Part Eleven
Zoning Ordinance

Revised 1/22/2018

CITY OF MASON OHIO

more than you imagine.

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Engineering and Building Department
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Ordinance	Date Passed	Revision
98-104	September 14, 1998	Revise Zoning Regulations (Titles Two through Seven)
99-48	April 12, 1999	Remove R-5 zoning district
99-132	October 11, 1999	Updates and Clarification
99-207	February 14, 2000	Revise Subdivision Regulations (Title One) Except Ch. 1119
99-208	December 9, 1999	Thoroughfare Plan Update
01-26	February 26, 2001	Floodplain Management Regulations
01-03	February 12, 2001	Thoroughfare Plan Update
01-04	February 12, 2001	Update Chapter 1135 to include standards for utility stations
03-99	October 8, 2003	Sign Code Update
04-15	March 8, 2004	Adding zoning amendment standards, permit funeral homes in the R-6 and R-7 Districts as conditional uses, permit child care in the O-1 District as a conditional use and in the B-3 District as a permitted use, permit office uses in the I-1 District, update Sign Regulations
04-155	January 10, 2005	Update Chapter 1137 Planning Commission Recommendation Procedures and Council Public Hearing Requirements for zoning amendments, Update 1141.4 Application for Variance, add design standards in the HT-1, I-1, and I-2 Districts; add offices as a permitted use and animal hospitals and kennels as a conditional use in the B-3 District.
04-156	January 10, 2005	Thoroughfare Plan Update.
05-125	November 14, 2005	Amend Section 1187.7 Temporary Signs.
05-133	November 14, 2005	Update Section 1109.4 to include median road standards, update Section 1145.07 to include provision for the zoning of annexed land, delete Section 1162.5 HT-1 High Tech Light Industrial Development Standards.
05-136	November 28, 2005	Amending Chapter 1133 Definitions and inserting Section 1133.65 Downtown Overlay District, establishing and inserting Section 1145.8 Overlay District, and establishing and inserting Chapter 1170 Downtown Overlay District, and repealing Article 1189 in its entirety.

06-75	July 24, 2006	Amending Chapter 1170 Downtown Overlay District to allow properties to be added to the district by showing them on the Zoning Map.
06-81	August 28, 2006	Amending Chapter 1133 Definitions and inserting Section 1133.131 Retail, add large retail establishments, as specified in Chapter 1174 in the B-2 and B-3 Districts, establishing and inserting Chapter 1174 Large Retail Establishment Design Standards.
10-22	March 22, 2010	Amending Chapter 1170 Downtown Overlay District to allow Single Family Residential as a permitted use in the district.
10-110	November 1, 2010	Amending Chapter 1169 Floodplain Regulations to comply with FEMA requirements
11-64	August 8, 2011	Amending Chapters 1133, 1159 and 1175 regarding Sweepstakes/Internet Cafés
14-002	February 10, 2014	Amending Chapters 1160 B-4, Commercial Recreation and 1188 Cellular or Wireless Communication Systems to allow Wireless Communication Systems in the B-4 Zoning District
14-003	February 10, 2014	Amending Chapter 1170 Downtown Overlay District to update uses and administration responsibilities.
15-89	September 28, 2015	Amending Chapters 1162 HT-1 High Tech Light Industrial District, 1163 I-1 Light Industrial District, 1165 I-2 Industrial District, 1170 Downtown Overlay District, 1175 Off-Street Parking and Loading, 1185 Fences and Yard Projections, and 1187 Sign Regulations. The amendments cover ornamental fences in front yards within the Downtown Overlay District, the use of architectural metal wall panels, industrial district signage, electronic gasoline price signs and parking standards for shopping centers.
15-90	October 12, 2015	Amending Chapters 1137 District Change and Ordinance Amendments, 1161 Planned Unit Development District, and 1181 Height Modifications. The amendments cover changes to preliminary public hearing notification requirements, changes to public notice requirements for Planned Unit Development zone changes, and changes to the height exemption regulations.
16-54	April 11, 2016	Amending Chapters 1163 I-1 Light Industrial District, 1165 I-2 Industrial District, and 1171 Compliance and General Regulations. The amendments will cover modifications to the principal uses and accessory uses in the I-1 and I-2 zoning districts and add new regulations for temporary storage containers and residential construction dumpsters.

16-69	September 12, 2016	Amending Chapters 1133 Definitions and 1188 Cellular or Wireless Communications Systems. The amendments will establish definitions and regulations for small cell telecommunications facilities.
17-52	May 15, 2017	Amending Chapters: 1133 (Definitions); 1157 (B-2, Shopping Center District); 1162 (HT-1, High Tech Light Industrial District); 1163 (I-1, Light Industrial District); 1165 (I-2, Industrial District); Appendix B (Summary of uses for nonresidential districts); and insert Chapter 1189 (Sexually Oriented Business Supplemental Standards). The amendments and additions to the Zoning Ordinance will establish definitions and regulations regarding sexually oriented businesses.
17-139	January 22, 2018	Amending Chapter 1171 Compliance and General Regulations to exclude Medical Marijuana cultivation, processing and retail dispensary establishments from the City of Mason.

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CHAPTER 1101
Adoption, Jurisdiction, Definitions

1101.1 PURPOSE, INTENT, AUTHORITY AND ADOPTION OF REGULATIONS.
1101.2 RELATIONS TO OTHER LAWS.
1101.3 JURISDICTION.
1101.4 CONFORMITY TO COMPREHENSIVE PLAN, THOROUGHFARE PLAN AND ZONING.
1101.5 ADMINISTRATION.
1101.6 SEPARABILITY.
1101.7 SALE OF LAND WITHIN A SUBDIVISION.
1101.8 DEFINITIONS.

1101.1 PURPOSE, INTENT, AUTHORITY AND ADOPTION OF REGULATIONS.

The following regulations are hereby declared to be the law regulating the subdivision of land within the City of Mason and shall hereinafter be referred to as these regulations. (Ordinance 99-207, passed February 14, 2000, and codified as Title One of this Part Eleven - Zoning Ordinance).

The authority for the preparation, adoption, and implementation of these subdivision regulations is vested in the Planning Commission and City Council, and is derived from Section 711.09 of the Ohio Revised Code, which enables the two bodies to adopt uniform rules and regulations governing plats and subdivisions of land falling within their legal authority.

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

A) Assure sites suitable for building purposes and human habitation, and to provide for the harmonious development of the City;

B) Provide for the orderly and appropriate development of land in accordance with the Zoning Ordinance, the Landscape Ordinance, Thoroughfare Plan, Access Management Regulations, Driveway Approaches and Curb Cuts, Comprehensive Development Plan, Water Master Plan, and Wastewater System Master Plan;

C) Assure adequate open space for traffic, recreation, light and air;

D) Provide facilities for the orderly movement of traffic on alleys, streets, collectors, arterials, and freeways;

E) Assure adequate and safe provision and proper construction of transportation facilities, water, sanitary sewerage, storm drainage and retention, open space, street lights, landscaping, and other public facilities;

F) Provide for the orderly arrangement of streets, public facilities and public services in accordance with the adopted Comprehensive Development Plan, Thoroughfare Plan, Access Management Regulations, and Driveway Approaches and Curb Cuts;

G) Provide for adequate street lighting and signing;

H) Guarantee proper access of firefighting equipment and public service equipment;

I) Protect to the maximum degree possible historic sites, scenic points, desirable natural growth, watercourses and other water areas, and other environmentally sensitive features worthy of preservation;

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:

1) Public improvements and facilities in new developments
2) Public improvements and facilities necessary for proper public access and services to new developments;

K) Coordinate the operations of City departments and other agencies involved with land development.

1101.2 RELATIONS TO OTHER LAWS.

The provisions of these regulations shall supplement any and all laws of the City of Mason and the State of Ohio, or any and all rules and regulations promulgated by authority of such law or resolution relating to the purpose and scope of these regulations. Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or that imposing the highest standard shall govern. These regulations shall be interpreted as minimum requirements.

1101.3 JURISDICTION.

These regulations governing plats and subdivision of land contained herein shall apply within the corporate limits of the City.

1101.4 CONFORMITY TO COMPREHENSIVE PLAN, THOROUGHFARE PLAN AND ZONING.

The arrangement, character, width and location of all thoroughfares or extensions thereof shall conform with the requirements of the Thoroughfare Plan and Comprehensive Development Plan of the City of Mason. Thoroughfares not contained in the aforementioned plan shall conform to the recommendations of the Planning Commission based upon the design standards set forth in these regulations. In addition, no final plat of land will be approved unless it conforms with the Zoning Ordinance.

1101.5 ADMINISTRATION.

The Engineering, Building, and Planning Department shall be responsible for the uniform administration and enforcement of these regulations, with the approval of the Planning Commission. The Planning Commission shall make recommendations to City Council on zoning of property, rezonings, plats, and amendments to the subdivision regulations which would further the purposes and objectives of these regulations.

1101.6 SEPARABILITY.

If, for any reason, any clause, sentence, paragraph, section or other part of these regulations should be decided by a court of competent jurisdiction to be invalid, such judgments shall not affect the validity of these regulations as a whole, or any part thereof, other than the part so held to be invalid.

1101.7 SALE OF LAND WITHIN A SUBDIVISION.

No owner, subdivider, or agent of the owner of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a plat of the subdivision before such plat has been approved and recorded in the manner prescribed in these regulations. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.

1101.8 DEFINITIONS.

The definitions in Chapter 1133 of the Zoning Ordinance of the City of Mason shall be considered a part of these Subdivision Regulations.

CHAPTER 1103
Subdivision Process

1103.1 SUBDIVISION PROCESS.
1103.2 CONCEPT PLAN AND PRE-APPLICATION MEETING.
1103.3 COMPLIANCE WITH DESIGN PRINCIPLES REQUIRED.

1103.1 SUBDIVISION PROCESS.

Table 1103: Summary of Subdivision Process

	Applicable Chapter	**Approving Agency**
Concept Plan and Pre-application Meeting	1103.2	n.a.
Rezoning, if needed	1137	Planning Commission and City Council
PUD Rezoning and Concept Plan	1161	Planning Commission and City Council
Minor Subdivision	1114	City Engineer
Preliminary Plat	1103, 1105, 1109	Planning Commission and City Council
Construction Plans and Pre-Construction Meeting	1107, 1109, 1119	City Engineer and Public Utilities Superintendent
Landscape Plan	1110.1	Planning Commission
Subdivider's Contract and Performance Bond	1111	City Engineer
Final Plat	1113	Planning Commission and City Council
Acceptance of Public Improvements and Release of Performance Bond	1111.6	City Council
Maintenance Bond	1111	City Engineer
Release of Maintenance Bond	1111.8	City Engineer

1103.2 CONCEPT PLAN AND PRE-APPLICATION MEETING.

A) Pre-application Meeting. The subdivider should meet with the City Engineer, then informally with Planning Commission prior to the submission of the preliminary plat. The purpose of this meeting is to discuss, early and informally, the purpose and effect of these regulations and the criteria and standards contained herein. Such meeting is designed to familiarize the subdivider with the Comprehensive Development Plan, the Thoroughfare Plan, Access Management Regulations, other relevant plans, applicable zoning standards, present and proposed drainage, sewerage, and water systems for the City, and to determine the need for a traffic impact study, based upon the level of impact of this development upon surrounding traffic flow and safety.

B) Concept Plan. The following information shall be included on a concept plan submitted by the subdivider to be discussed at the pre-application meeting and subsequently presented to the Planning Commission:

1) The proposed subdivision in relation to existing community facilities, thoroughfares, residential developments, zoning districts, and existing natural and human-made features, such as soil types, vegetation, flood-prone areas, and utilities in neighboring areas.
2) The layout and acreage of streets and any nonresidential sites, such as commercial, industrial, educational, or recreational uses within the proposed subdivision.
3) Identification of the site's adjacent streets by Functional Roadway Classifications and Access Level from Maps 1115.2 and 1115.3.
4) All proposed locations for access to the site.
5) Access points within 300 feet of the property on all roadways adjacent to the property.
6) Estimate of traffic volumes to be generated by the proposed land-use.
7) The proposed location of utilities in the subdivision, if available, or the locations of the nearest sources of water and public facilities for the disposal of sewage and storm water. In areas where such utilities are not available, the proposed method of providing these facilities shall be stated and outlined.
8) The names, addresses, and telephone numbers of the owners, subdividers, and engineers preparing the plan.
9) The title and scale of the subdivision, a north arrow, and the date.

C) Submission of Preliminary Plat to Planning Commission. If, during the pre-application meeting or at later date, it is determined that the proposed subdivision is feasible and acceptable from these standpoints, or if the subdivider chooses not to request a pre-application meeting or submit a concept plan to the Planning Commission, the preparation of a preliminary plat for submission to the Planning Commission for formal consideration can occur. No comments or statements made during a pre-application meeting or presentation of a concept plan to Planning Commission or any of its members shall be construed as a final

acceptance of the preliminary plat until the formal approval of the Planning Commission and City Council is granted.

D) Fees. Typically, a fee is not charged to the subdivider for a pre-application meeting; however, the subdivider shall reimburse the City for costs incurred by the City for a consultant to review the concept plan. Payment of the review fees shall be required on or before the date on which the preliminary plat fee is submitted.

1103.3 COMPLIANCE WITH DESIGN PRINCIPLES REQUIRED.

In planning and developing a subdivision, the subdivider shall comply with the general principles of design and minimum requirements for the layout of subdivisions and with the rules and regulations concerning required improvements, as set forth in these Subdivision Regulations.

CHAPTER 1105
Preliminary Plat Requirements

1105.1 PRELIMINARY PLAT PURPOSE AND PROCEDURE.
1105.2 PRELIMINARY PLAT PREPARATION.
1105.3 EXISTING DATA AND INFORMATION.
1105.4 PROPOSED FEATURES AND INFORMATION.
1105.5 PRELIMINARY PLAT REFERRALS AND APPROVAL BY PLANNING COMMISSION.
1105.6 DISAPPROVAL BY PLANNING COMMISSION.
1105.7 PRELIMINARY PLAT APPROVAL BY COUNCIL.
1105.8 PRELIMINARY PLAT APPROVAL PERIOD.

1105.1 PRELIMINARY PLAT PURPOSE AND PROCEDURE.

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.

A) The subdivider shall prepare a preliminary plat of the proposed subdivision which shall conform with the requirements set forth in this chapter and in the Design Standards and Construction Drawings of the City of Mason. At least thirty (30) days prior to the meeting of the Commission at which the preliminary plat is initially to be presented, the subdivider shall file with the City Engineer the following:

1) an application, obtained in the Engineering, Building, and Planning Department, for approval of the plat,
2) twenty (20) copies of the plat,
3) the fee set forth in Table 1121 of the Zoning Ordinance.

B) The filing of an application for approval of a preliminary plat with the City Engineer shall constitute the consent by and acceptance of the subdivider to pay the fees to the City. Failure to pay the fees constitutes an incomplete application and will not be placed on the Planning Commission agenda for consideration until such fees are paid.

1105.2 PRELIMINARY PLAT PREPARATION.

The preliminary plat shall be prepared by a registered professional engineer or surveyor. The plat shall be accurately and clearly drawn at a minimum scale of one inch equals one hundred feet or as

approved by the City Engineer, and shall include all existing and proposed features as set forth in Sections 1105.3 and 1105.4. Where the preliminary plat covers only a part of the subdivider's entire contiguous holdings, a drawing of the prospective future street system of the unsubmitted part shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connection with the street system of the part not submitted. A vicinity map at a scale of 400 feet or more to the inch shall be drawn on or shall accompany the preliminary plat. This shall show all abutting existing subdivisions and streets and unplatted parcels of land.

1105.3 EXISTING DATA AND INFORMATION.

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

A) The proposed name of the subdivision (which shall not duplicate or closely approximate the name of any other subdivision in Warren County), tract and section number.

B) Names, addresses and telephone numbers of the owner of record, subdivider and the person or firm preparing the preliminary plat.

C) Scale, north point, title and date.

D) Lot numbers, names of adjacent subdivisions and the names of record owners of adjacent parcels of unplatted land.

E) Boundary lines: showing bearings and distances and the method by which they were derived, as surveyed by a registered surveyor, or as shown by existing deed records. If applicable, all corporation lines, section lines and township lines shall be shown.

F) Easements: location, width and purpose.

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

H) Identification of the site's adjacent streets by Functional Roadway Classifications and Access Level from Maps 1115.2 and 1115.3.

I) Legal rights-of-way or easements affecting the property as it relates to the roadway.

1) Existing location(s) and dimensions for access to the site.
2) Existing locations of all access points within 300 feet of the site on all roadways adjacent to the site.
3) Existing traffic signals within 300 feet of the subject site.

J) Utilities, culverts and other underground structures in and adjacent to the subdivision: location, size, type and depth of all existing underground installations.

K) Site topography to one hundred (100) feet outside the property, with a minimum of four (4) foot interval contours, unless site conditions require more detailed topography as determined by the City Engineer.

L) Other conditions within the subdivision such as water courses, ponds and areas subject to flooding; wetlands; marshes; rock outcropping; wooded areas; any structure or other significant features; and FEMA-designated flood plains.

M) Zoning Requirements: Indicate the zoning district of the subdivision, and the zoning districts of the adjacent properties.

1105.4 PROPOSED FEATURES AND INFORMATION.

The preliminary plat shall follow the design standards in Chapter 1109 and shall clearly show the following proposed features and information:

A) Streets. Show proposed streets, collectors and arterials with right-of-way and pavement designs meeting the requirements of the Thoroughfare Plan and these Subdivision Regulations. Include:

1) Dimensions of the adjacent roadways, lane dimensions, shoulders, curbs, medians, bike paths and sidewalks.
2) Proposed location(s) and dimensions for access to the site.
3) Proposed right-of-way acquisitions and alternate access, if appropriate.
4) Proposed locations of all access points within 300 feet of the site on all roadways adjacent to the site.
5) Proposed traffic signals within 300 feet of the subject site.

B) Other Rights-of-Way or Easements including sanitary, water, storm sewers, utilities and landscape: location, width and purpose.

C) Lots. Consecutively numbered, scaled dimensions, estimated area of irregular shaped lots in square feet, and typical building setback lines with dimensions shown graphically.

D) Total Site Data. Including acreage; number of lots; typical lot size; sidewalks; sanitary sewer and water lines; and drainage facilities.

E) Public or Private Uses. All parcels of land intended to be dedicated or temporarily reserved for public use; and all parcels of land of which the ownership remains private which are reserved in the deeds for the common use of property owners in the subdivision, with the

purpose, condition or limitations of such reservation, indicated. If private, a statement of proposed covenants or restrictions for future maintenance shall be furnished, whether on the plat or as a separate recorded instrument.

F) Buried Debris. The approximate location of possible burial sites of organic debris which results from clearing and construction of the proposed subdivision. Organic debris includes tree stumps and other organic matter which naturally decomposes. This provision shall not be interpreted to authorize burial or landfilling of inorganic debris, including but not limited to, construction debris or other solid wastes, which shall only be disposed of according to the regulations of the Ohio Environmental Protection Agency, or such other authorized agency.

G) Drainage Sketch. A drainage boundary map indicating ability to comply with Chapter 1119 of the Water Management and Sediment Control ordinance, with the FEMA flood plain lines if applicable.

H) Utilities. The proposed utilities conforming to the Water Master Plan and the Wastewater System Master Plan.

I) A Traffic Impact Study shall be submitted with the preliminary plat if any of the criteria in Section 1116.2 are met.

1105.5 PRELIMINARY PLAT REFERRALS AND APPROVAL BY PLANNING COMMISSION.

A) The preliminary plat and the general statement as to improvements will be checked by the City Engineer as to their conformity with the Thoroughfare Plan, Zoning Ordinance, Landscape Ordinance, Sign Ordinance, Comprehensive Development Plan, Water Master Plan, Wastewater System Master Plan, and other applicable sections of the City's Codified Ordinances and the principles, standards and requirements hereinafter set forth, and copies thereof will be referred by the City Engineer to the following agencies for recommendations (if applicable) and such other action as may be required by law or regulation:

Butler County Engineer
Fire Chief
Parks and Recreation Director
Warren County Engineer

Failure of the above agencies or officials to report to the City Engineer prior to the next Planning Commission meeting shall be deemed to constitute approval of the preliminary plat by such agencies or officials.

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,

shall disapprove the 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, 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 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.

C) The approval of the preliminary plat by the Commission shall be deemed to be only an approval of the layout of the tract and the City Engineer, the Warren County Engineer, the Butler County Engineer or other officials having jurisdiction may modify any engineering or construction details proposed by the subdivider, whenever required for the protection of the public interest.

1105.6 DISAPPROVAL BY PLANNING COMMISSION.

A) If the Commission disapproves such plat, it shall enter in its minutes the reason for such disapproval, including citation of or reference to the rule or regulation violated by such plat. The subdivider may thereafter make such changes as he deems necessary to conform the plat to the rules and regulations and resubmit the plat, as revised, to the Commission for approval or disapproval, which revised plat shall be processed within the times and in the manner provided in this section.

B) Within sixty (60) days after the disapproval of a plat by the Commission, or within sixty (60) days after its disapproval of a revised plat, if a revised plat shall have been submitted, the person submitting such plat may file a petition in the Court of Common Pleas of Warren County, Ohio, as provided in the O.R.C. 711.09.

1105.7 PRELIMINARY PLAT APPROVAL BY COUNCIL.

Upon approval of a preliminary plat, the Commission shall certify one (1) copy thereof to Council for approval or disapproval. Failure of Council to approve or reject the preliminary plat on or before the first regular meeting occurring more than ten (10) days following certification of the plat to Council shall be deemed to constitute approval of the preliminary plat and shall constitute approval of the layout of the streets and public grounds shown thereon, and shall evidence Council's intention to accept dedication of the same upon approval by the Commission of the final plat.

1105.8 PRELIMINARY PLAT APPROVAL PERIOD.

Approval of the preliminary plat is effective for a maximum period of twenty-four (24) months and shall guarantee that the terms under which the approval is granted will not be affected by changes to these regulations during that period, provided some portion of the subdivision has been recorded or the subdivider starts construction of the improvements within the 24-month period after approval.

CHAPTER 1107
Construction Plans

1107.1 CONSTRUCTION PLAN APPLICATION PROCEDURE.
1107.2 CONSTRUCTION PLANS.
1107.3 INSPECTIONS.
1107.4 TIME FOR COMPLETION OF CONSTRUCTION AND INTERIM REPAIRS AND MAINTENANCE.

1107.1 CONSTRUCTION PLAN APPLICATION PROCEDURE.

A) Construction Plan Application: After approval by Council of the preliminary plat and before grading work and construction of the required street, sanitary and drainage improvements may begin, the subdivider shall provide to the City Engineer for distribution and review:

1) An application obtained in the Engineering, Building, and Planning Department.
2) Five (5) sets of construction plans for all improvements, sealed by an Ohio Registered Engineer, and prepared in accordance with the minimum construction plan requirements in this chapter, the design standards requirements of Chapter 1109, erosion control and stormwater standard requirements of Chapter 1119, and the City of Mason standard construction drawings developed by the City Engineer and Public Utilities Superintendent; and following the subdivision arrangement shown on the approved preliminary plat.
3) The required submission fee (see Table 1121).
4) Two (2) copies of the drainage boundary map and stormwater calculations as required in Chapter 1119.

B) Distribution of Plans: Copies of the plans will be sent to the following agencies for recommendations (if applicable) and such other action as may be required by law or regulation:

Butler County Engineer
Public Works Superintendent
Public Utilities Superintendent
Fire Chief
Parks and Recreation Director
Warren County Engineer

Failure of the above agencies or officials to report to the City Engineer within thirty (30) calendar days from the date of referral shall be deemed to constitute approval of the construction plans by such agencies or officials.

C) Construction Plan Approval and Pre-Construction Meetings: After approval and signature of the plans by the City Engineer and Public Utilities Superintendent, the subdivider shall contact the Engineering, Planning, and Building Department to set a pre-construction meeting with all parties before beginning construction. Construction shall not begin until this meeting takes place.

1107.2 CONSTRUCTION PLANS.

Construction plans for improvements shall incorporate the standard construction drawings for the City of Mason; shall be furnished in accordance with the specifications of the City Engineer; shall require approval by the City Engineer, the Fire Chief, and the Public Utilities Superintendent before improvements are installed and before approval of the final plat; and shall include the following:

A) The center line profile of each proposed street, with proposed grades indicated at fifty (50) foot intervals.

B) The cross section of each proposed street, showing the width of pavement, the location and width of sidewalks, and the location and size of utility mains.

C) The plans and profiles of proposed sanitary sewers and storm water sewers, with grades and sizes indicated.

D) A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants.

E) A drainage boundary map (meeting the requirements of Chapter 1119) showing all existing and proposed storm sewers, manholes, catch basins, watercourses, culverts and other underground structures within the tract and immediately adjacent thereto, with pipe sizes and grades, and waterway openings indicated thereon. A general grading-drainage plan shall be prepared and made a part of the construction drawings for the total development, showing the intended drainage from individual lots as well as the total development. The plan shall coordinate the needs for proper drainage and aesthetics of the total development. Positive surface drainage shall be provided for the total development. This may be accomplished by grading and/or installation of pipe drainage system. When the topography is changed to a higher or lower level than the natural grade, suitable slopes or measures shall be provided to blend the changed contour in with the surroundings. The grading work shall not impede the natural flow of storm drainage. Grading shall be done so that the rate of existing storm drainage (runoff) to the adjoining property is not increased nor is it concentrated to spill off the property at new locations.

A soil erosion plan showing best management practices (meeting the requirements of Chapter 1119) shall be submitted to maintain acceptable housekeeping or standards of cleanliness and neatness of the site during and after development. The site shall not be used as a waste area

for construction debris. In case of on-site excess earthen materials, the wasting of such shall be in a manner which will be compatible with the general grading-drainage plan. The piling or dumping of such material without spreading or distribution shall not be permitted.

F) A Traffic Maintenance Plan if working on a public right-of-way, showing necessary detours, if any, and in accordance with the requirements set forth in the latest edition of the Ohio Manual of Uniform Traffic Control Devices (OMUTCD).

1107.3 INSPECTIONS.

Prior to starting any of the work covered by the construction plans, whether for public or private improvements, but after such plans are approved, the subdivider shall notify the Engineering, Building, and Planning Department in order to schedule an inspection. Such notification shall be made at least 24 hours before construction at the site is to begin. At that time, the subdivider shall also arrange for future inspections to ensure that the work complies with the approved plans and specifications.

1107.4 TIME FOR COMPLETION OF CONSTRUCTION AND INTERIM REPAIRS AND MAINTENANCE.

The subdivision improvements shall be installed in accordance with the approved construction drawings. The construction of all improvements required by these rules and regulations shall be completed within two years of the date of approval of the final plat by City Council, unless good cause can be shown for the granting of an extension of time by authority of the City Engineer. Any “repairs or maintenance” required during the period of time after final plat approval and prior to acceptance of the public improvements by the City shall be completed within the time established by the City Engineer.

CHAPTER 1109
Design Standards

1109.1 GENERAL REQUIREMENTS.
1109.2 FLOOD HAZARDS; ADVERSE PHYSICAL CHARACTERISTICS.
1109.3 SUITABILITY OF LAND.
1109.4 STREET DESIGN CONFORMANCE.
1109.5 STREET AND BLOCK LAYOUT.
1109.6 MINIMUM PAVEMENT REQUIREMENTS.
1109.7 STREET GRADES, GRADE CHANGES, AND CURVATURE.
1109.8 INTERSECTIONS.
1109.9 LOTS.
1109.10 UNDERGROUND WIRING AND UTILITIES.
1109.11 SIDEWALKS.
1109.12 WATER MANAGEMENT AND SEDIMENT CONTROL.
1109.13 STORM SEWERS.

1109.1 GENERAL REQUIREMENTS.

In laying out a subdivision, the subdivider shall comply with the following general principles and requirements. The regulations contained in the following sections, the Zoning Ordinance, Comprehensive Development Plan, Water Master Plan, Wastewater System Master Plan, and the Standard Construction Drawings shall control the manner in which streets, lots, and other elements of a subdivision are arranged on the land. These design controls shall help ensure convenient and safe streets, creation of useable lots, provision of space for public utilities, and reservation of land for recreation uses. The planning of attractive and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, haphazard growth.

The Planning Commission has the responsibility for reviewing the layout of each future subdivision early in its design development. The City Engineer shall ensure that all the requirements of Chapter 1107, this chapter and the standard construction drawings inclusive are met.

1109.2 FLOOD HAZARDS; ADVERSE PHYSICAL CHARACTERISTICS.

In order to protect the health, safety and general welfare of the people, the Planning Commission will review any area of a proposed subdivision that is subject to flooding, in accordance with Chapter 1169 Floodplain Management Regulations. (Ord. 99-207, passed January 10, 2000)

1109.3 SUITABILITY OF LAND.

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,

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.

1109.4 STREET DESIGN CONFORMANCE.

The arrangement, character, extent, width, grade, construction, and location of all streets in a subdivision shall conform to the official Thoroughfare Plan, to the Driveway and Curb Cut Regulations in Chapter 1117, to the Access Management Regulations in Chapter 1115, and to the City of Mason's Standard Construction Drawings.

A) Whenever a tract to be subdivided embraces any part of a highway, thoroughfare, parkway, collector, or local street, so designated on such Thoroughfare Plan, such part of the public way shall be platted by the subdivider in the location and at the width indicated on the Thoroughfare Plan.

B) Street design shall take into consideration their relationship to existing and planned streets, topographical conditions, public convenience and safety, and their appropriate relation to the proposed uses of land to be served by such streets.

C) Duplicates of the Standard Construction Drawings shall be kept on file in the offices of the City Engineer.

D) If a street is to be designed with a median, wherever possible, the median shall be a minimum of 12 feet in width measured from face of curb to face of curb, unless waived by the City Engineer, and be landscaped to match landscaping design in the immediate area. (Ord. 2005-133, Passed November 14, 2005)

1109.5 STREET AND BLOCK LAYOUT.

The street layout of the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining areas and the entire neighborhood.

A) Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.

B) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless, in the opinion of the Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the possible future development of adjacent tracts.

C) Dead-end streets of reasonable length (not over 800 feet) will be approved where necessitated by topography or where, in the opinion of the Commission, they are appropriate for the type of development contemplated.

D) Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit.

E) Wherever there abuts the tract to be subdivided a dedicated or platted and recorded half-width street or alley, the other half-width of such street or alley shall be platted.

F) Lands abutting numbered State or Federal highways, collector streets, or arterials should be platted with the view of making the lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic on such trafficways; and with the view also or minimizing interference with traffic on such trafficways as well as the accident hazard.

This may be accomplished in several ways:

1) By platting the lots abutting such trafficways at very generous depth; and by providing vehicular access to them by means of streets, alleys or service drives in the rear, or frontage access roads next to the highway, connected therewith at infrequent intervals.
2) Another more desirable and usually more economical method consists of not fronting the lots on the highway but on a minor street paralleling the highway at a distance of a generous lot depth. Private driveways in this case would, of course, connect with such minor street.
3) Under still another scheme, a minor street may be platted more or less parallel with the highways, from which loop streets or dead-end streets would extend toward the highway, the ends of which give access to the lots abutting the highway to their rear.
4) Selection, in a specific case, among the foregoing or other acceptable methods for accomplishing the purposes in view, must necessarily be made in consideration of topography and other physical conditions, the character of existing and contemplated developments and other pertinent factors that apply in each case.

G) No subdivider shall lay out any private road, street, highway, lane or boulevard, unless the proposed road, street, highway, lane or boulevard is built in compliance with the standards of design and construction applicable to public streets. Any private road, street, highway, lane or boulevard shall be constructed at a minimum width of twenty-five (25) feet back of curb to back of curb. The design and construction of these improvements shall be as determined under the provisions of the Mason Codified Ordinances, including the Subdivision Regulations and the Standard Construction Drawings.

H) Temporary dead-end streets may be approved where necessitated by the layout of the subdivision or staging of development, provided that temporary turnarounds shall be constructed within the limits of the street right-of-way where lots front on such temporary

dead-end streets. The design and construction of such turn-arounds shall be determined by the City Engineer.

1109.6 MINIMUM PAVEMENT REQUIREMENTS.

A) Minimum pavement widths, back of curb to back of curb, required to be installed at the subdivider's expense, shall be as follows:

Table 1109.1: Minimum Pavement Widths

Street Type (1)	**Right-of-Way Width**	**Roadway Width (back of curb to back of curb)**
Major Arterial or Primary Thoroughfare	100 feet	65 feet
Minor Arterial or Secondary Thoroughfare	80 feet	53 feet
Collector	60 feet	41 feet
Minor	50 feet	29 feet
Cul-de-Sacs	50 foot radius	39.5 foot radius
Private streets	n/a	25 feet
Alleys and service drives	n/a	20 feet
(1) All streets shall be constructed in accordance with the City of Mason Standard Construction Drawings.		

B) The pavement of a turning circle at the end of a dead-end street shall have a minimum outside diameter of seventy-nine (79) feet. A "T"' or "Y" shaped paved space, when approved by the Commission in place of a turning circle, shall extend entirely across the width of the street right-of-way, except for sidewalk space, and shall be at least ten (10) feet wide with the flared portion rounded by minimum radii of twenty (20) feet.

C) On all existing streets, the subdivider shall be responsible for all required street improvements in accordance with subsection A) above, including the construction of necessary curb, water lines, sanitary and storm sewers, inlets, sidewalks, underdrains, etc.

1109.7 STREET GRADES, GRADE CHANGES, AND CURVATURE.

A) The grades of streets shall not exceed the percentage shown in Table 1109.2, column 2, except that where unusual or exceptional conditions exist, the City Engineer may modify these regulations. In no event shall the minimum grade of any street or alley be less than seventy-five hundredths of one percent (.75 %).

B) All changes in street grade in excess of one percent (1%) shall be connected by vertical curves. Curve length shall be determined using the following formula:

$$K * AD = L$$

Where: K is the rate of vertical curvature, minimum values of which are shown in Table 1109.2, column 3
AD is the algebraic difference in grades (%)
L is the length of the vertical curve, in feet

C) The radii of curvature on the center line shall not be less that the radii shown in Table 1109.2, column 4.

Table 1109.2: Street Grade Standards

Type of Street	Maximum Grade	Minimum Rate of Vertical Curve (K)	Minimum Radii of Curvature
Major Arterials	4 %	150	400 feet
Minor Arterials	7 %	50	400 feet
Collector Streets	7 %	50	400 feet
Minor	10 %	20	200 feet
Pedestrian ways or crosswalks	12 %		

1109.8 INTERSECTIONS.

A) Streets shall intersect one another at an angle as near to a right angle as possible. Street intersections shall be rounded with a minimum radius of twenty-five (25) feet measured at the back of the curb.

B) When the said intersection occurs at an angle other than right angle, it shall be rounded with a curve of a radius acceptable to the City Engineer.

C) Multiple intersections involving junctions of more than two (2) streets shall be avoided.

1109.9 LOTS.

A) The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated and shall be in compliance with applicable zoning requirements.

B) Excessive depth in relation to width shall be avoided. A proportion of 2 to 1 shall normally be considered as appropriate, except in the case of narrow lots. Residential lots abutting on highways, arterials or collector streets should have extra depth to permit deep setbacks from such highways.

C) Every lot shall abut on a street.

D) Lots for residence purposes shall have sufficient width at the building setback lines to permit compliance with the side yard requirements of the Zoning Ordinance and still be adequate for a building of practicable width.

E) Except as otherwise provided herein, double-frontage lots and reversed-frontage lots shall be avoided.

F) Where practicable, side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot faces.

G) Corner lots for residential use shall be platted wider than interior lots to permit compliance with the yard and setback requirements of the Zoning Ordinance.

1109.10 UNDERGROUND WIRING AND UTILITIES.

Public and common underground 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 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 lines with the recommendation by Planning Commission and the approval of City Council. In an event where Cinergy 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 City Council. Should 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.

B) Water Supply. The subdivision shall be provided with a water distribution system, meeting the requirements of the City of Mason Water Master Plan, adequate to serve the area being platted, including a connection for each lot and appropriately spaced fire hydrants in accordance with the requirements of the Public Utilities Superintendent and City of Mason standards.

C) Storm Drainage. Every subdivision shall be provided with a storm water sewer or drainage system adequate to serve the area being platted and otherwise meeting the approval of the City Engineer and the requirements of Chapter 1119.

D) Sewerage. The subdivision shall be provided with a complete sanitary sewer system connected with a public sewer main, meeting the requirements of the City of Mason Wastewater System Master Plan, including a lateral connection for each lot in accordance with the requirements of the Public Utilities Superintendent and City of Mason Standards.

1109.11 SIDEWALKS.

Sidewalks are an essential element for pedestrian safety in the development of most residential subdivisions and as such shall be installed in accordance with the following standards:

A) Residential Areas (R-1 through R-7). In R-3, R-4, R-6, and R-7 residential areas, sidewalks shall be installed on both sides of all streets, including cul-de-sacs. In R-1 and R-2 residential areas, sidewalks shall be installed on both sides of all arterials and collector streets, and on at least one side of all local streets.

B) Commercial Areas (B-1, B-2, B-3, and B-4). Sidewalks in commercial areas shall be installed on both sides of all streets.

C) High-Tech and Industrial Areas (HT-1, I-1 and 1-2). Sidewalks in industrial plats may be required at the option of the Planning Commission, except sidewalks are required on both sides of all arterials, parkways and collector streets.

D) Office Park Areas (0-1). Sidewalks in office park plats may be required at the option of the Planning Commission, except sidewalks are required on both sides of all arterials, parkways and collector streets.

1109.12 WATER MANAGEMENT AND SEDIMENT CONTROL.

All subdivisions of land shall conform to the requirements, standards and procedures set forth in latest edition of the *Stormwater Manual*. (Ord. 99-207, passed January 10, 2000)

1109.13 STORM SEWERS.

For regulations regarding storm sewers, refer to the latest edition of the *Stormwater Manual*.
(Ord. 99-207, passed January 10, 2000; Ord. 2004-155, passed 1-10-2005)

CHAPTER 1110
Landscape Plan and Street Tree Requirements, Signage, Street Lighting

1110.1 LANDSCAPE PLAN AND STREET TREE REQUIREMENTS.
1110.2 STREET NAMING AND STREET NAME SIGNS.
1110.3 ENTRANCE GATES AND SIGNS.
1110.4 STREET LIGHTING.

1110.1 LANDSCAPE PLAN AND STREET TREE REQUIREMENTS.

A Landscape Plan meeting the requirements of the Landscape Ordinance and the Street Tree Ordinance shall be submitted to Planning Commission for approval before or with the final plat, for all property which is subject to the Landscape and/or Street Tree Ordinances. Trees shall be planted in all tree lawns in accordance with Mason's Street Tree Ordinance.

A) Landscape Plan Application: The subdivider shall furnish an application obtained in the Engineering, Building and Planning Department, along with the submission fee (see Table 1121), and fifteen (15) copies of the plans prepared by a landscape architect.

B) Distribution of Plans: Copies of the plans will be sent to the following agencies for recommendations (if applicable) and such other action as may be required by law or regulation:

Planning Commission Members
City Engineer
City Planner
Parks and Recreation Director

C) Landscape Plan Approval: Planning Commission shall approve the Landscape Plan within thirty (30) days of their next regular meeting, shall disapprove the plan, or shall table its consideration of the plan until the next regularly scheduled meeting, with the reason for tabling specifically stated. The failure of the Commission to approve or disapprove a Landscape Plan within the time herein fixed or such further time as the applying party may agree to, shall constitute approval of the plan by the Commission, and the certificate of the City Engineer as to the date of the submission of the plan 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.

D) Inspections: Landscape improvements shall be subject to inspection and shall be deemed satisfactory by the City Engineer before the subdivider's performance bond can be released.

1110.2 STREET NAMING AND STREET NAME SIGNS.

A) Unless an arrangement is made by the subdivider with the City Engineer to use ornamental signs, the Public Works Department will erect the necessary stop, speed, information and street signs, and the subdivider shall reimburse the City for the cost thereof. Ornamental street signs shall be erected by the subdivider, at the subdivider's expense, and are required to meet the standards set forth in the Ohio Manual of Uniform Traffic Control Devices and shall be maintained by the development or owners' association.

B) Names of new streets shall not duplicate existing or platted street names or have similar sounding names unless a new street is a continuation of, or in alignment with, an existing or platted street.

C) To avoid duplication and confusion, proposed street names, public or private, shall be approved by the City Engineer and the Police and Fire Departments prior to such names being assigned or used.

1110.3 ENTRANCE GATES AND SIGNS.

Entrance gates, posts, columns, walls, fences or similar structures designed to indicate entrances to subdivisions or parts thereof, and signs designating the subdivision or development, will be permissible on private property, provided Planning Commission determines such structures to be desirable. A building permit must be obtained for all such structures, and in no case shall such structures be built on top of any easement or in the right-of-way. Signs on the structures naming the designer, supplier, builder, or installer are prohibited.

1110.4 STREET LIGHTING.

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

A) Street lights shall be located along each existing or proposed street upon approximately 150 feet centers or as recommended by the electric utility company which will supply the subdivision and as approved by the City Engineer. The City Engineer may also require the installation of such additional street lights as he deems necessary for public safety.

B) Street lighting fixture, wiring and pole design shall be uniform throughout the subdivision as approved by the City Engineer.

C) The subdivider shall pay all costs of construction for all street lighting.

D) Construction of individual street light poles shall not begin until approval is obtained from the City Engineer. When such street lighting, poles, wiring and fixtures have been installed and approved by the City Engineer and accepted by City Council, the City shall assume the cost of providing necessary electrical power to the street lighting fixtures.

E) The subdivider shall work with Cinergy to insure that when the streets are accepted by the City, the City will be paying the lowest possible rate for electricity.

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

CHAPTER 1111
Bond Procedures and Subdivision Fund

1111.1 SUBDIVIDER'S CONTRACT AND PERFORMANCE BOND.
1111.2 BOND REDUCTION.
1111.3 DEFAULT OF SUBDIVIDER'S CONTRACT.
1111.4 SUBDIVIDER TO PAY COST OF INSPECTION AND TESTING.
1111.5 SUBDIVISION INSPECTION DEPOSIT FUND.
1111.6 ACCEPTANCE OF PUBLIC IMPROVEMENTS; RELEASE OF PERFORMANCE BOND, ACCEPTANCE OF MAINTENANCE BOND.
1111.7 MAINTENANCE AFTER APPROVAL.
1111.8 RELEASE OF MAINTENANCE BOND.

1111.1 SUBDIVIDER'S CONTRACT AND PERFORMANCE BOND.

The subdivider may apply for final plat approval prior to his completion of the required public improvements by entering into a Subdivider's Contract with the City, thereby insuring the construction of all improvements shown on the approved construction plans, ensuring completion of the public improvements, and ensuring that "repairs and maintenance" of the improvements shall be performed during the period of time between final plat approval and City Council's acceptance of the improvements. Subdivider's Contract forms shall be available at the City Engineer's office. The obligations therein shall be secured by a Performance Bond as described below.

A) The subdivider's engineer shall submit to the City Engineer for approval an itemized estimate of quantities for all proposed improvements and a determination of the costs thereof using the City's bond price list. When approving such estimates, the City Engineer may properly take into account escalations in costs of construction, repairs and maintenance due to the passage of time. If the subdivision or any part thereof is not located within the City limits, the City may, with the consent of the Warren County or Butler County Engineer, assign to the County any or all rights of the City under this section or pursuant to any agreement with a subdivider.

B) The subdivider and/or engineer shall be informed by letter of the amount of the performance bond required. Such performance bond may be a bond, letter of credit, or certified check, as the case may be, in suitable form acceptable to the City Engineer and Law Director and for no less than the amount stated by the City Engineer.

C) The performance bond shall be delivered to the City Engineer accompanied by the subdivider's contract executed by the subdivider on forms supplied by the City Engineer's office, and stating the length of time to finish the improvements, but not exceeding two years.

1111.2 BOND REDUCTION.

The subdividers contract may allow for a partial prelease of the bond when specific improvements have been made, inspected, tested, and approved by the City Engineer. However, such agreement shall provide that before any funds are released, the City Engineer issue a certificate that the balance remaining after such payment shall, in his opinion, be adequate to pay the remaining cost of the improvements and the cost of "repairs and maintenance." In no case shall the performance bond, letter of credit or certified check be reduced to less than 10% of the original estimate before the public improvements are accepted by City Council.

1111.3 DEFAULT OF SUBDIVIDER'S CONTRACT.

The performance bond, letter of credit, or certified check shall remain in effect until the public improvements are accepted unless there is a default in the completion of the improvements or the failure of the subdivider to perform repairs and maintenance on the improvements during the period of time between final plat approval and the time noted in the subdivider's contract. In the event of default, as determined by the City Engineer, the letter of credit or certified check may be cashed by the Finance Director and the proceeds thereof used to complete the improvements, to make the repairs, to provide the maintenance, to pay claims connected therewith for which the subdivider may be liable, and to secure any other default of the subdivider connected with the making of the improvements. In the case of a performance bond the necessary steps will be taken by the Law Director to require performance by the bonding company.

1111.4 SUBDIVIDER TO PAY COST OF INSPECTION AND TESTING.

Before the performance bond may be released:

A) All outstanding fees owed to the City of Mason must be paid.

B) The subdivider shall grant to the City Engineer the authority to order and conduct any inspections and testing that, in the City Engineer's opinion, are deemed necessary for final approval.

C) The subdivider shall pay the costs of all testing ordered by the City Engineer and the costs of all inspections not included in the fee schedule in Table 1121.

1111.5 SUBDIVISION INSPECTION DEPOSIT FUND.

A) There is established on the books of the City a fund entitled "Subdivision Inspection Deposit Fund".

B) All incomes and expenses relating to Section 1111.4 shall be placed in and disbursed from such Fund.

1111.6 ACCEPTANCE OF PUBLIC IMPROVEMENTS; RELEASE OF PERFORMANCE BOND, ACCEPTANCE OF MAINTENANCE BOND.

A) The subdivider shall properly construct and shall be responsible for making "repairs and maintenance" and alterations in accordance with Section 1111.1 to provide that improvements are in good condition at the time the subdivider requests in writing their acceptance by City Council.

B) Acceptance of improvements for use and maintenance by the public shall be subject to satisfactory compliance with the following requirements:

1) The subdivider shall forward a written request to the City Engineer for a final inspection of the physical improvements for release of the performance bond.
2) The City Engineer shall notify the subdivider of any corrections that are needed for compliance with the approved construction plans, as noted during field inspections by the Public Works Superintendent, the Public Utilities Superintendent, or the City Engineer. When all items are satisfactorily completed, the subdivider will be notified in writing.
3) When the required improvements are completed and written approvals from the Public Works Superintendent and the Public Utilities Superintendent have been granted and received by the City Engineer, the subdivider shall submit to the City Engineer as-built drawings of the subdivision along with a maintenance bond meeting the requirements of Section 1111.7.
4) After receiving and approving the as-built drawings and maintenance bond, the City Engineer shall notify City Council that the construction of all streets and improvements in the subdivision have been satisfactorily completed, giving a description of the improvement. City Council will thereupon adopt an ordinance accepting the improvements, releasing the performance bond, accepting the maintenance bond, and accepting all public improvements for City maintenance.

1111.7 MAINTENANCE AFTER APPROVAL.

Before any improvement is accepted or any responsibility is assumed by the City, a guarantee by the subdivider in an amount equal to ten percent (10%) of the total cost of construction of all improvements, with a minimum of five thousand dollars ($5,000.00), shall be furnished in the form of a bond, certified check, or letter of credit. This guarantee shall assure the correction of any defect or failure from any cause whatsoever appearing in any public improvement, as shown on the construction drawings, for a period of one year, or as determined by the City Engineer and stated in

the maintenance bond, after acceptance by City Council. After acceptance, the streets and sidewalks shall be kept free of any obstructions, such as building material, equipment, temporary buildings, etc. The bond form shall be available at the Office of the City Engineer.

1111.8 RELEASE OF MAINTENANCE BOND.

Release of the maintenance bond shall be made in one year or as stated in the maintenance bond, subject to satisfactory compliance with the following requirements:

A) The subdivider shall request in writing to the City Engineer for a final inspection of the physical improvements for release of the maintenance bond.

B) The City Engineer shall notify the subdivider of any corrections that are needed for compliance with the approved construction plans, as noted during field inspections by the Public Works Superintendent, the Public Utilities Superintendent, or the City Engineer. When all items are satisfactorily completed, the subdivider will be notified in writing.

C) When the required improvements are completed and all required written approvals regarding same have been granted and received by the City Engineer the maintenance bond will be released to the subdivider.

CHAPTER 1113
Final or Record Plat Procedures and Requirements

1113.1 FINAL PLAT SUBMISSION AND FEES.
1113.2 PAYMENT OF ASSESSMENTS AGAINST STREETS.
1113.3 CERTIFICATE OF TITLE, BUILDING PERMITS AND COPY OF RECORDED PLAT.
1113.4 FINAL PLAT INFORMATION, IDENTIFICATION AND DESCRIPTION.
1113.5 TABULATION OF LOT AREAS.
1113.6 VERIFICATION BY CITY ENGINEER.
1113.7 COMMISSION APPROVAL.
1113.8 COUNCIL ACCEPTANCE.
1113.9 REQUIRED STATEMENTS

1113.1 FINAL PLAT SUBMISSION AND FEES.

A) The subdivider, having received approval of the preliminary plat and construction plans of the proposed subdivision and upon completion of all improvements or posting of appropriate security and subdivider's contract as required by these Subdivision Regulations, shall file with the City Engineer, at least twelve (12) working days before the Planning Commission meeting, a final plat which meets the requirements of this chapter, together with an application for approval thereof, accompanied by the original mylar plat and twenty (20) copies and a minimum fee as set forth in Table 1121 for the review of the final plat. The final plat or any portion of the subdivision which has been approved by the Commission may be submitted for approval. Completion of improvements, or the giving of security therefor, need only cover that portion of the plat for which final approval is requested.

B) The filing of an application for approval of a final plat with the City Engineer shall constitute the consent by and acceptance of the subdivider to pay the fees to the City. Failure to pay the fees constitutes an incomplete application and will not be placed on the Planning Commission agenda for consideration until such fees are paid.

1113.2 PAYMENT OF ASSESSMENTS AGAINST STREETS.

Where land comprising streets created by a plat is subject to an assessment which has been or is about to be levied, the owner shall, as a condition to approval of the final plat, either pay in cash the amount of the assessment chargeable to the land in the streets, or enter into a contract, satisfactory to the City Manager and the Law Director, subjecting the remainder of the subdivision to additional assessments equal to the amount chargeable to such streets.

