 200  | 300    | 350  | 175              | 300    | 350  |               |        |      |
|                      | 30                        | 150  | 250    | 300  |                  |        |      |               |        |      |
| Minor Arterials      | 50                        |  |        |      |                  |        |      | 200           | 300    | 400  |
|                      | 45                        |  |        |      |                  |        |      | 200           | 275    | 350  |
|                      | 40                        |  |        |      | 150              | 250    | 350  |               |        |      |
|                      | 35                        | 175  | 250    | 300  | 150              | 200    | 300  |               |        |      |
|                      | 30                        | 125  | 200    | 250  |                  |        |      |               |        |      |
|                      | 25                        | 100  | 150    | 200  |                  |        |      |               |        |      |
| Primary Collectors   | 45                        |  |        |      |                  |        |      | 150           | 250    | 300  |
|                      | 40                        |  |        |      |                  |        |      | 150           | 200    | 250  |
|                      | 35                        | 150  | 150    | 200  | 150              | 200    | 250  |               |        |      |
|                      | 30                        | 150  | 150    | 200  | 150              | 200    | 250  |               |        |      |
|                      | 25                        | 150  | 150    | 150  |                  |        |      |               |        |      |
| Secondary Collectors | 40                        |  |        |      |                  |        |      | 150           | 200    | 250  |
|                      | 35                        |  |        |      | 150              | 200    | 250  | 150           | 200    | 250  |
|                      | 30                        | 150  | 150    | 150  | 150              | 150    | 150  |               |        |      |
|                      | 25                        | 150  | 150    | 150  |                  |        |      |               |        |      |



**Table 1115.6: Access Spacing Regulations - Median Openings**

| <i>Access Level</i>   | <i>Roadway Type</i>         | <i>Spacing Criteria (in feet) for Unsignalized Median</i> |
|---|-----------------------------|---|
| <i>1</i>  | <b>Freeways</b>             | <b>Not Applicable</b>                                     |
| <i>2, 3</i>   | <b>Major Arterials</b>      | <b>650</b>  |
| <i>3</i>  | <b>Minor Arterials</b>      | <b>650</b>  |
| <i>4</i>  | <b>Primary Collectors</b>   | <b>300</b>  |
| <i>5</i>  | <b>Secondary Collectors</b> | <b>300</b>  |
| <i>6</i>  | <b>Local Streets</b>        | <b>250</b>  |
| <i>7</i>  | <b>Private Streets</b>      | <b>Not Applicable</b>                                     |
| <b>Additional Requirements:</b>   |                             |   |
| <ol style="list-style-type: none"> <li><b>1) Median openings shall be provided at all signalized at-grade intersections, and at all unsignalized junctions of arterial and collector streets.</b></li> <li><b>2) The spacing of median openings for signalized driveways should reflect traffic signal coordination requirements and the storage space needed for left turns.</b></li> <li><b>3) Applications for a median opening for a driveway must be approved by Planning Commission.</b></li> </ol> |                             |   |

**Table 1115.7: Access Spacing Regulations - Lateral Accesses**

| Roadway Type         | Minimum Distance Required Between Lateral Access & Intersection (in feet) |  |                                      |
|----------------------|---|--|--------------------------------------|
|                      | <i>Low Traffic Volume Generator</i>                                       | <i>Medium Traffic Volume Generator</i> | <i>High Traffic Volume Generator</i> |
| Major Arterials      | 150   | 200                                    | 350                                  |
| Minor Arterials      | 100   | 150                                    | 200                                  |
| Primary Collectors   | 100   | 150                                    | 200                                  |
| Secondary Collectors | 100   | 150                                    | 200                                  |

**ADDITIONAL REQUIREMENTS:**

- 1) When the left turn storage lane for the intersection (on the roadway abutting the generator) is longer than the lateral access requirement (above), left turn movements to and from the generator shall be prohibited. This will prevent delays for those vehicles making left turn movements at the intersection that are caused by vehicles turning left into the generator from the left turn storage lane. This will also prevent potential accidents and/or delays caused by vehicles turning left from the generator and crossing the left turn storage lane.
- 2) If the intersection includes two different roadway types, then the greater of the two distances shall be used.
- 3) Lateral Access requirements do not apply to roadway types that are not listed above.

**1115.8 APPLICATION PROCEDURE.**

(Remove following paragraph.)

~~K) The decision of the City Engineer as to the application process shall not be subject to appeal.~~



### 1116.2 WHEN REQUIRED.

To promote efficient access management, a Traffic Impact Study for a proposed development shall be submitted with the site plan or preliminary plat when the development meets any of the following criteria:

- A) The proposed development generates one hundred (100) or more added new peak hour trips to and/or from the site during the adjacent roadway's peak hours or during the development's peak hour, *and the proposed development generates more than 1,000 trips daily.*
  - B) There is congestion in the vicinity of the proposed development and the development is expected to *reduce the level of service* on adjacent roadways and/or intersections *to below C.*
  - C) The development is in the vicinity of a high-accident (*10 or more per year*) intersection or section of roadway.
  - D) The proposed access drives to the development are in *within 500 feet of* existing drives or intersections.
  - E) The traffic generated by the proposed development will *increase the ADT by 25% or more on roadways in* adjacent neighborhoods, as determined by the City Engineer.
  - F) A *level of service lower than D* already exists or is projected to exist on a roadway that is adjacent to the proposed development.
  - G) *Traffic volumes of 10,000 ADT or higher exist on roadways adjacent to the proposed development.*
  - H) Other conditions exist in the vicinity of the proposed development that may be negatively impacted by the development, as determined by the City Engineer.
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### 1116.3 STUDY AREA.

The minimum study area shall include all proposed and existing site access locations and major intersections (signalized and unsignalized) adjacent to the site. The City Engineer may require that additional areas be included in the study, based upon, but not limited to, the size of the proposed development, local or site-specific issues, local policy, and impacts that are likely to occur to residential areas. *Final determination of the study area shall be agreed upon by the City Engineer and the developer.*

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1116.5 HORIZON YEARS.

(Remove next paragraph.)

D) ~~Over a period of ten (10) years, or as specified by the City Engineer.~~

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1116.7 SITE AND NON-SITE ANALYSIS.

(Remove last sentence.)

E) A determination of the level-of-service "D" for future base conditions. Future base conditions to assess the traffic operations and needed improvements in the horizon years without the subject development in place must first be determined. ~~It is the developer's responsibility to identify improvements that have already been approved or planned.~~

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1116.16 IMPROVEMENT COSTS.

The cost for infrastructure improvements, new traffic signals, modification of existing traffic signals, traffic signs, and pavement markings *which are necessitated by the new development* shall be borne by the developer. The City may participate in such costs if the City Engineer determines the changes will provide benefits to vehicle or pedestrian traffic not associated with the proposed development.

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1117.3 CONDITIONS.

F) Requiring the construction of right hand and/or left hand deceleration/acceleration and/or storage lanes which shall generally be required to be a minimum of two hundred (200) feet each way with a one hundred (100) foot taper ~~but which may be required to be increased, or, or longer as determined by the Traffic Impact Study.~~ Such lanes may be permitted to be decreased, based on the physical conditions, characteristics and use of the property. Such lanes shall meet the requirements of the Mason Construction Standards and include the appropriate traffic control devices, including, but not limited to, signals, as necessary;

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