

City of Mason, Ohio

Zoning Code Amendments

“Large Retail Establishments”

June 13, 2006
PC 2006 – 035
Ordinance 2006-____



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EXHIBIT “A”
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Section 1.

Section 1133.131 RETAIL, of CHAPTER 1133 Definitions is hereby established and inserted to read as follows:

1133.131 RETAIL.

- A) **“Franchise or Formula Retail” means a type of retail sales activity or retail sales establishment which, along with eleven or more other retail sales establishments located in the United States, maintains two or more of the following features: a standardized array of merchandise, a standardized façade, a standardized décor and color scheme, a uniform apparel, standardized signage, a trademark or a servicemark.**
- B) **“Large Scale Retail Establishment” means a single building or one or more attached or detached buildings including shopping centers that include permitted retail and related uses with a combined building area of 20,000 square feet or more.**

Section 2.

Section 1157.4 PRINCIPAL PERMITTED USES, of CHAPTER 1157 B-2 Shopping Center District is hereby amended to read as follows:

1157.4 PRINCIPAL PERMITTED USES.

- A) Offices.
- 1) Business, professional and administrative offices.
 - 2) Offices of business and professional associations.
 - 3) Medical offices and clinics.
- B) Retail, Commercial and Service Uses.
- 1) **Large Retail Establishments, as specified in CHAPTER 1174.**
 - 2) Specialty retail and commercial uses, including drug stores.
 - 3) General merchandise and grocery stores.
 - 4) Specialty food stores.
 - 5) Home furnishings, home improvements, materials and equipment stores with no outside storage.
 - 6) Garden supply.
 - 7) Personal services.
 - 8) Business and cleaning services.
 - 9) Art studios.
 - 10) Financial establishments without drive-through facilities.
 - 11) Restaurants, standard, without drive-through facilities.

- C) Institutional, Public and Cultural Uses.
 - 1) Public offices and buildings.
 - 2) Public and private elementary, junior high and high schools.
 - 3) Libraries, museums and art galleries.
 - 4) Churches and places of worship.
 - 5) Child day-care centers.
 - 6) Financial offices.

- D) Sexually Oriented Businesses are also permitted provided the requirements of Chapter 723 are satisfied.

Section 3.

Section 1159.2 PRINCIPAL PERMITTED USES, of CHAPTER 1159 B-3 Road Service District is hereby amended to read as follows:

1159.2 PRINCIPAL PERMITTED USES.

- A) **Large Retail Establishments, as specified in CHAPTER 1174.**
- B) Specialty retail and commercial uses, including drug stores with or without drive-throughs. (Ord. 99-132, passed October 11, 1999)
- C) General merchandise and grocery stores.
- D) Specialty food stores.
- E) Home furnishings.
- F) Nursery and garden supply.
- G) Personal services.
- H) Business and cleaning services.
- I) Art Studios.
- J) Financial establishments with drive-through facilities subject to the additional standards in Section 1172.8.
- K) Restaurants, standard, with drive-through facilities subject to the additional standards in Section 1172.8.

- L) Convenience food stores, carryouts and mini-markets subject to the additional standards in Section 1172.8.
- M) Restaurant, fast food, with drive-through facilities subject to the additional standards in Section 1172.8.
- N) Taverns, bars and nightclubs.
- O) Fraternal and social associations.
- P) Motels and hotels.
- Q) Commercial entertainment, indoor, and commercial recreation, indoor.
- R) Theaters and concert halls, meeting and banquet halls.
- S) Commercial entertainment, outdoor, with structures set back at least 200 feet from any residential property.
- T) Vehicle sales, rental and services, not including farm equipment, semi tractor trailers and construction equipment.
- U) Automobile service stations, not including major repair, paint spraying or body work subject to the additional standards in Section 1172.6.
- V) Auto repair, body shops, automobile accessories subject to the additional standards in Section 1172.6.
- W) Automobile washing facilities subject to the additional standards in Section 1172.7. (Ord. 99-132, passed October 11, 1999)
- X) Vehicle storage.
- Y) Cellular or wireless communication systems. See Chapter 1188 for additional requirements.
- Z) Bakeries. (Ord. 99-132, passed October 11, 1999)
- AA) Publishing, printing, and blueprinting shops. (Ord. 99-132, passed October 11, 1999)
- BB) Child day-care centers subject to the additional standards in Section 1172.4. (Ord. 04-15, passed March 8, 2004)
- CC) Offices. (Ord. 04-155, passed January 10, 2005)
 - 1) Business, professional and administrative offices.
 - 2) Offices of business and professional associations.
 - 3) Medical offices and clinics.

Section 4.