1113.3 CERTIFICATE OF TITLE, BUILDING PERMITS AND COPY OF RECORDED PLAT.

The subdivider shall file a certification of title showing the ownership of all lands to be dedicated to the public and that the title thereof is free and unencumbered. Before building permits are issued, a reproducible copy of the record plat, after it is recorded with Warren County, must be filed with the City Engineer.

1113.4 FINAL PLAT INFORMATION, IDENTIFICATION AND DESCRIPTION.

The final plat shall clearly show the following information:

A) Name of Subdivision. The name of the subdivision and the name or number of the larger subdivision or tract of which the tract now subdivided forms a part.

B) North Point, etc. North point, scale, acreage, number of lots, date of survey, location by section, range, and township, or by other legal description; and title.

C) Boundary Lines. Plat boundaries, based on accurate traverse, with angular and linear dimension. All dimensions, both linear and angular, shall be determined by an accurate control survey in the field which meets the minimum standards for boundary surveys in the State of Ohio per Chapter 4733-37 of the Ohio Administrative Code.

D) Recorded Streets. The exact location and the width along the property line of all existing recorded streets intersecting or paralleling the boundaries of the tract.

E) Bearings and Distances. True bearings and distances to nearest established street bounds, patent or other established survey lines or other official monuments, which monuments shall be located or accurately described on the plat. Any patent or other established survey or corporation lines shall be accurately monument marked and located on the plat, and their names shall be lettered on them.

F) Monuments. The accurate location and material of all permanent reference monuments.

G) Layout. The exact layout including:

1) Streets and alley lines, their names, bearings, angles of intersection and widths, including widths along the line of any obliquely-intersecting street.
2) Sufficient mathematical data for each curved line so that the curve can be reproduced without ambiguity.

3) All easements and rights of way, when provided for or owned by public services, utilities or waterways, with the limitation of the easement rights definitely stated on the plat;
4) All lot lines with dimensions in feet and hundredths, and with bearings and angles to minutes if other than right angles to the street and alley lines.

H) Lot and Block Numbers. Lots numbered in numerical order or as established on the preliminary plat. In tracts containing more than a block, the blocks may be likewise numbered in numerical order or lettered in alphabetical order.

I) Property Offered for Dedication. The accurate outline of all property which is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivision, with the purpose indicated thereon. All lands dedicated to public use other than streets or roads shall be marked "Dedicated to the Public". Streets and roads not dedicated shall be marked "Private Street."

J) FEMA Flood Plain and Watercourses. In cases where the subdivision is traversed by a FEMA flood plain, watercourse, channel, stream or creek, the location of such flood plain, including the 500-year floodplain boundary, the 100-year floodplain boundary, and the floodway, shall be plotted directly from the FEMA Flood Insurance Rate Map and Floodway Map.

K) Buried Debris. The location and dimensions of any burial sites of organic debris from clearing and construction of the subdivision. Organic debris includes tree stumps and other organic matter which naturally decomposes. This provision shall not be interpreted to authorize burial or landfilling of inorganic debris, including but not limited to, construction debris or other solid wastes, which shall only be disposed of according to the regulations of the Ohio Environmental Protection Agency, or such other authorized agency.

L) Setback Lines. As shown on the preliminary plat.

M) Adjoining Subdivision, Lots and Parcels. Names and locations of adjoining subdivisions and locations and ownership of adjoining unsubdivided property.

N) Names of Owner, etc. Names and addresses of the owner of record, the subdivider and the registered surveyor who prepared the plat.

O) Contents. All plat contents are to be per O.R.C. Section 711.02.

P) Engineer's Certificates. A certificate by a registered surveyor to the effect that such plat was prepared by him, pursuant to an actual survey of the premises and that the plat is correct.

Q) Covenants and Restrictions. A copy of the covenants and restrictions the subdivider intends to include in the deeds to the lots in the subdivision.

R) Owner's Certificates. A notarized certificate by the owner of the land to the effect that he has caused such land to be platted and that he dedicates to public use the streets, parks and other lands indicated on the plat as intended for public use. This certificate shall be executed as a conveyance is executed.

1113.5 TABULATION OF LOT AREAS.

There shall be submitted with each plat a tabulation showing the exact area of each lot, reserve or other parcel on such plat, other than streets and alleys, and the area of dedicated streets. The accuracy of the tabulation shall be certified by a registered professional engineer or registered surveyor. The purpose of this requirement is to facilitate calculation of the trunk sanitary sewer benefit charges for each lot and parcel.

1113.6 VERIFICATION BY CITY ENGINEER.

The City Engineer shall check the final plat to determine if it conforms to the preliminary plat as approved. When the final plat does so conform and the costs of review have been paid, the City Engineer will submit the plat to the Planning Commission, together with a two-fold certificate showing that:

A) The technical details of the plat have been checked and that the final plat conforms in all essential respects to the preliminary plat; and

B) All required improvements have been satisfactorily completed, or that security has been given for the making of such improvements, along with a subdivider's contract as provided by these Subdivision Regulations.

1113.7 COMMISSION APPROVAL.

At the first meeting of the Commission after a copy of the final plat, together with the City Engineer's certificate, has been received by the Commission, the Commission shall approve the final plat and the Chairman of the Commission shall endorse such approval on the plat, unless the certificate of the City Engineer states the final plat is clearly erroneous and the final plat does not conform in all essential respects to the preliminary plat; or the requirements of these Subdivision Regulations as to completion of improvements, or the assuring thereof, have not been complied with; in which case the Commission may disapprove the plat or table its consideration of the plat until the next regularly scheduled meeting. Failure of the Commission to approve, table or disapprove the plat within the time fixed or such further time as the applicant may agree to, shall constitute approval of the plat, and the certificate of the Secretary of the Commission as to the date of submission of the plat for approval and the failure to take action thereon shall be issued on demand and shall be

sufficient in lieu of the written endorsement of approval. If the Commission disapproves the final plat, it shall enter in its minutes the reason for such disapproval.

1113.8 COUNCIL ACCEPTANCE.

Within fifteen (15) days after the Commission has approved the final plat, the plat shall be transmitted to Council, together with all certificates and endorsements herein required. Council shall approve the plat at its next regular meeting occurring fifteen (15) days or more following the transmission of the plat to it, unless the certificate of the City Engineer hereinabove referred to states the final plat is clearly erroneous and the final plat does not substantially conform to the preliminary plat, or the improvements required by the preliminary plat have not been completed, in which case Council may disapprove the plat or table its consideration of the plat until the next regularly scheduled meeting. Approval of the plat by Council shall be deemed to constitute acceptance by the City of the dedication of the public ground necessary for the construction of the streets, right-of-way and other public improvements. The approval of the plat, however, shall not be deemed to constitute acceptance of the public improvements. Any public improvements must be completed according to the standards of the City. If Council fails to approve, table, or disapprove the plat within the prescribed time of this section, and if the subdivider has not agreed to an extension of this time, the City Council shall be deemed to have approved the final plat.

1113.9 REQUIRED STATEMENTS

The following statements shall be affixed on the subdivision plat. The Planning Commission may require modifications to these statements. All signatures, except the signatures of City Council, Warren County Auditor, Warren County Recorder, City Engineer and the Planning Commission shall be obtained prior to approval of the subdivision by the Planning Commission and City Council.

A) Deed Reference:

Situated in the City of Mason, Township of _____, County of Warren, State of Ohio and being a subdivision containing _____ acres and being (part of) the same tract as conveyed to and described in the deed recorded in Deed (Official Records) Book ___ Page ___ , Warren County, Ohio.

B) Owner's Consent and Dedication:

We, the undersigned, being all the owners and lien holders of the lands herein platted, adopt and confirm this plat of subdivision and dedicate the streets, parks or public grounds as shown hereon to the public use forever and hereby dedicate easements shown on the plat for construction, operation, maintenance, repair, replacement or removal of water, sanitary sewer, storm sewer, storm drainage ditches, gas, electric, telephone or other utility lines or services and for the express privilege of removing any and all trees or other obstructions to

the free use of said utilities and for providing of ingress and egress to the property for said purposes and are to be maintained as such forever.

C) Certificate of Notary Public:

State of Ohio, County of Warren, S.S.
Be it remembered on this ___ Day of _____, __(year)____ , before me, the undersigned, a notary public in and for the said county and state, personally came (and _____), who acknowledged the signing and execution of the foregoing plat to be their voluntary act and deed.

In testimony whereof, I have set my hand and Notary Seal on the day and date above written.

(Signature)
(Print Name Here)
NOTARY PUBLIC
State of Ohio
My commission expires

D) Certificate of Surveyor:

I hereby certify that this map is a true and complete survey made by me (under my supervision), on __(date) and that all monuments and lot corner pins are (or will be) set as shown.

(Signature)
(Print name and registration number here)
Registered Surveyor

E) Restrictions on Water and Sewer Easements:

No private improvements of any kind except street trees as required by the Landscape Ordinance shall be made on said right-of-way of easement, which would interfere with access to any proposed street, utility or other service improvement, present or future and the City of Mason shall not be responsible to any present or future owners of the property indicated on this plat for any damage done on said right-of-way or easements to sod, shrubbery, trees, underground pipes, wiring or sprinklers, driveways, or other improvements either natural or artificial by reason of entering for the purpose of construction, maintaining or replacing said improvements.

F) Restrictions on Private Drainage Easement:

The City of Mason assumes no legal obligation to maintain or repair any “Drainage Facilities Easement” or “100-Year Permanent Drainage Easement” on this plat. The easement area of

each lot and all improvements within it shall be maintained continuously by the lot owner within the easements. No structure, planting, fencing, culvert, grading, topsoil, or other materials shall be placed or permitted to remain which may obstruct, retard, or divert the flow through the water course.

G) Landscape Easement:

All landscaping and amenity improvements located within any landscape easement area shall be maintained by the _____ Homeowners Association (or lot owner) as provided for in the declarations of covenants and restrictions for _____ Homeowners Association or City of Mason Landscape Ordinance. The landscaping and easements are to and for the benefit of the _____ Homeowners Association.

H) Private Drainage Easements Between Lots:

Unless otherwise designated on the record plat, a ten (10) foot wide private drainage easement shall exist along all common lot lines, the common lot line being the centerline of said easement. The declarant for its agent and builders reserves the right to enter upon all lots to establish or reestablish drainage swales, drainage pipe, and drainage tile within said easements for the purpose of controlling and directing stormwater to collection facilities.

I) Restrictions on Utility Easements:

Easements of said plat, designated as "Utility Easements," are provided for the construction, maintenance, and operations of poles, wires and conduits, and the necessary attachments in connection therewith; for the transmission of electric, telephone, and other utilities; for the construction and maintenance of service and underground storm water drains, pipelines for supplying gas, water, heat, electric, telephone, and other public or quasi-public utility functions together with the necessary lateral connections, and also the right of ingress to and egress from said easements, and to cut, trim or remove trees and undergrowth or overhanging branches within said easement or immediately adjacent thereto. No building or other structures may be built within said easements, nor may the easement area be physically altered so as to:

1) Reduce the clearance of underground facilities.
2) Impair the land support of said facilities.
3) Impair the ability to maintain the facility.
4) Create hazard.

The above utility easements are for the benefit of all public utility service providers including, but not limited to Cinergy, Sprint, Time Warner Cable, City of Mason.

J) Subject to HOA Restrictions:

The entire property shown herein and all improvements thereon are subject to the rules, regulations, covenants & restrictions of the _____ Homeowners Association as recorded in Book _____, Page ____, of the Warren County, Ohio records and subject to all recorded amendments and supplements to the _____ Homeowners Association documents which may be recorded from time to time.

K) City of Mason Planning Commission Approval:

We, the Planning Commission of the City of Mason, Ohio do hereby approve this plat on this_____ day of_____, (year) .

PC No. _____

_____
Chairman

L) City Engineer Approval:

I hereby approve this plat on this _____ day of _____, (year) .

_____
City Engineer

M) City Council Approval:

I hereby certify that on the _____day of_____, (year) , this plat was approved and accepted by ordinance No. _____.

_____ _____
Clerk of Council Mayor

N) Warren County Recorder:

File No. _____
Received on this _____ day of _____, (year) at _____M.
Recorded on this _____day of _____, (year) at _____M.
Recorded on Plat Book No. _____ on Page No. _____.
Fee: _____.

By: _____ _____
Deputy Warren County Recorder

O) Warren County Auditors Transfer:

Transferred in this ____ day of _____, __(year)__.

By: _____ _____
Deputy Warren County Auditor

CHAPTER 1114
Minor Subdivisions, Modifications and Exceptions

1114.1 GENERAL REQUIREMENTS MAY BE MODIFIED.
1114.2 MINOR SUBDIVISIONS MAY BE EXEMPT.
1114.3 SUBDIVISION OF FIVE PARCELS OR LESS ALONG EXISTING STREET.
1114.4 UNDUE HARDSHIPS MAY MODIFY REQUIREMENTS.

1114.1 GENERAL REQUIREMENTS MAY BE MODIFIED.

The general principles of design and the minimum requirements for the laying out of subdivisions may be varied by the Commission in the case of a subdivision large enough to constitute a more or less self-contained neighborhood to be developed in accordance with a comprehensive plan safeguarded by appropriate restrictions, which in the judgment of the Commission make adequate provision for all essential community requirements; provided, however, that no modification shall be granted by the Commission which would conflict with the proposals of the Official Thoroughfare Plan or with other features of the Comprehensive Development Plan, or with the intent and purpose of such general principles of design and minimum requirements as defined in these Subdivision Regulations.

1114.2 MINOR SUBDIVISIONS MAY BE EXEMPT.

In the case of a minor subdivision situated in a locality where conditions are well defined, the Commission may exempt the subdivider from complying with some of the requirements stipulated in Chapters 1103 and 1105 pertaining to the preparation of the preliminary plat.

1114.3 SUBDIVISION OF FIVE PARCELS OR LESS ALONG EXISTING STREET.

A proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road and involving no more than five (5) lots after the original tract has been completely subdivided, may be submitted to the City Engineer for approval. If the City Engineer, as the authorized representative of the Planning Commission, is satisfied that such proposed division is not contrary to applicable platting, subdividing or zoning regulations, the City Engineer shall, within twenty (20) working days after the original submission, approve such proposed division and, on presentation of a conveyance of the parcel, shall stamp the same "Approved by the City Planning Commission, Mason, Ohio, NO PLAT REQUIRED" and shall sign it as the authorized representative of the Planning Commission. For his review, the City Engineer shall require the submission by the subdivider of an application obtained from the Engineering and

Building Department, a fee as noted in Table 1121, a survey plat, a legal description of the land or a survey completed by a registered surveyor, and the original deed for signature.

If the City Engineer refuses approval of a subdivision without a plat, the applicant may appeal to the Planning Commission. Additionally, if the City Engineer is in doubt as to whether or not such subdivision qualifies for approval without a plat, the City Engineer may refer the question to the Planning Commission.

1114.4 UNDUE HARDSHIPS MAY MODIFY REQUIREMENTS.

In any particular case where the subdivider shows that, by reason of exceptional topographic or other physical conditions which are not the result of the action of the subdivider, literal compliance with any requirement of these Subdivision Regulations would cause practical difficulty or undue hardship, the Commission may relax such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public interest and without impairing the intent of these Subdivision Regulations or the development of the neighborhood and the community in accordance with the Comprehensive Development Plan and the Zoning Ordinance. Any modification thus granted shall be entered in the minutes of the Commission setting forth the reasons justifying the modification.

CHAPTER 1115
Access Management Regulations

1115.1 PURPOSE, ADMINISTRATION, AND APPLICABILITY.
1115.2 COMPONENTS.
1115.3 DEFINITIONS.
1115.4 ROADWAY CLASSIFICATION.
1115.5 ACCESS CLASSIFICATION.
1115.6 ROADWAY RECLASSIFICATION.
1115.7 ACCESS SPACING REGULATIONS.
1115.8 APPLICATION PROCEDURE.

1115.1 PURPOSE, ADMINISTRATION, AND APPLICABILITY.

Access management provides or manages access to land while simultaneously preserving the flow of traffic on the surrounding road systems in terms of safety, capacity and speed. Every roadway in a transportation network has a specific function, which can be broadly stated as either to provide direct access to abutting land or to provide for through traffic movement. In this context, it can be stated that the effects of access management become significant in the case of freeways, arterial streets and collector streets, where there needs to be a balance between through traffic movement and the access functions performed by the roadway.

In order to promote safe and reasonable access between public roadways and adjacent land, improve the convenience and ease of movement of travelers on public roads, and permit reasonable speeds and economy of travel while maintaining the capacity of the roadway, the location and design of access points shall be in accordance with the following access management regulations. These regulations shall apply to all existing, planned, or proposed roadways within the jurisdiction of the City of Mason. New or proposed roadways within the city not identified on the adopted Thoroughfare Plan shall interconnect with the existing roadway network in a uniform and efficient manner.

Even though existing roadways and their accesses do not comply with the respective access restrictions in their class, for the prevention of the future breakdown of the balance between mobility and access functions, it is required that the City follow these regulations for all future access permits.

When direct property access (wherever allowable) is permitted to any roadway, the developer shall bear the cost of the corresponding roadway improvements required to meet the restrictions defined by the access level of the respective roadway.

The Engineering, Building, and Planning Department shall be responsible for the uniform administration of these regulations, with the approval of the Planning Commission.

1115.2 COMPONENTS.

The following are the key components of the access management regulations:

A) Roadway Classification. Location-based and functional classification of roadways.

B) Access Classification. Classification of different access levels and their assignment to the roadways in the city.

C) Access Spacing Regulations. Spacing guidelines for different access features at different levels of access.

D) Traffic Impact Study Guidelines. Regulations as to when a traffic impact study is needed and determination of the necessary components. See Chapter 1116.

E) Driveway Approach and Curb Cut Regulations. Regulations for the placement and construction of driveway approaches and curb cuts. See Chapter 1117.

1115.3 DEFINITIONS.

For the purposes of this chapter, the following terms are defined:

A) Access or Access Connection. Any driveway or other point of entry and/or exit such as a street, road or thoroughfare, that connects to the general street system. Where two public roadways intersect, the secondary roadway shall be considered the access.

B) Access Control. The regulation of the number, type and frequency of access points along a given roadway, and the design standards to which they should conform.

C) Access Level. A numerical designation which defines the magnitude of access control.

D) Access Management Plan. A roadway design plan which designates access locations and their design for the purpose of bringing public roadways into conformance with their access classification to the extent feasible.

E) ADT. The annual average two-way daily traffic volume. It represents the total traffic for the year, divided by 365.

F) Alley. A narrow roadway intended to provide access to the rear or sides of lots or buildings and not intended for through-traffic.

G) Arterial, Major. A multilane roadway, usually divided by a raised median, that allows for access at at-grade public street intersections; provides mobility to traffic at moderate to high speeds, volumes and distances; and serves interregional, intercity, and intracity travel demands.

H) Arterial, Minor. A multilane roadway that allows for access at at-grade public street intersections; restricts direct property access; provides access and mobility at moderate to high speeds and volumes in rural areas and low to moderate speeds and volumes in urban areas; and serves intercity, intracity, and intracommunity travel demands.

I) 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.

J) Collector, Secondary. A two-lane roadway that allows for access at at-grade public street intersections, restricts direct property access, provides access and mobility at lower speeds, and connects primary collectors or arterials to local streets.

K) Coordinated Signals. Two or more signalized intersections that have the same cycle lengths and are timed to improve the quality of progression from one signal to the next.

L) Curb Cut. The area where a curb is level with the roadway to provide vehicular access from the roadway to an adjoining property.

M) Divided Roadway. A roadway with separated areas for traffic in opposite directions, such separation being indicated by depressed dividing strips, raised curbing, traffic islands or other physical barriers so constructed as to prevent or discourage crossover vehicular traffic; or otherwise indicated by standard pavement markings or other official traffic control devices as prescribed in the Ohio Manual of Uniform Traffic Control Devices.

N) Driveway or Private Road. Every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

O) Freeway. A divided multilane roadway that allows for access at interchanges only; provides for through movement of traffic at high speeds, over long distances; and serves interstate, intrastate, interregional, intercity, and intracity (in urbanized and metropolitan areas) travel demands.

P) Functional Roadway Classification. A classification system that defines a public roadway according to its purposes and hierarchy in the local or statewide roadway system.

Q) Grade Separation. A crossing of two roadways, a roadway and a railroad, or roadway and a pedestrian walkway or bike path; where neither facility interferes with the operation of the other because of their differences in elevation.

R) Interchange. A facility that provides ramps for access movements between intersecting roadways that are separated in grade. The ramps and any structures used to accomplish the movement of traffic between the roadways are considered part of the interchange.

S) Lateral Access. The first access point on a given street, in relation to its nearest street intersection. (See Figure 1115.)

T) Lateral Access Regulations. The rules which regulate the minimum distance of the first driveway on either side of an intersection. (See Figure 1115.)

U) Level of Service (LOS). A qualitative measure describing a range of traffic operating conditions such as travel speed and time, freedom to maneuver, traffic interruptions, and comfort and convenience as experienced and perceived by motorists and passengers. Six levels are defined from A to F, with A representing the best range of conditions and F the worst. See Table 1116 in Chapter 1116.

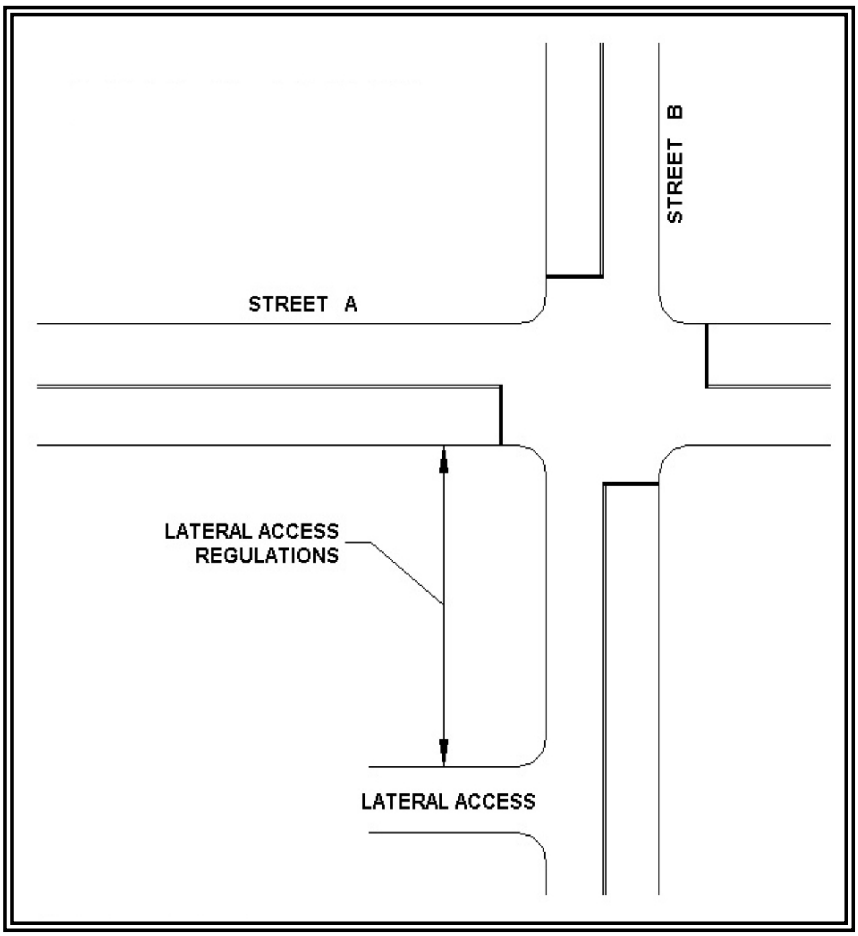


Figure 1115: Lateral Access

V) Local Street. A two-lane roadway that allows for access at at-grade public street intersections, permits direct property access, and carries traffic at low speeds to and from collector streets.

W) Median. That portion of a roadway separating the opposing traffic flows.

X) Private Road. See Driveway.

Y) Right-of-way. A general term denoting land, property, or the interest therein, usually in the configuration of a strip acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or City of Mason.

Z) Road. A Roadway.

AA) Roadway. The paved area between the edges of the right-of-way bounding every public way and that is to be used for vehicular traffic. Unpaved and paved shoulders are included in a roadway.

BB) Route. A Roadway.

CC) Signal. A traffic control signal.

DD) Signalization. Installing or modifying a traffic control signal.

EE) Signal progression. The progressive movement of traffic at a planned rate of speed, without stopping, through adjacent signalized locations within a traffic control system.

FF) Street. A Roadway.

GG) Thoroughfare. A Roadway.

HH) Traffic Impact Study (TIS). A study that is required to be completed according to the conditions specified in Section 1116.2. The purpose and need for the TIS is to determine more precisely the impacts of the access usage; to mitigate these impacts through the proper location, design, and construction of access connection(s); and to ensure the continued functional and operational integrity of the roadway.

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

Table 1115.1: Traffic Volume Generators

Level	Peak Hour Trip Generation (Both Ingress and Egress)	Qualifier	ADT - Daily Trip Generation (Both Ingress and Egress)
Low	less than 100 (< 100)	AND	less than 1000 (< 1000)
Medium	less than 200 (< 200)	AND	less than 2000 (< 2000)
High	200 or more (>.200)	OR	2000 or more (> 2000)

1115.4 ROADWAY CLASSIFICATION.

The roadways of the city are classified based on their location, function and desired level of access control. The classifications are as follows:

A) Location Based Roadway Classification. The roadways of the City were first classified into urban, suburban and rural, based on their location. This general classification will help in the assignment of access levels and access standards to roadways based on their location. Please refer to Map 1115.1.

1) *Urban* can be construed to represent the central city, or other areas where density exceeds 6,000 persons per square mile;
2) *Suburban* can be defined as all parts of an urbanized area other than the central city;
3) *Rural* represents all other areas.

B) Functional Roadway Classification. Functional roadway classification is the most important step towards access management and control. It defines and regulates the development and assignment of access levels.

The roadway classifications in the city are based primarily upon traffic volumes and capacity, operating speeds, and trip distances. The classifications also take into consideration the functions performed by the roadway; traffic flow intensity and characteristics; linkages between activity centers, land usage and areas served; and system continuity and design features.

1) *Freeways*. Freeways typically carry high volumes of traffic at high speeds over long distances. For freeways, maximum priority is assigned to mobility and minimum priority is assigned to access functions. Freeways are complete access-controlled roadways with access at interchanges only.
2) *Major Arterial*. Major arterials carry a significant amount of through traffic. They also serve as the primary access channels for traffic originating from the city to the interstates and vice-versa. Direct property access may be provided if no reasonable alternate access from an intersecting street is available. Development patterns in the city suggest a significant amount of development in and around these roadways, with direct property access having been granted from these roadways. However, when granting future access permits, it is important that the stipulations mentioned in these guidelines are followed, assuring that such grants do not interfere with the primary function of providing efficient (if possible, uninterrupted) through traffic movement.
3) *Minor Arterials*. The primary distinguishing features between major and minor arterial roadways are the volume of through traffic, operating speeds, and the respective priorities assigned to providing through traffic movement and access to abutting developments.

The priority assigned to providing through traffic movement is marginally lower for minor arterials when compared with that assigned to major arterials. Also, minor arterial roadways are not necessarily the primary carriers of traffic to and from the city. They either serve as connectors between major arterial roadways and collector streets, or act as auxiliary channels for carrying through traffic to and from remote locations and from major arterial roadways. Essentially, minor arterial roadways perform the role of a major arterial roadway in cases where the trip distances are significantly lower.

4) *Collector Streets*. Collector streets serve as connectors for traffic flow between the arterial roadways and the local streets. Collector streets are vital links for collection and distribution of traffic to and from the local streets, with equal priorities assigned to the functions of providing through traffic flow and access to abutting land developments. Hence it is important that the City focuses its attention on preserving the functional integrity of existing collector streets, and also prevent the future roadways (designated as collectors) from losing the balance between through traffic flow and access functions. It is essential that collector streets do not carry excessive volumes of through-traffic. This would defy their purpose as well as increase the risk of accidents due to excessive speed differentials at intersections.

In the roadway classification system, the collector streets of the city are subdivided into Primary Collector Streets and Secondary Collector Streets because:

i) This helps to account for differences in the length and extent of different collector streets.
ii) The trip origins and ends for primary and secondary collector streets are different from each other.
iii) This sub-classification makes the access management plan specific, rather than general, to the different roadway types in the city.
iv) This sub-classification also accounts for basic differences in traffic flow characteristics between primary and secondary collectors.
v) They do not permit residential driveway cuts and restrict the use of commercial driveway cuts.

a) The inherent characteristics of *primary* collector streets are as follows:

i) Primary Collector Streets connect local streets or secondary collector streets to arterial roadways (major or minor).
ii) More often than not, the traffic flow pattern along primary collector streets is such that traffic to and from originates from or ends in secondary collector streets; the other ends of trips originate from or end in arterial roadways.
iii) They usually dissect the land pockets between arterial streets from one end to the other in such a way that a reasonable amount of access is provided for the land developments in the respective land pockets.
iv) They are usually longer than the respective adjoining secondary collector streets or local streets.

b) The inherent characteristics of *secondary* collector streets are as follows:

i) They connect primary collector streets or arterial roadways to local streets.

ii) In most cases trip ends originate from or end in local streets; the other ends of trips originate from or end in either arterial roadways or in primary collector streets.

iii) They do not usually span the land pockets between arterial roadways. There may be exceptions depending on the existence of nearby collectors that serve as primary collector streets.

iv) They are usually shorter in length than the respective primary collectors from which they branch.

v) They restrict direct property access.

5) *Local Streets*. The purpose of local streets is to provide direct access to abutting properties and land developments. The most important function for these streets is access provision, while through-traffic movement on these streets is secondary. Any access restrictions imposed on local streets will be only for safety purposes. All streets in the city that are not otherwise classified are local streets.

6) *Alleys and Private Streets*. An alley provides access to the rear or sides of lots or buildings. Alleys are not intended to provide access for through traffic. Private streets provide access to individual private properties that are located within a large tract of private property (e.g., condominiums and business parks.)

Refer to Table 1115.2, which provides typical characteristics for each of the roadway classes, and to Map 1115.2.

Table 1115.2: Functional Roadway Classification System

Roadway Type	Roadway Characteristics					
	Posted Speed Limit in mph	**Traffic Characteristics and Roadway Function**	**Direct Property Access**	**General Design Features**	**Operational Standards**	**Public Access Provision**
Freeway	Minimum of 55	High volumes of traffic at high speeds over long distances. Serves interstate, intrastate, interregional and intracity (in urbanized and metropolitan areas) travel demand.	Not permitted	Multi-lane; Median	All opposing traffic movements physically separated by grade separations and medians. Minimum interchange spacing: - urban/suburban areas: 1 mile, - rural areas: 3 miles.	Only through interchanges

Roadway Type	Roadway Characteristics					
	Posted Speed Limit in mph	**Traffic Characteristics and Roadway Function**	**Direct Property Access**	**General Design Features**	**Operational Standards**	**Public Access Provision**
Major Arterial	Maximum of 45 in areas without signals, and 35 in areas with signals (may be lower in highly urbanized sections)	Provides mobility to traffic at moderate to high speeds, volumes, and distances. Serves interregional, intercity, and intracity travel.	Not permitted or restricted; When permitted, see note (a)	Multi-lane with median preferred	Signalized intersection spacing: - urban areas: 2 mile (3 mile when there is no other reasonable access), - rural areas: 1 mile (2 mile when there is no other reasonable access).	At-grade public street intersections
Minor Arterial	35 - 45 in undeveloped areas, and 25 - 35 in developed areas	Provides access and mobility at moderate to high speeds and volumes for moderate to short distances in rural areas, and low to moderate speeds and volumes in urban areas. Serves intercity, intracity and intracommunity travel.	Restricted	Multi-lane	Signalized intersection spacing: - urban areas: 1/2 mile (1/4 mile when there is no other reasonable access), - rural areas: 1 mile (1/2 mile when there is no other reasonable access).	At-grade public street intersections
Primary Collector	Minimum of 25 - 35, depending on the extent of development and the frequency of cross streets	Provides access and mobility at moderate speeds, with equal priority assigned to both functions. Connects local or secondary collector streets to arterials.	See note (b)	2-lane with turning movements	Signalized intersection spacing: - urban areas: 1/2 mile (1/4 mile when there is no other reasonable access), - rural areas: 1 mile (1/2 mile when there is no other reasonable access).	At-grade public street intersections
Secondary Collector	25 - 35, depending on safety requirements	Provides access and mobility at lower speeds, with equal priority assigned to both functions. Connects primary collectors or arterials to local streets.	Restricted. See note (c)	2-lane with turning movements	Signalized intersection spacing: - urban areas: 1/2 mile (1/4 mile when there is no other reasonable access), - rural areas: 1 mile (1/2 mile when there is no other reasonable access).	At-grade public street intersections

Roadway Type	Roadway Characteristics					
	Posted Speed Limit in mph	**Traffic Characteristics and Roadway Function**	**Direct Property Access**	**General Design Features**	**Operational Standards**	**Public Access Provision**
Local Street	Maximum of 25	Mainly provides local land access. Carries traffic from and to local land developments, to and from collector streets.	Permitted	2-lane	All standards are subject only to case-by-case safety requirements	At-grade public street intersections
Alleys	Maximum of 15	Provide access to the rear or sides of lots or buildings. Not intended for through-traffic.	Permitted	1- or 2-lane	All standards are subject only to case-by-case safety requirements	At-grade public street intersections
Private Street	Maximum of 25	Provide local land access. Carries traffic from and to developments, to and from collector streets.	Permitted	2-lane	All standards are subject only to case-by-case safety requirements	At-grade public street intersections

NOTES:

(a) When direct property access is provided to multi-lane divided major arterials, it is limited to right and left turn entry and right turn exit only. Left turn movements out of the activity center shall not be permitted.

(b) Residential driveways are not permitted and commercial driveways are restricted by number, site distance, and spacing.

(c) Restricted by volume, speed, sight distance, and spacing.

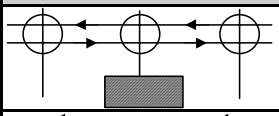
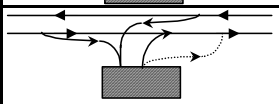
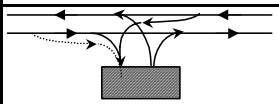
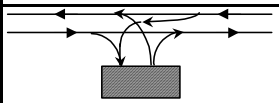
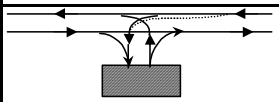
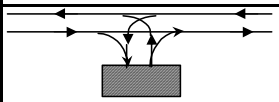
1115.5 ACCESS CLASSIFICATION.

An access classification system involves the development of different access levels and the consequent assignment of allowable access levels to the roadways under consideration. Each roadway type is assigned an Access Control Level according to the number, type, and frequency of access points along the roadway, the volume and speed of traffic along the roadway, and the design standards required for safe and efficient traffic movement. The correlation of Functional Roadway Classification and Access Levels for the City is shown in Table 1115.3. The specifications for each access level are shown in Table 1115.4. Refer also to Map 1115.3.

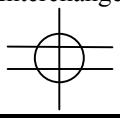
Table 1115.3: Roadway Access Classification

Functional Roadway Classification	Access Level	Comments
Freeways	1	
Major Arterials	2 and 3	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.
Minor Arterials	3	Depends on the turning restrictions imposed upon access points. The turning restrictions are decided based upon roadway geometry, roadway classification and access level, and required degree of access control.
Collector Streets	4 and 5	Primary collector streets have an access level of 4; secondary collector streets have an access level of 5.
Local Streets	6	
Alleys and Private Streets	7	

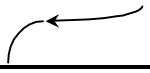
Table 1115.4: Roadway Access Level Specifications

Access Level	Roadway Classification	Description	Access Sketch	Direct Property Access	General Design Features
1	Freeway	Access at interchanges only. Uninterrupted flow.		Not permitted	Multi-lane; Median Divider
2	Major Arterials (Left turn out prohibition is enforceable only in the case of a divided roadway.)	Right turn out, left and right turn in (no left turn out); Interrupted flow in one direction. Right turn deceleration lane required. Roadway entry acceleration lanes optional.		Not permitted or restricted when permitted.	Multi-lane; Median Divider
3	Minor Arterials	Right and left turn in and out with left turn lane in and out required. Interrupted flow in both directions. Right turn deceleration lanes are recommended.		Restricted when permitted.	Multi-lane
4	Primary Collectors	Right and left turn in and out with left turn lane in and out required. 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. Interrupted flow in both directions.		Restricted by volume, speed, sight distance and spacing.	2 lanes with turning movements
6 and 7	All local and private roadways and alleys.	Right and left turn in and out (Safety requirements only).		Permitted	2 lanes

Legend

Interchange 

Property/ Development

Turn, Deceleration or Acceleration Lane 

____ Required

---- Optional

1115.6 ROADWAY RECLASSIFICATION.

The roadway classifications are subject to change, as surrounding land uses change. As a particular roadway's re-classification is necessary, the proposed classification shall be recommended for approval by the Mason Planning Commission and then approved by the Mason City Council.

1115.7 ACCESS SPACING REGULATIONS.

Access spacing regulations establish standards of access spacing for the different access levels. Different sets of standards apply to interchanges and signalized intersections, unsignalized intersections and driveways, median openings and to lateral access restrictions.

A) Interchanges and Signalized Intersections. The very nature of the access spacing guidelines for interchanges and signalized intersections makes it impossible to require that all spacing distances be exact. Roadway and access designs should conform to the specifications in Table 1115.5 as closely as possible. When a new interchange or signalized intersection is proposed, the applicant shall provide justification for the proposed location. Final approval shall be obtained from Planning Commission.

Table 1115.5: Access Spacing Regulations - Interchanges and Signalized Intersections

Access Level	General Roadway Type	Posted Speed Limit in mph	Interchanges (1)		Signalized Intersection
			Minimum Spacing in Miles		Minimum Spacing (in feet) at the Corresponding Speeds
			Urban/ Suburban	Rural	
1	Freeways	Minimum of 55	1	3	NA
2	Major Arterials	45 rural 40 suburban 35 suburban/ urban 30 highly developed urban areas	NA (Optional where deemed necessary)	NA (Optional where deemed necessary)	2000 1500 1000 1000
3	Major and Minor Arterials	40 suburban 35 suburban/ urban 30 urban 25 highly developed urban areas	NA	NA	1500 1000 1000 1000
4	Primary Collectors	35 suburban/ urban 30 urban 25 developed urban	NA	NA	1500 1000 750
5	Secondary Collectors	35 rural/ suburban 30 suburban/ urban 25 developed urban	NA	NA	1500 1000 750
6 and 7	Local and Private Roads, Alleys	25 and under	NA	NA	NS

NOTES:

1. NA - Not applicable; NS - Not specified.

B) 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 1115.6 for the specific development standards.

Table 1115.6: 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[1] 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						

Notes:

1) Traffic volume generators are defined in Table 1115.1.

C) Median Openings. Minimum spacing regulations have been developed to regulate the distance between median openings. These regulations are intended to:

1) Ensure that vehicles making turns through the median openings will not cause significant delays, and
2) Ensure a safer, uncongested through movement along the divided roadway.

Minimum spacing regulations, based upon roadway type, are listed in Table 1115.7.

Table 1115.7: Access Spacing Regulations - Median Openings

Access Level	Roadway Type	Spacing Criteria (in feet) for Unsignalized Median Openings on Divided Roadways[1]
1	Freeways	Not Applicable
2, 3	Major Arterials	650
3	Minor Arterials	650
4	Primary Collectors	300
5	Secondary Collectors	250
6	Local Streets	250
7	Private Streets	Not Applicable

ADDITIONAL REQUIREMENTS:

1) Median openings shall be provided at all signalized at-grade intersections, and at all unsignalized junctions of arterial and collector streets.
2) The spacing of median openings for signalized driveways should reflect traffic signal coordination requirements and the storage space needed for left turns.
3) Applications for a median opening for a driveway must be approved by Planning Commission.

D) Lateral Access Regulations. Lateral access regulations have been developed to regulate the distance between the first driveway or unsignalized street on either side of an intersection. Lateral access regulations are intended to:

1) provide for sufficient vehicle stacking distance at intersections so that vehicles backed up at a traffic signal will not block the use of the driveway.
2) ensure that vehicles turning left through an intersection and into the lateral access do not back up into the intersection and block through movements.
3) ensure that vehicles turning out of driveways have sufficient time to either:
   a) cross the traffic lanes with a left turn movement, or
   b) turn right and accelerate sufficiently, without risk of conflict from a car coming around the corner.

Minimum distances, based upon roadway type and development type are listed in Table 1115.8.

Table 1115.8: Access Spacing Regulations - Lateral Accesses

Roadway Type	**Minimum Distance Required Between Lateral Access & Intersection (in feet)**		
	Low Traffic Volume Generator	**Medium Traffic Volume Generator**	**High Traffic Volume Generator**
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.

A) All driveway approaches and curb cuts are subject to the regulations in this chapter and in Chapter 1117.

B) Determination of Application Procedure. Any owner or subdivider intending to apply for the placement of a new roadway, driveway approach, or curb cut within the City of Mason shall first inquire of the City Engineer as to the type of application procedure required. The City Engineer shall consider street classification, access type, configuration of the access point, and the zoning of the property in order to determine that either a right-of-way permit is required, or that the application for such roadway, driveway approach, or curb cut shall be submitted as part of the subdivision process as described in Chapter 1103 or as part of a site plan as described in Chapter 1135 or as part of the PUD concept plan as described in Chapter 1161.

C) Right-of-Way Permit. If, according to 1115.8.B), the City Engineer determines that a permit to work in the right-of-way is required, such permit shall be filed according to Chapter 1117.

CHAPTER 1116
Traffic Impact Study Regulations

1116.1 PURPOSE.
1116.2 WHEN REQUIRED.
1116.3 STUDY AREA.
1116.4 SITE PLAN.
1116.5 HORIZON YEARS.
1116.6 TIME PERIOD ANALYZED.
1116.7 SITE AND NON-SITE ANALYSIS.
1116.8 ON-SITE PLANNING AND PARKING PRINCIPLES.
1116.9 JOINT ACCESS AND CROSS ACCESS.
1116.10 SITE TRAFFIC GENERATION.
1116.11 SITE TRAFFIC DISTRIBUTION.
1116.12 ANALYSIS AND LEVEL OF SERVICE.
1116.13 HIGHWAY CAPACITY CALCULATIONS.
1116.14 MEETING OF CITY ENGINEER AND DEVELOPER.
1116.15 RECOMMENDATIONS FOR IMPROVEMENTS.
1116.16 IMPROVEMENT COSTS.
1116.17 TRAFFIC IMPACT STUDY REPORT OUTLINE.

1116.1 PURPOSE.

A Traffic Impact Study (TIS) allows the city to foresee, before the approval of a proposed development, the impact it will have on adjacent roads, intersections, and site access driveways. It provides guidance for site access, on-site circulation, parking, and off-site improvements necessary to permit the street system to operate at a satisfactory level of service.

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) The development is expected to reduce the level of service on adjacent roadways and/or intersections to below C.

C) A level of service lower than C already exists on a roadway that is adjacent to the proposed development.

D) The development is within 500 feet of a high-accident (20 or more per year) intersection or section of roadway.

E) One or more of the proposed access drives to the development is within 500 feet of a public roadway intersection or within 250 feet of a drive that is a high traffic volume generator.

F) 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.

G) Traffic volumes of 10,000 ADT or higher exist on roadways adjacent to the proposed development.

H) The City Engineer determines that other conditions exist in the vicinity of the proposed development that may be negatively impacted by the development. Final determination of such conditions shall be agreed upon by the City Engineer and the developer.

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. Depending on the overall size of the development, as well as the nature of the development, the City Engineer may require that additional areas be included in the study, based upon, but not limited to, 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.

1116.4 SITE PLAN.

An appropriately scaled site plan shall be submitted as part of the Traffic Impact Study. The site plan shall include:

A) Adjacent public roadway(s), including the existing traffic lanes and their configuration.

B) All public roads and private access driveways that exist or are proposed within five hundred (500) feet beyond the limits of the site property. This distance may be reduced by the City Engineer, depending upon the site location.

C) All proposed access points to the public road system, including pavement markings.

D) Internal traffic flow, stacking areas, and parking.

1116.5 HORIZON YEARS.

The horizon years are the years for which the Traffic Impact Study are to be characterized. The study shall address traffic conditions:

A) On opening day.

B) At the anticipated completion year of the proposed development at full build-out and occupancy.

C) At the completion of each major phase, if the development is to occur in phases.

1116.6 TIME PERIOD ANALYZED.

In order to insure adequate roadway operation and sufficient driveway, turn lane, and queuing capacity, the Traffic Impact Study shall analyze traffic:

A) At street peak hours. The peak hours of the highway system are generally a one hour period between:

7:00 a.m. and 9:00 a.m. on weekdays,
4:00 p.m. and 6:00 p.m. on weekdays, and
12:00 noon and 2:00 p.m. on Saturdays.

Changes in peak hours can occur over time.

B) At the site directional peak hours.

C) Hours for which a land use classification promotes the highest trip generation during times other than weekday peak hours. Such land use classifications include, but are not limited to, schools, theaters, churches, shopping centers, and discount stores.

D) Other hours deemed necessary by the City Engineer.

1116.7 SITE AND NON-SITE ANALYSIS.

The impacts and transportation infrastructure needs shall be assessed separately for the horizon

level of service both with and without site development. The separate studies shall include:

A) All significant developments within the study area that have been approved or are likely to occur by the specified horizon year.

B) The impacts of off-site development.

C) The transportation improvements required for the approximate proportion of the improvements attributable to the traffic generated by the proposed development.

D) Non-site traffic volume estimates for the horizon years in the study. Non-site traffic has neither an origin from, nor destination to, the subject site. The traffic volume conditions of the study area in the horizon years, assuming the proposed site is not developed or redeveloped, must be established.

Non-site traffic volumes shall be calculated using the "build-up" method to provide accurate and easily traced results. The "build-up" method is a method of determining peak hour factors for non-site traffic by building the opening day traffic volumes and the horizon year(s) traffic volumes if the site were not developed. This is accomplished by adding, or building, the following items:

1) Existing traffic volumes in the area.
2) Traffic to be generated by approved and anticipated developments in the study area.
3) Estimated growth in through traffic generated from outside the study area.
4) If the subject site is being redeveloped, existing site-generated traffic shall be subtracted from the total of these items.

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.

1116.8 ON-SITE PLANNING AND PARKING PRINCIPLES.

The internal design of the development shall provide sufficient traffic capacity and queuing space, and shall provide for distribution of automobiles to and from parking spaces, pick-up/drop-off points, and drive-through lanes. Such internal design has a direct bearing on the adequacy of site access points. The identification and design of access points between the site and the external roadway system is directly related to both the directional distribution of site traffic and the internal circulation of the facility. Simply providing access to a site by means of curb cuts does not necessarily mean that access to the development has been adequately addressed. The quality of the internal site circulation and design has a direct impact on the

quality of traffic flow in and around the site development and on public safety.

1116.9 JOINT ACCESS AND CROSS ACCESS.

Joint access and cross access by two or more properties shall be considered. Joint access reduces the number of driveway openings and turning movement conflicts. Cross access permits motorists to travel to adjacent properties without first exiting out of one commercial access onto the public roadway and then reentering adjacent commercial access driveways.

1116.10 SITE TRAFFIC GENERATION.

A) In determining the amount of traffic to be generated by the proposed development, trip generation rates or equations from the latest edition of *Trip Generation*, a publication from the Institute of Transportation Engineers, shall be used. The proposed development shall be categorized by the specific land use classification contained in *Trip Generation*. If specific trip rates are not available for a particular development, the method of trip rate determination shall be agreed upon by the City Engineer and the developer.

B) Documentation shall be provided to verify the reason for any variation from normally recognized generation rates or equations and for assumptions unique to the development being studied. Trip generation rates must be defensible using a combination of available data and professional judgment.

C) A table shall be provided in the study report showing the categories and quantities of land uses, with the corresponding trip generation rates or equations and resulting number of trips. The reason for using the rates or equations shall be documented in the report. For large developments that will be phased in over time, the table shall also provide trip generation expected at each significant phase.

1116.11 SITE TRAFFIC DISTRIBUTION.

A) The impact of the proposed project on intersections and roadways within the study area shall be analyzed by distributing the traffic and assigning it to the roadway. The directions from which traffic will approach and depart the site can vary depending on several factors, including the type and size of the proposed development, the surrounding and/or competing land uses, and the conditions on the surrounding street system. Trip assignments shall be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected and perceived minimum travel times.

B) An influence area shall be designed to assist in the distribution of traffic. The influence area shall include surrounding communities and roadways from which traffic is expected to be attracted. This is normally determined by a marketing study. If no such study exists, the influence area shall be determined based on reasonable estimates. Existing trip distribution data from similar, developed sites within the immediate vicinity may be used for making assignments.

C) Many land uses such as fast food restaurants, service stations, restaurants, and shopping centers not only generate new trips, but also attract trips that were already passing by in the traffic stream. The procedure described in the Institute of Transportation Engineers' *Trip Generation* shall be used to account for these "pass-by" trips.

1116.12 ANALYSIS AND LEVEL OF SERVICE.

Capacity analyses shall be performed on each of the street and site intersections (signalized and unsignalized) in the study area. For each analysis period being studied, projected traffic volumes for site and non-site traffic shall be analyzed and used for capacity analysis for future conditions. "Level of service" (LOS) is the street's ability to carry traffic in terms of average stopped delay per vehicle. The LOS analysis procedure set forth in the most recent issue of the *Highway Capacity Manual*, published by the Highway Research Board, shall be used to evaluate traffic operating conditions.

Table 1116: Traffic Levels of Service[1]

Level of Service	Average Stopped Delay per Vehicle
A	5.0 seconds or less
B	5.1 to 15.0 seconds
C	15.1 to 25.0 seconds
D	25.1 to 40.0 seconds
E	40.1 to 60 seconds
F	more than 60 seconds

Notes:

1) Table data is current for the date this chapter went into effect.

The city's goal for the operation of its roadways is to maintain the best level of service possible. An overall level of service of "D" shall be the minimum acceptable. The level of service for an intersection is computed as a weighted average of the vehicle delay. An intersection may have an overall LOS of "C" or "D" and have individual movements of LOS "E" or "F". As a result, all movements should be analyzed individually. Recommendations shall include modifications to reduce delay and increase capacity on the critical movements.

