



City of Mason, Ohio

Zoning Code Amendments

Ordinance No. ____
Adopted _____

December 3, 2004 Draft

EXHIBIT A
PAGE 1 OF 6

Chapter 1135, Administrative procedures

1135.1 ENFORCEMENT BY ZONING ADMINISTRATOR.

There is hereby established the office of Zoning Administrator within the Engineering and Building Department. It shall be the duty of the Zoning Administrator to enforce this Zoning Ordinance in accordance with the provisions of this Zoning Ordinance, the Landscape Ordinance, the Comprehensive Development Plan, the Thoroughfare Plan, the Subdivision Regulations, the Access Management Regulations, the Traffic Impact Study Regulations, the regulations for Driveway Approaches and Curb Cuts, the Water Master Plan, the Wastewater System Master Plan, the Standard Construction Drawings, **the Bicycle and Pedestrian Way Master Plan, Storm Water Regulations** and any other applicable sections of the Codified Ordinances of the City of Mason. All departments, officials and public employees of the City, vested with the duty and authority to issue permits or licenses, shall conform to the provisions of this Zoning Ordinance and shall not issue any permit or license for any use, building or purpose in conflict with the provisions of this Zoning Ordinance. Any permit or license issued in conflict with the provisions of this Zoning Ordinance, shall be null and void and **shall be** of no effect whatsoever. (Ord. 99-207, passed February 14, 2000)

Chapter 1137, District Changes and Ordinance Amendments

1137.2 PROCEDURE FOR CHANGE.

- A) Applications. Applications for any change of district, boundaries or classifications of property as shown on the Zoning Map, and for regulation amendments, shall be submitted to the Planning Commission at its office, upon such forms, and all shall be accompanied by such data and information as may be prescribed for that purpose by the Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Such data shall include in any event, a plat or map drawn to a scale of not less than 100 feet to the inch, showing the land in question, its location, the length and location of each boundary thereof, the location ~~of~~ **and** existing use of all buildings and the principal use of all properties within 300 feet of such land. Each application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendment or district changes initiated by the Commission or Council shall be accompanied by a resolution of record of either body pertaining to such proposed amendment.
- B) List of Property Owners. Any person or persons desiring a change in the zoning classification of property shall file with the application for such change a statement giving the names and addresses of the owners of all **real** property within, ~~contiguous to or directly across the street~~ **300 feet from** of such parcel or

parcels ~~as appearing~~ on the County Auditor's current tax list or the Treasurer's mailing list and such other lists as may be required by the Commission.

1137.3 PLANNING COMMISSION RECOMMENDATIONS.

Upon receipt of the application by the Zoning Administrator, the Zoning Administrator shall determine whether the application contains all the items referred to in Section 1137.2(A). Once the Zoning Administrator determines that the application is complete, the application shall be forwarded to the Planning Commission at its next regularly-scheduled meeting.

Following ~~such~~ the procedure as stated above, the Planning Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application be denied. ~~Within thirty days of receiving an application these~~ The Planning Commission shall use its best efforts to certify its recommendations shall be certified to Council within forty-five (45) days of Planning Commission's receipt of the application.

If:

- A) the Planning Commission requests additional information from the applicant, from city staff, or from any other interested parties or agencies in order to make its recommendation; or
- B) the Planning Commission determines that there is an indication that notice of the Preliminary Public Hearing required by Chapter 1137.2(C) has not been given, requiring additional notice; or
- C) the applicant agrees,

the Planning Commission shall consider the application at its next regularly-scheduled meeting, and shall certify its recommendation to Council, as soon as practicable after that meeting.

1137.4 COUNCIL, HEARING AND FINAL ACTION.

- A) Hearing. After receiving from the Planning Commission the certificate of such recommendations on the proposed amendment, supplement or change, and before adoption of such amendment, supplement or change, Council shall hold a public hearing thereon, at least fifteen days notice of the time and place of which shall be given by publication in a newspaper of general circulation in the City. If the proposed amendment, supplement or change ~~intends~~ proposes to rezone or redistrict ten or less parcels of land, as listed in the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by certified mail, with return receipt, at least fifteen days before the date of the public hearing to the owners of all real property within, ~~contiguous to, or directly across the street~~ 300 feet from, ~~of such~~ the parcel or parcels, to the addresses of ~~such~~ the owners appearing on the

County Auditor's current tax list or the Treasurer's mailing list and such other lists as may be required by Council.