CHAPTER 1174 Large Retail Establishment Design Standards, of TITLE SEVEN – Zoning General Provisions is hereby established and inserted to read as follows:

**CHAPTER 1174
Large Retail Establishment Design Standards**

1174.1 PURPOSE.

The standards in this section are needed to protect the public health, safety and welfare by requiring large retail establishments to locate on arterial roads to separate commercial and residential generated traffic; improve pedestrian safety; diminish the negative impacts of blight caused by vacant commercial structures on adjacent property by increasing reuse opportunities; reduce the impacts on adjacent uses, especially on nearby residential uses, including light and noise; and requiring unique architecture and community spaces and other design elements so that a distinctive visual appearance and small town ambiance is maintained to promote the long-term viability of the community's businesses districts and quality of life of Mason residents.

1174.2 FACADES AND EXTERIOR WALLS.

Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large retail buildings and provide visual interest that will be consistent with the community's identity, character and scale.

- A) No large retail establishment shall be designed, modeled, or constructed after franchise or formula based architecture. All large retail establishments constructed in the City of Mason shall be original in design unique only to the City of Mason, except franchise businesses may advertise corporate logos on permitted signage.
- B) Building facades must include a repeating pattern that shall include no less than three (3) of the following elements: color change; texture change; material module change; and expression of architectural or structural bay through a change in plane no less than 24 inches in width, such as an offset, reveal, or projecting rib. All elements shall repeat at intervals of no more than thirty (30) feet to give the structure an appearance of several individual attached bays developed with internal common walls.
- C) Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the facade and extending at least 20% of the length of the facade.

- D) **Ground floor facades that face public streets shall have arcades, clear glass display windows, entry areas, awnings, or other such features along no less than 60% of their horizontal length.**
- E) **Facades and walls must have a recognizable base with (but not limited to):**
 - 1) **Thicker walls, ledges or sills.**
 - 2) **Integrally textured elements such as stone or other masonry.**
 - 3) **Integrally colored and patterned elements such as smooth-finished stone.**
 - 4) **Lighter or darker colored elements, mullions or panels.**
 - 5) **Planters.**

1174.3 MATERIALS AND COLORS.

Large retail establishments shall have exterior building materials and colors that are compatible with its surroundings. This includes the use of high-quality materials and colors that are low reflective, subtle, neutral, or earth tone. High-intensity colors, bright primary colors, metallic colors, or fluorescent colors are prohibited. Shiny, glossy or reflective materials, or brighter colors may be used on building trim and accents with a cumulative surface area of less than or equal to one quarter of one percent ($\leq 0.25\%$) of a wall. Neon lighting as an architectural trim is prohibited. Construction materials such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar materials shall be avoided unless the exterior surface is covered with an acceptable architectural treatment.

1174.4 ROOFS.

Roof features should be used to complement the character of adjoining neighborhoods. Variations in roof lines should be used to add interest to, and reduce the massive scale of large buildings. Roofs shall have no less than two (2) of the following features:

- A) **Parapets concealing flat roofs and rooftop equipment from public view. The average height of such parapets shall not exceed 15% of the height of the supporting wall and such parapets shall not at any point exceed one third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatments.**
- B) **Cornice treatments, other than colored stripes or bands alone, with integrally textured elements such as stone or other masonry or differently colored elements.**
- C) **Sloping roofs with overhanging eaves and brackets, extending no less than three (3) feet past the supporting walls.**
- D) **Sloping roofs that do not exceed the average height of the supporting walls, which utilize trusses and pillars.**
- E) **Three or more roof slope planes per building elevation.**

1174.5 BUILDING ENTRYWAYS.

Large retail establishments shall feature multiple entrances. Multiple entrances reduce walking distances from cars and provide greater access from public sidewalks. Additional building entrances on side exterior walls are required to provide convenient store access from parking lots located in side and rear yards. Exterior building entrances are encouraged to tenant spaces other than the primary retail tenant located in the same structure. Each principal building on a site shall have clearly defined, visible customer entrances featuring no less than four of the following:

- A) Recesses/projections.**
- B) Overhangs, canopies or porticos.**
- C) Arcades.**
- D) Raised corniced parapets over the door.**
- E) Peaked roof forms.**
- F) Arches.**
- G) Outdoor patios.**
- H) Display windows.**
- I) Architectural details such as tile work and moldings which are integrated into the building.**
- J) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.**

1174.6 OUTDOOR DISPLAY.

Large retail establishments may offer for direct sale to the public merchandise which is displayed outdoors with the following standards:

- A) Such outdoor display area is located behind the front building corners.**
- B) Permitted merchandise and retail items are completely enclosed by masonry walls or columns and decorative wrought iron bars or other similar materials that match the colors and material of the principal structure.**

- C) **Landscaping shall be provided around the front and side outdoor display walls.**

1174.7 MECHANICAL EQUIPMENT.

All mechanical equipment shall be completely screened to mitigate noise and views in all directions. If roof-mounted, the screen shall be designed to conform architecturally to the design of the building either with varying roof planes or with parapet walls.