1116.13 HIGHWAY CAPACITY CALCULATIONS.

Peak Hour Factors (PHF) shall be calculated based on existing count data for signalized and non-signalized intersections, and roadways. For analyzing future conditions, a peak hour factor of .90 shall be used unless agreed upon by the City Engineer. For existing signals that will be analyzed, it is the responsibility of the developer to obtain and use the existing cycle lengths and signal phasing from the city, unless otherwise agreed to by the City Engineer.

1116.14 MEETING OF CITY ENGINEER AND DEVELOPER.

The developer shall meet with the City Engineer, or his designated representatives, to discuss the following variables:

A) Right turn on red assignments.

B) Grades.

C) Lane widths.

D) Percent of trucks.

E) Pedestrian movements.

F) Any deviations from the proscribed procedures described herein, and agreed to by the City Engineer and the developer. Such deviations shall be noted in a memo of understanding from the City Engineer to the developer. Unless so noted in such letter, the standard practices described herein shall be used.

1116.15 RECOMMENDATIONS FOR IMPROVEMENTS.

The Traffic Impact Study shall include recommendations for improvements to maintain capacity, provide signal capacity, and improve safety to, from, and within the development. These may include, but are not limited to:

A) Intersection recommendations. Modifications to reduce delay and increase capacity on the critical movements, while not negatively impacting non-site traffic. Such modifications may include, but are not limited to, adding lanes, removing curb parking, changing signal phasing or timing, and lane use modifications. A level of service of “D” or better is required.

B) Site driveway recommendations. If site driveways are proposed to be signalized, they shall be warranted and located for good traffic progression past the site. Adequate ingress and egress capacity shall be provided. Capacity of on-site intersections shall be sufficient to prevent traffic that is entering the site from backing up on the adjacent street.

C) Acceleration and deceleration lanes. May be required to minimize potential for accidents due to speed reduction at driveways, even if turn volume requirements do not require such lanes.

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 by 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.

1116.17 TRAFFIC IMPACT STUDY REPORT OUTLINE.

The following report outline provides a framework for Traffic Impact Study reports to the extent they are relevant to the study issues and needs. Topics not relevant may be omitted; however, additional sections may be warranted because of specific issues to be addressed, local study requirements, and results of the study.

Traffic Impact Study Report Outline

A) Title Page
   1) Development’s name
   2) Development’s location
   3) Applicant’s name, address, telephone and fax numbers
   4) Preparer's name, address, telephone and fax numbers
   5) Report date
B) Table of Contents
C) List of Figures, Tables, and Appendices
D) Executive Summary
   1) One to two page maximum summary including the following:
   2) Site location and study area
   3) Development description
   4) Main findings
   5) Conclusions

6) Recommendations
7) Memo of understanding to City Engineer

D) Proposed Site Development
1) Information sources
2) Existing zoning
3) Land use and anticipated quantity
4) Location
5) Site plan
6) Phasing and timing

E) Area Conditions
1) Study area
Area of influence
Area of significant impact
2) Study area land use
Existing land use
Existing zoning
Anticipated future development
3) Site accessibility
a. Area roadway system
1. Existing
2. Future
b. Traffic volumes and conditions
c. Transit service
d. Existing relevant transportation management programs

F) Projected Traffic
1) Horizon years
2) Peak hours
3) Site traffic
a. Trip generation
b. Trip distribution
c. Modal split
d. Trip assignment
4) Through traffic
a. Method of projection
b. Non-site traffic for anticipated development in study area
1. Method of projection
2. Trip generation
3. Modal split
4. Trip assignment
c. Through traffic
d. Estimated volumes
5) Total traffic

G) Traffic Analysis

1) Site access
   a. Vehicular
   b. Service and emergency (check with emergency personnel for requirements)
   c. Pedestrian
   d. Transit
2) Capacity and level of service
   a. Intersections
   b. Ramps
   c. Weaving sections
3) Traffic safety
   a. Sight distances
   b. Impact on current high accident locations
   c. School zones within study area
   d. Special circumstances
4) Traffic control
   a. Traffic signals
      1. Signal warrants
      2. Signal coordination
   b. Speed limits
   c. Other
5) Site circulation and parking needs
   a. On-site parking needs
   b. Ease of internal circulation
   c. On-site queuing provisions
   d. Joint access

H) Improvement Analysis
1) Improvement to accommodate base traffic
2) Additional improvements to accommodate site traffic
3) Alternative improvements
4) Status of improvements already funded, programmed or planned
5) Evaluation

I) Findings
1) Site accessibility
2) Traffic impacts
3) Need for improvements
4) Compliance with applicable codes

J) Recommendations
1) Site access/circulation plan
2) Site access
   a. On-site circulation and parking
   b. Off-site circulation
3) Roadway improvements (preliminary drawings showing improvements)

a. On-site
b. Off-site
c. Phasing

K) Site Plan

CHAPTER 1117
Driveway Approaches and Curb Cuts

1117.1 PERMIT REQUIRED.
1117.2 RIGHT-OF-WAY PERMIT AND FEES.
1117.3 CONDITIONS.
1117.4 WRITTEN NOTICE OF CONDITIONS.
1117.5 BOND.
1117.6 EXISTING DRIVEWAY APPROACHES/CURB CUTS.
1117.7 SPECIFIC LAND USE CATEGORIES.
1117.8 EXPENSE OF INTERFERENCE WITH PUBLIC FACILITIES.
1117.9 CONFORMANCE WITH THOROUGHFARE PLAN, SUBDIVISION REGULATIONS AND ZONING CODE.
1117.10 VIOLATION.
1117.11 PENALTY.

1117.1 PERMIT REQUIRED.

No person, corporation or firm, other than an authorized employee of the City, shall construct a driveway approach connecting to a public street or right-of-way, or cut, break out or remove any curb along any street or other public way without first obtaining a driveway approach/curb cut permit. Each day of such violation shall constitute a separate offense. Applications for such driveway approach/curb cut permits shall be made at the City Engineer's office, according to the application procedures in Section 1115.8. The City Engineer or his designate may require such construction plans or drawings with the permit application as he deems necessary to:

A) Permit all reviewing authorities to make an intelligent and conclusive review of the application;

B) Enable the contractor to construct the proposed facility in accordance with the terms of the permit;

C) Enable the individual responsible for inspection to insure that the facility is constructed in accordance with the terms of the permit; and

D) Serve as a record of the construction authorized by the permit.

1117.2 RIGHT-OF-WAY PERMIT AND FEES.

If, according to Section 1115.8, the City Engineer has determined that a permit to work in the right-of-way is required, the applicant shall submit the completed permit, available from the City Engineer's office, together with the fees for such permit. The fees are hereby established as follows:

A) Residential property - twenty-five dollars ($25.00).

B) Commercial property - fifty dollars ($50.00).

1117.3 CONDITIONS.

The City Engineer may impose conditions in the permit upon the construction of the driveway approach/curb cut, which conditions are designed to facilitate the safe movement of pedestrian traffic and the safe and expeditious movement of motor vehicles on the public streets or ways affected by the driveway approaches/curb cuts. The conditions imposed upon driveway approaches/curb cuts under this section shall take into consideration the designed speed limit and sight distance at the location and may include, but are not limited to, the following:

A) Limitations of the number, size and location of driveway approaches/curb cuts for any premises to which the permit applies;

B) Requiring the use of alternative means of access such as service or private drives or frontage roads, to run parallel to the public street or way, rather than direct connection to the public street or way where such alternate means are accessible to the premises to which the permit applies and/or requiring that direct connection of driveway approaches/curb cuts to the public street or way be limited and used only until alternative means of access such as service or private drives or frontage roads are made accessible to the permit premises;

C) Limiting the construction of driveway approaches/curb cuts to only one public street or way where the premises to which the permit applies abuts more than one public street or way;

D) Requiring that driveway approaches/curb cuts be marked and/or constructed to allow only entrance to or only exit from the permit premises;

E) Requiring the construction of safety islands to separate two driveway approaches/curb cuts;

F) Requiring the construction of right hand and/or left hand deceleration/acceleration and/or storage lanes which shall be required to be a minimum of two hundred (200) feet each way with a one hundred (100) foot taper, 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;

G) Requiring the construction of driveway turnaround facilities so that vehicular traffic can change direction on the permit premises and enter the roadway in a forward direction;

H) Requiring the consolidation of access points. Major access points on opposite sides of roadways shall be located opposite each other. If not so located, turning movement restrictions may be imposed as determined necessary by the City Engineer. In addition, in order to maximize the efficient utilization of access points, access drives shall be designed, located, and constructed in a manner to provide and make possible the coordination of access with and between adjacent properties developed (present or future) for similar or compatible uses. As a condition of approval for construction, use, or reuse of any access point, the City Engineer may require that unobstructed and unecumbered access, in accordance with the provisions of this ordinance, be provided from any such access point to adjacent properties.

I) Requiring the consolidation of existing access points. Whenever the use of a parcel of land changes, or two or more parcels of land are assembled under one purpose, plan, entity, or usage, the existing driveway permits shall become void and the new permit shall be based upon the owner/developer's plans to use some existing driveways and/or close or relocate other driveways. Any such new or reauthorized access point must be in compliance with all applicable sections of this regulation.

1117.4 WRITTEN NOTICE OF CONDITIONS.

The conditions for the construction of driveway approaches/curb cuts specified by the City Engineer under this chapter shall be provided in writing to the applicant at the time the permit is issued.

1117.5 BOND.

The City Engineer may require a bond from the applicant or property owner to assure compliance with the conditions imposed under this chapter.

1117.6 EXISTING DRIVEWAY APPROACHES/CURB CUTS.

In any case in which an application for a building permit includes a change in the primary use of the premises, or in any case in which there is construction, reconstruction, enlargement or expansion for larger and essentially commercial construction which must comply with the formal administrative procedures for a zoning certificate under Section 1135.5, the existing driveway approaches/curb cuts for the premises may be reviewed in accordance with the provisions of this chapter.

1117.7 SPECIFIC LAND USE CATEGORIES.

The City Engineer may establish general conditions applicable to the construction of all driveway approaches/curb cuts for premises within specific land use categories.

1117.8 EXPENSE OF INTERFERENCE WITH PUBLIC FACILITIES.

When a proposed driveway approach/curb cut or any facilities required to be constructed in conjunction with any driveway approach/curb cut interferes with street light poles or posts, traffic signal standards, signs, storm water, inlets, hydrants, utility poles, fire alarm supports, underground ducts or pipes, drainage facilities or other necessary street structures, the owner of the parcel of land served by the driveway approach/curb cut shall pay the expense of moving and/or altering such structure as determined to be necessary by the City Engineer.

1117.9 CONFORMANCE WITH THOROUGHFARE PLAN, SUBDIVISION REGULATIONS AND ZONING CODE.

Proposed driveway approaches and curb cuts or improvements to existing driveway approaches and curb cuts shall comply with the official Thoroughfare Plan, the design and improvement standards under these Subdivision Regulations and with the purpose and restrictions of the Zoning Ordinance before a permit is issued. Whenever a driveway approach and/or curb cut or improvements to existing driveway approaches and/or curb cuts embraces any part of a roadway, such part of the public way shall be platted by the owner or subdivider in the location and at the width indicated by the aforementioned documents.

1117.10 VIOLATION.

No person, corporation or firm shall violate any condition specified by the City Engineer under Section 1117.3 in a driveway approach/curb cut permit. Each day of such violation shall constitute a separate offense.

1117.11 PENALTY.

Whoever violates Section 1117.1 or Section 1117.10 shall be guilty of a minor misdemeanor and shall be fined up to a maximum of one hundred dollars ($100.00) for each offense. Each day's violation is a separate offense.

CHAPTER 1118
Validity and Penalty

1118.1 VALIDITY AND CONSTITUTIONALITY.
1118.2 AUTHENTICATION; EFFECTIVE DATE.
1118.3 REPEAL OF CONFLICTING ORDINANCES.
1118.4 PENALTY.

1118.1 VALIDITY AND CONSTITUTIONALITY.

These Subdivision Regulations and the various parts, articles and paragraphs thereof are hereby declared to be severable. If any article, section, subsection, paragraph, sentence or phrase of these Subdivision Regulations is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of these Subdivision Regulations shall not be affected thereby.

1118.2 AUTHENTICATION; EFFECTIVE DATE.

The Clerk of Council is hereby ordered and directed to certify the passage of these Subdivision Regulations. These Subdivision Regulations shall be effective thirty (30) days after passage.

1118.3 REPEAL OF CONFLICTING ORDINANCES.

All other ordinances of the City, inconsistent with the provisions of these Subdivision Regulations and to the extent of such inconsistency and no further, are hereby repealed.

1118.4 PENALTY.

Any person found guilty of violating any of the provisions of these Subdivision Regulations shall be subject to a fine or penalty of not more than three hundred dollars ($300.00) or imprisoned for not more than ninety (90) days or both. Each violation shall be deemed a separate offense and subject to all the penalties hereof.

CHAPTER 1119
Water Management and Sediment Control

1119.1 DEFINITIONS.
1119.2 GENERAL PROVISIONS.
1119.3 PERFORMANCE PRINCIPLES AND STANDARDS.
1119.4 STORMWATER MANAGEMENT PROVISIONS.
1119.5 APPROVAL PROCEDURES.
1119.6 SUSPENSION AND PENALTIES.
1119.7 PENALTY.

1119.1 DEFINITIONS.

For the purpose of this chapter, the following words and phrases shall have the following meanings ascribed to them respectively.

A) "Building Official" means the Building Official of the City of Mason, Ohio.

B) "Building Inspector" means a person designated by and representing the City of Mason, also referred to as the Inspector for purposes of this chapter.

C) "City" means the City of Mason, Ohio, and its authorized agents.

D) "City Engineer" means a professional engineer designated by and representing the City of Mason, Ohio, or his authorized agent.

E) "City Manager" means the City Manager of the City of Mason, Ohio.

F) "Council" means the City Council of the City of Mason, Ohio.

G) "Cut": See "excavation".

H) "Detention basins" means dry surface stormwater storage areas created by natural contours or by constructing an excavated or embankment basin or by installing underground structures such as concrete pipes or chambers.

I) "Development" means a change in the use of a parcel of land which will alter the natural or existing state of the property.

J) "Developer" means a person or company performing construction work of any kind in the project area.

K) "Embankment" means a fill. Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface or cut and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

L) "Erosion" means the wearing away of the land surface by the action of wind, water or gravity.

M) "Excavation" means a cut. Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom. The difference between a point on the original ground and a designated point of lower elevation on the final grade. The material removed in excavation.

N) "Fill": See "embankment".

O) "Grading" means any stripping, cutting, filling, stockpiling or any combination thereof and shall include the land in its cut or filled condition

P) "Mulching" means the application of suitable materials on the soil surface to conserve moisture, hold soil in place and aid in establishing plant cover.

Q) "Natural vegetation" means the ground cover in its original state before any grading, excavation or filling.

R) "ODOT" means the Ohio Department of Transportation.

S) "Permanent vegetation" means producing long term vegetative cover, that is bluegrass, tall fescue, crown vetch, etc.

T) "Plan" means the Water Management and Sediment Control Plan.

U) "Project area" means the land lying within the geographical limits of the tract(s) or parcel(s) under consideration and on which the work is to be performed.

V) "Redevelopment" means any alteration to an existing building or site usage which will require Planning Commission or Building Department approval.

W) "Retention pond" means permanent ponds where additional stormwater storage capacity is provided above the normal water level.

X) "Sediment" means solid material both mineral and organic, that is in suspension, is being transported or has been moved from its original site or origin by air, water or gravity as a product of erosion.

Y) "Sediment basin" means a barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel or silt or other materials.

Z) "Slope" means the face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance or as a ratio of horizontal distance to vertical distance, for example 3:1 means three feet horizontal distance to one foot in elevation change.

AA) "Stormwater management system" means the combination of land grading, pavement slope, open channels, underground conduits (storm sewers, culverts, underdrains), catch basins, manholes, dams, detention/retention facilities, etc., designed according to acceptable engineering practice to properly transport, detain, store or dispose of stormwater.

BB) "Subdivision" means the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, for lease, transfer of ownership or building or lot development. The name given to an area of land divided into lots including streets, walkways, easements, etc.

CC) "Swale" means a low-lying stretch of land which gathers or carries surface water runoff.

DD) "SWCD" means the Warren County Soil and Water Conservation District or its authorized agent.

EE) "Temporary vegetation" means short term vegetative cover used to stabilize the soil surface until final grading and installation of permanent vegetation, such as, oats, rye or wheat.

FF) "Topsoil" means surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer.

GG) "Watercourse" means a permanent stream, intermittent stream, river, brook, creek, channel or ditch for water whether natural or manmade.

HH) "Water Management and Sediment Control Plan" means the application, maps, plans, calculations and all other material required by this chapter or the Mason Subdivision Regulations. (Ord. 89-131.Passed 10-9-89.)

1119.2 GENERAL PROVISIONS.

It is the general intent of the City that when development or redevelopment takes place within the City that the development shall not cause any storm water or erosion problems either up stream or downstream from the development site and more specifically that the amount of stormwater discharged off the site shall not be greater after development than allowed under this chapter.

A) Before a parcel is cleared, graded or otherwise disturbed by the movement of earth by any person, partnership or corporation, a Water Management and Sediment Control Plan describing the proposed earth movement shall be approved by the Planning Commission, where development comes under any one or more of the following conditions, unless such development is exempted therefrom by subsection (b) hereof:

1) Cut and fill will exceed 100 cubic yards. The cut volume shall not include that necessary for pavement, sidewalks or buildings, but, if the material from these excavations is placed within the project area as fill it shall be considered when calculating the fill volume;
2) Cut or fill will exceed four feet in vertical depth at its deepest point measured from the natural ground surface;
3) Existing surface drainage is impaired or if the proposed work within the project area constitutes a potential erosion hazard or acts as a source of sediment deposit to any adjacent land or watercourse;
4) Final slopes are steeper than 3:1;
5) Fill placed on a surface having a slope steeper than 5:1; or
6) Existing stormwater runoff is altered in a way that affects adjacent properties.

B) A Water Management and Sediment Control Plan shall not be required for any of the following conditions:

1) Excavations below finished grade for drain fields, tanks, vaults, tunnels, equipment, basements, swimming pools, cellars or footings of buildings or structures for which a building permit shall have been issued by the City, unless the excavation is part of the work within a project area which required such a permit;
2) Excavation or removal of vegetation in public utility easements by public utility companies for the purpose of installing underground utilities, unless required by the City Engineer;
3) Tilling of the soil for fire protection purposes;
4) The construction of sod waterways, terraces, grade stabilization structures and surface water diversions which do not direct stormwater to adjacent property, tilling the soil, and similar work on property used exclusively for farming or other agricultural purposes;
5) When the Planning Commission rules that no Water Management and Sediment Control permit is required;

6) For the construction of one or two family residences in an existing subdivision, their accessory structures and related work;
7) Any construction work designed, bid and inspected by or under control of the City unless specifically required by the City; or
8) Any unsubdivided parcel less than one acre in size. (Ord. 89-131. Passed 10-9-89.)

1119.3 PERFORMANCE PRINCIPLES AND STANDARDS.

A) The following principles are effective in minimizing erosion and sedimentation and shall be included where applicable in the Water Management and Sediment Control Plan:

1) Stripping of vegetation, regrading or other development shall be done in such a way that will minimize erosion. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
2) Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create tile least erosion potential;
3) The smallest practical area of land shall be exposed at any one time and the duration of exposure shall be kept to a practical minimum. The topsoil shall be preserved and returned to the surface of areas to be revegetated, or new topsoil will be provided, or the surface shall be covered with sod;
4) Disturbed soils shall be stabilized as quickly as practical with temporary vegetation or mulching to protect exposed critical areas during development;
5) The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development;
6) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, detention/retention basins shall be provided according to the requirements of this chapter; and
7) Sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or similar measures until the disturbed area is stabilized.

B) The following standards shall be followed in preparing Water Management and Sediment Control Plans:

1) All lots, tracts or parcels shall be graded to provide proper drainage away from the building and dispose of it without ponding except as provided herein. Each lot shall be graded such that water from the lot drains to a natural stream, swale, storm sewers or other watercourse;
2) All drainage provisions shall be of such design to adequately handle the surface runoff;
3) Concentration of surface water runoff shall only be permitted in swales or watercourses;

4) The installation of the specific water management and sediment control measures shall be accomplished in accordance with the standards and specifications contained in the City Subdivision Regulations and the SWCD;
5) During the construction phase, further consultive technical assistance will be furnished, if necessary by the City Engineer or by the SWCD; and
6) The Building Department shall enforce compliance with the approved plans.

C) The approved Water Management and Sediment Control Plan required of the landowner or his agent shall include, but not be restricted to the following:

1) A vicinity sketch and boundary line survey of the project area;
2) Location of all existing buildings, structures, utilities, storm and sanitary sewers and waterlines in the project area;
3) Location of all trees with a trunk diameter of greater than six inches measured at a point five feet from the ground or a report on the trees in a form acceptable to the City from an arboriculturist certified by the City. If there are no trees, a note so stating shall be placed on the plans;
4) Location of any building or structure, on land of adjacent property owners, within 100 feet of the project area;
5) Elevations, contours, dimensions, locations, and extent of all work proposed to be done within and outside the project area, the existing elevations and contours of the land all in increments of two feet, and soil type and proposed ground cover for areas not covered by buildings, structures or pavement;
6) A certification of the quantity of cut and fill involved;
7) Detailed plans of all proposed storm water provisions, retaining walls, vegetative practices, erosion and sediment control measures, location of fences around sediment basins, detention/retention basins or steep excavations and other protective devices to be constructed in connection with, or as a part of the proposed work;
8) Provisions for maintenance of control facilities including easements to insure short as well as long term erosion and sediment control;
9) A map showing the drainage area of land tributary to the project area and estimated runoff of the area served by any drainage structure or watercourse, computed in accordance with water management and sediment control criteria as outlined in this chapter; and
10) The estimated cost of all the required water management and sediment control items.

(Ord. 89-131. Passed 10-9-89.)

1119.4 STORMWATER MANAGEMENT PROVISIONS.

A) Introduction.

1) Every subdivision and land development shall be provided with a Stormwater Management System which is adequate to serve the area and meets the requirements of this chapter and other criteria of the City.
2) Developers are required to design improvements such that in a 100-year storm, the rate of stormwater runoff leaving the project area at strategic points is no more after development than if the project area had remained undeveloped. If necessary, detention/retention facilities shall be constructed to assure that this requirement is met. Where an existing site is being partially or totally redeveloped all requirements of this chapter will be in full force and effect. If conditions warrant on partially redeveloped sites and the developer can show that the application of all requirements would cause a hardship, he may request partial relief from Planning Commission.
3) The Planning Commission may waive requirements for an individual detention/retention basin if a common or regional detention/retention basin of adequate design is available or if the City is reasonably certain one will be constructed and if the major drainage system from the project area to the common or regional detention/retention basin is such that the public health, safety and welfare will not be in jeopardy. If this option is exercised, the developer shall agree in writing to participate in the cost of the common or regional detention/retention basin whether already constructed or planned. The amount of participation and method of collection will be determined by the City.
4) It is not the intent of this chapter to hinder innovative and creative solutions to drainage problems, however, in the interest of expediting the processing of plans and construction, use of standard procedures, forms, nomographs, charts and computer programs is necessary. Deviation from these standards will cause delay in the approval process.
5) Although the submission requirements are specific, they are also the minimum requirements. The City Engineer may recommend to the Planning Commission a higher degree of protection than specified if the design results do not appear adequate to protect the health, safety and welfare of the community.
6) Stormwater management systems shall be designed for the ultimate use of the land.
7) Subsurface drainage such as underdrains may be required at the discretion of the City Engineer.
8) Continued maintenance. Once a Storm Water Management Plan has been approved and constructed it shall be the responsibility of the property owner to maintain the facility as designed and constructed and to ensure its proper operation to meet the intent and requirements of this chapter at all times.

B) Stormwater Management System.

1) The development of a comprehensive Stormwater Management System requires providing two separate and distinct drainage systems, the minor system and the major system.
   a) The minor drainage system is for collecting and transporting runoff from frequently occurring storms. It includes open channels, street curbs and gutters, and underground storm sewers, manholes, catch basins, and culverts. This system's purpose is to lessen or eliminate inconveniences and safety and health hazards associated with frequent storms. Except where indicated otherwise, design criteria and requirements of this chapter are directed to the minor drainage system.
   b) The major drainage system is to insure that stormwater runoff which exceeds the capacity of the minor drainage system has a route to follow to the retention basin. It shall be recognized that the major drainage system exists even when it is not planned and whether or not physical facilities are intelligently located in respect to it.
2) Submission requirements for subdivisions. Plans, profiles and supporting documentation to verify conformance with this chapter shall be submitted along with the usual plan submissions required in Subdivision Rules and Regulations.
   a) Preliminary Plans. In addition to the subdivision requirements, a plan showing the total area contributing runoff to the subdivision or project area being considered shall be submitted with the preliminary plans. This plan shall contain, but is not limited to, the following information:
      i) A contour plan showing the outline of all areas outside the project area that contributes runoff to it;
      ii) Estimated runoff (Q) before and after development for terminal points along natural streams, proposed open channels, and other strategic points such as existing storm sewers or culverts;
      iii) Location of proposed detention/retention areas; and
      iv) Any other information required by the City to clarify intent.
   b) Improvement Plans. In addition to the subdivision requirements, the improvement plan for the project area shall contain, but is not limited to, the following information:
      i) Diameter, length, slope, type pipe and class of all storm sewers, culverts and subsurface drainage;
      ii) Invert elevations on profiles of all pipes at terminal points such as manholes inlets, catch basins and headwalls;
      iii) Top of grate elevations of manholes and grate flowlines of catch basins and inlets;
      iv) Type of catch basin, inlet and manhole (ODOT or City designation);
      v) Headwall type (ODOT or City designation);
      vi) Actual existing and proposed cross sections of open channels showing width of bottom, depth of water, erosion control measures and limits,

and side slopes at each point of design along with a profile indicating the longitudinal slope and bottom elevations at the terminal points of design;

vii) High and low points indicating the direction of runoff flow along the profile of the roadway;

viii) Structural details and design data for detention/retention facilities;

ix) Details of construction for all structures not included in the City standard construction drawings, or other referenced standards;

x) Easements;

xi) Detention/retention facilities; and

xii) Any other information required by the City Engineer to clarify intent or design features.

c) Drainage and Grading Plans. In addition to the improvement plan, a drainage plan shall be submitted. This plan may be the required improvement plan or a similar plan at a scale of one inch equals 100 feet or larger showing at least the following additional information:

i) Contours indicating the existing and final grading at vertical increments of no more than two feet;

ii) Discharge (Q), coefficient of runoff (c) and drainage area (A) along with the outline of the drainage area for each inlet, catch basin, culvert and open channel point of design and other locations designated by the City Engineer. Drainage areas that lie partially outside the limits of the drainage and grading plan may be delineated on any contour map acceptable to the City Engineer;

iii) Discharge (Q) before and after development at strategic points within and at extremities of the project area;

iv) Delineation of the boundaries and contour elevation, along with the track, of the major drainage system through downstream areas to an adequate outlet even though the outlet may be outside the project area;

v) Delineation of the horizontal limits of ponding areas at low points (sags) in the street profile and low points outside the street right-of-way including, but not limited to, culvert headwater, natural stream water surfaces, and sump type inlets for storms with frequencies of twenty-five and 100 years;

vi) High and low water horizontal limits and contour elevation of detention/retention/sedimentation facilities along with water surface and control weir elevations, outlet structures, etc.;

vii) Areas outside of the project area susceptible to sediment deposits or to erosion caused by accelerated runoff;

viii) Location of soils that may be limited for the proposed use;

ix) All requirements of this chapter; and

x) Any other information required by the City Engineer to clarify intent, specified requirements, or design features.

d) Supporting Data. All data and design information used for tile design of drainage facilities and for determining downstream flood information shall be submitted with the drainage and grading plan. To facilitate review and avoid confusion, legends, descriptions and structure numbering used on design forms or other calculations shall be identical to those used on the improvement plans and the drainage and grading plan. This data shall include but are not limited to:

i) Weighted runoff coefficient calculations for each contributing area;
ii) Pavement drainage computations;
iii) Storm sewer computations;
iv) Culvert design computations;
v) Open channel computations;
vi) Detention/retention facilities computations;
vii) Inlet capacity computations; and
viii) Any other information required by the City Engineer to clarify intent or design features.

e) As-Built Plans. Amended improvement plans specifying the locations, dimensions, elevations, and capacities of all facilities as constructed shall be submitted to the City on construction completion of the project. These shall include all required design features except those waived by the City Engineer. All revisions to the approved plans shall be approved by the City prior to construction.

C) Stormwater Design. See current edition of the City of Mason *Stormwater Manual*. (Ord. 99-207, passed January 10, 2000)

1119.5 APPROVAL PROCEDURES.

A) The building permit review process shall not begin until the Water Management and Sediment Control Plan, together with other submissions required by this chapter are approved by the City Engineer.

B) Three copies of complete plan and supporting data shall be filed with the Building Department at least two weeks prior to the meeting of the Planning Commission. The City Engineer or his representative shall review and recommend such changes or modifications as are deemed necessary to the Planning Commission.

C) The City Engineer shall also refer a copy of the plans or extension of previously approved plans requiring water management and sediment control measures to the SWCD for review and recommendation as to adequate water management and sediment control measures to prevent damage to other properties.

D) The Planning Commission shall review these plans as submitted, together with the recommendations of the City Manager, Building Official, City Engineer and the SWCD. If the Commission approves the plans, it shall so advise the Building Official who shall ensure compliance by the applicant with the plans as finally approved.

E) Every Water Management and Sediment Control Plan approval shall expire and become null and void if the work authorized has not commenced within 120 days, or is not completed within two years from date of issue. The Planning Commission may grant a reasonable extension of time if the permit holder presents satisfactory evidence that unusual difficulties have prevented work being started or completed within the specified time limits and if written application is made before the expiration date of this permit.

F) In order to ensure that emergency measures could be taken by the City if the water management and sediment control measures were not implemented according to the agreed upon plan and schedule, a performance bond in the amount of the cost of the water management and sediment control measures shall be required to be filed with the City Finance Director. Such performance bond shall authorize immediate payment to the City upon certification by the City Manager with the concurrence of the Planning Commission, that necessary emergency work shall be done immediately to ensure proper water management and sediment control as a result of the landowner's failure to complete or adhere to the approved Water Management and Sediment Control Plan.

G) The Planning Commission and the City Manager shall make a continuing review and evaluation of the methods used and overall effectiveness of the storm water management and sediment control program. (Ord. 89-131. Passed 10-9-89.)

1119.6 SUSPENSION AND PENALTIES.

A) In the event any person holding an approved Water Management and Sediment Control Plan pursuant to this chapter violates the terms of the plan, or conducts or carries on the site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood of the project area, or conducts or carries on the site development so that it is materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City Building Official shall temporarily suspend the water management and sediment control approval.

B) Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, in a court of competent jurisdiction, shall be fined not more than one hundred dollars ($100.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. 89-131. Passed 10-9-89.)

1119.7 PENALTY.

Whoever violates any provision of this chapter, for which another penalty is not already provided, shall be fined not more than one hundred dollars ($100.00). Each day's violation shall constitute a separate offense. (Ord. 89-131. Passed 10-9-89.)

TITLE TWO - Administration

CHAPTER 1121 Fee Schedule 1121-1

CHAPTER 1121
Fee Schedule

1121.1 PURPOSE.
1121.2 FEES FOR SUBDIVISIONS, ZONING AND PLANNING.

1121.1 PURPOSE.

The fees contained herein are intended to help defray the City's cost for staff review of plans and drawings and for field inspections.

1121.2 FEES FOR SUBDIVISIONS, ZONING AND PLANNING.

Fees are established as follows:

Table 1121: Fees

Chapter Reference	Item	Fees
1103, 1105, 1109 1161	Preliminary Plats Final PUDs	$150 + 0.25 % of estimated infrastructure construction costs (1)
1107, 1109, 1119	Construction Drawings	$150 + 2.75 % of estimated infrastructure construction costs (1) (1.25% due at time of submittal and 1.5% due before construction begins) (2)
1113	Final Plats/Dedication Plats	$150
1114	Lot Split	$50
1135	Site Plans	$150 (3)
1135	Landscape Plans	$150 (3)
1137	Zoning District Change (4)	$150 (3)
1141	Variance/Appeals Hearing	$150
1161	PUD Concept Plans (4)	$2500
1171	Satellite Signal Receiving Stations	$35
1187	Sign Permit	$25

(1) Infrastructure construction costs includes all infrastructure costs associated with a development including, but not limited to, drainage facilities, sanitary sewers, water lines, grading, excavation and street improvements.

(2) Any inspection conducted outside the normal eight hour workday of Monday through Friday, excluding holidays, 8:00 a.m. until 4:30 p.m., shall be charged at one and a half (1.5) times the standard rate. The City reserves the right to charge fees in addition to the fees specified in the table above if, due to the applicant's responsibility, excessive review and/or field inspections are necessary, as determined by the City Engineer. Such fees for review and field inspection by the City shall be charged at the standard rate of thirty dollars ($30) per hour, plus a three-fourths (.75) hour charge for travel time. Any review and inspection completed by consultants on behalf of the City shall be charged to the applicant at the same rate charged by the consultants. Performance and maintenance bonds will not be released until payment of all fees is received.

(3) Any review and inspection completed by consultants on behalf of the City shall be charged to the applicant at the same rate charged by the consultants.

(4) Amendments initiated by Planning Commission and Planned Unit Development applications are exempt from zoning district change fees.

(Ord. 99-207, passed February 14, 2000)

TITLE THREE – Zoning Administration

CHAPTER 1131 Purpose and Interpretation 1131-1
CHAPTER 1133 Definitions 1133-1
CHAPTER 1135 Administrative Procedures 1135-1
CHAPTER 1137 District Changes and Ordinance Amendments 1137-1
CHAPTER 1141 Variances and Appeals 1141-1

CHAPTER 1131
Purpose and Interpretation

1131.1 PURPOSE AND SCOPE.
1131.2 SHORT TITLE.
1131.3 INTERPRETATION AS MINIMUM STANDARDS.
1131.4 VALIDITY.
1131.5 CERTIFICATION.
1131.6 REPEAL OF CONFLICTING ORDINANCES.

1131.1 PURPOSE AND SCOPE.

This Zoning Ordinance of the City of Mason is enacted for the purpose of promoting the public health, safety, morals, convenience and general welfare; establishing land use classifications; dividing the City into districts imposing regulations, restrictions and prohibitions upon the use and occupancy of real property; limiting the height, area and bulk of buildings and other structures and providing for yards and other open spaces about them; establishing standards of performance and design; and providing for the administration and enforcement thereof.

1131.2 SHORT TITLE.

Titles Three, Five and Seven of this Part Eleven - Planning and Zoning Code shall be known and may be cited and referred to as the "Zoning Ordinance for Mason, Ohio" or "Zoning Ordinance."

1131.3 INTERPRETATION AS MINIMUM STANDARDS.

In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be minimum requirements. Wherever this Zoning Ordinance imposes a greater restriction than is imposed or required by other provisions of the law or by other rules or regulations or ordinances, the provisions of this Zoning Ordinance shall govern.

1131.4 VALIDITY.

This Zoning Ordinance and the various parts, chapters, sections and subsections thereof are hereby declared to be severable. If any chapter, section, subsection, paragraph, sentence or phrase of this Zoning Ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Zoning Ordinance shall not be affected thereby.

1131.5 CERTIFICATION.

The Clerk of Council of Mason is hereby ordered and directed to certify the passage of this Zoning Ordinance.

1131.6 REPEAL OF CONFLICTING ORDINANCES.

All other ordinances of Mason, inconsistent with the provisions of this Zoning Ordinance and to the extent of such inconsistency and no further, are hereby repealed.

CHAPTER 1133
Definitions

1133.1 INTERPRETATION OF TERMS OR WORDS.
1133.2 ACCESS MANAGEMENT REGULATIONS.
1133.3 ACCESSORY USE OR STRUCTURE.
1133.4 AGRICULTURE.
1133.5 ALLEY.
1133.6 APARTMENT.
1133.7 APPROVED STREET OR ROAD.
1133.8 AS-BUILT DRAWINGS.
1133.9 AUTOMOBILE, MOBILE HOME, RECREATIONAL VEHICLE OR TRAILER SALES.
1133.10 AUTOMOBILE SERVICE STATION.
1133.11 AUTOMOBILE WRECKING.
1133.12 AUTOMOTIVE REPAIR, MAJOR.
1133.13 AUTOMOTIVE REPAIR, MINOR.
1133.14 BASEMENT.
1133.15 BED AND BREAKFAST.
1133.16 BLOCK.
1133.17 BOARD.
1133.18 BUILDING.
1133.19 BUILDING, ACCESSORY.
1133.20 BUILDING, HEIGHT OF.
1133.21 BUILDING, PRINCIPAL.
1133.22 BUILDING LINE.
1133.23 BUSINESS, CONVENIENCE.
1133.24 BUSINESS, GENERAL.
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1133.26 BUSINESS, OFFICE TYPE.
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1133.29 CELLULAR COMMUNICATION SERVICES.
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1133.31 CELLULAR OR WIRELESS COMMUNICATIONS SITE.
1133.32 CELLULAR OR WIRELESS COMMUNICATIONS SUPPORT STRUCTURE.
1133.33 CELLULAR OR WIRELESS COMMUNICATIONS TOWER.
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1133.38 CHURCH OR SYNAGOGUE.
1133.39 CITY.
1133.40 CITY COUNCIL OR COUNCIL.
1133.41 CITY ENGINEER.
1133.42 CITY PLANNER.
1133.43 CLINIC.
1133.44 CLUB.
1133.45 CODIFIED ORDINANCES.
1133.46 COMMERCIAL RECREATION FACILITY.
1133.47 COMMISSION.
1133.48 COMPREHENSIVE DEVELOPMENT PLAN.
1133.49 COMPUTERIZED SWEEPSTAKES DEVICE.
1133.50 CONDITIONAL USE.
1133.51 CONDITIONAL USE PERMIT.
1133.52 CONDOMINIUM.
1133.53 CONSTRUCTION PLANS OR DRAWINGS.
1133.54 CONVALESCENT, NURSING OR REST HOME.

1133.55 COUNTY.
1133.56 COUNTY ENGINEER.
1133.57 COURT.
1133.58 COVENANT.
1133.59 CROSSWALK.
1133.60 CULVERT.
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1133.63 DEVELOPMENT COSTS.
1133.64 DISABLED.
1133.65 DISTRICT.
1133.66 DOWNTOWN OVERLAY DISTRICT
1133.67 DRIVEWAY APPROACHES AND CURB CUTS.
1133.68 DUPLEX.
1133.69 DWELLING.
1133.70 EASEMENT.
1133.71 ELDERLY HOUSEHOLD.
1133.72 ELDERLY HOUSING FACILITY.
1133.73 ELDERLY PERSON.
1133.74 ENGINEER.
1133.75 FACTORY-BUILT HOUSING.
1133.76 FAMILY.
1133.77 FEMA FLOOD PLAIN.
1133.78 FENCE, ORNAMENTAL.
1133.79 FLEET VEHICLE
1133.80 FLOOR AREA OF A NON-RESIDENTIAL BUILDING.
1133.81 FLOOR AREA OF A RESIDENTIAL BUILDING.
1133.82 FRONTAGE.
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1133.84 GOLF COURSE.
1133.85 GROUP HOMES.
1133.86 HOME-BASED BARBER SHOP OR BEAUTY SALON.
1133.87 HOME OCCUPATION.
1133.88 HOSPITAL, HEALTH CARE FACILITY.
1133.89 HOTEL.
1133.90 IMPERVIOUS SURFACE.
1133.91 IMPERVIOUS SURFACE RATIO.
1133.92 IMPROVEMENTS.
1133.93 JUNKYARD.
1133.94 KENNEL.
1133.95 LANDOMINIUM.
1133.96 LANDSCAPE ORDINANCE.
1133.97 LOT.
1133.98 MAINTENANCE BOND.
1133.99 MAY.
1133.100 MICRO ANTENNAS.
1133.101 MINOR SUBDIVISION.
1133.102 MOBILE HOME PARK.
1133.103 MOTEL.
1133.104 MONUMENTS.
1133.105 NOISE ORDINANCE.
1133.106 NONCONFORMING USE.
1133.107 NURSING HOME.
1133.108 OCCUPANCY.
1133.109 OCCUPIABLE SPACE.
1133.110 OPEN SPACE.
1133.111 OPEN SPACE RATIO.
1133.112 ORIGINAL PARCEL.
1133.113 O.R.C.
1133.114 OUT LOT.
1133.115 OVERLAY DISTRICT.
1133.116 PARCEL.
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1133.118 PARKING LOT.
1133.119 PARKING SPACE.
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1133.123 PLANNED UNIT DEVELOPMENT.
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1133.128 REPAIRS AND MAINTENANCE.
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1133.131 RESTAURANT, STANDARD.
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1133.133 RIGHT-OF-WAY.
1133.134 ROADWAY.
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1133.136 SCHOOL, PRIMARY, SECONDARY, COLLEGE OR UNIVERSITY.
1133.137 SETBACK.
1133.138 SHALL.
1133.139 SHOULD.
1133.140 SHOPPING CENTER, COMMERCIAL.
1133.141 SHOPPING CENTER, NEIGHBORHOOD.
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1133.144 SMALL CELL FACILITY.
1133.145 STABLES.
1133.146 STANDARD CONSTRUCTION DRAWINGS.
1133.147 STORY.
1133.148 STREET.
1133.149 STREET TREE ORDINANCE.
1133.150 STRUCTURAL ALTERATIONS.
1133.151 STRUCTURE.
1133.152 SUBDIVIDER.
1133.153 SUBDIVIDER'S CONTRACT.
1133.154 SUBDIVISION.
1133.155 SUBDIVISION REGULATIONS.
1133.156 SURVEYOR.
1133.157 SWEEPSTAKES/INTERNET CAFÉ.
1133.158 TALL STRUCTURE.
1133.159 THOROUGHFARE, ROUTE, STREET or ROAD.
1133.160 THOROUGHFARE PLAN.
1133.161 TOWNHOME.
1133.162 TRACT.
1133.163 TRAFFIC IMPACT STUDY REGULATIONS.
1133.164 TRUCK TERMINAL.
1133.165 USED.
1133.166 UTILITY STATION
1133.167 VARIANCE.
1133.168 VICINITY MAP.
1133.169 WASTEWATER SYSTEM MASTER PLAN.
1133.170 WATER MASTER PLAN.
1133.171 YARD.
1133.172 ZONING BOARD OF APPEALS.
1133.173 ZONING ADMINISTRATOR.
1133.174 ZONING CERTIFICATE.

1133.1 INTERPRETATION OF TERMS OR WORDS.

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows, unless the context clearly indicates or requires a different meaning (Ord. 99-207, passed February 14, 2000):

A) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

B) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

C) The word "shall" or "will" is a mandatory requirement, the word "may" is a permissive

requirement, and the word “should” is a preferred requirement.

D) The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.”

1133.2 ACCESS MANAGEMENT REGULATIONS.

Chapter 1115 of TITLE ONE (Subdivision Regulations) of the City of Mason Zoning Ordinance. (Ord. 99-207, passed February 14, 2000)

1133.3 ACCESSORY USE OR STRUCTURE.

A use or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use or structure and which is subordinate to or serves the principal use or structure, is subordinate in area to the principal use or structure, and is customarily incidental to the principal use or structure. "Accessory use" includes anything of a subordinate nature detached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. "Accessory use" does not mean or include structures providing utility service to the parcel, such as gas, electric, or water.

1133.4 AGRICULTURE.

The primary use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, provided, however that (Ord. 99-132, passed October 11, 1999):

A) The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and

B) The above uses shall not be located within 100 feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feedyard.

1133.5 ALLEY.

A public or private way not more than thirty feet wide affording only secondary means of access to abutting property.

1133.6 APARTMENT.

A room or suite of rooms in a multi-family dwelling or multi-use building arranged and intended as a place of residence for a single family or a group of individuals living together as a single housekeeping unit, but does not include a condominium, landominium or townhouse where each unit is individually owned.

1133.7 APPROVED STREET OR ROAD.

A right-of-way designed and approved for purposes of providing vehicular access and meeting the requirements of the Thoroughfare Plan where appropriate. (Ord. 99-207, passed February 14, 2000)

1133.8 AS-BUILT DRAWINGS.

A complete set of reproducible drawings, including an electronic Autocad file of the drawing, drawn to scale, with field-verified locations of improvements shown on the construction drawings, including but not limited to water mains; sanitary and storm sewer alignments, grades, and sizes; sanitary manholes, storm manhole, and catch basin locations with elevations for rim and all flowlines; sanitary sewer building tap locations; waterline locations; detention/retention basin volume checks; water house service tap locations; fire hydrant locations; valve locations; and all changes from approved construction drawings. (Ord. 99-207, passed February 14, 2000)

1133.9 AUTOMOBILE, MOBILE HOME, RECREATIONAL VEHICLE OR TRAILER SALES.

An open area other than a street used for the display, sale or rental of new or used motor vehicles, mobile homes, recreational vehicles, or trailers in operable condition and where no repair work is done.

1133.10 AUTOMOBILE SERVICE STATION.

An establishment principally used for the dispensation, sale or offering for retail sale of automobile fuels or oils and may include facilities for the sale of other retail products. An “automobile service station” shall not include major or minor automobile repair uses.

1133.11 AUTOMOBILE WRECKING.

The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

1133.12 AUTOMOTIVE REPAIR, MAJOR.

Motor repair or replacement, transmission repair or replacement, exhaust system repair or replacement, body and fender repair, spray painting, upholstery work, auto glasswork, welding, tire recapping, radiator repairs, and/or other similar major mechanical work.

1133.13 AUTOMOTIVE REPAIR, MINOR.

Oil and fluid changes, tune-ups, wheel balancing and mounting, minor tire repair, replacement of lamps, bulbs, filters, belts, valves, gaskets and the like, and the repair or replacement of minor mechanical or electrical components.

1133.14 BASEMENT.

A story having part but not less than one-half its height below grade. A basement is counted as one-half story for the purpose of height regulations.

1133.15 BED AND BREAKFAST.

A building or part thereof, other than a hotel, boarding house, lodging house or motel, with one to five guest rooms, where lodging is provided by a resident family in its home for compensation, mainly for transients.

1133.16 BLOCK.

A tract of land bordered on all sides by streets; or by one or more streets and a railroad right of way, waterway, unsubdivided acreage, or other barrier to the continuity of development. (Ord. 99-207, passed February 14, 2000)

1133.17 BOARD.

The Zoning Board of Appeals.

1133.18 BUILDING.

Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind.

1133.19 BUILDING, ACCESSORY.

A subordinate building not attached by a permanent roof or wall to, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use. (Ord. 99-132, passed October 11, 1999)

1133.20 BUILDING, HEIGHT OF.

The vertical distance from the grade at a building line to the highest point of the coping of a flat roof or to the mean height level between the eaves and ridge line for a mansard, pitch or hip roof.

1133.21 BUILDING, PRINCIPAL.

A building in which is conducted the main or principal use of the lot on which said building is situated.

1133.22 BUILDING LINE.

A line established by the zoning ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground, except that otherwise may be provided.

1133.23 BUSINESS, CONVENIENCE.

Commercial uses that cater to and can be located in close proximity to or within residential districts, without creating undue vehicular congestion. Convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores of less than 10,000 square feet in floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.

1133.24 BUSINESS, GENERAL.

Commercial uses that generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day-to-day needs of the community, to also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores; and discount stores.

1133.25 BUSINESS, HIGHWAY.

Commercial uses that generally require locations on or near major thoroughfares and/or their intersections, and which tend to serve the motoring public. Highway business uses include, but need not be limited to, such activities as filling stations; truck and auto sales and service; restaurants and motels; and commercial recreation.

1133.26 BUSINESS, OFFICE TYPE.

Quasi-commercial uses that may often be transitional between retail business and/or manufacturing uses, and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, or religious or educational nature are also included in this classification.

1133.27 BUSINESS, SERVICE.

Any profit-making activity that renders services primarily to other commercial or industrial enterprises, or that services and repairs appliances and machines used in homes and businesses.

1133.28 BUSINESS, WHOLESALE.

Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

1133.29 CELLULAR COMMUNICATION SERVICES.

Personal communications accessed by means of cellular equipment and services.

1133.30 CELLULAR OR WIRELESS COMMUNICATIONS ANTENNA.

Any structure or device used to receive or transmit electromagnetic waves between cellular phones, pagers, commercial mobile services, wireless services and ground-wired communications systems including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas such as whips and other equipment utilized to serve personal communication services.

1133.31 CELLULAR OR WIRELESS COMMUNICATIONS SITE.

A tract, lot or parcel of land that contains the cellular or wireless communications tower, antenna, support structure(s), parking and any other uses associated with and ancillary to cellular or wireless communications transmission.

1133.32 CELLULAR OR WIRELESS COMMUNICATIONS SUPPORT STRUCTURE.

Any building or structure, including equipment shelters and guy wire anchors, accessory to but necessary for the proper functioning of the cellular or wireless communications antenna or tower.

1133.33 CELLULAR OR WIRELESS COMMUNICATIONS TOWER.

Any freestanding structure used to support a cellular or wireless communications antenna.

1133.34 CELLULAR OR WIRELESS COMMUNICATIONS TOWER, HEIGHT OF.

The height from the base of the structure, at grade, to its top, including any antenna located thereon. Grade shall be determined as the elevation of the natural or existing topography of the ground level prior to construction of the tower.

1133.35 CEMETERY.

Land used or intended to be used for the burial of the human dead and dedicated as a cemetery for such purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

1133.36 CHILD DAY-CARE.

Administering to the needs of infants, toddlers, pre-schoolers by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than the child's own home.

1133.37 CHILD DAY-CARE CENTER.

Any place in which child day-care is provided, with or without compensation, for 13 or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for 7 to 12 children at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

1133.38 CHURCH OR SYNAGOGUE.

A church, synagogue, rectory, parish house or similar building incidental to the particular use which is maintained and operated by an organized group of people for religious purposes.

1133.39 CITY.

The City of Mason, Ohio. (Ord. 99-207, passed February 14, 2000)

1133.40 CITY COUNCIL OR COUNCIL.

The legislative body of the City of Mason. (Ord. 99-207, passed February 14, 2000)

1133.41 CITY ENGINEER.

The City Engineer of the City of Mason or his designated representative. (Ord. 99-207, passed February 14, 2000)

1133.42 CITY PLANNER.

The City Planner of the City of Mason. (Ord. 99-207, passed February 14, 2000)

1133.43 CLINIC.

A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, but who are not provided with board, or room, nor kept overnight on the premises.