Chapter 1141, Variances and Appeals

1141.4 APPLICATION FOR VARIANCE.

Any person owning or having an interest in property may file an application ~~in~~ regarding ~~to such~~ **that** property with the Zoning Administrator for one or more of the variances authorized in Section 1141.2 of this Ordinance. The application shall be signed and completed in full by the applicant and shall contain the following information and such additional information as the Board may, by rule, require (Ord. 99-132, passed October 11, 1999):

- A) The particular provisions or requirements of this Ordinance by section which prevent the proposed ~~construction on~~ **use of** the property.
- B) The existing district classification of the property.
- C) The special conditions, circumstances or characteristics of the land, building or structure that prevent compliance with the requirements of this Ordinance.
- D) The extent to which it would be necessary to modify the requirements of this Ordinance in order to permit the proposed ~~construction use on~~ **use of** the property.
- E) An explanation of how the requested variance conforms to the evaluation criteria in Section 1141.3.
- F) A complete list of names and addresses of all owners of **all real property within 300 feet of such parcel or parcels as appears on the County Auditor's current tax list or the Treasurer's mailing list and such other lists as may be required by the Board** ~~adjacent to each property line and across any street from the property.~~ (Ord. 99-132, passed October 11, 1999)
- G) Ten (10) copies of ~~a~~ **the** site plan drawn to such scale as the Board shall, by rule, require, showing the actual dimensions of the property according to the recorded plat of such property, including contour lines, all significant vegetation and other significant natural environmental features on the property, the use, height, location and ground area of all present and proposed buildings and structures, the location of all vehicular entrances to and exits from the property, the location of all off-street parking areas and number of spaces provided therein, the building lines in relation to lot lines, **and** the number, type, size and location of all present and proposed signs, if any.

Chapter 1161, Planned Unit Development District

1161.13 CHANGE IN ZONE MAP; ~~LAPSE OF APPROVAL.~~

On filing of the required inspection fee, the City Engineer shall cause a notation to be made on the zone map to reflect the area which is included in the concept plan in a PUD District, and shall return the concept plan to the Planning Commission with a report of Council's action thereon. ~~If within 120 days of Council's approval of the concept plan, the developer does not both submit a final plan of the development area and submit a zoning certificate application for the development area for which he later obtains approval, or if the developer fails to commence construction within one year of Council's approval of the concept plan, then the developer shall forfeit the required inspection fee, and the approval of the concept plan shall lapse. The Planning Commission report and concept plan approved by Council may specify an enlargement of the foregoing 120-day and one-year periods for all or part of the development area when the nature and character of the particular type of use or development so required or when progressive stage development is specified in the concept plan.~~

Chapter 1187, Sign Regulations

Sign changes in B-4, Private Recreation District

- A) Permitted Signs. This section regulates signs advertising private recreation establishments that are directed toward and seen from adjacent public road right-of-ways. Private recreational signs located internal to the private recreational establishments shall be exempt from these regulations unless any such sign causes a distraction or nuisance on adjacent public right-of-ways.
- 1) Signs Without a Permit. Signs permitted without a permit, such as a name plate sign and street address, are allowed subject to the provisions of Section 1187.5.
 - 2) Temporary Signs. Real estate signs and other temporary signs shall be permitted in accordance with Section 1187.7.
 - 3) Wall Signs.
 - a) Number. One(1) wall sign shall be permitted per street frontage on each parcel.
 - b) Size. The total area of a wall sign shall not exceed one (1) square foot per lineal foot of building frontage not to exceed one hundred (100) square feet.
 - c) Height. The maximum height specified for the district in which the sign is located.
 - 4) Freestanding Signs.
 - a) Number. One (1) freestanding sign shall be permitted per street frontage on each parcel.
 - b) Size. The total area of the freestanding sign shall not exceed one (1) square foot per lineal foot of lot-frontage, not to exceed five-hundred (500) square feet.

- c) Height. The height of a freestanding sign in a B-4 District shall not exceed ~~forty (40)~~ **twelve (12)** feet in height **for each 1,000 lineal feet of lot frontage not to exceed eighty-four (84) feet in height.**
- d) Setbacks. All freestanding signs shall comply with the setback and location requirements of Section 1187.2.

Chapter 1162, HT-1, High Tech Light Industrial

1162.4 DEVELOPMENT STANDARDS.

- D) Exterior Building Material.
 - 1) Unfinished or unpainted **non-decorative** concrete block shall not be ~~permitted~~ **used** on any exterior wall.
 - 2) Metal siding shall not be ~~permitted~~ **used** on any wall facing a public street or a residential district. If metal siding is utilized on any remaining wall, it shall be subject to the approval of Planning Commission.
 - 3) **A combination of brick, masonry, glass, or other suitable building materials shall be used on the front facade of the building, subject to the approval by the Planning Commission.**
- E) Mechanical Screening. All roof mounted mechanical equipment shall be screened from view from adjacent property and zoning districts and from road rights-of-way in all zoning districts using durable, compatible, opaque materials.
- E)F) Fencing. In addition to the regulations in Section 1185.2, any fencing proposed shall be subject to the approval of the Planning Commisison.