1174.8 TRAFFIC AND VEHICULAR ACCESS.

- A) **Large retail establishments shall provide safety and protection to adjacent residential uses by having primary motor vehicles access from arterial roads as designated on the Thoroughfare Plan.**
- B) **Access points shall conform to the specific requirements of CHAPTER 1115 Access Management Regulations.**
- C) **An applicant funded traffic impact study shall be provided pursuant to CHAPTER 1116 Traffic Impact Study Regulations.**

1174.9 PEDESTRIAN FLOWS.

The project shall provide pedestrian accessibility, safety, and convenience to reduce traffic impacts and enable the development to project a friendly inviting image.

- A) **Continuous internal pedestrian walkways, no less than four (4) feet in width shall be provided from the public sidewalk or bike path located in the adjacent road right-of-way to each principal customer entrance of all principal buildings on the site.**
- B) **All internal pedestrian walkways shall be elevated and/or distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.**
- C) **Raised sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facades abutting public parking areas. Such sidewalks shall be located away from the building to accommodate required foundation landscaping, except where features such as arcades or entryways are part of the facade.**

1174.10 CENTRAL FEATURES AND COMMUNITY SPACE.

Each large scale retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following: decorative pedestrian plaza with benches, decorative streetscape with window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or a focal feature or amenity. Any such areas shall have direct access to the public sidewalk network and such features shall be constructed of materials that are similar in quality to the principal materials of the building and landscape. Central features and community space areas shall be at least 5% of the gross floor area of the large retail establishment in size.

1174.11 LIGHTING.

For the purpose of providing consistent site lighting that does not produce glare and reduces the illumination of the night sky, the following lighting standards shall be followed:

- A) All non-decorative lighting shall use fully shielded, cut off type fixtures.
- B) Decorative, pedestrian scale lights are required in all areas of pedestrian activity including but not limited to sidewalks, streetscape areas, and plazas.
- C) The maximum illumination at all property lines shall be 0.5 foot candles as demonstrated on a photometric plan.
- D) Light poles shall be consistent with the overall architectural theme of the site and be located in landscape islands located in vehicular use areas where possible.
- E) Neon accent lighting is prohibited on buildings.
- F) Light poles shall not exceed thirty feet in height.

1174.12 NOISE CONTROL.

- A) Delivery, loading, trash removal, or other similar operation are prohibited from 10:00 p.m. to 6:00 a.m. when any such activity performed as part of a large retail establishment is located within 1,000 feet of residentially zoned or used property.
- B) Outdoor speakers are prohibited unless no audible detection can be heard by the human ear at any adjacent or nearby property zoned or used as residential.

1174.13 DESIGN CREATIVITY.

Creativity in large retail establishment site and building design is encouraged. The requirements in this Chapter are minimum requirements, and under no circumstance shall they preclude the developer and/or applicant and the Municipality from agreeing to greater design creativity. Design creativity shall not, however, be used to circumvent the minimum requirements of Chapter 1174.

1174.14 MODIFICATIONS.

Upon the request of an applicant, the Planning Commission may approve applications of submitted large retail establishment site plans from the terms of this Chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Chapter would detract from the stated purpose of this Chapter. A request for a modification shall be submitted to the Planning Commission and shall be heard at a regularly scheduled Planning Commission meeting. Planning Commission shall decide the issue within a reasonable time after the meeting. In evaluating a request for a modification, the Planning Commission shall include, but not be limited to, the following criteria:

- A) Specific condition(s) exist which are unique to the applicants land, and do not exist on other land within the same zone;
- B) Strict application of this Chapter would deprive the applicant a reasonable use of the land in a manner equivalent to the use permitted other landowners in the same zone;
- C) The unique conditions and circumstances are not self-created after the adoption of this Chapter; and
- D) Reasons that the modification shall preserve, not harm the public safety and welfare, and shall not alter the essential character of the neighborhood.
- E) The requested modification substantially complies with the terms and stated purpose of this Chapter.

1174.15 VARIANCES AND APPEALS.

An applicant may appeal any decision made by the Planning Commission by submitting a complete application for a Zoning Board of Appeals hearing. The Zoning Board, upon appeal, may grant specific variances from the terms of Chapter 1174 as will not be contrary to the public health, safety, and welfare and the purpose of this chapter.