1133.44 CLUB.

A nonprofit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

1133.45 CODIFIED ORDINANCES.

The ordinances of a permanent and general nature of the City of Mason as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters and sections; and designated as the Codified Ordinances of Mason, Ohio. (Ord. 99-207, passed February 14, 2000)

1133.46 COMMERCIAL RECREATION FACILITY.

Any profit-making activity that is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

1133.47 COMMISSION.

The Mason Planning Commission.

1133.48 COMPREHENSIVE DEVELOPMENT PLAN.

A plan, or any portion thereof, adopted by Planning Commission and City Council, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

1133.49 COMPUTERIZED SWEEPSTAKES DEVICE.

Any computer, machine, game or apparatus which, upon insertion of a coin, token, access number, magnetic card, or similar object, or upon the payment of anything of value, and which may be operated by the public generally for use as a contest of skill, entertainment or amusement, whether or not registering a score, and which provides the user with a chance to win anything of value that is not de minimus. Machines designated for use by the State Lottery Commission and video game arcades are not Computerized Sweepstakes Devices for purposes of the Ordinance. (Ord. 11-64, passed August 8, 2011)

1133.50 CONDITIONAL USE.

A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of Planning Commission and City Council.

1133.51 CONDITIONAL USE PERMIT.

A permit issued by the Zoning Administrator upon approval by Planning Commission and City Council to allow a use other than a principally permitted use to be established within the district.

1133.52 CONDOMINIUM.

A structure consisting of one or more dwelling units with varying arrangements of entrances and party walls. Its chief characteristic is that the owners possess an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, as described by Ohio R.C. Chapter 5311.

1133.53 CONSTRUCTION PLANS OR DRAWINGS.

A complete set of engineering drawings drawn to scale containing, but not limited to, grading plans, street plans and profiles, cross sections, sanitary sewer plans and profiles, water main plans and profiles, storm sewer plans and profiles, soil erosion control, a complete topographical layout of all existing appurtenances and structures located within the right-of-way and in easements, and any other requirement as determined by the City Engineer and as outlined in the City of Mason Design Standards and Construction Drawings. (Ord. 99-207, passed February 14, 2000)

1133.54 CONVALESCENT, NURSING OR REST HOME.

Any building or group of buildings providing personal assistance or nursing care for those dependent upon the services by reason of age or physical or mental impairment but not for the treatment of contagious diseases, addicts or mental illnesses.

1133.55 COUNTY.

Warren County, Ohio. (Ord. 99-207, passed February 14, 2000)

1133.56 COUNTY ENGINEER.

The County Engineer of Warren County, Ohio. (Ord. 99-207, passed February 14, 2000)

1133.57 COURT.

An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

1133.58 COVENANT.

A written promise or pledge. (Ord. 99-207, passed February 14, 2000)

1133.59 CROSSWALK.

A pedestrian access that cuts across a public roadway to adjacent streets or properties. (Ord. 99-207, passed February 14, 2000)

1133.60 CULVERT.

A transverse drain that channels under a street or driveway. (Ord. 99-207, passed February 14, 2000)

1133.61 DEDICATION.

The transfer of land to the City by its owner for any public use. (Ord. 99-207, passed February 14, 2000)

1133.62 DENSITY.

A unit of measurement expressing the number of dwelling units per acre of land.

A) Gross Density - the number of dwelling units per acre of the total area to be developed. (Ord. 99-207, passed February 14, 2000)

B) Net Density - the number of dwelling units per acre of land devoted to residential uses, excluding right-of-way. (Ord. 99-207, passed February 14, 2000)

1133.63 DEVELOPMENT COSTS.

Shall include all infrastructure costs associated with the development of a subdivision or Planned Unit Development, including but not limited to underground and overhead utilities, grading, excavation, street improvements, landscaping, and street lights.

1133.64 DISABLED.

"Disabled" shall be defined as in the American Disabilities Act (ADA) guidelines. (Ord. 99-207, passed February 14, 2000)

1133.65 DISTRICT.

Any section of the City for which the regulations governing the use of buildings and premises and the height and area of buildings are uniform.

1133.66 DOWNTOWN OVERLAY DISTRICT (Ord. 05-136, passed 2005).

An area within the corporate limits of the City of Mason, Ohio designated by Council that are subject to the regulations of CHAPTER 1170. Following are additional definitions that pertain to the CHAPTER 1170 Downtown Overlay District:

A) Alter or Alteration. Any material change in an existing external architectural feature of any property which lies within the Downtown Overlay District is covered in this regulation, including: demolition or removal; modification to existing signage or placement of new signage; new construction or additions; improvement to roofs, windows, siding, awnings/canopies, additions, and doors/entrances, but not including the landscaping of real property and painting.

B) Applicant. Any owner, owners, person(s), association, partnership, or corporation who applied for a Certificate of Appropriateness in order to undertake any change on property

subject to this regulation.

C) Background Buildings. Buildings having a low level of architectural integrity and historic significance in the community. Background buildings include structures from all periods of the city's history that form the backdrop for other buildings. If they are more than 40 years old, they may have alterations or exterior changes that diminish their architectural significance.

D) Board. See Design Review Board.

E) Certificate of Appropriateness. A certificate issued by the Design Review Board authorizing alterations to existing buildings or authorizing new construction in the Downtown Overlay District to ensure that alterations and new construction preserve the downtown's unique historical character.

F) Contributing Buildings. Buildings having a moderate-high level of architectural integrity and historic significance in the community. Contributing buildings are at least 40 years old and retain the defining characteristics of their original construction or architectural style. This group includes buildings that contribute to the historic character of the downtown streetscape.

G) Council or City Council. The legislative body of the City of Mason.

H) Design Review Board (Board). The Design Review Board (Board) established under the provisions of CHAPTER 1170.

I) Demolition. The removal of all or part of a structure.

J) Downtown Core. An area of special concern in the Downtown Overlay District defined as the properties located between the Main Street /Mason-Montgomery Road intersection and the Main Street / Reading Road intersection. The Downtown Core also extends 150 feet east of the Main Street / Montgomery Road intersection and 150 feet west of the Main Street/Reading Road intersection.

K) External Architectural Feature. The architectural style, general design and arrangement of the exterior of a structure including, but not limited to, the type, color (for new construction and rehabilitation), and texture or the building material, doors, windows, roof, porches and other appurtenant fixtures.

L) Landmark Buildings. Buildings having a high level of architectural integrity and historic significance in the community. Landmark buildings are at least 40 years old and retain the defining characteristics of their original construction or architectural style. They may be historically important for their association with important people or events in local history, or architecturally important as an example of a type, style or method of construction from the

past.

M) Maintenance. See Repair.

N) Member. Any member of the Design Review Board as established under the provisions of this Regulation.

O) New Construction. Any improvement made to real property that is not done in conjunction with an existing structure.

P) Non-Historic Buildings. Buildings that are either examples of newer construction or older buildings that have had major alterations that result in a loss of historic or architectural significance.

Q) Planning Commission. The Planning Commission of the City of Mason as established by Article VII, Section 7 of the Charter of the City of Mason.

R) Repair and Maintenance. Replacement of any part of a property where the purpose and effect of such work and replacement is to correct or prevent any deterioration or decay to such property, or any part thereof, and to restore same, as nearly as may be practicable, to its original condition and appearance, including minor repair of exterior surfaces including caulking, repointing, and nonabrasive cleaning. All activities undertaken on existing buildings not deemed a minor repair by the Design Review Board shall be considered an Alteration.

1133.67 DRIVEWAY APPROACHES AND CURB CUTS.

Chapter 1117 of the Subdivision Regulations of the City of Mason. (Ord. 99-207, passed February 14, 2000)

1133.68 DUPLEX.

"Duplex"- see Dwelling, Two-Family in Section 1133.67 C).

1133.69 DWELLING.

A) "Dwelling" means any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or mobile home, boarding or rooming house, hotel or motel.

B) "Dwelling, single-family" means a building designed for or occupied by one family or a condominium, landominium or townhouse where each unit is individually owned.

C) "Dwelling, two-family" means a building designed for or occupied by two families.

D) "Dwelling, multi-family" means a building or portion thereof designed for or occupied by three or more families.

E) "Dwelling unit" means space within a building comprising living, dining, and sleeping rooms, storage closets, and space and equipment for cooking, bathing, and toilet facilities, all used by one family and its household employees. (Ord. 99-207, passed February 14, 2000)

F) "Dwelling group" means a group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

1133.70 EASEMENT.

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

1133.71 ELDERLY HOUSEHOLD.

Not more than three (3) persons, related or unrelated, who occupy a single dwelling unit, of whom at least one person is elderly.

1133.72 ELDERLY HOUSING FACILITY.

A building or buildings containing twelve (12) or more dwelling units where occupancy is restricted to elderly persons or households. Such facilities may include emergency first aid care, day care, therapy, personal care, nursing facilities, recreational facilities, and provide for independent or semi-independent living. For the purposes of this definition, "elderly housing facility" shall not include convalescent homes, nursing homes, group homes, or homes for the aged.

1133.73 ELDERLY PERSON.

Any person who is 62 years of age or older, or any person under 62 years of age who is handicapped such that his physical impairments are of a long-term duration and impede his ability to live independently without a suitable housing environment.

1133.74 ENGINEER.

Any person registered to practice professional engineering by the State Board of Registration as specified in O.R.C. 4733.14. (Ord. 99-207, passed February 14, 2000)

1133.75 FACTORY-BUILT HOUSING.

A factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Ordinance, "factory-built housing" shall include the following:

A) “Manufactured home” means any nonself-propelled vehicle transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards.

B) “Modular home” means factory-built housing certified as meeting the local or State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

C) "Mobile home" means any nonself-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

1133.76 FAMILY.

A person living alone, or two or more persons related by blood or marriage living together as a housekeeping unit, and occupying a single dwelling unit, or a group of not more than four persons, who need not be related by blood or marriage, living together as a housekeeping unit by joint agreement and occupying a single dwelling unit on a nonprofit cost sharing basis.

1133.77 FEMA FLOOD PLAIN.

The land designated on the Flood Insurance Rate Map (FIRM), including the flood fringe and the floodway, that is subject to inundation by a regional flood, as further defined in Chapter 1169 Floodplain Management Regulations.

1133.78 FENCE, ORNAMENTAL.

A fence or structure intended for decoration and not intended as an enclosure, and which has a surface area that is less than thirty percent (30%) opaque.

1133.79 FLEET VEHICLE

A vehicle, generally a van or truck, used in the operation of a business with a company identification on the exterior of the vehicle in the form of a logo or written text. A passenger vehicle including an automobile, van, sport utility or other, with no exterior company identification, shall not be considered a fleet vehicle.

1133.80 FLOOR AREA OF A NON-RESIDENTIAL BUILDING.

The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

1133.81 FLOOR AREA OF A RESIDENTIAL BUILDING.

The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

1133.82 FRONTAGE.

All the property on one side of the street or the place between two intersecting places, crossing or terminating, measured along the line of the street or place, or if the street is dead ended, then all the property abutting on one side between an intersecting street or place in the dead end of the street or place, but not including the dead end of the street. It can also mean the length of the property line of any one premises parallel to and along each public right of way it borders.

1133.83 GARAGES.

A) "Garage, private" means an accessory building designed or used for the temporary storage of motor driven vehicles, travel trailers and boats that are owned by the occupants of the building to which it is an accessory.

B) "Garage, public," means any building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor-driven vehicles.

1133.84 GOLF COURSE.

A golf course consisting of a minimum of nine holes, including all greens, tees, fairways, bunkers, traps, and water hazards typically included in a golf course layout. “Golf course” shall not include miniature or putt-putt courses.

1133.85 GROUP HOMES.

A) "Adult family home" means a residential facility that provides accommodations to three (3) to five (5) unrelated adults and supervision and personal care services to at least three (3) of those adults.

B) "Adult group home" means a residential facility that provides accommodations to six (6) to sixteen (16) unrelated adults and supervision and personal care services to at least three (3) of those adults.

C) "Family home" means a residential facility that provides room and board, personal care, rehabilitation services, and supervision in a family setting for at least six (6) but not more than eight (8) mentally retarded or developmentally disabled persons.

D) "Foster family home" means a residential facility that provides room and board, personal care, rehabilitation services, and supervision in a family setting for not more than five (5) mentally retarded or developmentally disabled persons.

E) "Foster home" means a family home in which any child is received apart from his parents for care, supervision, or training.

F) "Group home" means a residential facility that provides room and board, personal care, rehabilitation services, and supervision in a family setting for at least nine (9) but not more than sixteen (16) mentally retarded or developmentally disabled persons.

1133.86 HOME-BASED BARBER SHOP OR BEAUTY SALON.

A business located in a single-family district which is accessory to the residence and exclusively operated and owned by the property owners for the purpose of cutting and/or styling hair. Such business shall be located in a portion of the residence or in an accessory building.

1133.87 HOME OCCUPATION.

An accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises by zoning certificate, without any significant adverse effect upon the surrounding neighborhood.

1133.88 HOSPITAL, HEALTH CARE FACILITY.

An institution providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient department , training, facilities, central service facilities and staff offices which are integral part of the facility.

1133.89 HOTEL.

A building open to the public and used as an abiding place for compensation lodged with or without meals.

1133.90 IMPERVIOUS SURFACE.

Any material including, but not limited to, buildings, roads, sidewalks, patios, and parking areas, but excluding gravel, that reduces and prevents absorption of storm water into previously undeveloped land.

1133.91 IMPERVIOUS SURFACE RATIO.

The area of a site occupied by impervious surfaces divided by the area of the entire site and expressed as a decimal or percentage. For example:

25,000 sq. ft. impervious surface / 50,000 sq. ft. of total site area = .5 or 50%

1133.92 IMPROVEMENTS.

Any construction, reconstruction, improvement, enlargement, alteration, demolition or repair of any highway, drainage system, water system, road, street, alley, sewer, ditch, storm drain, street light, flood control and drainage facility, utility line, landscaping and any other structure or work of any nature normally associated with the development of raw land into building sites. (Ord. 99-207, passed February 14, 2000)

1133.93 JUNKYARD.

A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled; including auto wrecking yards, house wrecking yards, used material yards, but not including places for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition or salvaged materials incidental to manufacturing operations.

1133.94 KENNEL.

Any structure or premises on which five or more domesticated animals are groomed, bred, boarded, and/or trained for compensation and may be offered minor medical treatment.

1133.95 LANDOMINIUM.

A building consisting of one or more dwelling units with varying arrangements of entrances and configuration of structure. Its chief characteristic is that each resident enjoys exclusive ownership of his individual unit and some portion of land. Each unit owner also retains an undivided interest in certain common facilities and areas.

1133.96 LANDSCAPE ORDINANCE.

Chapter 939 of the Codified Ordinances of the City of Mason.

1133.97 LOT.

A) "Lot" means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and/or area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public or private street, and may consist of (Ord. 99-132, passed October 11, 1999):

1) A single lot of record;
2) A portion of a lot of record;
3) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record, provided that it is recorded as one lot; or
4) A parcel of land described by metes and bounds description, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Zoning Ordinance.

B) "Lot frontage" means that the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under yards in Section 1133.166.

C) "Lot lines" means the lines bounding a lot.

D) "Lot measurements": (See Figure 1133.1)

1) "Depth of a lot" means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2) "Width of a lot" means the distance between straight lines connecting front and rear lot lines at each side of the lot measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty percent (80%) requirements shall not apply.
3) "Area of a lot" shall be computed from the area contained in horizontal plane defined by the lot lines.
4) "Flag lot" is a more efficient building lot configuration designed to allow an interior lot access to a right of way or where natural or other limitations would restrict a full lot width at the street frontage.

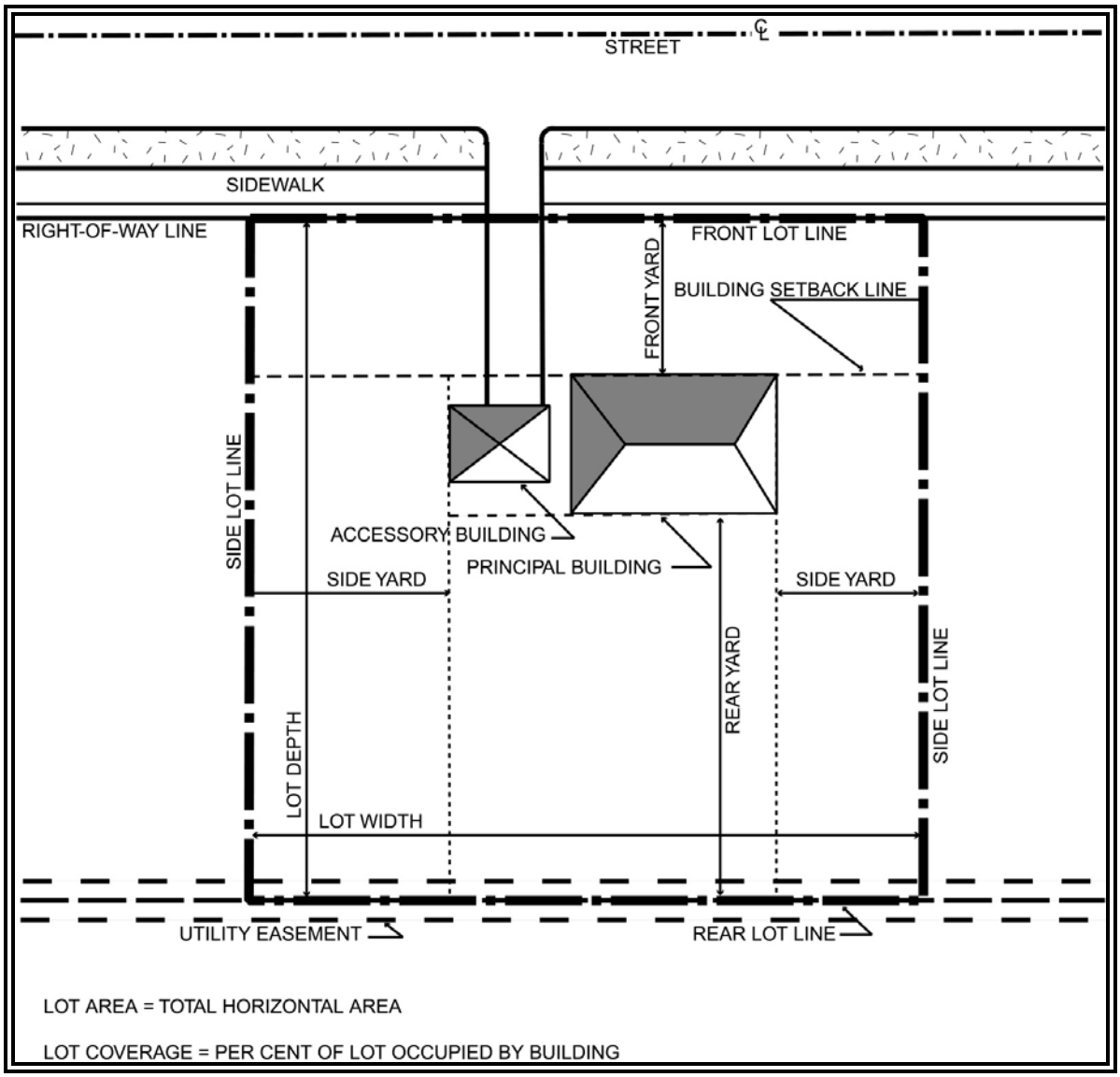

Figure 1133.1: Lot Measurements Illustrated

E) "Lot, record" means a lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Warren County, Ohio, or of a lot described by metes and bounds, the description of which has been recorded in such office.

F) "Lot, corner" means a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the furthermost points of the side lot lines to the foremost points of the side lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. (See Figure 1133.2.)

G) "Lot, interior" means a lot other than a corner lot with only one frontage on a street other than an alley. (See Figure 1133.2)

H) "Lot, through" means a lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots. (See Figure 1133.2)

I) "Lot, reversed frontage" means a lot in which the frontage is at right angles, or approximately right angles, to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot. (See Figure 1133.2)

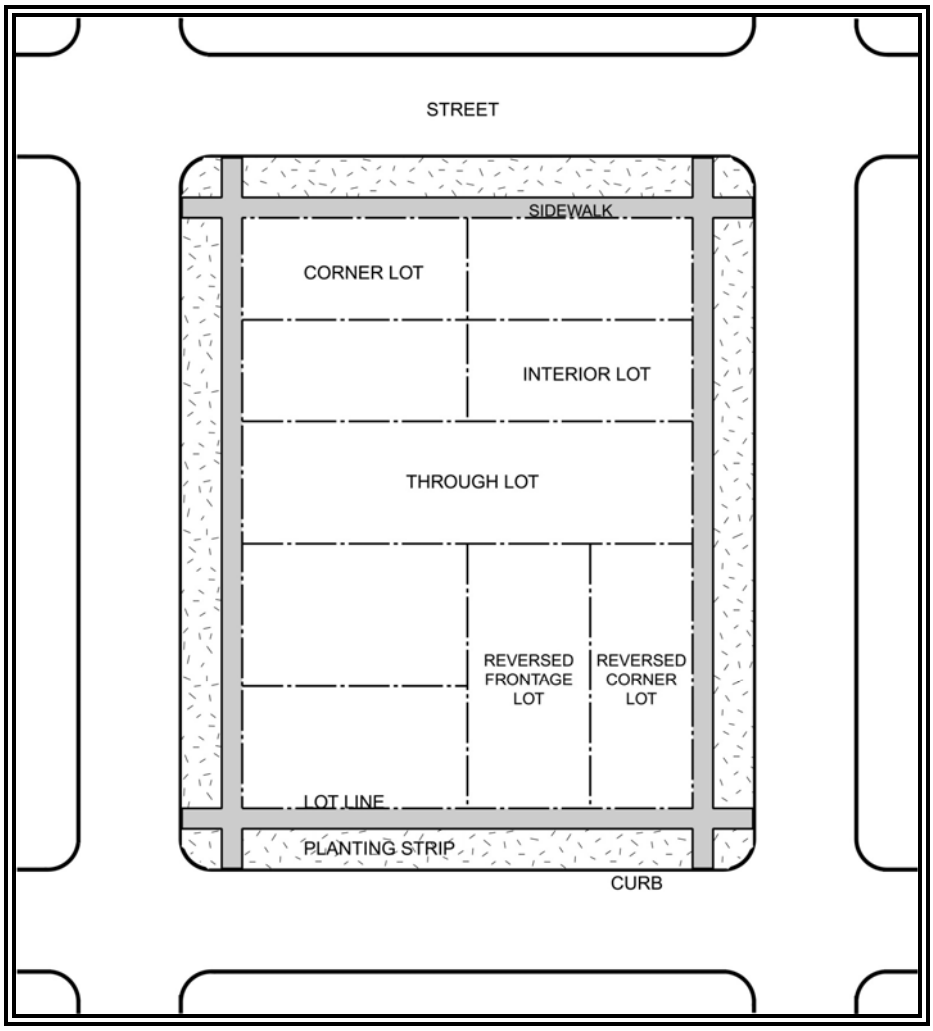

Figure 1133.2: Lot Types Illustrated

1133.98 MAINTENANCE BOND.

A one to two year surety given to the City by the subdivider that guarantees the subdivision's physical improvements against workmanship and materials defects after the City has accepted the improvements. (Ord. 99-207, passed February 14, 2000)

1133.99 MAY.

A term indicating a permissive requirement. (Ord. 99-207, passed February 14, 2000)

1133.100 MICRO ANTENNAS.

Any cellular or wireless communications antennas which consist solely of the antenna, and which do not have any supporting structures other than brackets, including micro cells. Micro antennas shall be equal to or less than five (5) feet in height and with an area of not more than five hundred eighty (580) square inches.

1133.101 MINOR SUBDIVISION.

A division of a parcel of land not requiring a plat to be approved by the Planning Commission according to O.R.C. 711.131. Such parcel shall be subject to the requirements set forth in Chapter 1114 of the Subdivision Regulations. (Ord. 99-207, passed February 14, 2000)

1133.102 MOBILE HOME PARK.

Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. All developments of this nature fall under the jurisdiction of the Warren County Health District, and are subject to the regulations thereof. (Ord. 99-132, passed October 11, 1999)

1133.103 MOTEL.

A series of attached or detached sleeping or living units, for the lodging of transient guests, offered to the public for compensation, and with convenient access of off-street parking spaces for the exclusive use of the guests or occupants.

1133.104 MONUMENTS.

Permanent concrete or iron markers used to establish definitely lines of the plat of a subdivision, including lot corners, boundary line corners, and points of change in street alignment. (Ord. 99-207, passed February 14, 2000)

1133.105 NOISE ORDINANCE.

Chapter 511 of the Codified Ordinances of the City of Mason.

1133.106 NONCONFORMING USE.

Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Ordinance or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

1133.107 NURSING HOME.

An extended or intermediate care facility that provides skilled nursing or dietary care for persons who are ill or which provides services for the rehabilitation of persons who are convalescing from illness or incapacitation. The term "convalescent home" is used synonymously with "nursing home." "Nursing home" excludes homes or similar institutions or facilities for persons suffering from acute or chronic alcoholism or other drug dependency, or for persons who are mentally incapacitated from causes other than senility who regularly require supervision.

1133.108 OCCUPANCY.

The purpose for which a building or portion thereof is used. (Ord. 99-207, passed February 14, 2000)

1133.109 OCCUPIABLE SPACE.

A room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational or similar purposes, or in which occupants are engaged at labor; and which is equipped with means of egress and light and ventilation facilities meeting the requirements of this code. (Ord. 99-207, passed February 14, 2000)

1133.110 OPEN SPACE.

An area substantially open to the sky that may be on the same lot with a building and be of reasonable size and location to conduct recreational or leisure activity. The area may include, along with the natural environmental features, water areas, swimming pools, tennis courts, parking areas that serve the open space, and any other recreational facilities that the Planning Commission deems permissive. Retention and detention ponds may be included if partially dedicated to recreational use. Streets, parking areas not dedicated to open space, structures for habitation, and the like shall not be included. (Ord. 99-207, passed February 14, 2000)

1133.111 OPEN SPACE RATIO.

The area of a site used for open space, excluding land for right-of-way, divided by the gross site area and expressed as a decimal or percentage. For example:

25 acres open space/100 acres gross site area = .25 or 25%

1133.112 ORIGINAL PARCEL.

That contiguous land under the same ownership at the time the parcel or parcels were acquired. (Ord. 99-207, passed February 14, 2000)

1133.113 O.R.C.

An abbreviation for the Ohio Revised Code. (Ord. 99-207, passed February 14, 2000)

1133.114 OUT LOT.

Property shown on the subdivision plat and which is not part of the proposed plat. (Ord. 99-207, passed February 14, 2000)

1133.115 OVERLAY DISTRICT.

A district described by the zoning map within which, through superimposition of a special designation, further regulations and requirements apply in addition to those of the underlying districts to which such designation is added.

1133.116 PARCEL.

Any piece of land described by a current deed. (Ord. 99-207, passed February 14, 2000)

1133.117 PARKING AREA.

Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets. (Ord. 99-207, passed February 14, 2000)

1133.118 PARKING LOT.

An off-street, ground-level open area, usually improved, for the temporary storage of motor vehicles. (Ord. 99-207, passed February 14, 2000)

1133.119 PARKING SPACE.

An area of land with a paved surface of asphaltic concrete or concrete, both as defined in Chapter 901 of the Codified Ordinances, suitable in thickness and size to permit the parking or storage of one motor vehicle and which area is connected by a paved driveway to a street or alley of sufficient width to permit ingress and egress of an automobile or other larger motor vehicles.

1133.120 PERFORMANCE BOND.

A certificate or evidence of debt, based on an estimate of construction cost approved by the City Engineer, guaranteeing the completion of physical improvements, which protects the City against loss due to inability or refusal of an individual, subdivider, or contractor to perform his or her obligation. (Ord. 99-207, passed February 14, 2000)

1133.121 PERSONAL WIRELESS SERVICES.

Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, including cellular services.

1133.122 PLACE.

An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

1133.123 PLANNED UNIT DEVELOPMENT.

An area of land in which a variety of housing, recreational, commercial and/or industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. Requirements for such development in addition to those of the standard subdivision, such as building design principles and landscaping plans, are contained in Chapter 1161.

1133.124 PLANNING COMMISSION.

The Planning Commission of the City of Mason as established by Article VII, Section 7.01 of the Charter of the City of Mason.

1133.125 PLAT.

A map or drawing showing the plan of the subdivision of a tract or parcel of land. (Ord. 99-207, passed February 14, 2000)

A) "Preliminary plat" means the map or set of maps which presents the proposed subdivision design, along with all of the information required in these regulations, which enables the Planning Commission to accurately review the proposal. Approval of the preliminary plat by Planning Commission and City Council entitles the subdivider to prepare a final plat for construction and recording of the subdivision. (Ord. 99-207, passed February 14, 2000)

B) "Final plat" means the map or set of maps which presents all data required by these regulations and bears substantial conformance to the preliminary plat as determined by the Planning Commission. A final plat submittal includes all improvement and drainage plans required for the subdivision. When approved, such plat is signed by Planning Commission, City Council, the City Engineer and other appropriate county officials or agencies and is recorded by the Warren County Recorder as a permanent record. (Ord. 99-207, passed February 14, 2000)

1133.126 PUBLIC UTILITY.

A firm, association, syndicate, corporation, co-partnership, municipal authority or public agency, board or commission, duly authorized to furnish, and furnishing under governmental regulations, to the public: facilities, products or services such as gas, steam, electricity, sewage disposal, communications, transportation, water, etc. (Ord. 99-207, passed February 14, 2000)

1133.127 PUBLIC WAY.

An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, highway, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, land, walk, or other way in which the general public or a public entity has a right for transportation or pedestrian purposes or which is dedicated thus, whether improved or not. (Ord. 99-207, passed February 14, 2000)

1133.128 REPAIRS AND MAINTENANCE.

All repairs and maintenance determined by the City Engineer to be necessary to insure the safety and convenience of the users of the improvements and includes, but is not limited to: removal of ice, snow, dirt, mud, obstructions and debris; repairing broken or damaged sewer and water lines; and repairing potholes, broken or spalled rigid and/or flexible pavement. (Ord. 99-207, passed February 14, 2000)

1133.129 RESTAURANT, DRIVE-IN OR DRIVE-THROUGH.

Any eating and/or drinking establishment designed for food and/or drinks to be consumed by persons in vehicles parked on the premises or to be taken off-site.

1133.130 RESTAURANT, FAST FOOD.

An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state and whose principal method of operation includes the delivery to customers of food and/or beverages served in eatable containers or in paper, plastic or other disposable containers for consumption:

A) within the restaurant building,

B) within a motor vehicle parked on the premises, or

C) off the premises, as carry-out orders.

1133.131 RESTAURANT, STANDARD.

An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:

A) customers, normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are

consumed;

B) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

1133.132 RETAIL. (Ord. 2006-81, passed August 28, 2006)

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.

1133.133 RIGHT-OF-WAY.

Land taken or dedicated for use as a public way. In addition, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities; and may also include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges. Public streets and roads are rights-of-way. (Ord. 99-207, passed February 14, 2000)

1133.134 ROADWAY.

The paved area between the edges of right-of-way bounding every public way and that is to be used for vehicular traffic. Unpaved and paved shoulders are included in a roadway. (Ord. 99-207, passed February 14, 2000)

1133.135 SANITARY SEWER SYSTEM.

A public or private sewerage collection system that conveys sewage to a central sewage treatment plant approved by the Ohio Environmental Protection Agency. (Ord. 99-207, passed February 14, 2000)

1133.136 SCHOOL, PRIMARY, SECONDARY, COLLEGE OR UNIVERSITY.

Any school having regular sessions with regularly employed instructors teaching subjects which are fundamental and essential for a general academic education, under the supervision of, and in accordance with the applicable statues of the State of Ohio.

1133.137 SETBACK.

A) "Setback, front" means a line that is generally parallel to the front property line and that defines the minimum distance from such property line that any building, structure or other use may be constructed or placed.

B) "Setback, rear" means a line that is generally parallel to the rear property line and that defines the minimum distance from such property line that any building, structure or other use may be constructed or placed.

C) "Setback, side" means a line that is generally parallel to the side property line and that defines the minimum distance from such property line that any building, structure or other use may be constructed or placed.

1133.138 SHALL.

A term indicating a mandatory requirement. (Ord. 99-207, passed February 14, 2000)

1133.139 SHOULD.

A term indicating a preferred requirement. (Ord. 99-207, passed February 14, 2000)

1133.140 SHOPPING CENTER, COMMERCIAL.

A group of commercial establishments and businesses permitted in the B-2 district.

1133.141 SHOPPING CENTER, NEIGHBORHOOD.

A group of small convenience shops such as carry-outs, located in or adjacent to residential areas.

1133.142 SIGHT DISTANCE.

The sight distances as defined in the most recent edition of the Ohio Department of Transportation's Location and Design Manual, Volume I, Section 201.1, which, at the time of the adoption of this ordinance, stated (Ord. 99-207, passed February 14, 2000):

A) "Stopping Sight Distance (SSD)" means the distance a motorist should be able to see ahead so that he will be able to stop from a given design speed, short of an obstruction or foreign object. (Ord. 99-207, passed February 14, 2000)

B) "Intersection Sight Distance (ISD)" means the distance a motorist should be able to see other traffic operation on the intersected highway so that he can enter or cross the highway safely. (Ord. 99-207, passed February 14, 2000)

C) "Passing Sight Distance (PSD)" means the distance a motorist should be able to observe oncoming traffic on a two-lane, two-way road so that he can pass a vehicle safely. (Ord. 99-207, passed February 14, 2000)

If such definitions are revised by the Ohio Department of Transportation, the revised definitions shall apply. (Ord. 99-207, passed February 14, 2000)

1133.143 SIGNS. (Ord. 03-99, passed October 8, 2003)

A) "Advertising sign" means a sign that directs attention to a business, product, activity or service which is not conducted, sold or offered upon the premises where such sign is located.

B) "Animated sign" means any sign, which, by method or manner of illumination, flashes on and off, winks, or blinks varying light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of moving.

C) "Area" means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The necessary supports or uprights on which such sign is placed, not being advertising matter, shall not be included in computation of surface area.

D) "Awning, canopy or marquee" means a sign that is mounted on, painted on, or attached to an awning, canopy or marquee (see Figure 1133.3).

E) "Banner" means a sign made of fabric, plastic, paper or other non-ridged material with no enclosing framework.

F) "Balloon" means a nonporous bag of light material filled with air or heated air or a gas

lighter than air intended to be either flown in the atmosphere or placed stationary on the ground or a structure, connected to the ground or structure by a rope, string, ribbon, or wire.

G) "Balloon sign" means one or more balloons used as a permanent or temporary sign or as a means to direct attention to any business or profession or commodity or service sold, offered or manufactured.

H) "Building code" means the City Building Code as may be adopted and amended from time to time by resolution of the City Council.

I) "Business" means a sign, which directs attention to a business, profession, service, product or activity sold or offered upon the premises where such sign is located.

J) "Changeable copy" means a sign or portion thereof designed to periodically accommodate message or price changes. Changeable copy signs include the following:

1) Electronically controlled signs.
2) Manually controlled signs for business purposes.
3) Manually controlled Bulletin Board Sign located on the property of a public, institutional, religious or charitable organization which are used to identify the name of the institution or organization and to announce its activities.
4) Manually or electronically controlled Gasoline Price Signs.

K) "Commercial message" means any sign, wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

L) "Construction" means a sign advertising the development or improvement of a property by a builder, contractor, or other person furnishing services, material, or labor to said premises, which sign is intended for a limited period of display and erected on the same lot or parcel as the work being done.

M) "Directional" means a sign directing vehicular or pedestrian movement onto or within a premise with no identification or commercial advertising on the sign.

N) "Directory sign" means a ground or wall sign that lists tenants or occupants of a building or project, with unit numbers, arrows, or other directional information.

O) "Domestic advertising" means a sign advertising the sale of household goods previously used by an individual or his family, when such sign is located at the place of residence of the individual or family.

P) "Electronic message board" means any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically

programmed and can be modified by electronic processes.

Q) "Festoon" means a string of ribbons, tinsels, small flags, pinwheels, or lights typically strung overhead in loops.

R) "Flag" means a banner of distinctive design used as a symbol of a nation, state, or other governmental entity.

S) "Flashing" means any illuminated sign on which the artificial light or any part thereof has conspicuous or intermittent variation in intensity or color.

T) "Free-standing" means a sign supported by one or more uprights, poles, braces, or bases in or upon the ground, and not attached to any building (see Figure 1133.3). Freestanding signs include, but are not limited to:

1) Bulletin board. A structure containing a surface upon which is displayed the name of a religious institution, school or library, auditorium, stadium, athletic field or area of similar use for the announcement of services or activities to be held therein.
2) Ground mounted sign. A three-dimensional, self supporting, base mounted, free standing sign, consisting of two (2) or more sides extending up from the base, and upon which a message is displayed.
3) Monument sign. A freestanding sign supported by a base anchored in the ground located in close proximity to the entrances of an office or industrial park provided that the entrance into the office or industrial park is a public thoroughfare. A monument sign is an integrated component of an overall entryway design theme that typically includes landscaping, lighting and signage.
4) Pole sign. A freestanding sign that is mounted on or supported by one or more uprights, pylons, or poles located in or upon the ground so that the bottom edge of the sign is above grade.

U) "Frontage, building" means the length of the portion of a building occupied by a single business facing a street abutting the premises on which the business is located.

V) "Gasoline price sign" means a sign which is used to advertise the price of gasoline on-site. In the event that the brand identification sign is attached to or is a part of the gasoline price sign advertising price, that portion of the sign used for advertising price shall be considered the gasoline price sign. However, the gasoline price sign shall be counted as part of the total sign area whether or not the gasoline price sign is attached to other signs.

W) "Governmental" means a sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, resolution or other governmental regulation.

X) "Height" means the vertical distance from the uppermost point used in measuring the area of the sign to the centerline of the road on which the property fronts or the elevation of the base

of the sign, whichever is lowest.

Y) "Holiday decoration" means temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.

Z) "Identification" means a sign limited to the name, address and number of a building, institution or persons and to the activity carried on in the building or institution, or the occupancy of the person.

AA) "Illumination" means any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.

1) External Illumination. A light source external to a sign that is not seen directly and is shielded from view.
2) Internal Illumination. A light source concealed or contained within the sign, and which becomes visible in darkness through a translucent surface.

BB) "Incidental" means a small sign, emblem, or decal informing the public of goods, services, available, on the premises. Examples of incidental signs include credit card signs, signs indicating hours of operations, no smoking signs, signs used to designate bathrooms, and business affiliation signs (see Figure 1133.3).

CC) "Interior, exterior" means the following: interior signs are located within a structure, and are not intended to be seen from the exterior; signs affixed to a window or the walls enclosing the display area behind a window, which are obviously intended for viewing from the exterior, shall be considered exterior signs.

DD) "Marquee" means a permanent roof like structure or canopy supported by and extending from the face of the building. The sign is attached to or supported by the marquee structure.

EE) "Memorial" means a sign, tablet or plaque memorializing a person, event, structure or site.

FF) "Name plate" means a sign designating only the name and address or the name and professional occupation and address of a person or persons residing in or occupying space in such building or premises.

GG) "Off-premise advertising" means a sign which contains a message unrelated to a business, profession, commodity, service, activity, sold or offered upon the premises where such sign is located. A billboard is a type of off-premise advertising sign.

HH) "On-premises advertising" means any sign related to a business or profession conducted or a commodity or service sold or offered upon the premises where such sign is located.

II) "On-site informational" means a sign commonly associated with, and not limited to, information and directions necessary or convenient for visitors coming on the property

including signs marking entrances and exits, parking areas, circulation direction, restrooms, and pick-up, and delivery areas.

JJ) "Political" means a sign which promotes, identifies, announces, opposes, or otherwise offers the public consideration of any political candidate or issue, partisan or nonpartisan.

KK) "Portable" means a sign that is attached to wheels, skids, or other forms of mounting, which is not permanently affixed in or to the ground (see Figure 1133.3). Examples include but are not limited to:

1) Folding portable sign. Any sign supported by an "A-frame" or "T-frame" base which is designed to be easily movable and is intended for advertising price and/or incidental goods or services.
2) Trailer sign. Any sign attached to, supported by or part of a structure which is designed to be moved on trailer wheels, skids, or other similar device or transported, pushed or pulled by a motor vehicle.
3) Changeable copy portable sign. Any sign that is designed to be moved and has a sign face or sign faces that hold changeable copy letters to create various messages. These signs may or may not have wheels.

LL) "Projecting" means a sign affixed to any building or part thereof, or structure, extending beyond the building wall or parts thereof, or structure, by more than 12 inches (see Figure 1133.3). A projecting sign shall not include a ground or wall sign as herein defined.

MM) "Promotion" means a temporary sign, the function of which is to announce a special event. Promotion signs may advertise grand openings, festivals, annual events, etc.

NN) "Real estate" means a sign advertising for sale, lease, or rent the parcel or real estate on which the sign is located. Also, temporary directional signs less than four square feet in message area displayed during the hours in which an "open house" showing of real property for sale, lease, or rent is actually being conducted shall be considered real estate signs, even though they may not be located on the parcel of real estate being advertised. "Sold" signs shall be considered commercial advertising signs.

OO) "Residential entranceway sign" means a type of monument sign located at the entrance or entrances of residential subdivisions that incorporate high quality building materials and landscaping to create a uniquely identifiable landmark for the subdivision.

PP) "Roof-mounted" means any sign which is erected over the roof or parapet above the roof-line and/or receives any or all its support from the roof structure.

QQ) "Sign" means a name, identification, description, display, or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure, or piece of land; or affixed to the glass on the outside or inside of a window so as to be seen from the

outside of a building and which directs attention to an object, product, place, activity, person, institution, organization, or business.

RR) "Signature wall sign" means a wall sign typically placed beneath the roof line of an industrial or office building wall facing an interstate highway for the sole purpose of advertising a company name or logo to a regional audience.

SS) "Streamer" means a long, narrow ribbon-like flag.

TT) "Structure, sign" means the supports, uprights, bracing, or framework for signs.

UU) "Temporary" means a banner, pennant, poster display, or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, person, institution, organization, or business and is constructed of cloth, plastic sheet, cardboard, or other like materials and which is intended to be displayed for a limited period of time (see Figure 1133.3).

VV) "Wall" means any sign painted on, attached to, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall and extending not more than 15 inches from the face of the wall.

WW) "Warning" means any sign indicating danger or a situation which is potentially dangerous.

XX) "Window, permanent" means any sign visible from the exterior of a building or structure which is painted, attached, glued, or otherwise affixed to a window or depicted upon a card, paper, or other material and placed on, taped on, or hung immediately behind the window or displayed from a window for the specific purpose of identifying the proprietor or name of business to the passer-by (see Figure 1133.3).

YY) "Window, temporary" means any sign visible from the exterior of a building or structure which is painted on a window, depicted upon a card, paper, or other material or placed on, taped on, or hung immediately behind the window, or displayed from a window for the specific purpose of attracting attention of the passer-by to a sale, or to promotional items, or other products or services (see Figure 1133.3).

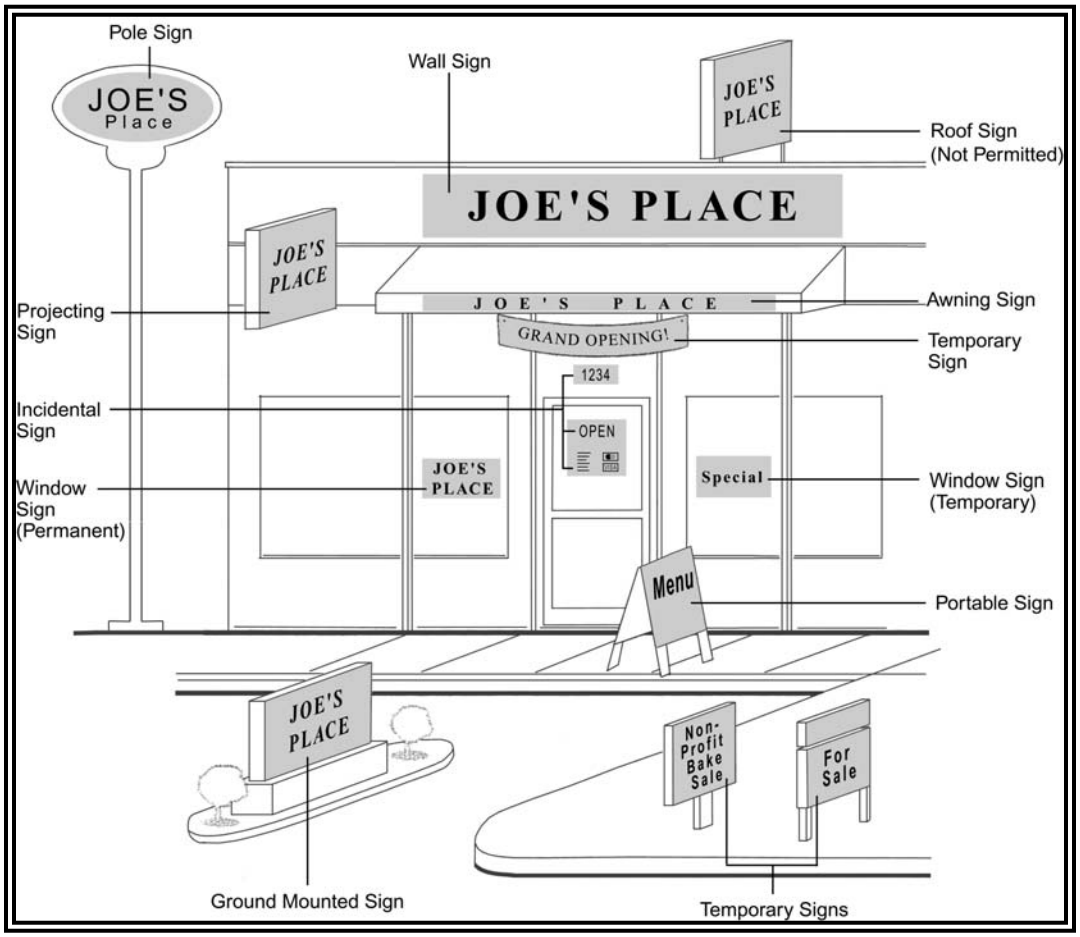

Figure 1133.3: Sign Types Illustrated

1133.144 SMALL CELL FACILITY. (Ord. 16-69, passed September 12, 2016)

Small cell facilities are between twenty (20) feet and thirty (30) feet in height, including distributed antenna systems (DAS) and small cell sites, communication nodes, antennas, fiber-optic cables, radio transceivers, and any additional equipment associated with transmission, which are typically used to supplement the service of larger communication towers and reduce the need for additional larger telecommunication towers.

1133.145 STABLES.

A) "Stable, private" means a stable with a capacity for not more than two horses or mules.

B) "Stable, public" means a stable other than a private stable, with a capacity for three or more animals.

1133.146 STANDARD CONSTRUCTION DRAWINGS.

Construction drawings prepared by the City Engineer and Public Utilities Superintendent in accordance with and supplemental to the Subdivision Regulations. The standard construction drawings by reference are made part of the Subdivision Regulations. (Ord. 99-207, passed February 14, 2000)

1133.147 STORY.

A) "Story" means that portion of a building, other than a basement, between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.

B) "Half-story" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

1133.148 STREET.

A publicly dedicated thoroughfare serving as the principal means of access to abutting property.

1133.149 STREET TREE ORDINANCE.

Chapter 935 of the Codified Ordinances of the City of Mason. (Ord. 99-207, passed February 14, 2000)

1133.150 STRUCTURAL ALTERATIONS.

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

1133.151 STRUCTURE.

Anything constructed or erected, the intended use of which requires permanent or stationary location on the ground or which is attached to something having a permanent or stationary location on the ground, including paved areas and signs.

1133.152 SUBDIVIDER.

Any individual, contractor, developer, firm, association, syndicate, partnership, corporation, trust, or any other legal entity who, as the result of subdividing property, is obligated to commence proceedings under the Subdivision Regulations to effect a subdivision of land hereunder for himself, herself or for another. (Ord. 99-207, passed February 14, 2000)

1133.153 SUBDIVIDER'S CONTRACT.

An agreement by a subdivider or developer with the City for guaranteeing the completion of physical improvements according to the approved plans and specifications and within the time prescribed by the contract, in accordance with these regulations. (Ord. 99-207, passed February 14, 2000)

1133.154 SUBDIVISION.

A) The division of any parcel of land shown as a unit or as contiguous units on the preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres, for the purpose, whether immediate or future, of transfer of ownership; provided, however, that the division or partition of land into parcels of more than five acres, each not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining landowners, where such sale or exchange does not create additional building sites, shall be exempted; or (Ord. 99-207, passed February 14, 2000)

B) The improvement of one or more parcels of land for residential, commercial, or industrial structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities. (O.R.C. 711.001(B)) (Ord. 99-207, passed February 14, 2000)

1133.155 SUBDIVISION REGULATIONS.

Title One of the City of Mason Zoning Ordinance. (Ord. 99-207, passed February 14, 2000)

1133.156 SURVEYOR.

Any person registered to practice surveying by the State Board of Registration as specified in O.R.C. 4733.14. (Ord. 99-207, passed February 14, 2000)

1133.157 SWEEPSTAKES/INTERNET CAFÉ

Any premises upon which any "Computerized Sweepstakes Device" is located for the use or entertainment of the public, whether or not such a premises has other business purposes of any nature whatsoever. (Ord. 11-64, passed August 8, 2011)

1133.158 TALL STRUCTURE.

Any structure or building, including, but not limited to, smoke stacks, water towers, buildings over thirty-five (35) feet in height, antenna support structures of other cellular or wireless communications companies, and other communication towers.

1133.159 THOROUGHFARE, ROUTE, STREET or ROAD.

The full width between the edges of the right-of-way bounding every public way with a part thereof to be used for vehicular traffic. The classifications contained in the City of Mason Access Management Regulations shall be considered a part of this definition. (Ord. 99-207, passed February 14, 2000)

1133.160 THOROUGHFARE PLAN.

The portion of the Comprehensive Development Plan adopted by City Council indicating the general locations recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

1133.161 TOWNHOME.

A structure containing two or more attached single-family dwellings in a continuous row, each such dwelling designed and erected as a unit on an individual lot and separated from adjoining units by an approved masonry wall or walls. "Townhouse" is used synonymously with "townhome."