Chapter 1163, I-1, Light Industrial District

1163.4 DEVELOPMENT STANDARDS.

- D) Exterior Building Material.
 - 1) Unfinished or unpainted **non-decorative** concrete block shall not be used on any exterior wall.
 - 2) Metal siding shall not be used on any wall facing a public street or a residential district. If metal siding is utilized on any remaining wall, it shall be subject to the approval of Planning Commission.
 - 3) **A combination of brick, masonry, glass, or other suitable building materials shall be used on the front facade of the building, subject to the Planning Commission approval.**
- E) Mechanical Screening. All roof mounted mechanical equipment shall be screened from view from all adjacent property and zoning districts and from

road rights-of-way in all zoning districts using durable, compatible, opaque materials.

Chapter 1165, I-2, Industrial District

1165.4 DEVELOPMENT STANDARDS.

- D) **Exterior Building Material.**
- 1) **Unfinished or unpainted non-decorative concrete block shall not be used on any exterior wall.**
 - 2) **Metal siding used on any wall shall be subject to the approval of Planning Commission.**
 - 3) **A combination of brick, masonry, glass, or other suitable building materials shall be used on the front facade of the building, subject to Planning Commission approval.**
- E) **Mechanical Screening.** All roof mounted mechanical equipment shall be screened from view from all adjacent property and zoning districts and from road rights-of-way in all zoning districts using durable, compatible, opaque materials.

Chapter 1175, Off-Street Parking and Loading

1175.7 DEVELOPMENT AND MAINTENANCE OF PARKING AREAS.

Every parcel of land used to park or store motor vehicles or trailers, except property used for residential or agricultural purposes, shall be developed and maintained in accordance with the following requirements:

- A) **Screening and Landscaping.** Off-street parking areas for more than five vehicles shall be screened and landscaped as required by the Landscape Ordinance.
- B) **Surfacing.** Any off-street parking area, parking space, parking lot and all access drives to such areas shall be surfaced with a pavement of concrete or asphaltic concrete of sufficient depth to meet the standard engineering practice for the design of pavements for the anticipated traffic load and shall be so graded and drained to meet the requirements of Chapter 1119 for the disposal of all surface water accumulated within the areas, and shall be so arranged and marked as to provide for orderly and safe loading, unloading, parking and storage of motor vehicles.

- C) Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to **rdeflect** the light away from any adjoining premises in any residence district.
- D) Curbing. **All paved areas must have curbing unless waived by the Planning Commission.**

Chapter 1165, I-2, Industrial District

1165.2 PRINCIPAL PERMITTED USES.

No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses:

- A) Manufacturing. An industrial use which ordinarily uses heavy machinery, requires both buildings and open area for manufacturing, fabricating, processing, heavy repairing, dismantling, storage or disposal of raw materials, manufactured products and wastes, which is not injurious to health or safety of humans or animals or injurious to vegetation; and which is not noxious or offensive by reason of the emission of smoke, dust, gas fumes, odors or vibrations beyond the limits of the premises upon which such industry is conducted.
- B) Warehousing, Storage and Wholesaling. The storage, handling, assembly and distribution of goods and materials for retail, wholesale or on site use, except any combustible materials and/or flammable liquids.
- C) Sexually Oriented Businesses are also permitted provided the requirements of Chapter 723 are satisfied.
- D) Cellular or Wireless Communications Systems. See Chapter 1188 for additional requirements.
- E) Automobile Repair Shops performing major repair work, including automobile body repair and painting, automobile glass work, automobile transmission work, automobile engine overhaul and repair, and radiator repair work. (Ord. 99-132, passed October 11, 1999)
- F) General Offices **directly associated with related operations on site. The square footage of the office cannot exceed fifty per cent (50%) of the square footage of the footprint of the entire facility.**

Chapter 1157, B-2 Shopping Center District

1157.5 CONDITIONAL USES.

- A) Convenience Food Stores, Carry-outs, Mini-Markets and Drive-Through and Drive-In Stores, including photo kiosks, drive-in windows which are accessory to the operation of a financial establishment or fast food restaurant, and as specified in Section 1172.8.
- B) Taverns, Bars and Nightclubs. Establishments primarily engaged in the retail sale of drinks, such as beer, ale, wine, liquor and other alcoholic beverages, for consumption on the premises. The sale of food may also be a part of the operation of these establishments.
- C) Vehicle sales, rental and service, as specified in Section 1172.6.
- D) Automobile service stations, as specified in Section 1172.6.
- E) Automobile leasing facilities, as specified in Section 1172.6.
- F) Automobile accessories as specified in Section 1172.6.
- G) Theaters.
- H) Animal hospitals, veterinarian clinics and kennels **subject to the additional standards in Section 1172.11**

Chapter 1159, B-3, Road Service District

1159.1 PURPOSE.

It is the purpose of the B-3 Road Service District to allow the development of highway oriented commercial uses along the community's major thoroughfares. Both the intensity and the potential impact on residential uses are mitigated through lot width, setback and supplemental landscape standards.