1133.162 TRACT.

An area, parcel, site, piece of land, or property that is the subject of a development application. (Ord. 99-207, passed February 14, 2000)

1133.163 TRAFFIC IMPACT STUDY REGULATIONS.

Chapter 1116 of TITLE ONE (Subdivision Regulations) of the City of Mason Zoning Ordinance. (Ord. 99-207, passed February 14, 2000)

1133.164 TRUCK TERMINAL.

Any lot or part thereof, any part of land, or any structure which is used for the temporary parking of trucks during loading or unloading between trips; for purposes of servicing or repairing such trucks within enclosed structures; and for necessary warehouse space for storage of transitory freight; and upon which the storage of freight is incidental to the primary function of motor freight shipment.

1133.165 USED.

See OCCUPANCY. (Ord. 99-207, passed February 14, 2000)

1133.166 UTILITY STATION.

Includes all utility stations and sub stations, not limited to, gas, electric, water, sewer, cable and telephone.

1133.167 VARIANCE.

A modification of the strict terms of the relevant regulation where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. (Ord. 99-132, passed October 11, 1999)

1133.168 VICINITY MAP.

A drawing located on the plat which sets forth by dimensions or other means the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the City, in order to better locate and orient the area in question. (Ord. 99-207, passed February 14, 2000)

1133.169 WASTEWATER SYSTEM MASTER PLAN.

The officially adopted master plan for the City of Mason wastewater collection system and wastewater treatment plant. (Ord. 99-207, passed February 14, 2000)

1133.170 WATER MASTER PLAN.

The officially adopted master plan for the City of Mason water distribution system and water treatment plant. (Ord. 99-207, passed February 14, 2000)

1133.171 YARD.

A required open land area unoccupied and unobstructed by any structure or portion of a structure, provided, however, that fences, walls, signs, and driveways may be permitted subject to such limitations and regulations set forth in this Zoning Ordinance and the Building Code. (Ord. 99-132, passed October 11, 1999)

A) "Yard, front" means the area between side lot lines across the front of a lot and extending from the front lot line to the front of the principal building. An accessory structure is not permitted in a front yard unless specifically permitted in this code.

B) "Yard, rear" means the area between side lot lines across the rear of a lot and extending from the rear of the principal building to the rear lot line.

C) "Yard, Side" means the area extending from the principal building or accessory structure to the side lot line on both sides of the principal building or accessory structure between the lines establishing the front and rear yards.

1133.172 ZONING BOARD OF APPEALS.

The Zoning Board of Appeals for the City of Mason as established by the Article VII, Section 7.03 of the Charter of the City of Mason.

1133.173 ZONING ADMINISTRATOR.

The person designated by the City Manager to administer and enforce zoning regulations and related Ordinances.

1133.174 ZONING CERTIFICATE.

A document issued by the Zoning Administrator or his designee authorizing the use of lots, structures, uses of land and structures, and the characteristics of the use.

CHAPTER 1135
Administrative Procedures

1135.1 ENFORCEMENT BY ZONING ADMINISTRATOR.
1135.2 ZONING CERTIFICATES.
1135.3 INFORMAL, FORMAL PLANNING COMMISSION AND SPECIAL APPROVAL PROCEDURES.
1135.4 ELIGIBILITY REQUIREMENTS FOR INFORMAL PROCEDURE.
1135.5 FORMAL PLANNING COMMISSION APPROVAL PROCEDURES.
1135.6 CERTIFICATES OF OCCUPANCY.
1135.7 VIOLATIONS AND REMEDIES.
1135.8 COMPLIANCE.
1135.9 ORDER TO COMPLY.
1135.10 ENFORCEMENT METHOD NONEXCLUSIVE.
1135.11 PENALTY.

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) (amended by Ord. 04-155, passed January 10, 2005)

1135.2 ZONING CERTIFICATES.

A) Required. No owner shall use or permit the use of any structure, building, or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate has been issued. Such zoning certificate shall show that such building or premises or a part thereof, and the proposed use thereof, are in conformity 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, and any other applicable sections of the Codified Ordinances of the City of Mason. (Ord. 99-207, passed February 14, 2000)

B) Authority to Proceed with Construction. No excavation or construction shall commence unless the plans, specifications and the intended use conform to the provisions of this Zoning Ordinance and authority to proceed is granted by the City Engineer or his agent.

C) Nonconforming Uses. A zoning certificate shall be required of all nonconforming uses showing thereon the nature, extent and status of the nonconforming use. Application for the zoning certificate for nonconforming uses shall be filed within six months from the effective date of this Zoning Ordinance. No zoning certificate shall be required for any nonconforming use for which a zoning certificate was previously issued under Ordinance E92 of the Village of Mason and which has remained thereof a lawful nonconforming use. The fee for this zoning certificate shall be two dollars ($2.00), provided, however, no fee shall be charged for a zoning certificate where a building permit fee is paid to the Building Department or for nonconforming uses. Such fees shall be paid to the Building Department. If the property owner fails to obtain the required zoning certificate and has not previously obtained a zoning certificate within the six month time period, the non-conforming use shall be deemed to have been abandoned and any further use of the property must comply with the provisions of the City of Mason Zoning Ordinance. (Ord. 99-132, passed October 11, 1999)

D) Other Permits Required. Obtaining a zoning certificate shall not excuse compliance with any and all other applicable provisions of the Mason Codified Ordinances and in the case of any conflict between the Zoning Ordinance and any other provision, the more restrictive provision shall apply.

1135.3 INFORMAL, FORMAL PLANNING COMMISSION AND SPECIAL APPROVAL PROCEDURES.

There are established three procedures to aid in the administration of this Zoning Ordinance. They are:

A) A short, informal procedure for small and essentially noncommercial construction or reconstruction, for the refacing of existing signs, and for the minor improvements of existing commercial establishments and apartment complexes.

B) A longer, formal procedure requiring Planning Commission approval for larger and essentially commercial construction or reconstruction.

C) Special procedures for PUD Districts in Chapter 1161 hereof.

1135.4 ELIGIBILITY REQUIREMENTS FOR INFORMAL PROCEDURE.

Qualifying persons shall utilize the procedure in this section in applying for a zoning certificate:

A) Construction, enlargement or structural alteration of the following shall be subject to the informal procedure:

1) Single family residence or accessory structure.
2) Multi-family dwelling of three (3) units or less.
3) Signs.
4) Non-residential addition up to twenty-five percent (25%) of the original floor area, not to exceed 10,000 square feet.
5) Cellular or wireless communication antennas mounted on existing structures according to Section 1188.4 A)1).
6) Gas, electric, water, sewer, cable and telephone utility stations.

B) To proceed with any of the projects listed in subsection A) hereof, the applicant shall apply for a zoning certificate by submitting to the Zoning Administrator application fees and five (5) copies of a site and landscape plan as required by the landscape code and supporting drawings, drawn to scale on a maximum 24" x 36" sheet. The site and landscape plan shall contain the following information:

1) The dimensions of the proposed development. If different uses are to be located in a building or lot, the location and dimensions of each use.
2) A Landscape Plan, including all landscaping features of the proposed development, including the placement of trees, flowers, shrubs and grass, in conformance of the requirements of the Landscape Code.
3) The location and dimensions of all signs proposed to be located on the proposed development.
4) The location and dimensions of all parking and loading facilities, access drives and curb cuts.
5) A concise statement signed by the applicant, or in the case of a corporation, partnership, association or other business entity, a statement sworn to by its authorized agent, attesting that, in the event a zoning certificate is issued for the proposed development, no other reductions, revisions or modifications of the plan shall be made without the express approval of the Zoning Administrator.
6) Plans, representing with exactitude all building, engineering, traffic and architectural features of the proposed development.
7) Plans, representing with exactitude the placement of all utilities upon the premises of the proposed development.
8) Water management sediment control plan and stormwater management plan according to Chapter 1119, if required.
9) Proposed methods of water supply and disposal of sanitary wastes.

10) Existing topography and proposed grading plan.
11) Setbacks as outlined in the Zoning Ordinance for each zone.
12) Dedication of right-of-way as shown on the Thoroughfare Plan.
13) Zoning of adjacent property.
14) Structures outside of but within 200 feet of the property boundary.
15) Any other drawings or information specifically required for a particular use under any section of this Zoning Ordinance.

C) Upon receipt of such drawings and information, the Zoning Administrator shall, within thirty days of receipt:

1) Make a determination as to whether the applicant meets the requirements established in subsection A) hereof.
2) Determine that the proposed plan presents a unique or particularly complex question, in which case he shall so advise the applicant and require the applicant to submit his application to the Planning Commission.
3) Determine that the proposed plan, as submitted, or as amended by the applicant after consultation with the Zoning Administrator, is in conformance with this Zoning Ordinance. Upon making this determination, the Zoning Administrator shall issue a zoning certificate.
4) Determine that the proposed plan, as submitted, or as amended by the applicant after consultation with the Zoning Administrator, is not in conformance with this Zoning Ordinance or deny the certificate, such determination thereafter being communicated to the applicant along with the reasons for denial. The applicant shall then have such right to appeal this determination to the Zoning Board of Appeals.

1135.5 FORMAL PLANNING COMMISSION APPROVAL PROCEDURES.

All persons not meeting the requirements of Section 1135.4 and who build upon any land or who locate, construct, reconstruct, erect, enlarge or alter any building or structure, including signs, shall first obtain a zoning certificate before commencing construction, reconstruction, location, erection or alteration. The procedure for obtaining such certificate shall be as follows:

A) The applicant shall apply for a zoning certificate by submitting to the Planning Commission application fees and twenty (20) copies of a site plan and supporting drawings, drawn to scale on a maximum 24" x 36" sheet and sealed by a licensed engineer or surveyor, which site plan shall contain the following information:

1) The dimensions of the proposed development. If different uses are to be located in a building or lot, the location and dimensions of each use.
2) A Landscape Plan, including all landscaping features of the proposed development, including the placement of trees, flowers, shrubs and grass, in conformance of the requirements of the Landscape Code.

3) The location and dimensions of all signs proposed to be located on the proposed development.
4) The location and dimensions of all parking and loading facilities, access drives and curb cuts.
5) A concise statement signed by the applicant, or in the case of a corporation, partnership, association or other business entity, a statement sworn to by its authorized agent, attesting that, in the event a zoning certificate is issued for the proposed development, no other reductions, revisions or modifications of the plan shall be made without the express approval of the Planning Commission or in the case of replacement of sign lettering and minor capital improvements, without the approval of the Zoning Administrator.
6) Plans, representing with exactitude all building, engineering, traffic and architectural features of the proposed development and a traffic impact study if determined necessary by the City Engineer.
7) Plans, representing with exactitude the placement of all utilities upon the premises of the proposed development.
8) Water management sediment control plan and stormwater management plan according to Chapter 1119, if required.
9) Proposed methods of water supply and disposal of sanitary wastes.
10) Existing topography and proposed grading plan.
11) Zoning of adjacent property.
12) Structures outside of but within 200 feet of the property boundary.
13) Any other drawings or information specifically required for a particular use under any section of this Zoning Ordinance.

B) After the City Engineer or his agent has received the site plan, he or his agent shall determine whether the applicant meets the requirements in subsection A) hereof, and determine within twelve (12) days of submission whether or not the site plan is complete and contains the information as set forth in subsection A). If incomplete, the City Engineer or his agent shall advise the applicant of any additional information or plans necessary or required. Such advice shall toll any time limitations until such time as the applicant submits the required information or plans. However, a failure to submit the information or plans within thirty days of advice shall constitute a withdrawal of the certificate application, requiring reapplication. After determining that the site plan is complete, the City Engineer or his agent shall review the site plans to determine conformance with this Zoning Ordinance and thence deliver the plan, along with his notations and recommendations, to the Planning Commission within twenty days of determining the completeness of the site plans.

C) The applicant shall then receive notification from the Planning Commission of the time and place set for review of the site plan by the Planning Commission, and shall appear promptly at such stated time and place, and shall bring with him such other information or witnesses as are requested by the Planning Commission, or which the applicant deems to be helpful to a speedy and thorough review of the site plan. The applicant, his agents or any witnesses called by him may be heard at such review.

D) The Planning Commission shall review the recommendations and notations of the City Engineer and evaluate whether or not the uses and buildings and structures to be constructed, reconstructed, erected, located or altered as illustrated in the site plan comply with the requirements of this Zoning Ordinance and related City ordinances. If other standards or criteria are required by this Zoning Ordinance to be evaluated for a specific use or building, such evaluation thereon shall also be made. The Planning Commission shall, at one of the next two regularly scheduled meetings following ten days after receipt of the site plan from the City Engineer:

1) Determine that additional information or plans are reasonably necessary to make a determination; or
2) Approve the site plan, approve the site plan with modifications, or approve the site plan contingent upon the approval of certain variance or variances for items not in conformance with this Zoning Ordinance; or
3) Disapprove the site plan.

E) If the determination in subsection D)1) hereof is made, the time limitation on review by the Planning Commission is tolled until the meeting next following ten days after receipt of the additional information. If the applicant fails to provide the information within thirty days or obtains an extension from the City Engineer, the site plan shall be deemed withdrawn. Upon obtaining the information, the Planning Commission shall proceed to evaluate and make a determination under subsection D) hereof.

F) The determination made under subsection D)2) or D)3) hereof, being an approval or disapproval of a site plan, respectively, shall be endorsed on the plans. The endorsement may be evidenced upon the plan by rubber stamp or similar device. An endorsement of disapproval shall be a denial by the Planning Commission of the zoning certificate. However, if the endorsement on the site plan sets forth a variance or variances that if granted would make the plans conforming, and if within ninety days the applicant submits to the Zoning Administrator satisfactory evidence that the variance or variances, and only the variance or variances set forth in the endorsement on the plan, have been granted by the Zoning Board of Appeals, such endorsement with accompanying evidence shall then constitute endorsement of approval for purposes of subsection G) and H) hereof.

G) Upon receipt of site plans which show an endorsement of approval by the Planning Commission, the Zoning Administrator shall place a zoning certificate on the site plan. The placement may be made by rubber stamp or similar device upon the site plan.

H) The applicant, upon receipt of a letter of disapproval, shall have a right of appeal to the Zoning Board of Appeals afforded by the City Charter. Where such appeal is available only the determination of the Zoning Board of Appeals shall constitute a final order, adjudication or decision by the City.

I) Failure to apply and secure building permits under the applicable building code of the City within 180 days of the date appearing on the endorsement of the Planning Commission on the site plan, or, if the Planning Commission approves a schedule for securing building permits, failure to comply with that schedule shall be deemed a revocation of the approval of the Planning Commission of the plan, and the zoning certificate shall be deemed denied.

1135.6 CERTIFICATES OF OCCUPANCY.

A) Required. No owner, lessee or tenant shall use or occupy any land or improvements thereon without having obtained a certificate of occupancy as required by this section. For any property use, alteration or development which will include improvements such as street, sidewalk, utilities and similar types of improvements, whether public or private, a certificate of occupancy shall not be issued unless the construction of these improvements is substantially complete, or if the improvements are not substantially complete, without posting a performance bond in an amount and form which is acceptable to the City Engineer. For improvements which are to be public and dedicated to the City, a maintenance bond shall also be submitted to insure repairs for at least a period of one year after the performance bond is released. The maintenance bond shall be in the amount of five percent (5%) of the total construction costs, but not less than two thousand dollars ($2,000).

B) Certificate of Occupancy of Land. A certificate of occupancy for the use of vacant land, or change in the use of land as herein provided, shall be applied for before any such land shall be occupied or used, and a certificate of occupancy shall be issued within ten days after the application has been made therefore, provided such use is in conformity with the provisions of this Zoning Ordinance.

C) Certificate of Occupancy of a Building. A certificate of occupancy of a new building or the alteration of an existing building shall be applied for coincident with the application for a building permit, and such certificate shall be issued within five days after the request for same has been made in writing to the Zoning Administrator after the erection or alteration of such, or part thereof, has been completed in conformity with the provisions of this Zoning Ordinance. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued for a period not exceeding six months during the completion of the alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective right, duties or obligations of the owners or of the City, relating to the use or occupancy of the premises or any other matter covered by this Zoning Ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

D) Contents of Certificate of Occupancy. The certificate of occupancy shall state that the building or proposed use of a building or land, complies with all the building and health laws and applicable ordinances, all conditions and requirements stipulated by the Zoning Board of Appeals, and with the provisions of this Zoning Ordinance. A record of all certificates shall

be kept on file in the office of the Zoning Administrator and copies shall be furnished, on request, to any persons having a proprietary or tenancy interest in the building or land affected. The fee for an original certificate as provided above, shall be five dollars ($5.00) each. The fee for copies of any original certificate shall be one dollar ($1.00) each.

1135.7 VIOLATIONS AND REMEDIES.

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Zoning Ordinance or any amendment or supplement thereto, Council, the Law Director, the Zoning Administrator of the City of Mason, or any adjacent or neighboring property owner who would be specially damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance, or use to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

1135.8 COMPLIANCE.

No person shall locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any of the provisions of this Zoning Ordinance, or any amendment or supplement thereto adopted by Council.

1135.9 ORDER TO COMPLY.

The Zoning Administrator or his authorized agents may order in writing the remedying of a condition found in violation of this Ordinance within a reasonable time, or immediately in the case of imminent danger to life and property, or if the order requires a cessation of use, the order may include an order to vacate the premises or to remove any building or structure as a sole exception or alternative method of remedying the condition. The order shall be served upon the applicant for the zoning certificate, his agent, a person performing work on the premises, or the occupant of the building or portion thereof personally, or by certified mail, or by posting a copy of same at a conspicuous place on the premises.

1135.10 ENFORCEMENT METHOD NONEXCLUSIVE.

Enforcement by issuance of any order is not an exclusive method of enforcement and shall not be construed as a condition precedent to or a waiver of:

A) Citation, summons, arrest, prosecution or sentencing for any violation or violations of this Ordinance, including violations for which proof of the condition to be remedied by the order constitutes an element or a portion of an element of an offense.

B) Civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions.

C) Refusal of occupancy permit for the premises on which the condition exists.

D) Any enforcement procedure or measure available to the City under this Ordinance, other ordinances of the City or State laws.

1135.11 PENALTY.

A) Any person, firm or corporation, violating any of the provisions of this Zoning Ordinance or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars ($100.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues beyond the expiration of the time designated in a written notice given by the Zoning Administrator, shall be deemed a separate offense.

B) Any person, firm or corporation failing to comply with a lawful order of the Zoning Administrator shall be deemed guilty of a minor misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars ($100.00).

CHAPTER 1137
District Changes and Ordinance Amendments

1137.1 INITIATION.
1137.2 PROCEDURE FOR CHANGE.
1137.3 PLANNING COMMISSION RECOMMENDATIONS.
1137.4 COUNCIL, HEARING AND FINAL ACTION.
1137.5 MAP CHANGE PENDING; STAY OF CERTIFICATES OR PERMITS.

1137.1 INITIATION.

Whenever the public necessity, convenience, general welfare or good zoning practice require, Council may, by ordinance, after recommendation thereon by the Planning Commission and subject to the procedure provided in this chapter, amend, supplement or change the regulations, district boundaries or classifications of property, now or hereafter established by this Zoning Ordinance or amendments thereof. It shall be the duty of the Planning Commission to submit to Council, recommendations regarding all applications or proposals for amendments or supplement. An amendment, supplement, reclassification or change may be initiated by the Planning Commission on its own motion, by motion of Council or by filing of a verified application therefor by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement.

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 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 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 Commission.

C) Preliminary Public Hearing. After receiving an application for a proposed amendment, supplement or change and before making a recommendation to Council, the Commission shall hold a preliminary public hearing on the proposed amendment, supplement or change, 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 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 Commission, by regular mail, at least fifteen days before the date of the public hearing to the owners of all real property within 300 feet of the parcel or parcels to the addresses of 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 the Commission. (Ordinance 15-90, passed October 12, 2015)

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. The Planning Commission shall review the proposed amendment and consider reports from staff and other public agencies and public comments. (Ord. 04-155, passed January 10, 2005)

Following the procedure stated above, the Planning Commission may recommend that the application be granted as requested, or may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application be denied. The Planning Commission shall identify and evaluate all factors relevant to the petition and use its best efforts to report its findings and recommendations to Council within forty five days of receiving an amendment application. (Ordinance 04-15, passed March 8, 2004) (Ord. 04-155, passed January 10, 2005)

1) 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
2) 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
3) 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. (Ord. 04-155, passed January 10, 2005)

In considering any petition for a Zoning Map amendment, the Planning Commission's evaluation shall include, but is not limited to, the following criteria: (Ordinance 04-15, passed March 8, 2004).

A) Whether the proposed amendment consistent with the goals, policies, and future land use map of the City of Mason Comprehensive Plan, including any subarea or corridor studies;

B) Whether the uses permitted in the proposed zoning district are compatible with the site's physical, geological, hydrological and other environmental features;

C) Whether all of the potential uses allowed in the proposed zoning district are compatible with surrounding uses and neighborhood in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values;

D) Whether the street system can safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district. A traffic impact study shall be provided if the proposed rezoning district permits uses that could generate one hundred (100) or more directional trips during the peak hour, or at least one thousand (1,000) more trips per day than the majority of the uses that could be developed under current zoning;

E) Whether the City's utilities and services are sufficient to accommodate the additional demand created by the uses permitted in the requested district without compromising the health, safety and welfare of city residents;

F) Whether the applicant can receive a reasonable return on investment through developing the property with one (1) or more of the uses permitted under the current zoning;

G) Whether the shape and size of the property is reasonable so that the site can meet the dimensional regulations of the requested zoning district; and

H) Other factors deemed appropriate by the Planning Commission.

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 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 300 feet of the parcel or parcels, to the addresses of 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.

B) Final Action. Following such hearing and after reviewing the recommendations of the Commission thereon, Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the Zoning Ordinance or the Zoning Map. Council may overrule the recommendations of the Commission by affirmative vote of not less than four of the membership of Council.

1137.5 MAP CHANGE PENDING; STAY OF CERTIFICATES OR PERMITS.

Whenever Council has taken under advisement, a change or amendment of the Zoning Map from a less restricted district to a more restricted district classification, as evidenced by resolution of record, no zoning certificate or building permit shall be issued within seventy-five days from the date of such resolution which would authorize the construction of a building or the establishment of a use which would become nonconforming under the contemplated redistricting plan.

CHAPTER 1141
Variances and Appeals

1141.1 PURPOSE.
1141.2 VARIANCES AUTHORIZED.
1141.3 STANDARDS FOR VARIANCES.
1141.4 APPLICATION FOR VARIANCE.
1141.5 HEARING OF VARIANCE APPLICATION.
1141.6 FINDINGS OF FACT REQUIRED; DECISIONS AND RECORDS.
1141.7 PERIOD OF VALIDITY.
1141.8 APPEALS.
1141.9 CONDITIONAL VARIANCES.

1141.1 PURPOSE.

The Zoning Board of Appeals, herein referred to as the "Board", upon application thereto, shall have the power to hear and decide appeals and grant variances from the provisions and requirements of this Ordinance which will not be contrary to the public interest or the general purpose and intent of this Ordinance, and only in those specific instances defined in Section 1141.2, based upon the standards set forth in Section 1141.3 where, owing to special conditions of a lot, strict enforcement of the provisions or requirements of this Ordinance would cause unreasonable hardship.

1141.2 VARIANCES AUTHORIZED.

Variances from the provisions and requirements of this Ordinance shall be granted by the Board only in accordance with the standards established in Section 1141.3 and shall be limited to the following circumstances and no others:

A) To vary the applicable bulk regulations for buildings and structures, including maximum height, lot coverage, required yard areas and other required open space.

B) To vary the applicable minimum requirements for lot frontage and distances from lot lines.

C) To vary the applicable minimum requirements for lot frontage and distances from lot lines in conjunction with the granting of a conditional use pursuant to Chapter 1172 of this Ordinance.

1141.3 STANDARDS FOR VARIANCES.

The Board shall not be authorized to grant a variance for an active use which is otherwise prohibited for the zoning district in which the property is located. The Board shall not grant a variance as authorized in 1141.2 unless it can determine that there are practical difficulties encountered by the

applicant in complying with the resolutions, ordinances, regulations, measures and orders of administrative officials or agencies governing zoning, building and housing. This evaluation shall include, but is not limited to, the following criteria:

A) whether the property will yield a reasonable return without the variance or whether there can be beneficial use of the property;

B) whether the variance is substantial;

C) whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

D) whether the variance would adversely affect the delivery of governmental services;

E) whether the property owner purchased the property with knowledge of the resolutions, ordinances, regulations, measures and orders;

F) whether the property owner's predicament feasibly can be obviated through some method other than variance; and

G) whether the spirit and the intent behind the resolutions, ordinances, regulations, measures and orders would be observed and substantial justice done by granting the variance.

No single factor listed above shall control, and not all factors shall be applicable in each case. Each case shall be determined on its own facts.

The Board may impose such conditions and restrictions upon the property benefitted by a variance as the Board may deem necessary to comply with the standards set forth in this section, to reduce or minimize the impact of such variance upon other property in the neighborhood and to further the purpose and intent of this Ordinance.

1141.4 APPLICATION FOR VARIANCE.

Any person owning or having an interest in property may file an application regarding 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 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 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. (Ord. 04-155, passed January 10, 2005)

G) Ten (10) copies of 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.

1141.5 HEARING OF VARIANCE APPLICATION.

Upon receipt by the Zoning Administrator of a complete application for a variance, the Zoning Administrator shall notify the Board which shall hold a public hearing as soon as practical.

A) Notice of Hearing. Notice of the time and place of the hearing by the Board of an application for a variance shall be given to all owners listed on the notarized statement of the property owners with same notice published at least once, not less than ten (10) days before the hearing, in a newspaper of general circulation in the City of Mason. The published notice may be supplemented by such additional form of notice as the Board may, by rule, require.

B) Conduct of Hearing. Any person who satisfies the Chairman of the Board that he has a significant interest in the subject matter of the hearing shall be afforded an opportunity to present evidence and argument, and to question through the Chairman witnesses on all relevant issues, subject to the Chairman's imposition of reasonable limitations on the number of witnesses, and the nature and length of testimony in questioning. All testimony at the hearing shall be under oath administered by the Chairman, or by affirmation. The Board shall make a full and complete record of the hearing, by any appropriate means. In the event of the filing of a judicial complaint challenging the Board's decision, the record shall be transcribed on order of the Chairman of the Board.

C) Communications Outside of the Hearing. Members of the Board shall base their consideration of the application for variance only upon the following information and evidence:

1) Testimony and argument presented at the hearing, and not upon direct or indirect communication with any party or representative of such party made outside of the hearing;
2) Reports, memoranda and other materials prepared by the Zoning Administrator in connection with the application and made a part of the record at the time of the hearing; and
3) Personal inspections of the site which may take place with or without all of the interested parties or representatives present so long as no verbal communication takes place between the members of the Board and any of the parties or their representatives. (Ord. 99-132, passed October 11, 1999)

1141.6 FINDINGS OF FACT REQUIRED; DECISIONS AND RECORDS.

The Board shall render a written decision on the application for variance setting forth its findings, together with the reasons for its decision. Such written decision shall be communicated to the applicant within thirty (30) days from the close of the hearing. The Zoning Administrator shall maintain complete records of all actions of the Board with respect to all applications for variances and shall notify Council of the Board's action.

1141.7 PERIOD OF VALIDITY.

No variance granted by the Board shall be valid for a period greater than six (6) months from the date on which the Board grants the variance, unless within such time period, a building permit is obtained and the construction, moving or remodeling of a building or structure on the property is commenced. The Board may for good cause, without notice or hearing, grant a maximum of two (2) extensions not exceeding six (6) months each upon written application by the property owner.

1141.8 APPEALS.

The appeal to all measures, orders or decisions of administrative officials or agencies governing zoning, building and housing in the City shall be taken within ten days after the measure, order or decision.

1141.9 CONDITIONAL VARIANCES.

The Board, in granting any variance from the strict application of this Zoning Ordinance, may prescribe conditions in conformance with this section which it deems to be necessary and reasonable. The Board shall attach such conditions as safeguards for the protection of the health, safety and welfare of owners and occupants of surrounding lots or the public. Specifically, the Board may attach one or more of the following conditions to a variance:

A) Paving;

B) Landscaping and/or screening fence or wall;

C) Amount and location of off-street parking, loading and signs;

D) Direction and intensity of outdoor illumination;

E) Cleaning and painting;

F) Control or elimination of smoke, dust, radiation, gas, noise or odor;

G) Hours of operation;

H) Activities, material storage and uses shall be conducted within an enclosed structure;

I) Other conditions as may be appropriate.

If the variance is approved with conditions, the Board shall issue the variance listing the specific conditions upon which the variance was granted. Violations of such conditions shall be deemed a violation of this Zoning Ordinance and will be punishable under Section 1135.11. Any violations will further revoke the variance which had been conditionally granted.

TITLE FIVE – Zoning Districts

CHAPTER 1145 Districts and Boundaries 1145-1
CHAPTER 1147 R-1, R-2, R-3 and R-4 Single Family Residential Districts 1147-1
CHAPTER 1148 R-6 Condominium and Landominium Residential Districts 1148-1
CHAPTER 1149 R-7 Multi-Family Residential District 1149-1
CHAPTER 1153 O-1 Office Park District 1153-1
CHAPTER 1155 B-1 Central Business District 1155-1
CHAPTER 1157 B-2 Shopping Center District 1157-1
CHAPTER 1159 B-3 Road Service District 1159-1
CHAPTER 1160 B-4 Commercial Recreation District 1160-1
CHAPTER 1161 Planned Unit Development District 1161-1
CHAPTER 1162 HT-1 High Tech Light Industrial District 1162-1
CHAPTER 1163 I-1 Light Industrial District 1163-1
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CHAPTER 1169 Floodplain Management Regulations 1169-1
CHAPTER 1170 Downtown Overlay District 1170-1

CHAPTER 1145
Districts and Boundaries

1145.1 DIVISION OF CITY INTO DISTRICTS.
1145.2 ZONING MAP; DISTRICTS AND BOUNDARIES ESTABLISHED.
1145.3 DISTRICT BOUNDARY DETERMINATION.
1145.4 LOT DIVIDED; EXTENSION OF DISTRICT.
1145.5 UNCERTAINTY AS TO BOUNDARIES; INTERPRETATION.
1145.6 VACATED STREET OR ALLEY.
1145.7 PROPERTY NOT INCLUDED; ANNEXATIONS.

1145.1 DIVISION OF CITY INTO DISTRICTS.

For the purpose of this Zoning Ordinance, the City of Mason is hereby divided into categories or zoning districts designated as follows:

Residential Districts
R-1, R-2, R-3 and R-4 Single-Family Residential Districts. (Ord. 99-48, passed April 12, 1999)
R-6 Condominium and Landominium Residential District.
R-7 Multi-Family Residential District.

Nonresidential Districts
B-1 Central Business District.
B-2 Shopping Center District.
B-3 Road Service District.
B-4 Commercial Recreation District.
HT-1 High Tech Light Industrial District
I-1 Light Industrial District.
I-2 Industrial District.
O-1 Office Park District.

1145.2 ZONING MAP; DISTRICTS AND BOUNDARIES ESTABLISHED.

The several zoning districts and boundaries thereof are hereby adopted and established as shown on the Zoning Map of the City of Mason, Ohio (latest revision) which Map, together with all notations, references, data, district boundaries and other information shown thereon, is hereby made a part of this Zoning Ordinance. Such Zoning Map, properly attested, shall remain on file in the office of the City Engineer.

1145.3 DISTRICT BOUNDARY DETERMINATION.

Except where referenced on the Zoning Map to a street or alley line or other designated line by dimensions shown on such Map, the district boundary lines follow lot lines or the center lines of streets or alleys as they existed at the time of adoption of this Zoning Ordinance. But where a district line obviously does not coincide with the lot lines as such, or center lines of streets or alleys, or where it is not designated by dimensions, it shall be deemed to be 150 feet back from the nearest street line parallel to which it is drawn.

1145.4 LOT DIVIDED; EXTENSION OF DISTRICT.

Where a district boundary line established in this chapter or as shown on the Zoning Map divides a lot which was in single ownership at the time of enactment of this Zoning Ordinance, the use authorized thereon and the other district requirements applying to the most restricted portion of such lot under this Zoning Ordinance shall be considered as extending to the entire lot.

1145.5 UNCERTAINTY AS TO BOUNDARIES; INTERPRETATION.

All questions concerning the exact location of district boundary lines, or the meaning and intent of textual provisions of this Zoning Ordinance, shall be determined by the Zoning Board of Appeals according to rules and regulations which may be adopted by it.

1145.6 VACATED STREET OR ALLEY.

Whenever any street, alley or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically depending on the side or sides to which such lands revert, to include the right of way thus vacated, which shall thenceforth be subject to all regulations of the extended district or districts.

1145.7 PROPERTY NOT INCLUDED; ZONING CLASSIFICATION UPON ANNEXATIONS. (Ord. 05-133, Passed November 14, 2005)

A) In every case where property within the City has not been specifically included within a district, the same is hereby declared to be in the R-1 Single-Family Residential District. In every case where property annexed to the City has not been previously zoned in the township or county, such property shall, upon annexation to the City, be zoned R-1 Single-Family Residential District upon the effective date of the annexation.

B) Where property is zoned in the township or county and such property is annexed to the City, the zoning regulations then in effect in the township shall remain in full force and shall be

enforced by the township officials until the legislative authority of the City shall either officially adopt the existing township or county zoning regulations that apply to the property or adopt new zoning regulations for the property under the City's zoning code. Should the City choose to adopt the existing township zoning regulations for the property being annexed, the zoning regulations will be enforced by the City.

C) A property owner who has executed a properly filed petition for annexation may, following approval of the annexation petition by the board of county commissioners, file with the City an application to rezone the property contemporaneously with the effective date of the annexation. In such case, the property owner by way of application or the City by motion may initiate a zoning change classification to the Planning Commission. The application will follow the normal and ordinary procedural steps established by the City's zoning code. The Planning Commission, upon the request of the City by motion or upon the filing of the application by the property owner or authorized agent of the owner, is authorized prior to the acceptance of the annexation by the City but after receipt of the annexation transcript from the county commissioners to take all procedural steps necessary, including but not limited to providing the appropriate notices, advertising, and holding public hearings, in order to make or be prepared to make its recommendation for the approval, denial, or modification of the proposed zoning classification to City Council.

D) City Council shall not take final legislative action on the zoning application of the property owner or on motion of the City to rezone the property prior to the effective date of the ordinance approving the annexation.

1145.8 OVERLAY DISTRICTS (Ord. 05-136, passed November 28, 2005)

Overlay districts are zoning tools used for dealing with unique situations or accomplishing special planning and zoning goals. Overlay districts may be created where the land use regulations and associated development standards of the underlying zoning districts are deemed inadequate to be effective. As the name implies, overlay zoning districts are "overlaid" on top of base zoning districts. The overlay district alters or adds to the zoning requirements of the base zoning district or districts. Overlay districts are shown on the official Zoning Map as dashed lines labeled with the overlay map designation or with the overlay district name. Overlay districts shall be given a two-letter designator that follows the designation of the underlying base zoning district. For example, a lot located in the B-1 Central Business District and in the Downtown Overlay District shall have the zoning designation of B1-DO.

The following overlay districts are included in the City of Mason Zoning Code:

Overlay District Name	Zoning Map Designation
Downtown Overlay District	DO

CHAPTER 1147
R-1, R-2, R-3 and R-4 Single Family Residential Districts

1147.1 PURPOSE.
1147.2 PERMITTED USES.
1147.3 ACCESSORY USES.
1147.4 CONDITIONAL USES.
1147.5 DEVELOPMENT STANDARDS.
1147.6 CORNER LOTS.
1147.7 FLAG LOTS.

1147.1 PURPOSE.

The purpose of the R-1, R-2, R-3 and R-4 Districts is to encourage the orderly development of low to medium density single-family homes and customary supporting facilities, such as schools, churches and golf courses. (Ord. 99-48, passed April 12, 1999)

1147.2 PERMITTED USES.

Land and buildings in the R-1, R-2, R-3 and R-4 Single-Family Districts shall be used only for the following purposes (Ord. 99-48, passed April 12, 1999):

A) Dwelling Structures. Single-Family structures.

B) Agricultural. Any customary agricultural use, building or structure, including nurseries, greenhouses and animal farms, provided any lot or tract in such use shall not be less than ten acres in area and provided that any greenhouse heating plant shall be not less than 100 feet distant from every lot line.

C) Public Schools. Public schools offering general educational courses and having no rooms regularly used for housing, provided it occupies a lot of not less than five acres.

D) Private Schools. Private schools offering general educational courses similar to those ordinarily given in public schools and having no rooms regularly used for housing, provided it occupies a lot of not less than five acres.

E) Parks. Parks, playgrounds and play fields.

F) Residential Facilities. Foster homes and family foster homes as defined in R.C. Section 2159.011(B), family homes and group homes licensed pursuant to R.C. 5123.19 and adult family homes and adult group homes licensed pursuant to R.C. 3722.02.

G) Institutions, Public and Cultural. Public libraries, churches and other places of worship, Sunday school buildings and parish houses.

H) Golf Courses. Golf courses, including such buildings, structures and uses as are necessary for their operation.

1147.3 ACCESSORY USES.

Accessory uses, building or other structures customarily incidental to any aforesaid permitted or conditionally permitted uses may be established, erected or constructed; provided, that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity, or any billboard, sign or poster other than authorized herein. Accessory uses may include the following:

A) Gardening, Pets and Animals. Gardening, hobby greenhouses, the raising of vegetables or fruits and the keeping of household pets, domestic or farm animals exclusively for the use or personal enjoyment of residents of the premises and not for commercial purposes with the exception of produce grown and sold as part of a valid home occupation. Any heating plant and any structure in which fowl, bees or farm animals are kept shall be located at least 100 feet from every lot line.

B) Parking Facilities. Garages, carports or other parking spaces for the exclusive use of residents of the premises.

C) Swimming Pools. Swimming pools, exclusively for the use of the residents and their guests, and subject to the provisions of the Building Code.

D) Real Estate and Professional Signs. Real estate announcements and professional signs subject to the provisions of Section 1171.15 and Chapter 1187 of the Codified Ordinances.

E) Home Occupations and Professional Offices. See Section 1171.15.

F) Solar Units and Dish-type satellite Signal Receiving Stations. See Section 1171.7 F).

1147.4 CONDITIONAL USES.

The following uses shall be allowed in the R-1, R-2, R-3 and R-4 Single-Family Residential District subject to approval in accordance with Chapter 1172 (Ord. 99-48, passed April 12, 1999):

A) Child day-care centers as regulated by Section 1172.4.

B) Convalescent, nursing or rest homes as regulated by Section 1172.5.

C) Home-based barber shops and beauty salons as regulated by 1172.10.

1147.5 DEVELOPMENT STANDARDS.

A) The following development standards shall apply to R-1, R-2, R-3 and R-4 Districts (Ord. 99-48, passed April 12, 1999):

Table 1147: R-1, R-2, R-3 and R-4 Development Standards

		District			
		R-1	**R-2**	**R-3**	**R-4**
Minimum Lot Area (in square feet)		40,000	20,000	15,000	12,750
Minimum Lot Width (in feet)		150	100	100	85
Minimum Corner Lot Width (in feet)		175	120	120	100
Minimum Setbacks of Principal Buildings (in feet)					
Front [(a)]		60	50	50	40
Side	Minimum	15	10	10	10
	Total	50	30	30	20
Rear		40	30	30	30
Minimum Setback for Accessory Structures (in feet)					
Front [(b)]					--
Side and Rear		25	15	15	10
Maximum Impervious Surface Ratio		35%	40%	45%	50%
Maximum Height of Principal Buildings (in feet)		35	35	35	35
Minimum Floor Area of Dwelling Unit (in square feet)		1600	1500	1400	1250

(a) For lots fronting on two streets, the principal building shall be set back from both streets according to the front setback of the district in which it is located.

(b) Accessory structures not permitted in front yard.

B) Landscaping. All landscaping shall conform to the Landscape Ordinance.

C) Parking. All driveways in new subdivisions must be paved.

D) Garages. All single-family dwellings shall have a minimum of a one car garage. (Ord. 99-132, passed October 11, 1999)

1147.6 CORNER LOTS.

On corner lots, where lots have frontage on more than one public right-of-way, the required front yard shall be provided on both streets and the remaining lot line(s) shall comply with the side yard requirements.

1147.7 FLAG LOTS.

Flag lots shall be approved only if all of the following conditions are met:

A) The applicant shall demonstrate that significant natural conditions including topography, natural watercourses or scenic vistas will be preserved with the creation of flag lot(s).

B) No more than five percent (5%) of the lots in the subdivision shall be flag lots.

C) There shall be a minimum of twenty (20) feet of lot width at the street frontage for a flag lot and an additional ten (10) feet of street frontage for each additional adjacent flag lot.

CHAPTER 1148
R-6 Condominium and Landominium Residential Districts

1148.1 PURPOSE.
1148.2 PERMITTED USES.
1148.3 CONDITIONAL USES.
1148.4 DEVELOPMENT STANDARDS.
1148.5 CORNER LOTS.
1148.6 FLAG LOTS.

1148.1 PURPOSE.

The purpose of the District is to accommodate existing, higher density residential development by allowing property zoned R-6 to develop at approved densities but under more restrictive standards.

1148.2 PERMITTED USES.

Land and buildings in the R-6 Residential District shall be used only for the following purposes:

A) Dwelling Structures. Single family structures including condominium and landominium uses.

B) Agricultural. Any customary agricultural use, building or structure, including nurseries, greenhouses and animal farms, provided any lot or tract in such use shall not be less than ten acres in area and provided that any greenhouse heating plant shall be located not less than 150 feet from every lot line.

C) Accessory Uses. Accessory buildings and uses in association with permitted dwellings including garages, gardening, pets and animals, parking facilities and swimming pools, club houses, rental offices, real estate and professional signs, and solar units and dish type satellites as regulated in Section 1171.7. Home occupations shall be regulated by Section 1171.15.

D) Public Schools and Parks. Public schools offering general educational courses and having no rooms regularly used for housing, parks, playgrounds and play fields.

E) Private Schools. Private school offering general educational courses similar to those ordinarily given in public schools and having no rooms regularly used for housing.

F) Residential Facilities. Foster homes and family foster homes as defined in R.C. Section 2159.011(B), family homes and group homes licensed pursuant to R.C. 5123.19 and adult family homes and adult group homes licensed pursuant to R.C. 3722.02.

G) Institutions, Public and Cultural. Public libraries, churches and other places of worship, Sunday school buildings and parish houses.

H) Golf Courses. Golf courses, including such buildings, structures and uses as are necessary for their operation.

1148.3 CONDITIONAL USES.

The following uses shall be allowed in the R-6 Residential District subject to approval in accordance with Chapter 1172:

A) Child day-care centers as regulated by Section 1172.4.

B) Convalescent, nursing or rest homes as regulated by Section 1172.5.

C) Funeral Homes. (Ord. 04-15, passed March 8, 2004)

D) Utility stations as regulated by the Landscape Ordinance and operated within a completely enclosed structure.

1148.4 DEVELOPMENT STANDARDS.

A) The following standards shall apply to listed uses in R-6 Districts:

Table 1148: R-6 Development Standards (Ord. 99-132, passed October 11, 1999)

	Use
	Landominium, Condominium, Townhome [c]
Minimum Project Area	1 acre
Minimum Lot Width	100 feet
Minimum Setbacks from Project Boundary	30 feet
Minimum Building Setbacks	
Arterial or Collector Street	50 feet
Local or Private Street [a]	40 feet
Maximum Height of Principal Buildings	45 feet [b]
Minimum Distance Between Buildings	20 feet [b]
Minimum Square Footage (Livable Floor Area)	1,200 square feet per unit (without basement) 1,000 square feet per unit (with basement)

(a) Distance from back of curb or if a curb is not present, edge of pavement.

(b) For buildings taller than twenty (20) feet, the minimum distance between buildings shall be the height of the building or thirty (30) feet, whichever is less.

(c) Detached single family dwellings with frontage on a public street shall comply with the development standards for the R-4 District in Section 1147.5 of this code.

B) Maximum Densities. The maximum net density for any residential use in an R-6 District shall be six units per acre. Net density shall exclude any public right-of-way.

C) Landscaping. All landscaping shall conform to the Landscape Ordinance.

D) Site Planning. All site plans shall comply with the procedures in Chapter 1135.

E) Parking. All parking shall be provided as required in Chapter 1175. At least one off-street parking space located within a fully enclosed attached structure and at least one unenclosed surface parking space shall be provided for each unit.

F) Setback. Any multi-family structure in the R-6 District shall be at least 75 feet from any single-family district.

1148.5 CORNER LOTS.

On corner lots, where lots have frontage on more than one public right-of-way, the required front yard shall be provided on both streets and the remaining lot line(s) shall comply with the side yard requirements.

1148.6 FLAG LOTS.

Flag lots shall be approved only if all of the following conditions are met:

A) The applicant shall demonstrate that significant natural conditions including topography, natural watercourses or scenic vistas will be preserved with the creation of flag lot(s).

B) No more than five percent (5 %) of the lots in the subdivision shall be flag lots.

C) There shall be a minimum of twenty (20) feet of lot width at the street frontage for a flag lot and an additional ten (10) feet of street frontage for each additional adjacent flag lot.

CHAPTER 1149
R-7 Multi-Family Residential District

1149.1 PURPOSE.
1149.2 PERMITTED USES.
1149.3 CONDITIONAL USES.
1149.4 DEVELOPMENT STANDARDS.
1149.5 CORNER LOTS.

1149.1 PURPOSE.

The purpose of the District is to accommodate new, higher density residential development by limiting the intensity of the use. The district also serves a transition between uses of lower and higher densities.

1149.2 PERMITTED USES.

Land and buildings in the Multi-Family Residential District shall be used only for the following purposes:

A) Dwelling Structures. Two family and multi-family structures having two or more dwelling units per structure.

B) Accessory Uses. Accessory buildings and uses in association with permitted dwellings including garages, gardening, pets and animals, parking facilities and swimming pools, club houses, rental offices, real estate and professional signs, and solar units and dish type satellites as regulated in Section 1171.7. Home occupations shall be regulated by Section 1171.15.

C) Public Schools and Parks. Public schools offering general educational courses and having no rooms regularly used for housing. Parks, playgrounds and play fields.

D) Private Schools. Private schools offering general educational courses similar to those ordinarily given in public schools and having no rooms regularly used for housing.

E) Religious Institutions. Churches and other places of worship, Sunday school buildings and parish houses.

F) Residential Facilities. Foster homes and family foster homes as defined in R.C. Section 2159.011(B), family homes and group homes licensed pursuant to R.C. 5123.19 and adult family homes and adult group homes licensed pursuant to R.C. 3722.02.

G) Golf Courses. Golf courses, including such buildings, structures and uses as are necessary for their operation.

1149.3 CONDITIONAL USES.

The following uses shall be allowed in the R-7 Residential District subject to approval in accordance with Section 1172:

A) Child day-care centers as regulated by Section 1172.4.

B) Convalescent, nursing or rest homes as regulated by Section 1172.5.

C) Funeral Homes. (Ord. 04-15, passed March 8, 2004)

D) Utility Stations as regulated by the Landscape Ordinance and operated within a completely enclosed structure.

1149.4 DEVELOPMENT STANDARDS.

A) The following standards shall apply to listed uses in R-7 Districts:

Table 1149: R-7 Development Standards
(Ord. 99-132, passed October 11, 1999)

	Use
	Multi-Family, Landominium, Condominium, Townhome [c]
Minimum Project Area	1 acre
Minimum Lot Width	100 feet
Minimum Setbacks from Project Boundary	30 feet
Minimum Building Setbacks	
Arterial or Collector Street	50 feet
Local or Private Street [a]	40 feet
Maximum Height of Principal Buildings	45 feet [b]
Minimum Distance Between Buildings	20 feet [b]
Minimum Square Footage (Livable Floor Area)	750 square feet for a one-bedroom 1000 square feet for 2 or more bedrooms

(a) Distance from back of curb or if a curb is not present, edge of pavement.

(b) For buildings taller than twenty (20) feet, the minimum distance between buildings shall be the height of the building or thirty (30) feet, whichever is less.

(c) Detached single and two-family dwellings with frontage on a public street shall comply with the development standards for the R-4 District in Section 1147.5 of this code.

B) Maximum Densities. The maximum net density for any residential use in an R-7 District shall be six units per acre. Net density shall exclude any public right-of-way.

C) Landscaping. All landscaping shall conform to the Landscape Ordinance.

D) Site Planning. All site plans shall comply with the procedures in Chapter 1135.

E) Parking. All parking shall be provided as required in Chapter 1175. At least one off-street parking space located within a fully enclosed attached structure and at least one unenclosed surface parking space shall be provided for each unit.

F) Setback. Any multi-family structure in the R-7 District shall be at least 75 feet from any single-family district.

1149.5 CORNER LOTS.

On corner lots, where lots have frontage on more than one public right-of-way, the required front yard shall be provided on both streets and the remaining lot line(s) shall comply with the side yard requirements.

CHAPTER 1153
O-1 Office Park District

1153.1 PURPOSE.
1153.2 PRINCIPAL PERMITTED USES.
1153.3 CONDITIONAL USES.
1153.4 PROHIBITED USES.
1153.5 DEVELOPMENT STANDARDS.
1153.6 OBJECTIONABLE USES.

1153.1 PURPOSE.

The purpose of the O-1 District is to create professional office areas that will be acceptable within the City's suburban areas and will not adversely affect adjacent residential neighborhoods. Only professional establishments which are free from objectionable features shall be permitted.

1153.2 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 the following uses:

A) Offices. Professional and administrative offices including medical and dental offices and clinics, financial institutions such as banks, building and loan companies, savings and loans, insurance and real estate offices.

B) Recreational. Private health clubs and recreational facilities including but not limited to swimming pools, tennis courts, golf courses, baseball diamonds, and the like not operated for commercial purposes, including such buildings, structures and uses as are necessary for their operation.

C) Funeral Homes. Funeral homes or mortuaries.

D) Institutional, Public and Cultural. Public libraries, museums, churches and other places of worship, Sunday school buildings and parish houses, public elementary and high schools or private schools with a curriculum the same as ordinarily given in public elementary and high schools and having no rooms regularly used for housing and sleeping rooms.

1153.3 CONDITIONAL USES.

A) Business and Personal Services. Business and personal services of a type and nature clearly supplementary to and complementing the principal uses permitted. In the same building or complex of buildings with such principal use, such as research and medical laboratories,

office supply and equipment repair shops and service, pharmacies, restaurants, child daycare, and similar uses; provided that such business and personal services shall be conducted primarily for the convenience of the principal permitted uses. These business and personal services shall not occupy in the aggregate more than twenty-five percent (25%) of the gross area of any one building or building complex of the principal permitted uses.

B) Child Day-care Centers. Child day-care centers as regulated by Section 1172.4. (Ord. 04-15, passed March 8, 2004)

C) Commercial Parking Garages and Lots. Commercial parking garages and lots for passenger vehicles only, provided a reservoir space is provided within the garage or lot for holding cars awaiting entrance which reservoir space shall have a vehicular capacity of not less than two percent (2%) of the total parking capacity of such garage or lot, but in any case not less than eight vehicles.

1153.4 PROHIBITED USES.

The following uses are prohibited:

A) Retail and wholesale sales establishments, and exterior advertising or product display.

B) The practice of veterinary medicine.

C) Research laboratories or facilities discharging contaminants into the air or waste system which would be in excess of normal and endanger the health and welfare of the surrounding community.

D) Warehousing and storage.

1153.5 DEVELOPMENT STANDARDS.

A) The following standards shall apply to all uses in O-1 Districts:

Table 1153: O-1 Development Standards

Minimum Area of District	5 acres		
Minimum Lot Area	43,560 sq. ft. per lot		
Minimum Lot Width	150 feet		
Minimum Lot Depth	200 feet		
Minimum Setback Requirements	Not abutting a residential district	Abutting a residential district	Abutting right of way
Front	50 feet [(a)]	50 feet [(a)]	50 feet [(a)]
Side	15 feet [(a)]	100 feet [(a)]	50 feet [(a)]
Rear	25 feet [(a)]	100 feet [(a)]	50 feet [(a)]
Maximum Height	60 feet [(a)]		
a. Required setbacks are shown for a maximum height of 60 feet. For every one foot of height above the sixty-foot maximum, each of the required front, side, and rear yard setbacks are increased by two feet. No building shall exceed a maximum height of ninety feet.			

B) Landscaping. All landscaping shall conform to the Landscape Ordinance.

C) Site Planning. All site plans shall comply with the procedures in Chapter 1135.

D) Illumination of Accessways and Parking Areas. Accessways, parking areas and all other exterior areas which may be illuminated shall employ only fixtures which direct the light downward in such a manner so as to control the glare and spill of light onto adjoining public or private properties. No fixture shall be mounted more than twenty feet above the ground level. Poles and fixtures shall be decorative and in character with the particular office park theme.

E) Maximum Building Height. Main structures including parking garages shall not exceed three stories or forty feet in height except as provided in Chapter 1181.

F) Off-Street Parking and Loading.

1) Off-street parking and loading facilities shall be provided as specified in Chapter 1175.
2) Outside parking of any vehicle over 25 feet in length for a period of more than 24 hours is prohibited.
3) Parking of fleet vehicles, as defined in Section 1133.77, shall be prohibited in front of the building line, and outside parking of more than five (5) fleet vehicles shall be prohibited unless completely screened from adjacent properties and public rights-of-way with a wall constructed of the same material as the principal building.

1153.6 OBJECTIONABLE USES.

No processes and equipment shall be employed which are objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, radiation, refuse matter, or water carried waste.

CHAPTER 1155
B-1 Central Business District

1155.1 PURPOSE.
1155.2 PRINCIPAL PERMITTED USES.
1155.3 CONDITIONAL USES.
1155.4 BUSINESS IN ENCLOSED BUILDINGS.
1155.5 DEVELOPMENT STANDARDS.
1155.6 OBJECTIONABLE USES.

1155.1 PURPOSE.

It is the purpose of the B-1 District to permit and to encourage the establishment of a wide variety of shopping goods and services in the central area in such a way as to attract consumers from a large trade area and encourage the reuse of existing older structures. Only those uses that will materially interfere with the overall function of the central area shall be excluded.

1155.2 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, except as provided in Section 1155.1. No use within the B-1 district shall be developed with a drive-in or drive-through facility unless such facility complies with the standards in Section 1172.8.

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) Specialty retail and commercial uses, including drug stores.
2) Specialty food stores.
3) Home furnishings, home improvements, materials and equipment stores with no outside storage.
4) Garden supply.
5) General merchandise and grocery stores.
6) Personal services.
7) Business and cleaning services.
8) Art studios.

9) Financial establishments without drive-through facilities.
10) 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.

1155.3 CONDITIONAL USES.

The following uses shall be permitted only as specifically authorized by the Planning Commission and Council in accordance with any applicable provisions of this Zoning Ordinance.

A) Commercial Parking Garages and Lots. Commercial parking garages and lots for passenger vehicles only, provided a reservoir space is provided within the garage or lot for holding cars awaiting entrance, which reservoir space shall have a vehicular capacity of not less than two percent (2%) of the total parking capacity of such garages or lot, but in any event not less than two vehicles.

B) Residential Use. First floor residential use is prohibited, however residential use is permitted on the second floor or above. Residential use permitted by this section shall comply with minimum livable floor area requirements established for an R-6 Multi-Family Residential District in Chapter 1148.

C) Bed and Breakfasts as regulated in Section 1172.9.

1155.4 BUSINESS IN ENCLOSED BUILDINGS.

All business, services, processing or storage of materials shall be conducted wholly within a completely enclosed building, except for the sale of automotive fuel, lubricants and fluids at service stations, and such outdoor display or storage vehicles, of materials and equipment as hereinbefore specifically authorized or as may be authorized by the Zoning Board of Appeals.

1155.5 DEVELOPMENT STANDARDS.

A) Lot area. No minimum lot area is required.

B) Lot width. No minimum lot width is required.

C) Front yard setback. The minimum front yard setback shall be the average of existing commercial structures on the same side of the street and facing thereon within the same block. Where there are no adjacent commercial structures, the front yard setback shall be not less than fifteen (15) feet measured from the street right-of-way, and sufficient to meet screening and buffer yard standards specified in the Landscape Ordinance.

D) Side and rear yards. No minimum side or rear yards shall be required, provided that the requirements of Chapter 1175 and the Landscape Ordinance are met.

E) Impervious surface ratio. The maximum impervious surface ratio shall be .90.

F) Site Plan. A site plan shall be submitted prior to obtaining a building permit as specified in Chapter 1135.

G) Maximum Building Height. No structure shall exceed three stories or forty feet in height except as provided in Chapter 1181.

H) Parking. Off-street parking shall be provided as specified in Chapter 1175, with up to fifty percent (50%) of total required spaces available through public parking lots and parking garages within a distance of 500 feet of the building line of such use.

I) Loading. Off-street loading facilities shall be provided as specified in Chapter 1175.

1155.6 OBJECTIONABLE USES.

No processes and equipment shall be employed or goods sold which are objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, radiation, refuse matter or water-carried waste. Objectionable noise shall be any noise prohibited by the Noise Ordinance.

CHAPTER 1157
B-2 Shopping Center District

1157.1 PURPOSE.
1157.2 SUBMISSION OF PLANS.
1157.3 COMMISSION FINDINGS.
1157.4 PRINCIPAL PERMITTED USES.
1157.5 CONDITIONAL USES.
1157.6 DEVELOPMENT STANDARDS.
1157.7 ACCESSORY USES.
1157.8 OBJECTIONABLE USES.

1157.1 PURPOSE.

The purpose of the B-2 District is to permit and to encourage the development of a pre-planned commercial center with multiple stores or offices managed as a total entity and designed with:

A) Aesthetic consideration in site and architectural layout.

B) Coordinated pedestrian and vehicular circulation.

C) On-site parking and service areas.

1157.2 SUBMISSION OF PLANS.

The owner of a tract of land located in any district and containing not less than five (5) acres may submit to the Planning Commission for its review a preliminary plan for the use and development of such tract of land for an integrated commercial shopping center.

1157.3 COMMISSION FINDINGS.

The applicant shall demonstrate the following to the Planning Commission:

A) Adequate Size. That the proposed shopping center is adequate but not excessive in size for the population which may reasonably be expected to be served by such center.

B) Traffic Congestion To Be Avoided. That the proposed shopping center will not aggravate an existing traffic congestion situation, and that any additional traffic generated by the shopping center will be properly directed and any potential future congestion shall be obviated by proposed public improvements of access thoroughfares and by appropriate provisions in the shopping center plan for proper entrances and exits and internal facilities or traffic circulation and parking. (Ord. 99-132, passed October 11, 1999)

C) Integrated Design. That the plan provides for a shopping center consisting of one or several groups of establishments in buildings of integrated and harmonious design together with properly arranged facilities for traffic and parking, landscaping and other features which tend to create an attractive and efficient shopping center, convenient, pleasant and safe to use, which would harmoniously fit into and have not appreciable adverse effects on the adjoining or surrounding development.

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. (Ord. 2006-81, passed August 28, 2006)
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.

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. (Ord. 04-155, passed January 10, 2005)

1157.6 DEVELOPMENT STANDARDS.

The following minimum standards shall be observed in the design of commercial shopping centers:

A) Yards. No building shall be less than fifty (50) feet distant from any boundary of the tract on which the shopping center is located. The center shall be permanently screened from all adjoining properties located in any residential district as regulated by the Landscape Ordinance.

B) Signs. In addition to the requirements in Chapter 1187, all signs in B-2 Districts are subject to express approval by the Planning Commission. All signs within the center shall be controlled by written agreement between the owners and tenants of the center, or otherwise, to avoid excessive advertising and to ensure a harmonious appearance to the center as a whole. In a neighborhood shopping center, all signs shall only be indirectly illuminated with white light. All signs shall conform to the distance requirements from property lines established for the buildings in the center.

C) Impervious Surface. The amount of impervious surface covering the site in proportion to the amount of total site area shall not exceed .85.

D) Landscaping. Landscaping shall be provided as specified in the Landscape Ordinance.

E) Site plan. A site plan shall be submitted prior to obtaining a building permit as specified in Chapter 1135.

F) Height regulation. No principal or accessory structures shall exceed three stories or forty feet in height, except as provided in Chapter 1181.

1157.7 ACCESSORY USES.

All accessory uses and structures shall be approved by the Planning Commission.

1157.8 OBJECTIONABLE USES.

Processes and equipment employed and goods produced or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste, and shall comply with the B-1 District standards in Chapter 1155. Objectionable noise shall be any noise prohibited by the Noise Ordinance.

CHAPTER 1159
B-3 Road Service District

1159.1 PURPOSE.
1159.2 PRINCIPAL PERMITTED USES.
1159.3 CONDITIONAL USES.
1159.4 ACCESSORY USES.
1159.5 OBJECTIONABLE USES.
1159.6 ENCLOSED BUILDINGS
1159.7 NIGHT OPERATION.
1159.8 DEVELOPMENT STANDARDS.

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) Large Retail Establishments, as specified in CHAPTER 1174. (Ord. 2006-81, passed August 28, 2006)

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.

DD) Sweepstakes/Internet Café with no more than five (5) Computerized Sweepstakes Devices per establishment. In a multi-tenant shopping center, an establishment shall mean each separate tenant space. (Ord. 11-64, passed August 8, 2011)

1159.3 CONDITIONAL USES

Animal hospitals, veterinarian clinics and kennels subject to the additional standards in Section 1172.11 (Ord. 04-155, passed January 10, 2005)

1159.4 ACCESSORY USES.

Accessory uses and structures are permitted as regulated by Section 1171.7.

1159.5 OBJECTIONABLE USES.

Processes and equipment employed and goods produced or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste, and shall comply with the B-1 District standards in Chapter 1155. Objectionable noise shall be any noise prohibited by the Noise Ordinance.

1159.6 ENCLOSED BUILDINGS.

All businesses, services or processing shall be conducted wholly within a completely enclosed building, except for incidental display of merchandise, the sale of automotive fuel, lubricants and fluids at service stations, loading and unloading operations, parking, the outdoor display or storage of vehicles, materials and equipment.

1159.7 NIGHT OPERATION.

No building customarily used for night operation shall have any openings, other than stationary windows or required fire exits, within 200 feet of any residence district, and any space used for loading or unloading of commercial vehicles in connection with such operation shall not be within 100 feet of any residence district.

1159.8 DEVELOPMENT STANDARDS.

A) The following standards shall apply to all uses in B-3 Districts:

Table 1159: B-3 Development Standards
(Ord. 99-132, passed October 11, 1999)

Minimum Lot Area	40,000 square feet
Minimum Lot Width	200 feet
Minimum Setbacks	
From any residential district	100 feet [(a)]
Front and Side	25 feet [(a, b)]
Rear	40 feet [(a)]
Maximum Impervious Surface Ratio	.90
Minimum Setback for Accessory Structures	
From any residential district	100 feet [(a)]
Front	(see note c)
Side	25 feet
Rear	40 feet
Maximum Height of Accessory Buildings	20 feet

(a) Minimum setback for all structures, uses, and parking, except where specifically stated otherwise.

(b) For lots fronting on two streets, the principal building shall be set back from both streets according to the front setback of the district in which it is located.

(c) Accessory structures are not permitted in a front yard.

B) Landscaping. Landscaping shall be provided as specified in the Landscape Ordinance.

C) Site Plan. A site plan shall be submitted prior to obtaining a building permit as specified in Chapter 1135.

D) Height Regulations. No principal or accessory structures shall exceed three stories or forty feet in height, except as provided in Chapter 1181.

E) Parking And Driveway Structures. If the parking and/or driveway structure is located adjacent to a residential district, the setback requirements shall be as set forth in Table 1159. Parking and driveway structures not adjacent to any residential use or district shall (Ord. 99-132, passed October 11, 1999):

1) In the case of parking structures be set back from the front lot line not less than twenty-five feet.
2) Be set back from the side lot line not less than ten feet.
3) Be set back from the rear lot line not less than ten feet.

CHAPTER 1160
B-4 Commercial Recreation District

1160.1 PURPOSE.
1160.2 PRINCIPAL PERMITTED USES.
1160.3 ACCESSORY USES.
1160.4 DEVELOPMENT STANDARDS.
1160.5 APPROVAL REQUIRED.

1160.1 PURPOSE.

The purpose of the Commercial Recreation District is to regulate intensive recreation, resort and entertainment uses in order to mitigate their impact on surrounding, less intensive, land uses. Because of their size, late hours of operation and wide range of ancillary activities, a major theme park creates significant impacts unlike any other uses in the B-1, B-2 or B-3 Business Districts. Therefore, a special district was created to accommodate these activities.

1160.2 PRINCIPAL PERMITTED USES.

A) Mechanical rides or attractions.

B) Indoor movie theaters.

C) Amphitheaters.

D) Arcades.

E) Specialty retail shops and restaurants.

F) Stages.

G) Swimming facilities.

H) Other similar uses compatible with items A through G .

I) Hotels and conference facilities.

J) Professional offices.

K) Cellular or Wireless communication systems. See Chapter 1188 for additional requirements.
(Ord. 14-002, passed February 10, 2014)

1160.3 ACCESSORY USES.

A) Temporary lodging including apartments and dormitories.

B) Water distribution and pumping facilities for the exclusive use of on-site operations.

C) Building and mechanical assembly and repair facilities for the exclusive use of on-site operations.

D) Fences.

E) Ticket booths or guard shacks.

F) Signs.

1160.4 DEVELOPMENT STANDARDS.

A) Setbacks. Minimum setbacks from rights-of-way and property lines shall be as follows:

Table 1160: B-4 Setbacks

Permitted Use	Setback from Right-of-Way	Property Line Setback	
		Front	Side and Rear
1) Mechanical rides or attractions	500 feet	500 feet	100 feet
2) Indoor movie theaters			
3) Amphitheaters			
4) Arcades			
5) Specialty retail shops and restaurants (a)			
6) Stages			
7) Swimming facilities			
8) Water distribution and pumping facilities			
9) Building and mechanical assembly and repair facilities			
10) Hotels	50 feet	50 feet	25 feet
11) Conference facilities			
12) Professional offices			
13) Parking garages	50 feet	50 feet	25 feet
14) Parking lots	15 feet	15 feet	15 feet
(a) May be permitted no closer than 75 feet to a right-of-way if an extension of an existing building.			

B) Minimum Lot Area - 2 acres.

C) Minimum Lot Width - 200 feet.

D) Maximum Building Height. The maximum building height for all principal permitted uses within 200 feet of a right of way shall be forty feet.

E) Landscaping. All uses within 200 feet of a right of way shall comply with the requirements of the Landscape Ordinance.

F) Parking. Off-street parking shall be provided as specified in Chapter 1175.

G) Signs. All signs within 200 feet of a right-of-way shall comply with the requirements according to Chapter 1187.

H) Lighting. Lighting shall be reflected away from adjacent residential districts.

I) Noise. All uses shall comply with the city's Noise Ordinance.

1160.5 APPROVAL REQUIRED.

Uses in this district shall comply with the approval procedures pursuant to Chapter 1135 except as specifically exempted below:

Permitted uses contained in Section 1160.2, paragraphs A through H and located a minimum of 500 feet from any right-of-way shall be exempt from the procedures contained in Chapter 1135 except that permits shall be required for all structures.

Accessory uses located a minimum of 50 feet from a right-of-way and less than 200 square feet in area shall be exempt from the procedures contained in Chapter 1135.

CHAPTER 1161
Planned Unit Development District

1161.1 PURPOSE.
1161.2 PERMITTED BUILDINGS AND USES.
1161.3 LAND PLANNING CRITERIA.
1161.4 AREA AND DENSITY REGULATIONS.
1161.5 PERIPHERAL SETBACKS.
1161.6 REQUIRED OPEN SPACES.
1161.7 INTENT OF PROCEDURAL REQUIREMENTS; REQUIRED CHARGES.
1161.8 CONCEPT PLAN OF DEVELOPMENT AREA.
1161.9 REZONING.
1161.10 REFERRAL FOR REVIEW AND REPORTS.
1161.11 REPORT TO COUNCIL.
1161.12 ACTION BY COUNCIL.
1161.13 CHANGE IN ZONE MAP; LAPSE OF APPROVAL.
1161.14 FINAL PLAN OF A DEVELOPMENT AREA.
1161.15 CONDITIONS FOR APPROVAL BY COMMISSION.
1161.16 ZONING CERTIFICATES.
1161.17 PROGRESSIVE DEVELOPMENT.
1161.18 AMENDMENTS TO PLAN.

1161.1 PURPOSE.

A) The purpose of the PUD District is to provide an alternate subdivision and platting procedure and:

1) To permit the creation of areas within the City that can be developed or redeveloped with maximum flexibility in design;
2) To promote the efficient use of land and facilitate an economic arrangement of buildings, circulation systems, and utilities; and to promote conformance to the City's Land Use and Thoroughfare Plan, Landscape Ordinance, Access Management Plan, Noise Ordinance, Driveway Approaches and Curb Cuts, and any other applicable regulations;
3) To provide for and locate suitable supporting recreation facilities, educational facilities and other public and semi-public common facilities, while preserving the existing landscape to the greatest extent possible;
4) To encourage the most skillful planning in the arrangement of buildings, the preservation of open space, the utilization of topography and other site features;
5) To obtain creative and coordinated architectural and site designs harmonious and compatible with surrounding uses; and
6) To encourage a mix of land use types and densities within a development in order to establish a balanced overall development pattern.

B) In order to carry out these purposes, procedures supplemental to those applicable in other use districts are established in this chapter, under which development plans particularly designed to meet these objectives may be prepared and submitted for approval.

1161.2 PERMITTED BUILDINGS AND USES.

Any use permitted in this Zoning Ordinance may be permitted in the Planned Unit Development District provided that it is consistent with the overall purpose of the PUD district and is compatible with the adjacent uses. Planning Commission reserves the right to prohibit certain uses which it may find objectionable for the reason that such uses are not consistent with the purpose set forth in Section 1161.1 or the use is not consistent with the land planning criteria of Section 1161.3 or other requirements set forth in this chapter.

1161.3 LAND PLANNING CRITERIA.

The following planning criteria are established to guide and control the planning, development and use of land in a PUD District and are in addition to all other applicable regulations in the Zoning Ordinance:

A) Relationship of Buildings to Each Other.

1) Evaluation of appearance of a project shall be based on quality of its overall design and relationship to surroundings. Architectural style is not restricted; however, extremes of style not indigenous to the City of Mason are not encouraged.
2) Buildings shall be in scale and harmonious with permanent neighboring developments.
3) Materials shall be in harmony with adjoining structures.
4) Materials shall be selected for suitability to the type of building and design in which they are used.
5) Materials shall be of durable quality.
6) There should be definite transitions between changes of material and plane while maintaining an overall simple geometry for the building mass.
7) In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious to their surroundings.
8) Exterior building components such as windows, doors, eaves, and parapets shall have balanced proportions.
9) All sides of a structure should receive design consideration. A facade unrelated to the rest of the building is not in keeping with acceptable design.
10) Colors shall be harmonious and accents, if used, shall be compatible.
11) All projections and mechanical details such as louvers, exposed flashing, flues, vents, gutters and downspouts are to be recognized as architectural features and are to be

treated to match the color of the adjacent surface or an approved complementary color.

12) Mechanical equipment or other utility hardware on the roof, ground, or elevations shall, wherever possible, be located so as not to be visible from any public ways or adjacent residential areas. Where such limitation on location is not possible, the facilities shall be screened from public view with landscaping and/or materials harmonious with the building.

13) Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways with landscaping and/or materials harmonious with the building.

14) Monotony of design in single or multiple building projects shall be avoided. Variation of exterior wall material, detail, form and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to help prevent a monotonous appearance.

B) Relationship of Buildings to Site.

1) Projects shall reflect the character of the site upon which they are located. Compatibility to grade conditions, degree of exposure from passers-by, the context of adjacent structures, exceptional views, tree masses, and size of the lot are some of the factors to be considered.

2) The site shall be planned to accomplish a desirable transition with the streetscape, and to provide for adequate planting, safe pedestrian movement, and parking areas.

3) Consideration of the appropriateness of providing setbacks and yards in excess of zoning restrictions is encouraged to enhance compatible relationships between buildings, and between buildings and adjacent streets.

4) Plans should demonstrate a concern for the conservation of energy by their sensitivity to factors such as the orientation of a building, the use and location of glass, and the use of landscape materials on the site.

5) Parking areas shall be treated with decorative elements, building wall extensions, plantings, beams or other means so as to minimize the impact of parked vehicles on the view from public ways and adjacent residential areas.

6) Fencing plans must be a part of the submittal at the earliest stages and should be consistent with the general plan for the site.

7) The design of fences and screening walls shall give specific consideration to the relief of monotony, such as breaking up major lengths by complementary landscaping.

8) Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

9) Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.

10) Residential units shall have access to or directly abut public or common open space areas.

C) Relationship of Project to Adjoining Area.

1) Designs shall demonstrate a harmony in texture, lines, and masses between all adjacent buildings. Monotony shall be avoided.
2) The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
3) Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks and materials.
4) Attractive landscape transition or compatible use characteristics to adjoining properties shall be provided.
5) Project features that may have negative impacts upon adjacent properties, such as parking lots, service entrances, loading zones, mechanical equipment, etc., shall be buffered from the adjacent properties.

D) Landscape and Site Treatment.

1) Where natural or existing topographic patterns contribute to the appearance of a development, they shall be preserved and enhanced. Modification to topography will be permitted where it contributes to good appearance.
2) Each landscape plan shall address the functional aspects of landscaping such as drainage, erosion prevention, wind barriers, provisions for shade, energy conservation, sound absorption, dust abatement and reduction of glare.
3) Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes, and to provide shade.
4) Unity of design shall be achieved by repetition of certain plant varieties and other materials, and by correlation with adjacent developments.
5) Plant material shall be selected for interest in its structure, texture, color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of attractive appearance shall be used.
6) Parking areas and related trafficways shall be enhanced with landscaped areas, including trees or tree groupings.
7) In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.
8) Where building sites limit planting, the placement of approved trees in parkways is encouraged.
9) Where landscaping is used as screening, it shall be equally effective in winter and summer.
10) In areas where general planting will not prosper, other materials shall be used, such as: fences, walls, and pavings of wood, brick, stone, gravel, and cobbles. Suitable plants shall be combined with such materials where possible.
11) Landscape screening shall be of a height and density so that it provides the full desired effect within three years growing time.

E) Signs.

1) Every sign shall have appropriate scale in its design and in its visual relationship to buildings and surroundings.
2) Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
3) The height of a sign shall not exceed the predominant height of the principal building to which it relates, or the maximum height permitted by the City of Mason's sign regulations, whichever is lower.
4) The colors, materials and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
5) The number of colors and graphic elements on a sign shall be held to the minimum needed to convey the sign's major message, and shall be composed in proportion to the area of the sign face. The listing of individual services rendered or items offered for sale, and the use of telephone numbers, arrows, and multiple logos on a sign are generally unacceptable.
6) Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.
7) Each sign shall be compatible with signs on adjoining premises, and shall not compete for attention.

F) Lighting.

1) All exterior lighting should balance the need for energy conservation with needs for safety, security and decoration.
2) Where decorative exterior floodlighting is used, it shall consist of an appropriate composition of brightness relationships, textures, and restrained colors to dramatize a setting and extend the hours of the setting's usefulness. Floodlighting fixtures shall be located or shielded so that their presence is minimized.
3) All exterior lighting shall be part of the architectural and landscape design concept. Fixtures, standards and all exposed accessories shall be concealed or harmonious with other project design materials.
4) In general, the height of exterior lighting fixtures shall not exceed the predominant height of the principal building to which it relates.
5) Exterior lighting shall not be designed to permit an adverse effect upon neighboring properties. Designs shall specify appropriate light cut-off angles for all sources of strong illumination.
6) If high pressure sodium vapor luminaries are used for free-standing parking lot and internal access route lighting, they should be color corrected for compatibility.

G) Miscellaneous Structures and Street Hardware.

1) Miscellaneous structures and street hardware (i.e., seating, lighting, mailboxes, etc.) shall be designed to be a part of the architectural and landscape design concept. The

materials shall be compatible, the scale shall be appropriate, and the colors shall be in harmony with buildings and surroundings.

H) Maintenance Design Factors.

1) Continued quality of appearance depends upon the extent of quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
2) Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage and abuse.
3) Provisions for washing and cleaning of buildings and structures and control of dirt and refuse shall be included in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt and rubbish shall be avoided.

1161.4 AREA AND DENSITY REGULATIONS.

The various area, yard and height regulations of a planned unit development area in a PUD District are defined and set forth as follows:

A) Development Area. The minimum area to qualify as a planned unit development area shall be not less than five contiguous acres. A parcel or parcels of land with less acreage may be considered for planned development when it is demonstrated that such smaller area has a unique feature of geography, topography or other development aspect which is determined to be appropriate for such district designation. However, contiguous property of less than five acres may be added to a previously established PUD District without any demonstrated basis.

B) Lot width, setback and yard requirements may be varied to accommodate a variety of structural patterns, clustering design and housing types.

C) Development Area Density. The maximum net density for single-family residential use is six (6) dwelling units per acre and the maximum net density for multi-family is eight (8) units per acre. The calculation of residential density shall be determined by dividing the total number of units by the net residential area. Net residential area excludes that portion dedicated to right-of-way.

D) Standards for Increase in Residential Density.

1) The Planning Commission may recommend authorization of an increase in the residential density of the planned unit development. If the Planning Commission finds that any of the following conditions would be created by an increase in density, it may then use either of the provisions listed in subsection D)2) hereof.
   a) Inconvenient or unsafe access to the planned residential development;

b) Traffic congestion in the streets which adjoin the planned residential development; or

c) An excessive burden on parks, recreational areas, schools and other public facilities which serve or are proposed to serve the planned residential development.

2) The Planning Commission may use either of the following provisions in order to control the conditions specified in subsection D)1) hereof.

a) Prohibit any increase in density; or

b) Limit the increase in density by an amount which is sufficient to avoid the creation of any of these conditions.

1161.5 PERIPHERAL SETBACKS.

The minimum setbacks for buildings, parking and streets along the boundary of any PUD District shall be the following:

Table 1161: PUD Peripheral Setbacks

PUD Use	If adjacent to a residential district	If adjacent to a non-residential district	If adjacent to a right-of-way
Non-residential use	75 feet	20 feet	50 feet
Residential use	40 feet	40 feet	50 feet

The Planning Commission may allow for a reduction of the setbacks if the applicant demonstrates that any negative impacts of reducing the setback is sufficiently mitigated.

1161.6 REQUIRED OPEN SPACES.

The planned unit development will only be approved if the development plan contains areas to be allocated for common open space which satisfy the standards governing the usability and quality of common open space that are contained below:

A) No open area may be accepted as common open space under the provisions of this Zoning Ordinance unless it meets the following standards:

1) Common open space shall comprise at least twenty percent (20%) of the project area.

2) The location, shape, size and character of the common open space shall be suitable for the planned unit development. Public utility and similar easements and rights-of-way for water courses and other similar channels may be acceptable for common

open space provided it does not comprise more than fifty percent (50%) of the minimum open space total, unless such land or right-of-way is usable as a trail or similar purpose and has been approved by the Commission. Common open space shall not include private yards, required setbacks between the project boundary lines and buildings, and minimum spacing between buildings.

3) Common open space shall be used for amenity or recreational purposes or remain undeveloped. The uses authorized for the common open space shall be appropriate to the scale and character of the planned unit development, considering its size, density, expected population, including ages and number, topography and the number and type of dwellings or uses to be provided.

4) Common open space shall be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space shall be appropriate to the uses which are authorized for the common open space and shall conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.

5) The development schedule which is part of the development plan shall coordinate the improvement of the common open space, the construction of buildings, structures and improvements in the common open space and the construction of other buildings in the planned development.

6) If the final development plan provides for buildings, structures or improvements in the common open space, the developer shall provide a bond of one hundred percent (100%) of the City Engineer's estimate of the cost of those improvements so that the buildings, structures and improvements will be completed before the final plat is recorded. Upon request of the developer, the Planning Commission may delay the requirements of posting bond, such delay to be based upon the development schedule. If the developer does not complete the buildings, structures and improvements at the time set forth in the schedule, then the Commission shall require that a bond be provided for the remainder of the improvements. The Commission shall release the bond or other assurance when the buildings, structures or improvements have been completed according to the development plan.

7) The use and improvement of the common open space shall be planned in relation to any existing or proposed public or semi-public open space which adjoins or which is within 1,500 feet of the perimeter of the planned development.

B) All land shown on the final development plan as common open space shall be conveyed under one of the following options:

1) It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures or improvements which have been placed on it.

2) It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned residential development. The common open space shall be conveyed to the trustees subject to covenants to be

approved by the Planning Commission which restrict the common open space to the uses or extent of development specified on the final development plan and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.

C) No common open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit that use. However, no change of use so authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas and all rights to enforce these covenants are expressly reserved.

D) If the common open space is not conveyed to a public agency, either one of the following methods of enforcement may be provided:

1) The legal right to develop the common open space for those uses not specified in the final development plan may be conveyed to a public agency.
2) The restrictions governing the use, improvement and maintenance of the common open space may be stated as conditions to the conveyance of the common open space, the fee title to the common open space to vest in a public agency, at its discretion, in the event of a substantial default in the stated conditions.
3) The covenants governing the use, improvement and maintenance of the common open space may authorize a public agency to enforce their provisions.

E) The Chief Building Official shall not issue a building permit for any building or structure shown on the final development plan for any stage of the planned residential development unless the common open space allocated to that stage by the development schedule has been conveyed under one of the options provided in subsection D) hereof.

1161.7 INTENT OF PROCEDURAL REQUIREMENTS; REQUIRED CHARGES.

A) It is the purpose of Sections 1161.7 through 1161.18 to establish procedures, supplementary to those applicable in the standard zoning districts created by this Zoning Ordinance, under which a developer may prepare development plans particularly designed to meet the objectives for a planned unit development. Procedures are also established for professional review of such development plans, action thereon by the City and the implementation thereof.

B) The applicant shall be responsible for the reasonable expenses incurred by the City in reviewing the plan or any modifications to the plan. Such expenses may include items such as the cost of professional and review services, including expenses and legal fees in connection with reviewing the plan and prepared reports, the publication and mailing of public notice in connection therewith and any other reasonable expenses directly attributable thereon. (Ord. 99-132, passed October 11, 1999)

C) At the time of submitting the concept plan to the Planning Commission for consideration, the applicant shall make a deposit in the office of the Clerk in an amount equal to the estimated cost of the City's expense. This deposit shall not exceed two thousand five hundred dollars ($2,500) at any time. When this deposit has been depleted to thirty-three percent (33%), another deposit will be requested. For those projects where the City estimates the City's cost to be less than five hundred dollars ($500), no deposit will be required. In such cases, the City's cost will be recovered by billing the developer.

D) Failure to pay the above within thirty days of invoice will stop all processing of the concept plan.

1161.8 CONCEPT PLAN OF DEVELOPMENT AREA.

A) The developer is encouraged to meet with the City Planner and City Engineer prior to submission of a concept plan. The intent of this meeting is to discuss early and informally, the purpose and effect of the ordinance and the criteria and standards contained herein. It will also give the developer the opportunity to become familiar with zoning and other applicable regulations, as well as the benefit of any comments on his specific proposal by the City staff.

B) The concept plan together with an application shall be filed with the City Engineer. The application package must be submitted at least thirty (30) days prior to a regular Planning Commission meeting to be placed on the agenda for that meeting. Prior to such meetings, copies of the concept plan and application shall be forwarded to individual members of the Planning Commission, the Law Director, the Utilities Superintendent, City Planner, Police Chief, Park Director, and Fire Chief, for a report.

C) The concept plan shall include the following information:

1) The boundary of the proposed Planned Unit Development with bearings and distances indicated for all proposed boundary lines. The total area of the proposed Planned Unit Development should be indicated.
2) The names of all adjacent property owners including those across the street from the proposed development and within 200 feet.
3) Existing features of the site within 100 feet including topography, vegetation, roadways, structures, permanent facilities, drainage courses and utilities.
4) The specific location of proposed land uses within the Planned Unit Development. The amount of area dedicated to each type of land use shall be indicated. The types of uses and their extent, size and composition in terms of use, intensity and coverage of structures shall be specified. For residential developments, dwelling unit density in terms of dwelling units per gross acre and minimum lot sizes, frontages and setbacks shall be specified. (Ord. 99-132, passed October 11, 1999)

5) The interior open space system.
6) The conceptual circulation system, noting the primary roadway and pedestrian systems within the project and their connection to the existing network.
7) All FEMA designated 100-year flood plain areas.
8) The zoning of all adjoining properties.

1161.9 REZONING.

If rezoning is required, application may be made concurrent with the concept plan according to the procedures established in Chapter 1137.

1161.10 REFERRAL FOR REVIEW AND REPORTS.

Upon receipt of a concept plan of a development area, the City Engineer shall transmit a copy of the concept plan to the Law Director and planner (or planning consultant) for their review, report and recommendation. The City Engineer shall also transmit a copy of all covenants, restrictions and easements to be recorded and covenants for maintenance to the Law Director for his review, report and recommendation. The Law Director, Engineer and Planner shall each, within thirty days from receiving a concept plan of the development area, unless otherwise extended, provide and furnish to the Planning Commission a report upon their respective jurisdiction with four copies. Copies of each report shall be filed with the Planning Commission, one copy shall be submitted to the Mayor, and one copy filed with the City Manager.

1161.11 REPORT TO COUNCIL.

A) Within sixty days, unless otherwise extended by consent of a developer, after a concept plan has been filed with the City Engineer, the Planning Commission shall evaluate the plan and reports required under Section 1161.10, and it shall furnish to Council its detailed report and recommendations with respect thereto. Planning Commission may extend the sixty days set forth above for good cause. The Planning Commission shall notify the developer of any such extension prior to the elapse of the original sixty days. Failure to submit the report within sixty days shall not be deemed either an approval or disapproval of the concept plan.

B) The report of the Planning Commission shall include a finding either that the concept plan complies with the regulations, standards, criteria and purpose prescribed by this Zoning Ordinance for planned unit development areas applicable to the proposal, or a finding of any failure of such compliance, and a recommendation that the concept plan be approved, disapproved or modified. If in any evaluation, the Planning Commission finds that any regulations, standards or criteria prescribed by this Zoning Ordinance are inapplicable because of unusual conditions of the development area, or the nature and quality of the proposed design, it may recommend to Council that an adjustment in such regulations,

standards or criteria be made, and that special conditions be required for the development, provided such adjustment or conditions will not be in conflict with the promotion of the public health, safety and general welfare of the Municipality. Such adjustments and conditions shall constitute a part of the proposed concept plan.

C) The concept plan, together with eight (8) copies of the report of the Planning Commission, shall be filed with the clerk for submission to Council and the Mayor.

1161.12 ACTION BY COUNCIL.

A) Council, at its next regular meeting following receipt of the Planning Commission report, or as otherwise extended by consent of the developer, shall set a date for a public hearing on the concept plan of the development area, including the report of the Commission thereon, and shall give at least fifteen days' notice of the time, place and purpose of such hearing by publication in one newspaper of general circulation in the City. (Ordinance 15-90, passed October 12, 2015)

B) Following the public hearing, Council shall either approve, disapprove or modify the concept plan in conformity with regulations, standards, criteria and purpose prescribed by this Zoning Ordinance. Council may affirm any report of the Planning Commission or disapprove a favorable report of the Planning Commission by a majority vote of its members. If Council reverses a report of the Commission recommending disapproval of a concept plan, it may only do so by the affirmative vote of two thirds of the members elected or appointed to Council. (Ord. 99-132, passed October 11, 1999)

1161.13 CHANGE IN ZONE MAP. (Ord. 04-155, passed January 10, 2005)

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.

1161.14 FINAL PLAN OF A DEVELOPMENT AREA.

The developer of any parcel or parcels of land for which a concept plan has been approved by Council, and who has posted the inspection fee, may submit a final plan of the development area. Twenty copies of such plan shall be filed with the City Engineer at least fourteen (14) working days before the next regularly scheduled Planning Commission meeting, and upon payment of the appropriate fees shall be submitted by him to the Planning Commission.

A) The final plan of the development area shall contain and be accompanied by the following unless waived by Planning Commission as inapplicable:

1) Topography, at a two-foot contour interval, of the proposed development area, including property lines, easements, street right-of-way, existing structures, trees and landscape features existing thereon, floodplains, wetlands, ravines, stream areas, ponds and lakes, and including a certificate, by a registered engineer or surveyor, of the gross area of the development area in acres and square feet.
2) The vehicular and pedestrian traffic patterns, with a traffic impact study, including the proposed location and design of public and private streets; the directional flow and location of existing and proposed storm and sanitary sewers and sewers connecting with existing or proposed municipal interceptor, outlet or trunk sewers outside the development area; the location and design of parking and service areas; and an estimate of traffic volumes to be generated, including the assignment of traffic to proposed entrances and exits.
3) A site plan, including the proposed public and private street system with right-of-way, all easements, the use and subdivision of all land including common and private land, and the location of each existing structure to be retained.
4) A plat of the development area showing street right-of-way, subdivided and common land and easements in accordance with the requirements of the City Subdivision Regulations which shall be in form for recording.
5) Detailed plans and specifications for all streets, sidewalks, storm and sanitary sewers, water mains, street illumination, and all other site features of the development area or that portion of the development area to be developed, designed in accordance with the City Subdivision Regulations and Building Codes. Upon approval and recommendation from the City Engineer, Planning Commission may vary the City's subdivision regulations to allow more flexibility in design.
6) A detailed landscape plan showing all site features and finished grading for public and private lands within the development area.
7) The final form of covenants running with the land and deed restrictions (including the use of common land); covenants, restrictions or easements to be recorded; declaration of covenants, restrictions and bylaws of a home association and its incorporation; declaration of condominium ownership and other covenants, if any, for maintenance.
8) Estimated project cost, including estimates for all public and private improvements.
9) Construction schedule and land disposition program.
10) Site plans, floor plans, elevations and cross sections for all buildings.
11) Descriptive data as to the type of buildings, square footage for each use and number of dwelling units in each building type.
12) In the event the final plan of a development area includes the subdivision of land, any map, plat or other data required for compliance with the provisions of the City Subdivision Regulations.

B) The Planning Commission may require additional drawings to supplement the above when more information is needed or when special conditions occur.

1161.15 CONDITIONS FOR APPROVAL BY COMMISSION.

If the Planning Commission finds that a proposed final plan of development area is in substantial accordance with and represents a detailed extension of the concept plan heretofore approved by Council; that it complies with all of the conditions and adjustments which may have been imposed in the approval of the concept plan; that it is in accordance with the design criteria and provisions of this Zoning Ordinance which apply particularly to any plan of the planned unit development; that all agreements, contracts, deed restrictions, dedications, declarations of ownership and other required documents are in acceptable form and have been executed; that development pursuant to a previously approved final plan is in accordance with that plan and the approved concept plan; that all fee payments have been made and that the provisions of the subdivision regulations have been met; that the location, design, size and uses will result in an attractive, healthful, efficient and stable environment for commerce and/or residential development; that the design size and use are consistent with land use plans adopted by the Planning Commission or Council; then the Commission shall approve such final plan.

1161.16 ZONING CERTIFICATES.

No zoning certificates or other permits shall be issued until approval of the final development plan, payment of the required fees and review of building plans are complete.

1161.17 PROGRESSIVE DEVELOPMENT.

When the final plan of the development area provides for partial development of the total area for which a concept plan has been approved, the Planning Commission may require inspections of the improvements then made, or detail plans for all improvements in the development area to permit evaluation of the progress and conformance of development of the entire parcel to the concept plan or a previously approved final plan before further or partial development may be approved.

1161.18 AMENDMENTS TO PLAN.

At any time after the approval of a concept plan or a final plan of a development area, the owner or owners may request an amendment of their plans; the request of such amendment shall be filed with the City Engineer and one copy filed with the Clerk of Council. If such amendment, as determined by Planning Commission, represents a departure from the intent of, or a major departure from the substance of, the concept plan, such amendment shall then be subject to the same procedure and conditions of approval as the original application. For the purposes of this section, a "major departure from the substance of a concept plan" shall include, but not be limited to, an increase in or relocation of areas planned for a particular use or the addition of a use not included in the approved concept plan.

CHAPTER 1162
HT-1 High Tech Light Industrial District

1162.1 PURPOSE.
1162.2 PRINCIPAL PERMITTED USES.
1162.3 PROHIBITED USES.
1162.4 DEVELOPMENT STANDARDS.
1162.5 DEVELOPMENT PLAN APPROVAL.

1162.1 PURPOSE.

A) It is the purpose of the High Tech Light Industrial District to create quality high tech industrial development in campus type surroundings. This district will be created in areas of the City generally adjoining interstates or other major vehicular thoroughfares which will not adversely affect adjacent residential neighborhoods. This district shall provide for uses which:

1) Have no objectionable influences; and
2) Whose objectionable features will be completely enclosed within the building structure.

B) In the interest of general health and welfare, residential and certain institutional uses are not permitted in this district.

1162.2 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) Office. All principal permitted uses and conditional uses as included in the O-1 Office Park District in Chapter 1153.

B) Manufacturing, fabricating, assembly, testing, repair, servicing and processing of the following:

1) Aircraft parts other than engines.
2) Apparel with the exception of leather and fur goods.
3) Audio products.
4) Bags.

5) Brooms and brushes.
6) Communication equipment.
7) Costume novelties, buttons and novelties.
8) Diecut paper, paperboard and cardboard.
9) Drugs.
10) Electric lighting and wiring equipment.
11) Electrical industrial apparatus.
12) Electronic components and accessories.
13) Electronic computing equipment.
14) Envelopes.
15) Fabricated textile products.
16) Fabricated wire products.
17) Furniture and fixtures.
18) Glass containers.
19) Glassware, pressed and blown.
20) Guided missiles and space vehicles.
21) Jewelry, silverware and plated ware.
22) Lampshades except metal.
23) Luggage.
24) Musical instruments and parts.
25) Office machines.
26) Office showroom.
27) Paperboard containers and boxes.
28) Pens, pencils and other office/artists supplies.
29) Perfumes, cosmetics and other toilet preparations.
30) Photographic and optical goods, watches and clocks.
31) Plumbing fixtures and heating apparatus.
32) Pottery and related products.
33) Professional, scientific and controlling instruments.
34) Radio and television sets, except communication types.
35) Service industry machines.
36) Sighting and fire control equipment.
37) Small arms.
38) Special industry machinery except metal working equipment.
39) Toys, amusements, sporting and athletic goods.
40) Umbrellas, parasols and canes.

C) Other Establishments including:

1) Commercial parking garages and lots if accessory to a principal permitted use.
2) Data processing services.
3) Motels, hotels.
4) Motion picture production.
5) Public utility substations.

6) Warehouses directly associated with manufacturing or related operations on site. The square footage of the footprint of the warehouse area cannot exceed fifty percent (50 %) of the square footage of the footprint of the entire facility.

D) Sexually Oriented Businesses are also permitted subject to the supplemental standards set forth in Chapter 1189. (Ord. 17-52, passed May 15, 2017)

E) Cellular or Wireless Communications Systems. See Chapter 1188 for additional requirements.

F) Any other use which the Planning Commission may find to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this district.

1162.3 PROHIBITED USES.

Prohibited uses are as follows:

A) Residential dwellings, dwelling units and residences of any kind with the exception of motels, hotels or rooming houses.

B) Any use which required the storage of parts or finished products not within the principal structure is strictly prohibited.

C) Any use which emits any type of noxious or offensive emissions of smoke, dust, gas, fumes, odors, or vibrations beyond the building line is strictly prohibited.

D) Any use which emits noise in violation of the Noise Ordinance is strictly prohibited.

1162.4 DEVELOPMENT STANDARDS.

A) The following development standards shall apply to HT-1 Districts:

Table 1162: HT-1 Development Standards

Minimum Area of District	10 acres		
Minimum Lot Area	43,560 sq. ft. per lot		
Minimum Lot Width	150 feet		
Minimum Lot Depth	200 feet		
Minimum Setback Requirements	Not abutting a residential district	Abutting a residential district	Abutting right of way
Front	50 feet [(a)]	50 feet [(a)]	50 feet [(a)]
Side	15 feet [(a)]	100 feet [(a)]	50 feet [(a)]
Rear	25 feet [(a)]	100 feet [(a)]	50 feet [(a)]
Maximum Height	60 feet [(a)]		
a) Required setbacks are shown for a maximum height of 60 feet. For every one foot of height above the sixty-foot maximum, each of the required front, side, and rear yard setbacks are increased by two feet. No building shall exceed a maximum height of ninety feet.			

B) Storage/Loading.

1) All uses, including storage, loading and unloading shall be conducted entirely within an enclosed building. Loading and unloading activities shall satisfy the provisions of this paragraph if:

a) A vehicle or trailer is located sufficiently close to the exterior wall or loading dock of the building so that all loading and unloading occurs between the confines of the building and the interior of the vehicle or trailer; and (Ord. 99-132, passed October 11, 1999)

b) Such vehicle or trailer is located on the rear of the building and is sufficiently screened from view from the roadway and any adjoining properties as determined by the Planning Commission to be necessary to conceal the loading and unloading activities from view.

C) Off-Street Parking and Loading.

1) In addition to the requirements contained in Section 1162.4 , off-street parking and loading facilities shall be provided as specified in Chapter 1175.

2) Outside parking of any vehicle over 25 feet in length for a period of more than 24 hours is prohibited.

3) Parking of fleet vehicles, as defined in Section 1133.77, shall be prohibited in front of the building line, and outside parking of more than five (5) fleet vehicles shall be prohibited unless completely screened from adjacent properties and public rights-of-way with a wall constructed of the same material as the principal building.

D) Exterior Building Material. (Ord. 04-155, passed January 10, 2005)

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, architectural metal wall panels, or other suitable building materials shall be used on the front facade of the building, subject to the approval by Planning Commission. (Ordinance 15-89, passed September 28, 2015)

E) Mechanical Screening. All roof mounted mechanical equipment shall be screened from view from adjacent property and zoning districts and from roads right-of-way in all zoning districts using durable, compatible, opaque materials. (Ord. 04-155, passed January 10, 2005)

E) Fencing. In addition to the regulations in Section 1185.2, any fencing proposed shall be subject to the approval of the Planning Commission.

CHAPTER 1163
I-1 Light Industrial District

1163.1 PURPOSE.
1163.2 PRINCIPAL PERMITTED USES.
1163.3 PROHIBITED USES.
1163.4 DEVELOPMENT STANDARDS.
1163.5 ACCESSORY PERMITTED USES.

1163.1 PURPOSE.

It is the purpose of the I-1 District to create industrial areas that will be acceptable within the City and will not adversely affect adjacent business or residential neighborhoods by permitting industrial establishments which are either:

A) Relatively free from objectionable influences; or

B) Ones whose objectionable features will be obviated by design and/or appropriate devices.

In the interest of general health and welfare, residential and certain institutional uses are not permitted within this district.

1163.2 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. Light industrial use which ordinarily uses only light machinery and is conducted entirely within an enclosed, substantially constructed building, and is not noxious or offensive by reasons of the emission of smoke, dust, gas fumes, odors, noises or vibrations beyond the confines of the building.

B) Warehousing, Storage, and Distribution. Uses which include the warehousing, storage, or distribution of goods and materials, which may include wholesale distribution from one business to another business and which may not include retail or customer sales to the general public on the premises. (Ord. 16-54, passed April 11, 2016)

C) Contractor's Yard and Related Establishments. Building material yards, excluding concrete mixing, contractor's equipment storage yard or plant; or storage yard for rental of equipment commonly used by contractors; storage and sales of grain, livestock feed or fuel; carting, express or hauling establishments, including storage of vehicles; provided such uses are conducted:

1) Wholly within a completely enclosed building or buildings, except for storage of vehicles, which building shall be distant at least 100 feet from any residential district, unless such building has no openings other than stationary windows and required fire exits within such distance, but not within fifty feet of any residential district in any case; or
2) When conducted within an area completely enclosed on all sides with a solid wall or uniformly painted solid board fence not less than six feet high, but not within 200 feet of any residential district; provided further that all storage yards related to the uses in this subsection shall be enclosed.

D) Sexually Oriented Businesses. Sexually oriented businesses are also permitted subject to the supplemental standards set forth in Chapter 1189. (Ord. 17-52, passed May 15, 2017)

E) Cellular or Wireless Communications Systems. See Chapter 1188 for additional requirements.

F) 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)

G) Office for corporate and regional headquarters. (Ord. 04-15, passed March 8, 2004)

1163.3 PROHIBITED USES.

Prohibited uses are as follows:

A) Residential. Dwellings, dwelling units and residences of any kind, including hotels, motels, rooming houses and other tourist homes, and bed and breakfasts.

B) Institutional. Schools, orphanages, child day-care centers, churches, homes for the aged and similar institutions for human care.

C) Business. Those businesses authorized for central business districts, shopping center districts and road service districts.