1159.2 PRINCIPAL PERMITTED USES.

- A) Specialty retail and commercial uses, including drug stores with or without drive-throughs. (Ord.99-132, passed October 11, 1999)
- B) General merchandise and grocery stores.
- C) Specialty food stores.
- D) Home furnishings.
- E) Nursery and garden supply.

- F) Personal services.
- G) Business and cleaning services.
- H) Art Studios.
- I) Financial establishments with drive-through facilities subject to the additional standards in Section 1172.8.
- J) Restaurants, standard, with drive-through facilities subject to the additional standards in Section 1172.8.
- K) Convenience food stores, carryouts and mini-markets subject to the additional standards in Section 1172.8.
- L) Restaurant, fast food, with drive-through facilities subject to the additional standards in Section 1172.8.
- M) Taverns, bars and nightclubs.
- N) Fraternal and social associations.
- O) Motels and hotels.
- P) Commercial entertainment, indoor, and commercial recreation, indoor.
- Q) Theaters and concert halls, meeting and banquet halls.
- R) Commercial entertainment, outdoor, with structures set back at least 200 feet from any residential property.
- S) Vehicle sales, rental and services, not including farm equipment, semi tractor trailers and construction equipment.
- T) Automobile service stations, not including major repair, paint spraying or body work subject to the additional standards in Section 1172.6.
- U) Auto repair, body shops, automobile accessories subject to the additional standards in Section 1172.6.
- V) Automobile washing facilities subject to the additional standards in Section 1172.7. (Ord. 99-132, passed October 11, 1999)
- W) Vehicle storage.

- X) Cellular or wireless communication systems. See Chapter 1188 for additional requirements.
- Y) Bakeries. (Ord. 99-132, passed October 11, 1999)
- Z) Publishing, printing, and blueprinting shops. (Ord. 99-132, passed October 11, 1999)
- AA) Child day-care centers subject to the additional standards in Section 1172.4. (Ord. 04-15, passed March 8, 2004)
- BB) **Offices.**
 - 1) **Business, professional and administrative offices.**
 - 2) **Offices of business and professional associations.**
 - 3) **Medical offices and clinics.**

1159.3 CONDITIONAL USES.

- A) **Animal hospitals, veterinarian clinics and kennels subject to the additional standards in Section 1172.11.**

Renumber remaining sections

- 1159.34 ACCESSORY USES
 - 1159.45 OBJECTIONABLE USES
 - 1159.56 ENCLOSED BUILDINGS
 - 1159.67 NIGHT OPERATION
 - 1159.78 DEVELOPMENT STANDARDS
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Chapter 1172, Conditionally permitted Uses

1172.11 ANIMAL HOSPITALS, VETERINARIAN CLINICS AND KENNELS

The following conditions apply to animal hospitals, veterinarian clinics and kennels in the B-2, and B-3 districts.

- A) **Minimum Lot Area.** Lot area shall meet the minimum size for the district in which the use is located.
- B) **Operation.**
 - 1) Each animal hospital, veterinarian clinic and kennel shall be subject to all permit and operational laws and regulations established by the State of Ohio and Warren County and any of their regulatory agencies.
 - 2) No kennel facility shall be located outside the principal building.

- 3) **Outdoor exercise areas shall only be used between the hours of 8:00 am and 8:00 pm.**
 - 4) **Rooms which contain animals shall be insulated, or otherwise soundproofed and vented so that animal noises are not audible anywhere beyond the lot.**
- C) **Setbacks and Screening.**
- 1) **All structures, including fencing, shall be located at least two hundred (200) feet from any side and rear property line abutting a residential district and one hundred feet (100) from any side or rear property line abutting a business district. Parking areas shall meet the minimum setbacks for the district in which they are located.**
 - 2) **All exercise areas shall be enclosed by a fence or wall a minimum of five (5) feet in height, except that a minimum six (6) foot high wall, solid wood fence, or chain link fence planted with a continuous evergreen screen shall be maintained around all outdoor exercise areas abutting residential property.**
- D) **Special Provisions for Animal Hospitals, Veterinarian Clinics and Kennels adjacent to Day-Care Centers and other public facilities. The Planning Commission shall have the authority to require such additional fencing, screening and/or other measures it deems necessary to protect the health, safety and welfare of people located adjacent to an animal facility, or to deny a request to locate a facility in such areas, based on health and safety considerations**
- E) **Performance Standards. The Planning Commission may impose other conditions and limitations it deems necessary to prevent or mitigate possible nuisances, such as noise and odor, including limiting the number of animals on the premises. All applications for conditional use permit shall include a statement of the maximum number of animals to be boarded on premises.**
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Removal Schools and Public offices from index table for B-3