1163.4 DEVELOPMENT STANDARDS.

The following development standards shall apply to I-1 districts:

A) Development Standards.

Table 1163: I-1 Development Standards

Minimum Lot Area		2 acres
Maximum Building Height (a)		40 feet
Minimum Setback	Structures NOT Abutting a Residential District (a)	
	Front (b)	25 feet
	Side	12 feet
	Rear	10 feet
	Structures Abutting a Residential District (a)	
	Front	50 feet
	Side and Rear	100 feet
	Parking Structures or Paved Areas	
	Front (c)	25 feet
	Side and Rear	10 feet

(a) Minimum setbacks are for structures up to 40 feet in height. For each additional foot in height, the setback shall increase by two feet. No building shall exceed 90 feet in height.

(b) For lots fronting on two streets, the front setback shall apply to both yards abutting the street right-of-way.

(c) Excludes areas required for access to street.

B) Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided as specified in Chapter 1175.

C) Storage and Unloading. The storage of raw materials and/or manufactured products shall be behind the rear of the building and shall be sufficiently screened from view from the roadway and the adjoining properties as determined by the Planning Commission to be necessary to conceal the storage from view. Loading and unloading operations shall be conducted in the rear or side of the building and shall be sufficiently screened from view from the roadway and the adjoining properties as determined by the Planning Commission to be necessary to conceal the loading and unloading operations from view.

D) Exterior Building Material. (Ord. 04-155, passed January 10, 2005)

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, architectural metal wall panels, or other suitable building materials shall be used on the front facade of the building, subject to the approval of Planning Commission. (Ordinance 15-89, passed September 28, 2015)

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. (Ord. 04-155, passed January 10, 2005)

1163.5 ACCESSORY PERMITTED USES.

Accessory permitted uses shall be limited to those set forth as follows:

A) Any accessory use customarily incidental to a principal permitted use.

B) A dwelling unit for the family of a watchman, caretaker, guard or operator provided that such dwelling unit is located on a tract used for an industrial purpose and within a building used primarily for an industrial purpose, where the dwelling unit occupies no more than twenty-five percent (25%) of the lot area, and does not exceed one-third of the area of the whole building. Such dwelling unit shall be occupied only by the watchman, caretaker, guard or operator employed by the individual, firm or corporation which owns, rents, leases or operates the industrial use located on the tract.

C) The storage, handling, and distribution of flammable and combustible liquids shall be limited to a 10,000 gallon aggregate capacity at any one time. (Ord. 16-54, passed April 11, 2016)

D) The storage, handling, and distribution of flammable gases shall be limited to a 2,000 gallon aggregate capacity at any one time. (Ord. 16-54, passed April 11, 2016)

CHAPTER 1165
I-2 Industrial District

1165.1 PURPOSE.
1165.2 PRINCIPAL PERMITTED USES.
1165.3 PROHIBITED USES.
1165.4 DEVELOPMENT STANDARDS.
1165.5 ACCESSORY PERMITTED USES

1165.1 PURPOSE.

It is the purpose of the I-2 District to create industrial areas that will be acceptable within the City and will not adversely affect adjacent business or residential neighborhoods by permitting industrial establishments which are either:

A) Ones whose operations are relatively free from objectionable influences; or

B) Ones whose objectionable features will be obviated by design and/or appropriate devices.

In the interest of general health and welfare, residential and certain institutional uses are not permitted within this 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 Distribution. Uses which include the warehousing, storage or distribution of goods and materials, which may include wholesale distribution from one business to another business and which may not include retail or customer sales to the general public on the premises. (Ord. 16-54, passed April 11, 2016)

C) Sexually Oriented Businesses are also permitted subject to the supplemental standards set forth in Chapter 1189. (Ord. 17-52, passed May 15, 2017)

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 percent (50%) of the square footage of the footprint of the entire facility. (Ord. 04-155, passed January 10, 2005)

1165.3 PROHIBITED USES.

Prohibited uses are as follows:

A) Residential. Dwellings, dwelling units and residences of any kind, including hotels, motels, rooming houses, tourist homes, and bed and breakfast and guest houses.

B) Institutional. Schools, orphanages, child day-care centers, churches, homes for the aged and similar institutions for human care.

C) Business. Those businesses authorized for central business districts, shopping center districts and road service districts.

1165.4 DEVELOPMENT STANDARDS.

The following development standards shall apply to I-2 Districts:

A) Development Standards.

Table 1165: I-2 Development Standards

Minimum Lot Area		5 acres
Maximum Building Height (a)		40 feet
Minimum Setback	Structures NOT Abutting a Residential District (a)	
	Front (b)	50 feet
	Side	12 feet
	Rear	10 feet
	Structures Abutting a Residential District (a)	
	Front	50 feet
	Side and Rear	100 feet
	Parking Structures or Paved Areas	
	Front (c)	25 feet
	Side and Rear	10 feet

(a) Minimum setbacks are for structures up to 40 feet in height. For each additional foot in height, the setback shall increase by two feet. No building shall exceed 90 feet in height.

(b) For lots fronting on two streets, the front setback shall apply to both yards abutting the street right-of-way.

(c) Excludes areas required for access to street.

B) Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided as specified in Chapter 1175.

C) Storage and Unloading. All outside operations and storage of raw materials and/or manufactured products shall be behind the rear of the building and shall be sufficiently screened from view from the roadway and adjoining properties as determined by the Planning Commission to be necessary to conceal the operation and storage from view. Loading and unloading operations shall be conducted in the rear or side of the building and shall be sufficiently screened from view from the roadway and adjoining properties as determined by the Planning Commission to be necessary to conceal the loading and unloading operations from view.

D) Exterior Building Material. (Ord. 04-155, passed January 10, 2005)

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, architectural metal wall panels, or other suitable building materials shall be used on the front facade of the building, subject to Planning Commission approval. (Ordinance 15-89, passed September 28, 2015)

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. (Ord. 04-155, passed January 10, 2005)

1165.5 ACCESSORY PERMITTED USES. (Ord. 16-54, passed April 11, 2016)

Accessory permitted uses shall be limited to those set forth as follows:

A) The storage, handling, and distribution of flammable and combustible liquids shall be limited to a 10,000 gallon aggregate capacity at any one time.

B) The storage, handling, and distribution of flammable gases shall be limited to a 2,000 gallon aggregate capacity at any one time.

CHAPTER 1169
Floodplain Overlay District and Floodplain Management Regulations
(Ord. 10-110, passed November 1, 2010)

1169.01 STATUTORY AUTHORIZATION.
1169.02 FINDINGS OF FACT.
1169.03 STATEMENT OF PURPOSE.
1169.04 METHODS OF REDUCING FLOOD LOSS.
1169.05 LANDS TO WHICH THESE REGULATIONS APPLY.
1169.06 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.
1169.07 ABROGATION AND GREATER RESTRICITONS.
1169.08 INTERPRETATION.
1169.09 WARNING AND DISCLAIMER OF LIABILITY.
1169.10 SEVERABILITY.
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1169.01 STATUTORY AUTHORIZATION.

ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Council of Mason, State of Ohio, does ordain as follows:

1169.02 FINDINGS OF FACT.

The City of Mason has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

1169.03 STATEMENT OF PURPOSE.

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

A) Protect human life and health;

B) Minimize expenditure of public money for costly flood control projects;

C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D) Minimize prolonged business interruptions;

E) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

F) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;

G) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

H) Minimize the impact of development on adjacent properties within and near flood prone areas;

I) Ensure that the flood storage and conveyance functions of the floodplain are maintained;

J) Minimize the impact of development on the natural, beneficial values of the floodplain;

K) Prevent floodplain uses that are either hazardous or environmentally incompatible; and

L) Meet community participation requirements of the National Flood Insurance Program.

1169.04 METHODS OF REDUCING FLOOD LOSS.

In order to accomplish its purposes, this ordinance includes methods and provisions for:

A) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;

B) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,

E) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

1169.05 LANDS TO WHICH THESE REGULATIONS APPLY

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Mason as identified as the Floodplain Overlay District and in Section 1169.06, including any additional areas of special flood hazard annexed by City of Mason. The Floodplain Overlay District map is on file at the City of Mason Municipal Center located at 6000 Mason-Montgomery Road, Mason, Ohio 45040.

1169.06 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

For the purposes of these regulations, the following studies and / or maps are adopted:

A) *Flood Insurance Study Warren County, Ohio and Incorporated Areas* and *Flood Insurance Rate Map Warren County, Ohio and Incorporated Areas* both effective December 17, 2010.

B) Other studies and / or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard, including the 500-year floodplain and floodway.

C) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Mason as required by Section 1169.27 Subdivisions and Large Scale Developments.

Any revisions to the aforementioned maps and / or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the City of Mason Municipal Center located at 6000 Mason-Montgomery Road, Mason, Ohio 45040.

1169.07 ABROGATION AND GREATER RESTRICTIONS

These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.

1169.08 INTERPRETATION

In the interpretation and application of these regulations, all provisions shall be:

A) Considered as minimum requirements;

B) Liberally construed in favor of the governing body; and

C) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

1169.09 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Mason, any officer or employee thereof, or the Federal Emergency Management Agency,

for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

1169.10 SEVERABILITY

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1169.11 DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

A) Accessory Structure A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

B) Appeal A request for review of the Floodplain Administrator's interpretation of any provision of these regulations or a request for a variance.

C) Base Flood The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one hundred-(100) year flood.

D) Base (100-Year) Flood Elevation (BFE) The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

E) Basement Any area of the building having its floor sub-grade (below ground level) on all sides.

F) Development Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

G) Enclosure Below the Lowest Floor See “Lowest Floor.”

H) Executive Order 11988 (Floodplain Management) Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to

affect identified special flood hazard areas, unless there is no practicable alternative.

I) Federal Emergency Management Agency (FEMA) The agency with the overall responsibility for administering the National Flood Insurance Program.

J) Fill A deposit of earth material placed by artificial means.

K) Flood or Flooding A general and temporary condition of partial or complete inundation of normally dry land areas from:

1) The overflow of inland or tidal waters, and/or
2) The unusual and rapid accumulation or runoff of surface waters from any source.

L) Flood Hazard Boundary Map (FHBM) Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

M) Flood Insurance Rate Map (FIRM) An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

N) Flood Insurance Risk Zones Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

Zone A:
Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.

Zones A1-30 and Zone AE:
Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.

Zone AO:
Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

Zone AH:
Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

Zone A99:

Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

Zone B and Zone X (shaded):
Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

Zone C and Zone X (unshaded):
Areas determined to be outside the 500-year floodplain.

O) Flood Insurance Study (FIS) The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

P) Flood Protection Elevation The Flood Protection Elevation, or FPE, is the base flood elevation plus two feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

Q) Floodplain Overlay District Also known as "500 year flood", it is the land in the floodplain subject to a 0.2 percent or greater chance of flooding in any given year, as designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones B and Zone X (shaded).

R) Floodway A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height exceed the National Flood Insurance Program minimum standards at any point within the community.

The City of Mason requires no more than 0.10 feet rise at any point within the community as shown on the Floodplain Overlay District.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

S) Freeboard A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that

could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

T) Historic Structure Any structure that is:

1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
4) Individually listed on the inventory of historic places maintained by the Mason Historic Society whose historic preservation program has been certified by the Ohio Historic Preservation Office.

U) Hydrologic and hydraulic engineering analysis An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

V) Letter of Map Change (LOMC) A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

1) Letter of Map Amendment (LOMA) A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

2) Letter of Map Revision (LOMR) A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

3) Conditional Letter of Map Revision (CLOMR) A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

W) Lowest Floor The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an “enclosure below the lowest floor” which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

X) Manufactured Home A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

Y) Manufactured Home Park As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

Z) National Flood Insurance Program (NFIP) The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

AA) New Construction Structures for which the "start of construction" commenced on or after the initial effective date of the City of Mason Flood Insurance Rate Map, March 15, 1979, and includes any subsequent improvements to such structures.

BB) Person Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. “Agency” does not include the general assembly, the

controlling board, the adjutant general's department, or any court.

CC) Recreational Vehicle means A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

DD) Registered Professional Architect A person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.

EE) Registered Professional Engineer A person registered as a professional engineer under Chapter 4733 of the Revised Code.

FF) Registered Professional Surveyor A person registered as a professional surveyor under Chapter 4733 of the Revised Code.

GG) Special Flood Hazard Area Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

HH) Start of Construction The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

II) Structure A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

JJ) Substantial Damage Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

KK) Substantial Improvement Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

1) Any improvement to a structure that is considered "new construction,"
2) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
3) Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

LL) Variance A grant of relief from the standards of these regulations consistent with the variance conditions herein.

MM) Violation The failure of a structure or other development to be fully compliant with these regulations.

1169.12 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The City Manager or official designee for the City of Mason is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

1169.13 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

A) Evaluate applications for permits to develop in special flood hazard areas.

B) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.

C) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.

D) Inspect buildings and lands to determine whether any violations of these regulations have been committed.

E) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.

F) Enforce the provisions of these regulations.

G) Provide information, testimony, or other evidence as needed during variance hearings.

H) Coordinate map maintenance activities and FEMA follow-up.

I) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

1169.14 FLOODPLAIN DEVELOPMENT PERMITS

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1169.06, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

1169.15 APPLICATION REQUIRED

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

A) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

B) Elevation of the existing, natural ground where structures are proposed.

C) Elevation of the lowest floor, including basement, of all proposed structures.

D) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.

E) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:

1) Floodproofing certification for non-residential floodproofed structure as required in Section 1169.29.

2) Certification that fully enclosed areas below the lowest floor of a structure <u>not</u> meeting the design requirements of Section 1169.28(E) are designed to automatically equalize hydrostatic flood forces.

3) Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1169.33 (C).

4) A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1169.33(B).

5) A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1169.33(A).

6) Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 1169.27.

F) A floodplain development permit application fee set by the schedule of fees adopted by the City of Mason.

1169.16 REVIEW AND APPROVAL OF A FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

A) Review

1) After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 1169.15 has been received by the Floodplain Administrator.

2) The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

B) Approval

1) Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

1169.17 INSPECTIONS

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

1169.18 POST-CONSTRUCTION CERTIFICATIONS REQUIRED

The following as-built certifications are required after a floodplain development permit has been issued:

A) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered surveyor to record as-built elevation data. For

elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.

B) For all development activities subject to the standards of Section1169.21 (A), a Letter of Map Revision.

1169.19 REVOKING A FLOODPLAIN DEVELOPMENT PERMIT

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Sections 1169.34 through 1169.39, Appeals and Variances.

1169.20 EXEMPTION FROM FILING A DEVELOPMENT PERMIT

An application for a floodplain development permit shall not be required for:

A) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than $5,000.

B) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.

C) Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.

D) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.

E) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

1169.21 MAP MAINTENANCE ACTIVITIES

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that City of Mason flood maps, studies and other data identified

in Section 1169.06 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

A) Requirement to Submit New Technical Data

1) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

a) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

b) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;

c) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

d) Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 1169.27.

2) It is the responsibility of the applicant to have technical data, required in accordance with Section 1169.21(A), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

3) The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

a) Proposed floodway encroachments that increase the base flood elevation; and

b) Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

4) Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1169.21(A)(1).

B) Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of City of Mason, and may be submitted at any time.

C) Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Mason have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Mason Flood Insurance Rate Map accurately represent the City of Mason boundaries, include within such notification a copy of a map of the City of Mason suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Mason has assumed or relinquished floodplain management regulatory authority.

1169.22 DATA USE AND FLOOD MAP INTERPRETATION

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

A) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.

B) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a <u>reduced</u> floodway width and/or <u>lower</u> base flood elevations. Other sources of data, showing <u>increased</u> base flood elevations and/or <u>larger</u> floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.

C) When Preliminary Flood Insurance Rate Maps and / or Flood Insurance Study have been provided by FEMA:

1) Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.

2) Prior to the issuance of a Letter of Final Determination by FEMA, the use of

preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA.

D) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 1169.34 through 1169.39, Appeals and Variances.

E) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, *etc.*) shall prevail.

1169.23 SUBSTANTIAL DAMAGE DETERMINATIONS

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, *etc.* After such a damage event, the Floodplain Administrator shall:

A) Determine whether damaged structures are located in special flood hazard areas;

B) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and

C) Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

1169.24 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Sections 1169.06 or 1169.22(A).

1169.25 USE REGULATIONS

A) Permitted Uses

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by City of Mason are allowed provided they meet the provisions of these regulations.

B) Prohibited Uses

1) Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.

2) Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.

1169.26 WATER AND WASTEWATER SYSTEMS

The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;

B) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

C) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

1169.27 SUBDIVISIONS AND LARGE DEVELOPMENTS

A) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;

B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

D) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.

E) The applicant shall meet the requirement to submit technical data to FEMA in Section 1169.21(A) (1) (d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1169.27 (D).

1169.28 RESIDENTIAL STRUCTURES

A) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (1169.28(A)) and construction materials resistant to flood damage (1169.28(B)) are satisfied.

B) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.

C) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

D) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. Where flood protection elevation data are not available, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

E) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:

1) Be used only for the parking of vehicles, building access, or storage; and

2) Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or

3) Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

F) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

G) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of this Section 1169.28.

H) In AO Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

1169.29 NONRESIDENTIAL STRUCTURES

A) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1169.28(A) through (C) and (E) through (H).

B) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

1) Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;

2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3) Be certified by a registered professional engineer or architect, through the use of a *Federal Emergency Management Agency Floodproofing Certificate,* that the design and methods of construction are in accordance with Section 1169.29(B) (1) and (2).

C) Where flood protection elevation data are not available, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

1169.30 ACCESSORY STRUCTURES

Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:

A) They shall not be used for human habitation;

B) They shall be constructed of flood resistant materials;

C) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;

D) They shall be firmly anchored to prevent flotation;

E) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and

F) They shall meet the opening requirements of Section 1169.28 (E) (3).

1169.31 RECREATIONAL VEHICLES

Recreational vehicles must meet at least one of the following standards:

A) They shall not be located on sites in special flood hazard areas for more than 180 days, or

B) They must be fully licensed and ready for highway use, or

C) They must meet all standards of Section 1169.28.

1169.32 ABOVE GROUND GAS OR LIQUID STORAGE TANKS

All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

1169.33 ASSURANCE OF FLOOD CARRYING CAPACITY

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

A) Development in Floodways

1) In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or

2) Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:

a) Meet the requirements to submit technical data in Section 1169.21(A);

b) An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;

c) Certification that no structures are located in areas that would be impacted by the increased base flood elevation;

d) Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and

e) Concurrence of the Mayor of City of Mason and the Chief Executive Officer of any other communities impacted by the proposed actions.

B) Development in Riverine Areas with Base Flood Elevations but No Floodways

1) In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or

2) Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:

a) An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;

b) Section 1169.33 (A) (2), items (a) and (c) through (e).

C) Alterations of a Watercourse

For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

1) The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.

2) Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.

3) The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with City of Mason specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.

4) The applicant shall meet the requirements to submit technical data in Section 1169.21 (A) (1) (c) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

1169.34 APPEALS BOARD ESTABLISHED

A) The City of Mason Zoning Board of Appeals is hereby appointed to serve as the Appeals Board for these regulations as established by City Code.

B) Records of the Appeals Board shall be kept and filed in Government Center at 6000 Mason-Montgomery Road, Mason, Ohio.

1169.35 POWERS AND DUTIES

A) The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.

B) Authorize variances in accordance with Section 1169.37 of these regulations.

1169.36 APPEALS

Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within 14 days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

1169.37 VARIANCES

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owning to

special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

A) Application for a Variance

1) Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.

2) Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.

3) All applications for a variance shall be accompanied by a variance application fee set in the schedule of fees adopted by the City of Mason.

B) Public Hearing

At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

1) The danger that materials may be swept onto other lands to the injury of others.

2) The danger to life and property due to flooding or erosion damage.

3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

4) The importance of the services provided by the proposed facility to the community.

5) The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.

6) The necessity to the facility of a waterfront location, where applicable.

7) The compatibility of the proposed use with existing and anticipated development.

8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

9) The safety of access to the property in times of flood for ordinary and emergency vehicles.

10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

C) Variances shall only be issued upon:

1) A showing of good and sufficient cause.

2) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.

3) A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.

4) A determination that the structure or other development is protected by methods to minimize flood damages.

5) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

D) Other Conditions for Variances

1) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

2) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1169.37(B)(1) through (11) have been fully considered. As

the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

1169.38 PROCEDURES AT HEARINGS

A) All testimony shall be given under oath.

B) A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.

C) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.

D) The administrator may present evidence or testimony in opposition to the appeal or variance.

E) All witnesses shall be subject to cross-examination by the adverse party or their counsel.

F) Evidence that is not admitted may be proffered and shall become part of the record for appeal.

G) The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.

H) The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

1169.39 APPEAL TO THE COURT

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Warren County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

1169.40 COMPLIANCE REQUIRED

A) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these

regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1169.20.

B) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1169.99.

C) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 1169.99.

1169.41 NOTICE OF VIOLATION

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

A) Be put in writing on an appropriate form;

B) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;

C) Specify a reasonable time for performance;

D) Advise the owner, operator, or occupant of the right to appeal;

E) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

1169.99 VIOLATIONS AND PENALTIES

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a second degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Mason. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall

prevent the City of Mason from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Mason shall prosecute any violation of these regulations in accordance with the penalties stated herein.

CHAPTER 1170
Downtown Overlay District
(Ord. 05-136, passed November 28, 2005)
(Ord. 14-002, passed February 10, 2014)

1170.1 PURPOSE.
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1170.16 EXCLUSIONS.

1170.1 PURPOSE.

A) To establish procedures whereby the historical and architecturally significant assets located within the Downtown Overlay District are afforded protection from actions that would be detrimental to preserving irreplaceable cultural and community resources.

B) To follow the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings.

C) To enhance property values, protect property rights, stabilize and improve downtown and adjacent neighborhoods, and increase economic and financial benefits to Mason businesses and inhabitants.

D) To create a vibrant community focal point through innovative and creative site design and architecture that continuously evolves over time.

E) To encourage new development at appropriate locations in a manner consistent with desired architectural and urban design guidelines.

F) To encourage higher density mixed use development with an above-grade residential and office component, pedestrian friendly site design, and an urban "Main Street" character.

G) To promote developments where the physical, visual and spatial characteristics are established and reinforced through the consistent use of compatible urban design and architectural design elements.

H) To prohibit or restrict uses that are disruptive to pedestrian activities and have as their principal function the sale and services of motor vehicles, such as automobile service stations, auto parts retail stores, car washes, new and used motor vehicle sales or service establishments, drive-in restaurants and restaurants with drive-through facilities, business with drive-through facilities (such as but not limited to banks, credit unions, pharmacies, etc.).

1170.2 CREATION AND BOUNDARIES.

This chapter of the Zoning Code is created as an overlay district to be applied within and adjacent to the B-1 Central Business District as the City Council designates by ordinance. The boundaries of the district are depicted on the Official Zoning Map. The Downtown Overlay District is described as:

A) The parcels fronting Main Street from Mason Road to Kings Mills Road;

B) The parcels fronting Reading Road/US 42 from 4th Avenue to Main Street and,

C) Other parcels as depicted on the Official Zoning Map as amended.

1170.3 EFFECT OF DOWNTOWN OVERLAY DESIGNATION.

The Downtown Overlay District regulations apply in combination with underlying base zoning district regulations and all other applicable standards of this Zoning Code. When Downtown Overlay District standards conflict with the underlying base zoning district regulations and other standards of this zoning code, the regulations of the Downtown Overlay District will apply. In this case, the underlying zoning districts are the B-1 Central Business District, R-4 Single Family Residential District, and B-3 Road Service District.

1170.4 PERMITTED USES.

Within the Downtown Overlay District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for uses permitted in the underlying zoning district except as otherwise permitted and prohibited in the following additional provisions:

A) The uses permitted in Chapter 1155 B-1 Central Business District, Section 1155.2 and Section 1155.3, and the other uses permitted in this section are principally permitted uses in

the Downtown Overlay District subject to the requirements of the Downtown Mason Guideline Handbook.

1) Public parks, greens, squares, and plazas.
2) Outdoor seating operated and maintained by a restaurant, café, or coffee shop.
3) Public parking lots.
4) Financial institutions and drug stores, cafes and coffee shops and other similar consumer service uses with drive through facilities as approved by Planning Commission.
5) Single Family Residential. The use shall comply with the minimum livable floor area requirements established for an R-4 Single Family Residential District in Chapter 1147. (Ord. 10-22, passed March 22, 2010)
6) Ballet, dance and fine art studios (Ord. 14-002, passed February 10, 2014)

1170.5 PROHIBITED USES.

Auto oriented and more intensive commercial uses and associated ancillary uses are prohibited including:

A) Vehicle sales, rental and services.

B) Equipment sales, rental and services.

C) Auto repair, body shops, automobile accessories.

D) Automobile washing facilities.

E) Automobile Service Stations.

F) Vehicle storage.

G) Other similar uses as determined by the Planning Commission.

1170.6 DEVELOPMENT STANDARDS.

Except as otherwise noted, buildings and uses in the Downtown Overlay District shall comply with the architectural and site development guidelines and additional review procedures established in the Downtown Mason Design Guideline Handbook, as adopted and amended by City Council. The Downtown Mason Design Guideline Handbook is hereby adopted by reference, in its entirety, as if its entire text and substance were a part of this Chapter.

1170.7 ZONING CERTIFICATE REQUIRED.

A) Alterations and New Construction shall conform to procedural requirements of Chapter 1135 of the Zoning Ordinance.

B) Repairs, Informal Approval. In order to expedite and encourage timely maintenance, repair work, and minor construction in the Downtown Overlay District, the Planning Commission (Commission) authorizes City Staff (Staff) to review and approve certain repair, maintenance work and minor construction activities. Staff may solicit comments and recommendations from qualified individuals in order to make a determination if the proposed project is appropriate for the property. Staff may forward the application to the Commission for Zoning Certificate approval when a determination regarding the proposed modification cannot be made. Staff may approve:

1) Replacement of missing bricks, repointing with same color and type of mortar and reconstruction with brick matching in color, size, and shape.
2) Replacement of clapboards, siding, moldings, fascia boards, gutters, railing units, shutters, awnings, canopies, shingles and other exterior surfaces when there in no change in design, materials, or general appearance.
3) Cleaning and repointing of the foundation and repair when like materials and colors is used. The same mortar mixture should be used to allow similar expansion and contraction of the foundation.
4) Installation of window air conditioners when they are not facing the street and if there is no change in window structure and installation of ground and roof mounted air conditioner units that are properly screened and inconspicuously located (tubing and connections must not be readily visible).
5) Replacement of existing storm windows with a similar product. A change from wooden to metal or vinyl storm windows is required to be reviewed by the Commission.
6) Replacement of windows when they are of like material, in size, shape, and appearance.
7) The replacement of roofing materials that are similar or better than what was previously on the structure. In the case where slate, tile or cedar shakes are proposed to be replaced with a different material, Board approval is required.
8) Signage installation and replacement.
9) Accessory structures not attached to the main building.
10) Decks, porches, and patios not located on the front of the main building.
11) Pavement and parking lots.
12) Landscaping.
13) Accessible ramps not located in front of the main building.
14) Ornamental fencing for the purpose of enclosing outdoor eating or sitting areas subject to the fencing being a maximum of four (4) feet in height, constructed out of

metal with a black finish, and designed with at least seventy (70) percent transparency. (Ordinance 15-89, passed September 28, 2015)

C) Demolition. No demolition, in part or in whole, of any structure located in the Downtown Overlay District shall be undertaken prior to obtaining a Zoning Certificate from the Commission. The demolition of buildings identified as Background or Non-Historic Buildings will be evaluated within the context of the greater downtown. While Background and Non-historic buildings may not be historically or architecturally significant, their removal should be considered in the context of the proposed replacement or redevelopment of the site and the impact the loss of the existing structure will have on the Downtown Overlay District. The Commission will review demolition requests for Landmark and Contributing structures with additional scrutiny.

1) Redevelopment Site Plan Approval Required. A Redevelopment Site Plan for demolition and redevelopment of the site must be submitted as part of a Zoning Certificate application. The Redevelopment Site Plan must meet the data requirements of Section 1135.5. In addition to the requirements of Section 1135.5, the applicant shall provide evidence of financing and a commitment to build new which mitigates any adverse effect of the proposed removal upon the property, streetscape and the district through one or more of the following:

a) New construction that complies with all regulations of the Downtown Overlay District and is consistent with guidance contained in the Downtown Mason Design Guidelines Handbook.
b) Exterior rehabilitation or restoration of the remaining structure that is consistent with the Downtown Mason Overlay District and guidance contained in the Downtown Mason Design Guidelines Handbook.
c) Landscaping the entire parcel consistent with the Downtown Mason Design Guidelines Handbook and City of Mason Landscape and Street Tree Ordinance. This regulation shall apply only when the building is declared a public nuisance.

2) Additional Requirements for Landmark and Contributing Buildings. It is the intent of this regulation to preserve, retain and rehabilitate Landmark and Contributing buildings located in the Downtown Overlay District. The Commission may approve demolition request for Landmark and Contributing structures only after the applicant has provided compelling evidence that the standards authorizing demolition have been met. Thus, an application for a Zoning Certificate for demolition of a Landmark and Contributing building, or any portion thereof, must meet one condition of subsection a), b), or c) and the conditions of subsection d) below.

a) Evaluation of significance. The applicant presents clear evidence showing that the building in question is not locally significant and that its removal will not adversely affect the architectural or historic integrity of the streetscape or community.

b) Evaluation of condition. The applicant presents clear evidence that the structure has incurred extensive damage to its basic structural elements, such as the roof, walls and foundation, requiring substantial reconstruction. The applicant shall provide photographs showing such condition, as well as a written evaluation of condition provided by a competent architect, structural engineer, or other building professional.

c) Evaluation of rehabilitation costs. The applicant presents clear evidence that the square foot cost of meeting the minimum building code would exceed the square foot market value of similarly used and improved structures in the district.

d) Evaluation of Alternatives to Demolition. Alternatives to demolition must be given serious consideration by the applicant. The applicant must present all demolition alternatives that were analyzed and demonstrate to the Commission's satisfaction that no feasible alternative to demolition exist. As such, the applicant shall investigate alternatives to demolition and prepare a feasibility analysis for each demolition alternative for the Commission's consideration. At minimum, the applicant shall consider the following alternatives: 1) offering the building for sale at a fair market price to a buyer who could make use of the structure; 2) moving the historic building to another appropriate location on the lot, elsewhere downtown, or elsewhere in the City; 3) rehabilitating and occupying only part of the building while "mothballing" the remainder for remodeling at a later time; 4) preserving a portion of the structure; or 5) seeking grants or tax credits to help finance the rehabilitation and reuse of the building.

3) Security Required. The applicant shall post a performance bond with security sufficient to insure completion of the: (1) demolition including the removal of all subgrade improvements, (2) site grading, stabilization and landscaping, and (3) the Redevelopment Site Plan as approved by the Commission.

4) Timing of Demolition. A Building Permit shall not be issued by the Engineering and Building Department for the demolition of any structure or any part thereof within a designated Downtown Overlay District until such time the applicant receives a Zoning Certificate and Redevelopment Plan approval from the Commission, and the required security is posted.

5) Denial of a Zoning Certificate for Demolition. The Commission and applicant shall undertake meaningful and continuing discussion during the waiting period prescribed in Section 1170.9 A) in order to find a means of preserving the property. The Commission and applicant shall investigate the feasibility of all means of preserving the listed property. If the Commission and applicant do not agree on a means of preserving the structure at the initial meeting, then they must continue to meet for the purpose of finding a method of saving the structure, and such good faith meetings shall be held at least every forty-five (45) days after the initial meeting. If the applicant fails to meet with the Commission in good faith, at the time specified, then the Commission's denial of the application will stand. If, after holding such good

faith meeting in the waiting period specified by the Commission, the Commission determines that failure to issue a Zoning Certificate will create a substantial hardship to the applicant and that such certificate may be issued without substantial detriment to the public welfare and without substantial deviation from the purposes of this Chapter, then and in such event, Staff shall issue a Zoning Certificate for such request.

D) Formal Site Plan Review Required. Any drive through facility or new construction, not meeting the requirements in Section 1170.7 B) shall require formal site plan approval by the Commission subject to the requirements of Section 1135.5.

E) Informal Site Plan Review Required. Any project that does not meet the requirements listed in Section 1170.7 B) shall require informal site plan review by the City Planner or his agent in accordance with the informal review and approval procedures of Section 1135.4.

1170.8 ZONING CERTIFICATE REVIEW GUIDELINES AND STANDARDS.

These guidelines and standards are in addition to those listed in Chapter 1135 of the Zoning Ordinance.

A) In its consideration of whether a proposed alteration or new construction is deserving of a Zoning Certificate (ZC), the Commission shall consider the guidelines set forth in the Downtown Mason Design Guidelines Handbook.

B) In its considerations of whether a proposed alteration is deserving of a ZC, the Commission may consider the cost of modifications, where costs for a particular action or inaction may be unreasonable given existing conditions of a structure, site, or area.

C) The Commission shall encourage repairs and alterations to Landmark and Contributing structures, not including demolition, that are compatible with their existing architectural form, design and materials. Additions to Landmark and Contributing Buildings shall be contemporary but compatible in form, style and materials with the original structure. This work shall be guided by the Secretary of the Interior's Standards for Rehabilitation, per this Chapter.

D) The Commission shall be flexible in its review of plans for alteration, repair, or demolition of Background and Non-Historic buildings, as well as other sites and areas of little historic or cultural value, except where such repair, alteration or demolition would seriously impair the historic value and character of surrounding Landmark and Contributing structures or of the surrounding downtown area.

E) Alteration, additions or new construction shall not be limited to any one period or architectural style. Historic periods represented by Landmark and Contributing buildings in

the downtown area will be respected, and new work shall be harmonious and compatible with existing character of the downtown.

F) The requirements in this Chapter and the Downtown Mason Design Guideline Handbook are minimum requirements, and under no circumstance shall they preclude an applicant and the Commission from agreeing to more extensive requirements.

G) The Commission may modify building design guidelines of the Downtown Mason Design Guideline Handbook when a proposed addition, new construction, or project does not meet the minimum standards but is deemed to be a quality project by the majority of Commission members.

H) The Commission may request experts to aid in its deliberations subject to financial availability as approved by City Council.

1170.9 ZONING CERTIFICATE REVIEW PROCEDURES.

The review of a Zoning Certificate shall follow the procedures as set forth in Chapter 1135 of the Zoning Ordinance unless modified by this chapter.

A) Upon denying a Zoning Certificate, the Commission may impose a waiting period of at least thirty (30) days, but not to exceed six (6) months from the date of disapproval, during which time the Commission shall negotiate with the owner of the property in order to develop a compromise proposal acceptable to both. The first meeting between the Commission and applicant shall be held within sixty (60) days from the date of disapproval. If a compromise proposal is accepted by both parties, the Commission may henceforth issue a Zoning Certificate.

1170.10 REVOCATION.

Approval of a ZC relating to the Downtown Overlay District may be revoked by the Commission if new construction or alterations are not in conformance with the approved plans. In such a case, Staff shall place the ZC on the agenda of the Commission for consideration, and give written notice mailed by regular or electronic mail to the applicant at least ten (10) days prior to the meeting. The applicant shall be given the opportunity to present information to the Commission and answer questions. The Commission may revoke the approval of the ZC if it finds that a violation exists and has not been remedied prior to the meeting. No work requiring ZC approval may commence or continue after a ZC revocation is instituted by the Commission. The applicant shall thereafter reapply for a ZC approval before work may recommence.

1170.11 SITE MAINTENANCE AFTER APPROVAL.

It shall be the responsibility of the owner of a property for which ZC approval has been granted to maintain the property in accordance with the approved ZC application and building design. Any property owner, who fails to maintain an approved ZC in full compliance with approvals granted by the Commission according to the provisions of these regulations, shall be deemed in violation of the use provisions of these regulations and shall be subject to the penalties stated in this Ordinance.

1170.12 APPEALS.

The applicant, upon receipt of a letter of disapproval, shall have the right of appeal to the Zoning Board of Appeals afforded by the City Charter. Where such appeal is available only the determination of the Zoning Board of Appeals shall constitute a final order, adjudication or decision by the City.

1170.13 PENALTIES.

Whoever authorizes the construction, reconstruction, alteration, or demolition of any exterior feature of any structure, work of art, object, or area in violation of this Regulation, or whoever maintains, changes, or installs a sign in violation of this Regulation, shall be deemed in violation of the Municipal Code and such violation shall be punishable under Section 1135.11. Each day of violation shall constitute a separate and distinct violation for as long as one (1) year with respect to alterations and for as long as two (2) years with respect demolition.

1170.14 SEVERABILITY.

If any provision of this Chapter or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application and to this end the provisions of this Chapter are hereby declared severable.

1170.15 MINIMUM MAINTENANCE REQUIREMENT.

The owner of a Landmark or Contributing structure or any structure within the Downtown Overly District shall provide sufficient maintenance and upkeep for such structure to ensure its perpetuation and to prevent its destruction by deterioration, whether the building is vacant or occupied.

1170.16 EXCLUSIONS.

The following items are excluded from this Regulation:

A) The removal/demolition of declared public nuisance (e.g. fire damaged buildings) that pose a threat to the health and safety of the general public.

B) Temporary repairs needed to prevent structural deterioration and decay following a natural disaster or other acts of nature recognized by the City of Mason.

C) Normal and ordinary maintenance functions not regulated elsewhere in this Chapter are excluded from this Regulation.

TITLE SEVEN – Zoning General Provisions

CHAPTER 1171 Compliance and General Regulations 1171-1
CHAPTER 1172 Conditionally Permitted Uses 1172-1
CHAPTER 1173 Nonconforming Uses 1173-1
CHAPTER 1174 Large Retail Establishments Design Standards 1174-1
CHAPTER 1175 Off-Street Parking and Loading 1175-1
CHAPTER 1177 Motels and Motor Hotels 1177-1
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CHAPTER 1188 Cellular or Wireless Communications Systems 1188-1
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CHAPTER 1171
Compliance and General Regulations

1171.1 CONFORMANCE REQUIRED.
1171.2 BOARD TO DETERMINE ADDITIONAL USES.
1171.3 BOARD TO DETERMINE ADDITIONAL PROHIBITED USES.
1171.4 CONVERSION OF DWELLINGS.
1171.5 REAR DWELLINGS.
1171.6 YARD REQUIREMENTS ALONG ZONING BOUNDARY LINE IN LESS RESTRICTED DISTRICT.
1171.7 ACCESSORY USES IN ALL ZONING DISTRICTS.
1171.8 STREET FRONTAGE REQUIRED.
1171.9 TRAFFIC VISIBILITY ACROSS CORNER LOTS.
1171.10 REQUIRED AREA OR SPACE CANNOT BE REDUCED.
1171.11 MAIN BUILDING OR STRUCTURE.
1171.12 OFF-STREET PARKING AND LOADING.
1171.13 ENCROACHING DOORS.
1171.14 UNSAFE BUILDINGS.
1171.15 HOME OCCUPATIONS.
1171.16 UNDERGROUND WIRING AND UTILITIES.
1171.17 TEMPORARY STORAGE CONTAINERS.
1171.18 RESIDENTIAL CONSTRUCTION DUMPSTERS
1171.19 MEDICAL MARIJUANA

1171.1 CONFORMANCE REQUIRED.

Except as hereinafter specified, no land, building, structure or premises, shall hereafter be used, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located. Such regulations include, without limitation, the following (Ord. 99-132, passed October 11, 1999):

the use of building, structure or land, including performance standards for the control of any dangerous and objectionable elements, as defined herein, in connection with such use; the height, size and dimensions of buildings or structures; the size or dimensions of lots, yards and other open spaces surrounding building; the provision, location, size, improvement and operation of off-street parking, loading and unloading spaces.

1171.2 BOARD TO DETERMINE ADDITIONAL USES.

Uses other than those specifically mentioned in this Zoning Ordinance as permitted uses in each of the districts may also be allowed therein, provided that, in the judgment of the Zoning Board of Appeals, as evidenced by resolution of record, such other uses are of similar character to those

mentioned and will have no adverse influence or no more adverse influence on adjacent properties or the neighborhood or the community than the permitted uses specifically mentioned for the district.

1171.3 BOARD TO DETERMINE ADDITIONAL PROHIBITED USES.

Uses other than those specifically prohibited in this Zoning Ordinance in any district shall also be prohibited therefrom, provided that in the judgment of the Zoning Board of Appeals, as evidenced by resolution of record, such other uses are similar in character to those specifically prohibited in that they would have similar or more serious adverse influence on adjacent properties or the neighborhood or the community than the uses specifically mentioned as prohibited in the district.

1171.4 CONVERSION OF DWELLINGS.

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Zoning Ordinance, but only when the resulting occupancy shall comply with the requirements governing new construction in such district, with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter with the chapter applying to such district.

1171.5 REAR DWELLINGS.

No building in the rear of a principal building on the same lot shall be used for residential purposes unless it conforms to all the yard and other open space and off-street parking requirements of this Zoning Ordinance. For the purpose of determining the front yard in such cases, the rear line of the required rear yard for the principal building in front shall be considered the front lot line for the building in the rear. In addition, there must be provided for any such rear dwellings an unoccupied and unobstructed accessway not less than twenty feet wide, to a public street for each dwelling unit in a dwelling, or one not less than fifty feet wide for three or more dwelling units.

1171.6 YARD REQUIREMENTS ALONG ZONING BOUNDARY LINE IN LESS RESTRICTED DISTRICT.

Along any zoning boundary line, on a lot adjoining such boundary line in the less restricted district, any abutting side yard, rear yard or court, unless subject to greater restrictions or requirements stipulated by other provisions of this Zoning Ordinance, shall have a minimum width and depth equal to the average of the required minimum width or depth for such side yard, rear yards or courts in the two districts on either side of such zoning boundary line. In cases where the height of a

proposed structure on such lot in less restricted district is greater than the maximum height permitted in the adjoining more restricted district, the minimum width or depth of the side yard, rear yard or court for such structure shall be determined by increasing the minimum width or depth for the highest structure permitted in such more restricted district by one foot for each two feet by which the proposed structure exceeds the maximum height permitted in such more restricted district.

1171.7 ACCESSORY USES IN ALL ZONING DISTRICTS. (Ord. 99-132, passed October 11, 1999)

A) General. An accessory building may be erected detached from the principal building or may be erected as an integral part of the principal building, or it may be connected therewith by a breezeway or similar structure. No accessory building shall be erected in any required court or yard. No accessory building shall be greater in size than 35% of the gross floor area of the principal building, nor shall it occupy more than thirty-five percent (35%) of a required rear or side yard. No accessory building shall be greater than fifteen (15) feet in height in residential districts, R-1 through R-7, or twenty (20) feet in height in business districts, B-1 through B-3. Accessory uses in B-4, HT-1, I-1 and I-2 shall comply with current height restrictions for each zone. (Ord. 99-132, passed October 11, 1999)

B) Corner Lots. In any district, where a corner lot adjoins in the rear a lot fronting on the side street, no part of an accessory building on such corner lot within twenty-five feet of the common lot line shall be nearer a side street lot line than the least depth of the front yard required along such side street for a dwelling or building on such adjoining lot, and in no case shall any part of such accessory building be nearer to the side street lot line than the least width of the side yard required for the principal building to which it is accessory. (Ord. 99-132, passed October 11, 1999)

C) Without Main Building. No accessory building or structure shall be erected or constructed prior to the erection or construction of the principal or main building. (Ord. 99-132, passed October 11, 1999)

D) Solar Units, Dish-Type Satellite Signal Receiving Stations and Ham Radio Towers. (Ord. 99-132, passed October 11, 1999)

1) Any solar unit or dish-type satellite signal receiving station greater than eighteen (18) inches in diameter shall be located in the rear yard with no part projecting into the side or front yard and shall be located so that however turned or otherwise used, all parts of the use shall be set back at least twenty (20) feet from side and rear lot lines. On a corner lot, the required setback shall be no less than the required setback for the principal dwelling or structure on the lot plus an additional five (5) feet, or twenty (20) feet, whichever is greater. (Ord. 99-132, passed October 11, 1999)

2) The height of any solar unit or dish-type satellite signal receiving station shall not extend above fifteen (15) feet or the height of the main building to which it is associated, whichever is less. The maximum diameter of any dish-type receiving station shall not exceed twelve (12) feet. No installation or erection of a solar unit or

dish-type satellite signal receiving station greater than thirty (30) inches in diameter shall commence before a permit is obtained in accordance with the provisions of the Building Code.

3) Only one solar unit and only one dish-type antenna greater than thirty (30) inches in diameter shall be permitted per lot.

4) Radio towers used by amateur radio operators shall be located in the rear yard and shall not exceed fifty (50) feet in height above grade. All parts of the accessory structure shall be set back at least twenty (20) feet from the side and rear lot lines. On a corner lot, the required setback shall be no less than the required setback for the principal dwelling or structure on the lot plus an additional five (5) feet, or twenty (20) feet, whichever is greater. No installation or erection of an amateur radio tower shall commence before a permit is obtained in accordance with the City of Mason Building Code. (Ord. 99-132, passed October 11, 1999)

1171.8 STREET FRONTAGE REQUIRED.

Except as permitted by other provisions of this Zoning Ordinance, no lot shall contain any building used in whole or part for residential purposes unless such lot abuts for at least sixty-five feet on a street; except cul-de-sac lots and flag lots. Cul-de-sac and flag lots shall comply with zoning frontage at the building line and shall comply with the applicable provisions in Chapters 1147 and 1148.

1171.9 UNOBSTRUCTED SIGHT DISTANCE (Ord. 04-15, passed March 8, 2004).

Sight distance as defined in the Ohio Department of Transportation's *Location and Design Manual, Vol. 1.* shall govern if they are more strict then the standards found in this section. No fence, wall, sign, structure, vehicle, or planting shall be erected, established, or maintained on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two (2) roads or the intersection of a road and a driveway or curb cut. Fences, walls, signs, structures, vehicles, or plantings located in the triangular area described below shall not be permitted to obstruct cross-visibility between a height of thirty (30) inches and five (5) feet above the lowest point of the intersecting road(s) (see Figure 1171.1).

A) Unobstructed Sight Area. The unobstructed triangular area is described as follows:

1) Driveway Intersection Sight Triangle. At intersections of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb with the driveway edge, and by measuring from this point a distance of ten (10) feet along the driveway to a point and a distance of twenty (20) feet along the street curb to a point and connecting these points (see Figure 1171.2)

2) Street Intersection Sight Triangle. At street-intersections, the sight triangle shall be formed by measuring at least thirty-five (35) feet along curb lines and connecting

these points. Within the first twenty (20) feet of the street intersection sight triangles, no structure or landscaping material is permitted except required ground cover. Within the portion of sight triangle that is located between twenty (20) feet and thirty-five (35) feet, signs and trees shall be permitted only when the pole or trunk is the only part of a sign or tree that is visible between the ground and five (5) feet above the ground, or otherwise does not present a traffic visibility hazard (see Figure 1171.2).

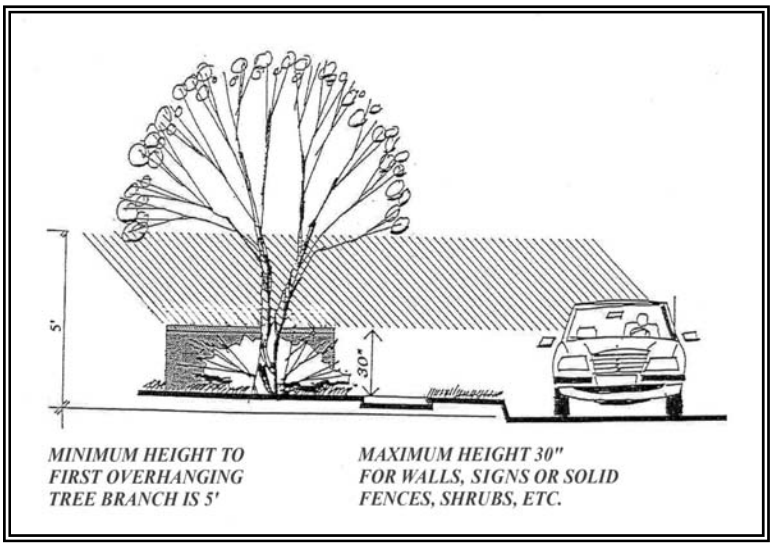

Figure 1171.1: Site Clearance Zones

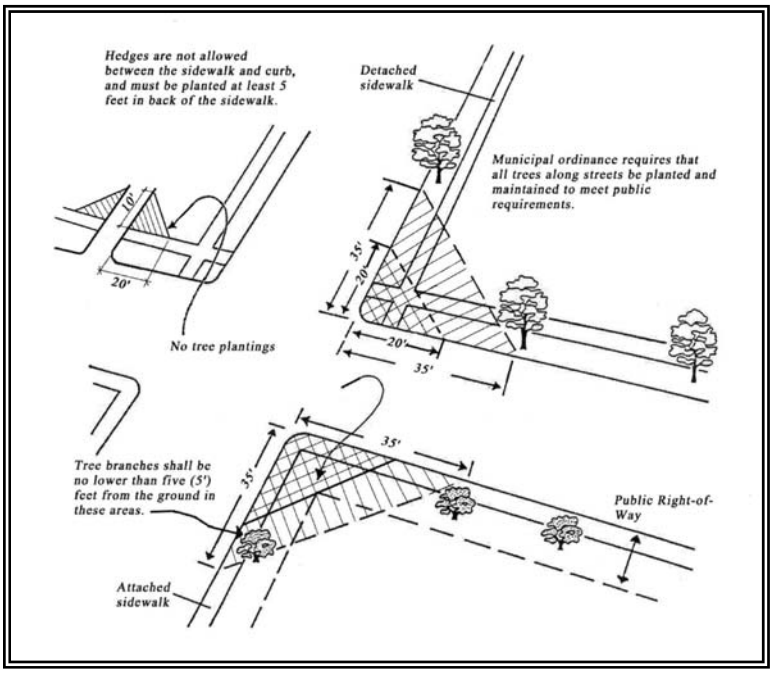

Figure 1171.2: Clear Vision Zones

1171.10 REQUIRED AREA OR SPACE CANNOT BE REDUCED.

No lot, yard, court, parking area or other space shall be reduced in area or dimension so as to make such area or dimension less than the minimum required by this Zoning Ordinance. No part of a yard, court, parking area, or other space provided about, or for, any building or structure for the purpose of complying with the provisions of this Zoning Ordinance shall be included as part of the yard, court, parking area or other space required under this Zoning Ordinance for another building or structure.

1171.11 MAIN BUILDING OR STRUCTURE.

Only one main building or structure can be located on any lot of record.

1171.12 OFF-STREET PARKING AND LOADING.

In every district spaces for off-street parking and for off-street loading and unloading shall be provided in accordance with the provisions of Chapter 1175.

1171.13 ENCROACHING DOORS.

Every garage building or portion of a main building used for garage purposes shall be so equipped that the doors when open or being opened will not project beyond any lot line of the lot on which such building is located; and when such doors open to an alley the wall or portion thereof containing such doors shall be at least six feet from the line forming the common boundary between such lot and the alley.

1171.14 UNSAFE BUILDINGS.

The Engineering and Building Department of Mason shall have the authority under the Mason Building Code to declare a building unsafe for occupancy.

1171.15 HOME OCCUPATIONS

A) It is the intent and purpose of this section to preserve the quiet and privacy of residential districts against the detracting encroachment or infiltration of commercial endeavors, while also preserving the right of individual residents to pursue legitimate hobbies and occupations, and to retain or improve skills not utilized in their principle avocation. The burden of proof that a home occupation complies with both the specified limitations and the above intent and purpose shall be on the person or persons involved in the home occupation. Procedures shall be established by the City Manager for receiving and handling complaints, and may include

fees and penalties separate from others in this Zoning Ordinance if approved by action of Council.

B) In any residence district no home occupation shall be permitted which represents a nuisance to other residents in the vicinity. For purposes of this Zoning Ordinance, the term "nuisance" shall include any circumstance associated with the home occupation which has a detrimental influence beyond the limits of the property being used. Circumstances which shall be deemed to be of detrimental influence shall include, but not necessarily be limited to a violation of any of the following restrictions:

1) There shall be no more than one nonilluminated sign, no larger than one square foot in area, which shall be located in conjunction with a curb-side mail box installation or attached to the dwelling.
2) Nothing shall be done to make the building or lot appear in any way as anything but a dwelling and residential lot.
3) No one is employed from outside the resident family.
4) Mechanical and electrical equipment used shall be only that normally used or found in a single-family dwelling; and, when performance rated shall be limited to normally domestic ratings rather than commercial or industrial.
5) No product may be offered for sale at the dwelling unless that product has been produced or substantially altered in form or value by the home occupation activities.
6) Delivery of supplies and materials shall be accomplished by private automobile, regular mail service, or small delivery vehicles of the type normally used for small parcel deliveries to single-family dwellings. In the latter case there shall be no more than two such deliveries per week; and at no time shall semitrailer type vehicles be involved.
7) The volume of activity shall be limited such that no more than two automobiles or other vehicles involved in the home occupation are present outside the dwelling at any one time.
8) No odors or trash accumulation shall be present outside the dwelling.
9) No vibrations or electrical interferences generated by the home occupation shall be noticeable outside the lot limits. No sounds generated by the home occupation shall be emitted in violation of the Noise Ordinance.

1171.16 UNDERGROUND WIRING AND UTILITIES.

Underground electric and telephone lines and other utilities are mandatory in all zoning districts. For the purposes of this Zoning Ordinance, underground wiring and utilities shall not be considered structures. In industrial subdivisions where the Cincinnati Gas and Electric Company advises the City that the power load requirements are sufficiently large as to make underground service impractical or unfeasible, electric and telephone lines may be installed overhead along rear lot and telephone lines. In an event where the Cincinnati Gas and 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 approval of the City Manager and Council. Should 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. 99-132, passed October 11, 1999)

1171.17 TEMPORARY STORAGE CONTAINERS. (Ord. 16-54, passed April 11, 2016)

A temporary storage container (including portable storage units, shipping containers, or similar storage structures) is permitted as a temporary, accessory use in commercial and residential districts and shall be regulated as follows:

A) A temporary storage container is only permitted for a period not to exceed 30 days within a one-year period but may be extended once by the Zoning Administrator for up to thirty (30) additional days. A zoning certificate is required to place a portable storage unit on any premises.

B) A temporary storage container must be: located on a concrete or asphaltic concrete surface, a minimum of 10 feet from the right-of-way, and a minimum of three (3) feet from all other property lines, unless otherwise approved by the Zoning Administrator.

C) Temporary storage containers, on a property at any one time, may not exceed an aggregate of 1,200 cubic feet on the interior.

D) If the temporary storage container is being used to store personal property as a result of a major calamity (e.g. fire, flood, auto, tree or other event where there is significant property damage), the Zoning Administrator may extend the time limitation of subsection A), not to exceed six months per calendar year.

E) Temporary storage containers, whose duration does not exceed 72 hours, shall not be required to obtain a zoning certificate.

1171.18 RESIDENTIAL CONSTRUCTION DUMPSTERS. (Ord. 16-54, passed April 11, 2016)

A dumpster for the purpose of residential construction activities is permitted as a temporary, accessory use in a residential district and shall be regulated as follows:

A) A dumpster is only permitted for a period not to exceed 30 days within a one-year period but may be extended once by the Zoning Administrator for up to thirty (30) additional days. A zoning certificate is required to place a dumpster on any premises.

B) A dumpster must be located a minimum of 10 feet from the right-of-way and a minimum of three (3) feet from all other property lines.

C) A maximum of one dumpster is allowed on a property at any one time and is limited to a maximum 40-yard capacity and 23 feet in length.

D) Dumpsters, whose duration does not exceed 72 hours, shall not be required to obtain a zoning certificate.

1171.19 MEDICAL MARIJUANA. (Ord. 17-139, passed January 22, 2018)

Pursuant to the authority set forth in section 3796.29 of the Ohio Revised Code, medical marijuana cultivation, processing, and retail dispensaries as licensed and defined under chapter 3796 of the Ohio Revised Code shall not be permitted in any zoning district, overlay or Planned Unit Development within the City of Mason.

CHAPTER 1172
Conditionally Permitted Uses

1172.1 PURPOSE.
1172.2 APPROVAL PROCEDURES.
1172.3 GENERAL STANDARDS FOR CONDITIONAL USES.
1172.4 CHILD DAY-CARE CENTERS.
1172.5 CONVALESCENT, NURSING AND REST HOMES.
1172.6 AUTOMOBILE SERVICE STATIONS, AUTOMOBILE REPAIR AND BODY SHOPS, AUTOMOBILE ACCESSORIES.
1172.7 AUTOMOBILE WASHING.
1172.8 CONVENIENCE FOOD STORES AND DRIVE-IN AND DRIVE-THROUGH FACILITIES; FAST FOOD RESTAURANTS.
1172.9 BED AND BREAKFASTS.
1172.10 HOME-BASED BARBER SHOPS AND BEAUTY SALONS.
1172.11 ANIMAL HOSPITALS, VETERINARIAN CLINICS AND KENNELS

1172.1 PURPOSE.

Conditionally permitted uses are those uses described or referred to herein which have a particular impact on the surrounding area that cannot be predetermined and controlled by general regulations. In order to ensure that these uses in their proposed location will be compatible with surrounding development, their establishment shall not be a matter of right, but may be permitted after review and approval as hereinafter provided. Toward these ends, it is recognized that this Ordinance should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, methods(s) of operation, intensity of use, public facilities requirements and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of this chapter.

1172.2 APPROVAL PROCEDURES.

Conditionally permitted uses shall require approval of Council after review by Planning Commission and shall be subject to requirements and standards specified in this chapter. In order to preserve the character of the neighborhood and to otherwise promote and effectuate the purposes of this Zoning Ordinance, additional restrictions may be deemed necessary and may be imposed by Council incident to the approval of an application.

A) Planning Commission Review Procedures. The Planning Commission shall consider all applications for conditional use permits and shall make recommendations thereon to Council.

1) Permit Application. An application for a conditional use permit shall be made by the property owner, or agent thereof, to the City Engineer on a form provided for such

purposes, and shall be accompanied by all required fees and twenty (20) copies of the following:

a) A site plan and other drawings to scale, showing existing and proposed use of the site, all pertinent natural and man-made features, and adjacent residential character and buildings.

b) A list of names and mailing addresses of all owners of property within 300 feet of any part of the property in question.

c) A statement of need for the proposed use, its location and magnitude.

d) A summary report identifying and evaluating the consequences and effects of the proposed use on the surrounding properties and the neighborhood at large.

e) A statement indicating how the negative effects of the proposed use will be mitigated.

f) A Landscape Plan in conformance with the requirements of the Landscape Ordinance.

2) Consideration by Planning Commission. The Planning Commission shall consider the application at a regular meeting scheduled within forty-five (45) days after the submission of a complete application of material for a conditional use permit. After due consideration of all applicable factors, the Commission shall make a written recommendation to Council on each of the following (Ord. 99-132, passed October 11, 1999):

a) The location of the conditional use and its suitability for the district for which it is proposed.

b) A finding on whether the proposed use will have a negative effect on or will conflict with surrounding areas. To this end, the Planning Commission may recommend such additional requirements and conditions with regard to construction, maintenance and operation as it deems necessary to protect adjacent uses and public interest.

3) Disapproval by Planning Commission. If the Planning Commission does not recommend the application for a conditional use, it shall enter in its minutes the reason for the same. The applicant may thereafter make changes and resubmit the application to the Commission for reconsideration. The revised application shall be processed within the time and in the manner provided in this section.

B) Council Review Procedures.

1) Council Approval. After consideration by the Planning Commission, Council shall conduct a public hearing for a conditional use permit. Notification of the public hearing shall be by the following means:

a) A notice of the hearing shall be mailed by registered mail to all property owners within 300 feet of any part of the property in question. The notice shall specify the date, place and time of hearing, and shall contain a statement as to the nature and location of the proposed use.

b) Such notification shall be mailed no less than ten days before the hearing. The notification of the hearing shall also be made by means of publication in a newspaper of general circulation in the City, adequately describing the nature

of the proposed conditional use, once a week for two consecutive weeks on the same day of the week, the first of such publications to take place not less than thirty days prior to the public hearing.

c) Following the public hearing, during its next regular business meeting, Council shall approve or disapprove the application for a conditional use permit.

2) Conditional Use Permit Issued. Following Council's approval, and upon payment of a conditional use permit fee, a conditional use permit shall be issued to the applicant by the Zoning Administrator.

C) Period of Validity of Conditional Use Permit. In any case where an approved conditional use permit has not been used within one year of the date on which it was granted, that permit shall expire unless an extension of the above time period has been authorized by the Planning Commission.

D) Expansion and/or Conversion. Approved conditional uses shall be considered conforming uses. Such uses may be expanded or rebuilt or redesigned without a public hearing provided that no additional property is acquired to accommodate the expansion and that such expansion conforms to other pertinent provisions of this chapter and the terms of the permit, and providing further that any subsequent expansion of such conditionally permitted use involving the enlargement of building structures, surface improvements, parking area, and/or land area devoted to such conditional use, and the conversion of an approved conditional use to a different permitted conditional use, shall require approval of a separate conditional use permit application pursuant to the procedures set forth in this section.

1172.3 GENERAL STANDARDS FOR CONDITIONAL USES.

The following sections 1172.4 through 1172.10 include specific conditional use criteria and requirements for those uses conditionally permitted in this Ordinance as provided for in this chapter. Nothing in this chapter shall prohibit the Planning Commission from prescribing supplementary conditions and safeguards in addition to these requirements and in accordance with this chapter.

A) Intent. The intent of sections 1172.4 through 1172.10 is to establish supplementary standards for certain special land uses that may affect adjacent properties, the neighborhood, or the community even if all other standards of this Ordinance are met. It is also the intent of this section to establish appropriate standards for permit processing and for the location, design and operation of conditional uses to assure that they will be developed in a manner consistent with the intent of this Ordinance.

B) Applicability of Conditional Use Standards. Standards and conditions in sections 1172.4 through 1172.10 are related to the special characteristics of the uses specified and, unless otherwise noted, apply to development in addition to all other applicable standards and regulations in this Ordinance.

1) In the event that the standards of this section conflict with the provisions of other sections of this ordinance, these standards prevail, except for legal nonconformities as regulated in Chapter 1173.
2) In the event that a use is subject to more than one subsection of the section, the most restrictive standards shall apply.
3) In addition to the standards set forth in this article, all uses specified as conditional uses require approval by the Planning Commission and shall be subject to the procedures and requirements as set forth in Section 1172.2.

C) General Standards. In addition to the specific requirements for conditionally permitted uses as specified in sections 1172.4 through 1172.10, the Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1) Is a permitted conditional use in the District for which it is proposed.
2) Will be in accordance with the general objectives, or with any specific objective, of the City's Comprehensive Plan and/or the Zoning Ordinances.
3) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4) Will not be hazardous or disturbing to existing or future neighboring uses.
5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such services.
6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7) Will not involve uses, activities, processes, materials, equipment and conditions or operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
8) Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.
9) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

1172.4 CHILD DAY-CARE CENTERS.

The following conditions apply to child day-care centers in the R-1, R-2, R-3, R-4, R-6 and R-7 districts (Ord. 99-48, passed April 12, 1999):

A) Minimum Lot Area. Day-care centers for seven (7) or more children shall have a minimum lot area of seventy-five hundred (7,500) square feet, or five hundred (500) square feet per

child, whichever is greater. Home child care of six (6) or fewer children is considered a Home Occupation and is regulated in Section 1171.15.

B) Required Outdoor Play Area. There shall be provided a minimum of one hundred (100) square feet of fenced outdoor play area per child.

C) Required Access and Loading/Unloading.

1) An on-site drop-off area shall be provided at the main entrance to the facility sufficient to accommodate four (4) automobiles for facilities with twenty (20) or fewer children plus one (1) additional vehicle for each additional ten (10) children served.
2) Access to an arterial or collector street is required or access shall be provided in a manner that does not cause heavy traffic on residential streets, and a traffic impact report pursuant to the provisions of Chapter 1135 shall be provided.

D) Required Fencing. All outdoor play areas shall be enclosed by a fence or wall a minimum of five 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 provided around all outdoor play areas abutting a residential property.

E) Hours of Operation. Use of outdoor play areas shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.

F) Special Provisions for Day-Care Centers in Non-Residential Districts. The Planning Commission has the power to require additional fencing, screening and/or other measures deemed necessary to protect the health, safety and welfare of children using day care centers in commercial, industrial or other high hazard areas, or to deny a request to locate a facility in such areas based on health and safety considerations.

1172.5 CONVALESCENT, NURSING AND REST HOMES.

The following conditions apply to convalescent, nursing and rest home uses in the R-1, R-2, R-3, R-4, R-6 and R-7 districts (Ord. 99-48, passed April 12, 1999):

A) Minimum Lot Area. 2 acres.

B) Access and Traffic Impact. All developments shall have access only from an arterial or collector street, or access shall be provided in a manner that does not substantially impact traffic on residential streets.

C) Proximity to Goods and Services. A range of convenience goods and personal services shall be available to residents of the proposed facility within walking distance (500 feet) or unless

it can be demonstrated that residents will have adequate access to such uses via private vehicles or other forms of transportation.

D) Screening. Any open vehicular use area closer than one hundred fifty (150) feet to any adjoining residential property shall be screened by a combination of a solid wall, fence or densely planted continuous hedge at least five (5) feet in height. Additional screening as determined by the Planning Commission may be necessary if the topography in the area places vehicular use areas in clear view from the adjacent residential property. (Ord. 99-132, passed October 11, 1999)

E) Lot Coverage. The amount of impervious surface (building, pavement, etc.) on the site shall be limited to forty percent (40%) of the total site area.

1172.6 AUTOMOBILE SERVICE STATIONS, AUTOMOBILE REPAIR AND BODY SHOPS, AUTOMOBILE ACCESSORIES.

A) Minimum Lot Area. Forty thousand (40,000) square feet.

B) Setbacks and Screening.

1) All outdoor display areas, gasoline pumps, canopies and any buildings used for service, repair work, or automobile washing shall be located a minimum of one hundred (100) feet from any adjacent residential property.
2) A solid wood fence or masonry wall at least six (6) feet high shall be provided on any side of the site adjacent to a residential property.

C) Limitations on Use. Activities at automobile service stations shall be limited to:

1) The sale of petroleum fuel, primarily for passenger vehicles.
2) The servicing of motor vehicles with minor repair work.
3) The following accessory uses:
   a) Machine vending of merchandise;
   b) Washing automobiles provided that no chain conveyor, steam cleaner or other mechanical device greater than twenty-five (25) feet is used;
   c) Retail sale of miscellaneous products relating to minor repair work (oil, grease, anti-freeze, tires, batteries, windshield wipers and similar items); and
   d) Rental of trucks and trailers, provided that no more than ten (10) percent of the total site shall be devoted to such activity; no rental units over thirty (30) feet in length shall be permitted; rental vehicles shall not be permitted to be stored either in required offstreet parking spaces or within required front building setback; and a minimum of one hundred sixty (160) square feet of lot area shall be provided for every trailer to be stored and three hundred twenty (320) square feet for every truck to be stored.

4) Except in I-1 and I-2 districts, the following activities are strictly prohibited: 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)

D) For all uses regulated by this subsection, all hydraulic hoists, oil pits and all lubricants, greasing and repair equipment shall be enclosed entirely within a building. No outdoor disassembly or repair of motor vehicles shall be permitted.

E) Landscaping. All areas not paved or covered by the building shall be landscaped, and all landscaped areas shall be separated from all paved areas by six (6) inch high curbing.

F) Access and Traffic Impact. Access shall be from an arterial street or commercial collector. The minimum distance of driveways from intersections shall be one hundred and fifty (150) feet. The minimum distance of driveways to an entrance/exit of a school, place of worship, cemetery, or child day-care center shall be two hundred (200) feet.

1172.7 AUTOMOBILE WASHING.

A) Minimum Lot Area. Forty thousand (40,000) square feet.

B) Setbacks and Screening.

1) All structures shall be located at least one hundred (100) feet from any adjacent residential property.
2) A solid fence, wall or hedge at least six (6) feet high shall be required when an automobile washing facility is adjacent to a residential property.

C) Limitations on Use.

1) All washing facilities shall be located entirely within an enclosed building, except that entrance and exit doors may be left open during the hours of operation.
2) Vacuuming and/or steam cleaning equipment may be located outside a building, but shall not be placed in any yard adjoining a residential property.

D) Offstreet Waiting and Circulation.

1) Five (5) offstreet waiting spaces shall be provided for auto washing facilities. Waiting spaces shall not block or otherwise interfere with site circulation patterns.
2) A hard-surfaced exit drive not less than forty (40) feet in length shall be provided between the exit doors and the street.

E) Access and Traffic Impact. Access shall be from an arterial street or commercial collector.

1172.8 CONVENIENCE FOOD STORES AND DRIVE-IN AND DRIVE-THROUGH FACILITIES; FAST FOOD RESTAURANTS.

A) Minimum Lot Area.

1) Minimum lot area shall be seventy-five hundred (7,500) square feet, except that uses with drive-in or drive-through facilities shall be located on lots with a minimum area of forty thousand (40,000) square feet.
2) All structures, including drive-in or drive-through windows and lanes, shall be set back at least one hundred (100) feet from any residential property.

B) Screening. A solid wood fence or masonry wall six (6) feet high shall be constructed where a convenience food store, drive-in or drive-through store or fast food restaurant is located adjacent to a residential property.

C) Offstreet Parking and Circulation.

1) Stacking space for eight (8) vehicles shall be provided for every drive-in and drive-through facility. Stacking spaces shall not block or otherwise interfere with site circulation patterns.
2) Customer and employee parking shall be separated from drive-in and drive-through activities and customer parking shall be located in the area with highest accessibility to dining or sales areas.
3) The circulation system shall provide smooth, continuous traffic flow with efficient, non-conflicting movement throughout the site. Major pedestrian movements shall not conflict with major vehicular circulation movements.

D) Access and Traffic Impact. Access shall be from an arterial street or commercial collector or shall be provided in a manner that does not cause heavy traffic on residential streets.

1172.9 BED AND BREAKFASTS.

The following conditions and standards shall apply to Bed and Breakfasts in the B-1 Districts.

A) General Limitations.

1) Bed and Breakfast facilities shall be compatible with the surrounding area and with sufficient site area to accommodate existing and future needs.
2) There shall be no substantial modification to the exterior appearance of the structure unless required by city and state building codes (e.g. fire escapes, handicap ramps, doorways, etc.).

3) Breakfast shall be served on the premises only for the guests of the facility and no other meals shall be provided.
4) No long term rental of units greater than fourteen (14) days shall be permitted.
5) There shall be a maximum of five (5) guest rooms.

B) Proximity to Another Facility. No Bed and Breakfast shall be located within four hundred (400) feet of another Bed and Breakfast facility unless waived by the Planning Commission.

C) Parking. Off-street parking shall be provided in accordance with Chapter 1175. One space shall be provided for each guest sleeping room or suite, plus two (2) additional spaces for the owner occupants. No parking shall be provided in any front yard. Parking for more than four (4) vehicles shall be screened from view from the street right-of-way or adjoining property by a three (3) foot average height planting hedge, fence, wall or earth mound and one tree for every forty (40) feet of lineal boundary.

D) Landscaping. Landscaping shall be provided in accordance with the Landscape Ordinance. Where the Bed and Breakfast home or Bed and Breakfast Inn/Lodge is adjacent to a residential property, a continuous combination wood fence, wall, hedge, or earth mound six (6) feet in height shall be provided.

E) Signage. There shall be no exterior advertising except one externally illuminated two-sided identification sign not to exceed four square feet in area per sign face. Ground or post/hanging signs shall not exceed six (6) feet in height.

F) Setback. A Bed and Breakfast Inn/Lodge shall comply with the district setback requirements. Parking shall be no more than ten (10) feet from any rear or side yard lot line.

G) Lighting. All lighting shall have a total cutoff angle of less than 90 degrees, a maximum illumination of 1.0 foot candles and shall not spill over onto adjacent property.

1172.10 HOME-BASED BARBER SHOPS AND BEAUTY SALONS.

Home-based barber shop or beauty salon as defined by Section 1133.84 provided that the barber shop or beauty salon meets the following conditions:

A) There shall be no more than one (1) non-illuminated sign, no larger than one (1) square foot in area, which shall be located in conjunction with the curbside mailbox installation or attached to the dwelling.

B) Nothing shall be done to make the building or lot appear in any way as anything but a dwelling and residential lot.

C) The lot size on which the barber shop or beauty salon is to be located is no less than one (1) acre in size. (Ord. 99-132, passed October 11, 1999)

D) The building in which the barber shop or beauty salon is to be located shall have a setback of seventy-five (75) feet from the front property line and shall comply with all other setback requirements.

E) The barber shop or beauty salon shall not have more than two (2) chairs in which to provide its services.

F) The hours of operation for the barber shop or beauty salon shall be within the hours of 10:00 a.m. to 7:00 p.m.

G) No odors or trash accumulation shall be present outside the dwelling.

H) No additional curb cuts will be added to the lot or property.

1172.11 ANIMAL HOSPITALS, VETERINARIAN CLINICS AND KENNELS. (Ord.04-155, passed January 10, 2005)

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 of the principal building.
3) Outdoor exercise areas shall only be used between the hours of 8:00 a.m. and 8:00 p.m.
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.

CHAPTER 1173
Nonconforming Uses

1173.1 PURPOSE.
1173.2 INCOMPATIBILITY OF NON-CONFORMITIES.
1173.3 AVOIDANCE OF UNDUE HARDSHIP.
1173.4 CERTIFICATES FOR NON-CONFORMING USES.
1173.5 SUBSTITUTION OF NON-CONFORMING USES.
1173.6 SINGLE NON-CONFORMING LOTS OF RECORD.
1173.7 NON-CONFORMING LOTS OF RECORD IN COMBINATION.
1173.8 NON-CONFORMING USES OF LAND.
1173.9 NON-CONFORMING STRUCTURES.
1173.10 NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.
1173.11 TERMINATION OF USE THROUGH DISCONTINUANCE.
1173.12 TERMINATION OF USE BY DAMAGE OR DESTRUCTION.
1173.13 REPAIRS AND MAINTENANCE.

1173.1 PURPOSE.

Within the districts established by this Ordinance, lots, uses of land, structures and uses of structures and land in combination exist which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance. The legitimate interest of those who lawfully established these nonconformities are recognized by providing for their continuance, subject to regulation limiting their completion, restoration, reconstruction, extension and substitution. Nothing contained in this Ordinance shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure or structure and land in combination for which a zoning permit became effective and does not lapse prior to the effective date of this Ordinance. While it is the intent of this Ordinance that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. No nonconformity may be moved, extended, altered, expanded or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Planning Commission and Council, except as otherwise specifically provided for in this Ordinance.

1173.2 INCOMPATIBILITY OF NON-CONFORMITIES.

Nonconformities are declared by this ordinance to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

1173.3 AVOIDANCE OF UNDUE HARDSHIP.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

1173.4 CERTIFICATES FOR NON-CONFORMING USES.

The Zoning Administrator may, upon his own initiative, or shall upon the request of any owner, issue a zoning certificate for any lot, structure, use of land, use of structure or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are, or become, nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Administrator, who shall maintain as a public record a file of all such certificates.

1173.5 SUBSTITUTION OF NON-CONFORMING USES.

So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any nonconforming use may, upon appeal to and approval by the Zoning Board of Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, provided that the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Ordinance. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use or other nonconforming use.

1173.6 SINGLE NON-CONFORMING LOTS OF RECORD.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both (that are generally applicable in the district), provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

1173.7 NON-CONFORMING LOTS OF RECORD IN COMBINATION.

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Ordinance.

1173.8 NON-CONFORMING USES OF LAND.

At the time of adoption of this Ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this Ordinance. These uses may be continued so long as they remain otherwise lawful, provided:

A) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;

B) No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Ordinance;

C) If any such nonconforming uses of land are voluntarily discontinued or abandoned for more than six (6) months (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

D) No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

1173.9 NON-CONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, intensity or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;

B) Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to the extent of more than fifty percent (50%) of the cost of replacement, as set forth in Section 1173.12, it shall not be reconstructed except in conformity within the provisions of this Ordinance. (Ord. 99-132, passed October 11, 1999)

C) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

1173.10 NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located. Reconstruction occurs when the cost of the work to be done is greater than fifty percent (50%) of the cost of replacement as set forth in Section 1173.12. (Ord. 99-132, passed October 11, 1999)

B) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

C) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

D) When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than six (6) months (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

E) When nonconforming use status is applied to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

1173.11 TERMINATION OF USE THROUGH DISCONTINUANCE.

When any nonconforming use is discontinued or abandoned for more than six (6) months, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

1173.12 TERMINATION OF USE BY DAMAGE OR DESTRUCTION.

In the event that any nonconforming building or structure is destroyed by any means to the extent that the estimated cost of repair is greater than fifty percent (50%) of the last appraised cost of such structure, exclusive of foundation, it shall not be rebuilt, restored or reoccupied for any use unless it is brought into conformity with all regulations of this Ordinance. When such a nonconforming structure is damaged or destroyed to the extent that the estimated cost of repair is fifty percent (50%) or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Ordinance and the following conditions (Ord. 99-132, passed October 11, 1999):

A) A Zoning Certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion;

B) Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

1173.13 REPAIRS AND MAINTENANCE.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

CHAPTER 1174
Large Retail Establishment Design Standards
(Ord. 2006-81, passed August 28, 2006)

1174.1 PURPOSE.
1174.2 FACADES AND EXTERIOR WALLS.
1174.3 MATERIALS AND COLORS.
1174.4 ROOFS.
1174.5 BUILDING ENTRYWAYS.
1174.6 OUTDOOR DISPLAY.
1174.7 MECHANICAL EQUIPMENT.
1174.8 TRAFFIC AND VEHICULAR ACCESS.
1174.9 PEDESTRIAN FLOWS.
1174.10 CENTRAL FEATURES AND COMMUNITY SPACE.
1174.11 LIGHTING.
1174.12 NOISE CONTROL.
1174.13 DESIGN CREATIVITY.
1174.14 MODIFICATIONS.
1174.15 VARIANCES AND APPEALS.

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 (<=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.

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.

A) Access points shall conform to the specific requirements of CHAPTER 1115 Access Management Regulations.

B) 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 façade 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 façade.

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 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 compiles 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.

CHAPTER 1175
Off-Street Parking and Loading

1175.1 LOADING SPACES.
1175.2 OFF-STREET PARKING LOTS.
1175.3 PARKING AND LOADING ACCESS.
1175.4 UNITS OF MEASUREMENT.
1175.5 NUMBER OF PARKING SPACES REQUIRED.
1175.6 COLLECTIVE PROVISION.
1175.7 DEVELOPMENT AND MAINTENANCE OF PARKING AREAS.
1175.8 MODIFICATIONS.

1175.1 LOADING SPACES.

A) When Required. In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing storage, warehouses, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space plus one additional such loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 20,000 square feet. Where the floor area of the building exceeds 100,000 square feet, the number of off-street loading spaces shall be determined by the Planning Commission.

B) Dimensions. Each loading space shall be not less than ten feet in width, twenty-five feet in length, and fourteen feet in height.

C) Distance from Residential Districts. No such space shall be closer than one hundred feet to any other lot located in any residential district, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted solid board fence, of acceptable design to the Planning Commission, not less than six feet in height.

1175.2 OFF-STREET PARKING LOTS.

A) When Required. In all districts, in connection with every industrial, business, institutional, recreational, residential or other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the requirements herein.

B) Minimum Dimensions.

1) Except in the case of dwellings, no parking area provided hereunder shall be less than 1000 square feet in area.
2) Parking Space - 9 feet by 18 feet exclusive of access drives or aisles
3) Stacking Space - 9 feet by 22 feet exclusive of access drives or aisles
4) Circulation Aisle - 22 feet in width

1175.3 PARKING AND LOADING ACCESS.

There shall be adequate provision for ingress and egress to all parking spaces. Except in the case of a dwelling, no parking area for three or more vehicles shall be permitted unless it is arranged that vehicles are not forced to back into any public street.

1175.4 UNITS OF MEASUREMENT.

F) For purposes of this chapter, the units of measurement in this section shall apply.

G) For the purpose of applying the requirements in Section 1175.5, "floor area", in the case of office, merchandising or service types of uses, means the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sales of merchandise. It shall not include areas used principally for nonpublic purposes, such as storage incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings for toilet or rest rooms, for utilities or for dressing rooms, fitting or alteration rooms.

1175.5 NUMBER OF PARKING SPACES REQUIRED.

In connection with every land use, there shall be provided at the time any building or structure is erected, at the time any use of land is extended or at the time the use of a building changes, off-street parking to accommodate all motor vehicles of residents or employees, visitors and customers. Off-street parking facilities shall be provided for all uses according to Table 1175. In the case of a use not specifically stated, the requirements for off-street parking facilities shall be based on a similar use contained in Table 1175.

Table 1175: Parking Space Requirements

Principal Use(s)	**Minimum Spaces Required**
A) Residential	
Single family, two-family, and multi-family	2 spaces / unit (multi-family units may require additional visitor parking) (Ord. 99-132, passed October 11, 1999)
Apartments	1.5 spaces/unit (1 space completely enclosed in a garage) (Ord. 99-132, passed October 11, 1999)
Group homes	1 space / 4 residents + 1 space / employee
Elderly housing facility	.75 space / unit + 1 space / employee
B) Retail, Commercial and Service Uses	
Commercial schools and studios	1 space / 3 students at capacity + 1 space / employee on largest shift
Convenience stores	1.5 spaces / 200 sq. ft. gross floor area
Financial establishments	1 space / 200 sq. ft. gross floor area
Funeral homes	1 space / 50 sq. ft. public floor area + 1 space / employee + 1 space / business vehicle
General merchandise stores and supermarkets	1 space / 200 sq. ft. gross floor
Home furnishings, home improvement stores	1 space / 400 sq. ft. gross indoor and outdoor display area
Nurseries and garden supplies stores	1 space / 200 sq. ft. gross floor + 1 space / 1000 sq. ft. exterior display area
Restaurant, standard	1 space / 100 sq. ft. gross floor + 1 space / employee on largest shift
Restaurant, fast food	1 space / 50 sq. ft. gross floor + 1 space / employee on largest shift + 8 stacking spaces for drive-through service

Principal Use(s)	Minimum Spaces Required
Specialty retail, commercial and personal services	1 space / 200 sq. ft. gross floor area less than 2000 sq. ft. + 1 space / 250 sq. ft. gross floor area greater than 2000 sq. ft. or 1 space / 300 sq. ft. for multi-tenant building(s) in a single development with a combined gross floor area greater than 10,000 sq. ft. (Ordinance 15-89, passed September 28, 2015)
Business and cleaning services	1 space / 300 sq. ft. gross floor + 1 space / employee on largest shift + 1 space / business vehicle
Taverns, bars and nightclubs	1 space / 50 sq. ft. gross floor area
Drive-through and drive-in facilities	1 space / employee + 5 stacking spaces for each drive-in window or drive-through lane
Drive-through automatic teller machines at non-financial institutions	4 stacking spaces/machine
C) Recreation	**1 space / 2 employees on the largest shift + additional specified in items 1 - 8 below**
Auditoriums, arenas, stadiums, gymnasiums and playing fields	1 space / 4 seats
Golf courses	8 spaces / hole + 50% of spaces required for accessory uses
Parks and playgrounds	60 spaces / athletic field
Recreation centers	1 space / 250 sq. ft. gross floor area
Recreation centers, if exclusively designed for senior citizens or persons under 16 years of age	1 space / 750 sq. ft. gross floor area
Skating rinks	1 space / 300 sq. ft. gross floor area
Swimming pools	1 space / 75 sq. ft. of water surface area
Indoor tennis, racquet-ball, and handball courts	4 spaces / court
Outdoor tennis courts	2 spaces / court
D) Road Service and Commercial Recreation	
Automobile service and repair	1 space / 2 service bays + 1 space / employee on largest shift

Principal Use(s)	**Minimum Spaces Required**
Automobile washing facilities, self service	5 spaces / stall + 1 space / employee on largest shift
Automobile washing facilities, assembly line	15 spaces + 1 space / employee on largest shift
Bowling alleys	5 spaces / alley + any additional required for accessory uses
Assembly, exhibition, and bingo halls	1 space / 50 sq. ft. gross floor area
Game rooms and pool halls	1 spaces / 2 persons at maximum capacity + 1 space 2 employees
Golf driving range	1 space / tee + 1 space / employee on the largest shift
Miniature golf	1.5 space / hole + 1 space/ employee on the largest shift
Sweepstakes/Internet Cafés	1 space / Computerized Sweepstakes Device (Ord. 11-64, passed August 8, 2011)
Theaters, concert, meeting, and banquet halls	1 space / 2.5 seats at maximum capacity
Outdoor commercial recreation not specifically regulated elsewhere	1 space / 4 patrons at the maximum capacity + 1 space / 2 employees on the largest shift
Fraternal and social clubs	1 space / 50 sq. ft. floor area for assembly + 1 space / 200 sq. ft. of other floor area
Hotels and motels	1 space / room or suite + 1 space / 3 employees on the largest shift + 1 space / 3 persons at maximum capacity of meeting rooms + 50 % of spaces otherwise required for any other uses
Vehicle sales and service, lumberyards and building material sales	1 space / 800 sq. ft. of interior floor area + 1 space / 3000 sq. ft. of exterior area for sale or display
E) Institutional	
Community centers, libraries, museums, art galleries, public offices	1 space / 250 sq. ft. gross floor area + 1 space / employee on largest shift

Principal Use(s)	Minimum Spaces Required
Day-care centers	1 space / 5 children + 1 space / employee + 3 waiting spaces for drop-off/pick-up
Elementary and junior high schools	1 space / 2 classrooms + 1 space / employee
High schools	1 space / 6 students + 1 space / employee
Colleges and universities	1 space / 3 classroom seats + 1 space / employee
Hospitals and clinics	1 space / 2 beds + 1 space / employee on largest shift
Places of worship	1 space / 4 seats
Convalescent, nursing or rest homes	1 space / 6 beds + 1 space / employee on largest shift
F) Offices and Clinics	
Business, professional and administrative offices	1 space / 300 sq. ft. gross floor area
Medical offices and clinics	3 spaces / treatment room or chair + 1 space / employee on largest shift
Veterinary clinics	3 spaces / treatment room + 1 space / employee on largest shift
G) Industrial	
Construction trades, contractor offices, and industrial craft shops	1 space / 300 sq. ft. of floor area + 1 space / business vehicle
Manufacturing, printing, publishing, laundry and dry cleaning plants	1 space/ employee on the largest shift + 1 space / 10,000 sq. ft. floor area + 1 space / business vehicle regularly stored on site
Recycling Centers	1 space / employee or volunteer + 1 space / collection vehicle + 2 spaces / collection vehicle and container
Warehouses and mini-warehouses	1 space / 4000 sq. ft. floor area + 1 space/ employee on the largest shift

Principal Use(s)	**Minimum Spaces Required**
Wholesaling facilities	1 space / 300 sq. ft. office and sales area + 1 space / 4000 sq. ft. of storage area + 1 space/ employee on the largest shift
Heavy equipment rental, sales and storage	1 space / 800 sq. ft. of floor area + 1 space / 3000 sq. ft. area for sale or display
Heavy industrial not specifically regulated elsewhere	1 space/ employee on the largest shift + 1 space / 10,000 sq. ft. floor area + 1 space / business vehicle regularly stored on site

1175.6 COLLECTIVE PROVISION.

Nothing in this chapter shall be construed to prevent collective provision of off-street parking facilities for two or more buildings or uses, provided that the total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the various uses computed separately.

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:

D) Screening and Landscaping. Off-street parking areas for more than five vehicles shall be screened and landscaped as required by the Landscape Ordinance.

E) 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.

F) Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to deflect the light away from any adjoining premises in any residence district.

G) Curbing. All paved areas must have curbing unless waived by Planning Commission. (Ord. 04-155, passed January 10, 2005)

1175.8 MODIFICATIONS.

The Zoning Board of Appeals may authorize on appeal a modification, reduction or waiver of the foregoing requirements, if it should find that, in the particular case appealed, the peculiar nature of the residential, business, trade, industrial or other use, or the exceptional shape or size of the property or other exceptional situation or condition, would justify such action.

CHAPTER 1177
Motels and Motor Hotels

1177.1 WHERE PERMITTED.
1177.2 ENTRANCES.
1177.3 GENERAL REQUIREMENTS.
1177.4 LANDSCAPING FOR UNUSED AREAS.
1177.5 ENLARGEMENT.

1177.1 WHERE PERMITTED.

Motels and motor hotels are permitted only in designated districts and shall front on a street designated as a major or minor arterial, provided that such premises shall be enclosed by a solid wall or fence at least six feet high where it abuts in the rear or on the sides of any residence district, public park, school, etc. No kitchen or cooking facilities for the use of the transients or guests shall be provided in any motel or hotel unit.

1177.2 ENTRANCES.

No vehicular entrances to or exits from any motel or motor hotel, wherever such may be located, shall be within 200 feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or another street which the premises in question does not abut.

1177.3 GENERAL REQUIREMENTS.

Applicable County and City sanitary regulations shall be complied with, in addition to the following regulations:

A) Area and Yard Requirements. Motels and motor hotels shall comply with the applicable provisions of the district in which they are located.

B) Parking. All areas used for automobile access and parking shall comply with the applicable provisions of Chapter 1175.

1177.4 LANDSCAPING FOR UNUSED AREAS.

All areas not used for access, parking, circulation, buildings and services shall comply with the Landscape Ordinance.

1177.5 ENLARGEMENT.

Any enlargement or extension to any existing motel or motor hotel shall require application for a zoning certificate as if it were a new establishment.

CHAPTER 1181
Height Modifications

1181.1 HEIGHT LIMITATIONS NOT APPLICABLE.
1181.2 MINIMUM REQUIREMENTS.

1181.1 HEIGHT LIMITATIONS NOT APPLICABLE.

The height limitations stipulated elsewhere in this Zoning Ordinance shall not apply to the following:

A) Farm Buildings and Architectural Features. Barns, silos or other farm buildings or structures on farms; to water towers, fire and hose towers, cooling towers, transmission towers, windmills, chimneys, smokestacks, and flag poles; and to parapet walls extending not more than four feet above the limiting height of the building. (Ord. 99-132, passed October 11, 1999) (Ordinance 15-90, passed October 12, 2015)

B) Places of Public Assembly. Places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that these are located on the first floor of such buildings and provided that for each foot by which the height of such buildings exceeds the maximum height otherwise permitted in the district, its side and rear yard setbacks shall be increased in width or depth by an additional two feet over the side and rear yards required for the highest building otherwise permitted in the district. (Ordinance 15-90, passed October 12, 2015)

C) Cellular or Wireless Communications Systems. Cellular or wireless communication antennas or towers shall comply with Chapter 1188.

1181.2 MINIMUM REQUIREMENTS.

All such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five percent (25%) of the area of the lot and shall be distant not less than fifty feet in all parts from every lot line not a street line.

CHAPTER 1183
Frontage and Yard Modifications

1183.1 BUILDINGS ON THROUGH LOTS.
1183.2 FRONTAGE MODIFICATION.
1183.3 AVERAGE DEPTH OF FRONT YARDS.
1183.4 REAR AND SIDE YARD COMPUTATION.
1183.5 SIDE YARD MODIFICATIONS.

1183.1 BUILDINGS ON THROUGH LOTS.

Buildings on through lots shall conform to the front yard requirements for each street. In case of reversed frontage, an accessory building shall not extend beyond the setback line of the rear street.

1183.2 FRONTAGE MODIFICATION.

In the case of curvilinear streets and cul-de-sacs, the Zoning Board of Appeals may authorize a reduction of the otherwise specified frontage or lot width in residential districts along the front property line, provided that:

A) The lot width at the building line shall equal the frontage or lot width required in the district where located;

B) The lot width at the street frontage shall be not less than thirty feet in any event; and

C) Such reduction of frontage shall not result in a reduction of the required lot area.

1183.3 AVERAGE DEPTH OF FRONT YARDS.

In any residential district, where the average depth of at least two existing front yards on lots within 100 feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Zoning Ordinance; the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average depth of such existing front yards on the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on any lot immediately adjoining; provided, however, that the depth of a front yard on any lot shall be at least twenty feet and need not exceed sixty feet.

1183.4 REAR AND SIDE YARD COMPUTATION.

In computing the depths of a rear yard or the width of a side yard, where the rear or side yard abuts on an alley, one-half of the width of the alley may be included as a portion of the required rear or side yard, as the case may be.

1183.5 SIDE YARD MODIFICATIONS.

A) Side Yard Increased. Each side yard, where required, shall be increased in width by one inch for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds fifty feet.

B) Side Yard Varied, Wall Not Parallel. Side yard width may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such cases the average width of the side yard shall not be less than the otherwise required least width; provided, however, that such side yard shall not be narrower at any point than one-half the otherwise required least width, or narrower than three feet in any case.

C) Side Yard for Corner Lot. A side yard along the side street lot line of a corner lot, which lot abuts in the rear, either directly or across an alley, the side lot line of another lot in a residence district, shall have a width of not less than one-half the required depth of the front yard on such other lot fronting the side street.

D) Lot Types and Yards Illustrated.

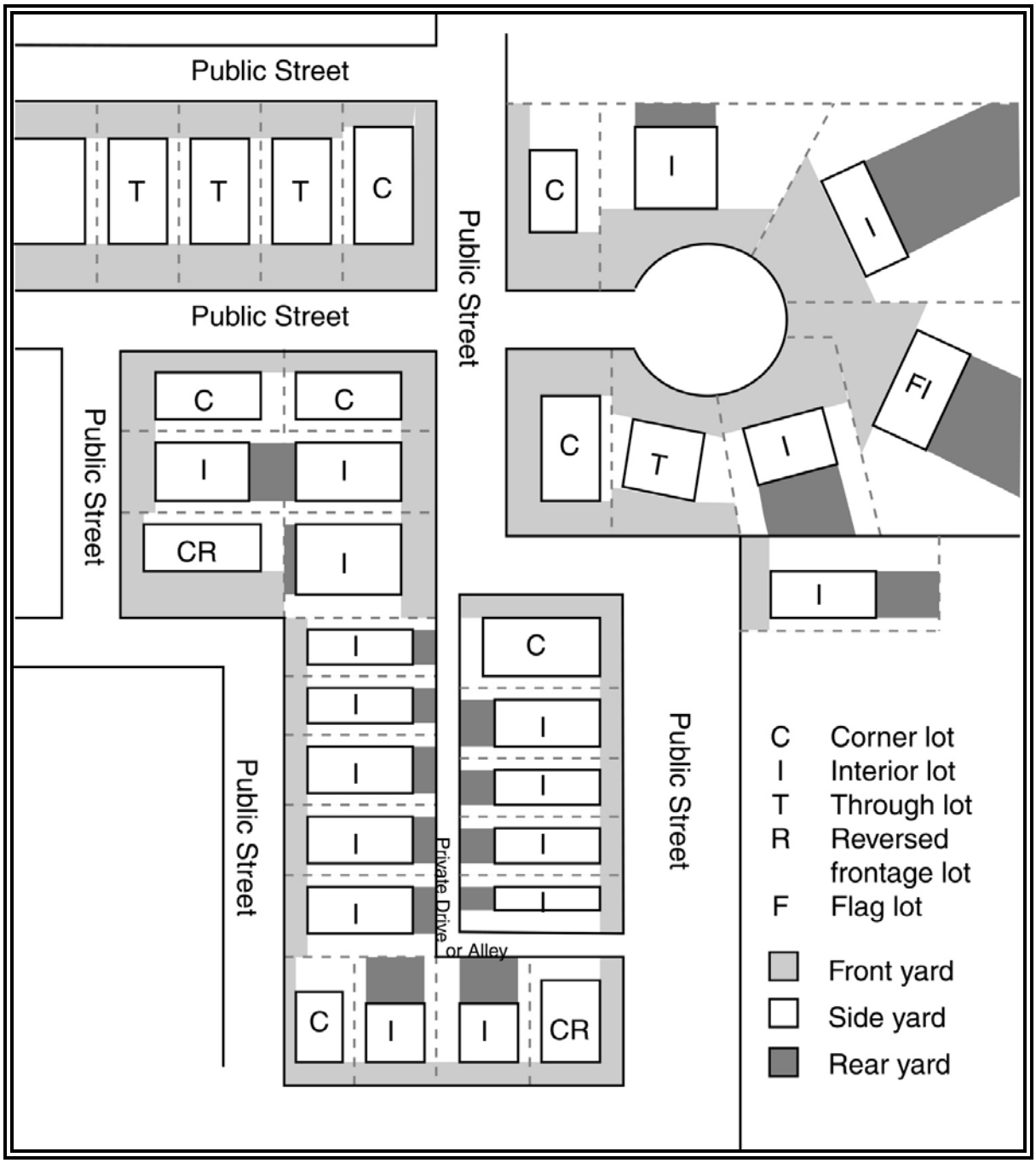

Figure 1183: Lots and Yards Illustrated

CHAPTER 1185
Fences and Yard Projections

1185.1 PROJECTION OF ARCHITECTURAL FEATURES.

1185.2 FENCES AND WALLS.

1185.1 PROJECTION OF ARCHITECTURAL FEATURES.

Certain architectural features may project into required yards or courts as follows:

A) Front and Side Yards. Into any required front yard, or required side yard adjoining a side street lot line:

1) Cornices, canopies, eaves or other architectural features may project a distance not exceeding two feet, six inches.
2) Fire escapes may project a distance not exceeding four feet, six inches.
3) An uncovered stair and necessary landings may project a distance not to exceed six feet, provided such stair and landing shall not extend above the entrance floor of the building except for a railing not exceeding three feet in height.
4) Bay windows, balconies, uncovered porches and chimneys may project a distance not exceeding three feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.
5) Mailboxes. (Ord. 99-132, passed October 11, 1999)
   a) Brick mailboxes are permitted in any zone provided that the closest edge of the structure is no more than five (5) feet to the edge of pavement, the structure does not interfere with roadside ditch drainage and a paved pull-off is provided for postal employee access. If the pull-off is along a curbed street, the curb must follow the edge of the paved pull-off area. (Ord. 99-132, passed October 11, 1999)
   b) Wood or iron break-away mailboxes are permitted provided that there is a distance of 12" to 18" from the face of the mailbox to the vertical plane of the back of curb or edge of pavement if no curb is present. (Ord. 99-132, passed October 11, 1999)
   c) If city maintenance of the right-of-way is needed and the mailbox is damaged or removed, the restoration of the mailbox shall be the responsibility of the owner. (Ord. 99-132, passed October 11, 1999)
   d) All mailboxes must be installed to the proper height as required by the United States Postal Service. (Ord. 99-132, passed October 11, 1999)

B) Interior Side Yards. Subject to the limitations in subsection (a) hereof, the abovenamed features may project into any required side yard adjoining an interior side lot line, a distance

not to exceed one-fifth of the required least width of such side yard, but not exceeding three feet in any case.

C) Rear Yards. Subject to the limitation in subsection (b) hereof, the features named therein may project into any required rear yards the same distances they are permitted to project into a front yard.

1185.2 FENCES AND WALLS.

A) Height. Fences and walls shall not exceed six (6) feet in height except as specifically permitted in subsections E) and F) hereof.

B) Front Yard Prohibition. No fence or wall shall be permitted in a front yard, except that ornamental fences shall be permitted as regulated in this section.

C) Corner Lots. No fence or wall on a corner lot shall extend in front of the front building line of the property on which it is located. Additionally, on a corner lot, a fence or wall within twenty-five (25) feet of an adjacent lot shall not extend in front of the front building line of the adjacent lot.

D) Ornamental Fences in Front Yards. Ornamental fences in a front yard shall not exceed thirty-two (32) feet in length and four (4) feet in height, and shall not require a fence permit. In the Downtown Overlay District ornamental fencing may exceed thirty-two (32) feet in length and be permitted in the front yard subject to the standards set forth in section 1170.7(B)(14). (Ordinance 15-89, passed September 28, 2015)

E) Fences Surrounding Recreational Facilities. Fences surrounding recreational facilities, including but not limited to tennis courts, swimming pools, etc., located on a commonly owned lot in any district, shall be permitted up to ten (10) feet in height.

F) Fences Surrounding Utility Equipment. Fences or walls surrounding utility or mechanical equipment may be up to eight (8) feet in height if such fence or wall is necessary to screen such equipment.

G) Construction of Fences and Walls. Fences and walls may be constructed out of weather-treated wood, stone, concrete, brick, wrought iron or chain link. The use of barbed wire on any part of a fence or wall is not allowed except in conjunction with utility structures and in I-1 and I-2 zones. (Ord. 99-132, passed October 11, 1999)

In no case shall a wall or a fence, including underground pet barriers known as “invisible fences,” be located in the right-of-way.

CHAPTER 1187
Sign Regulations
(Ord. 03-99, passed October 8, 2003)

1187.1 STATEMENT OF PURPOSE
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1187.16 INTERSTATE HIGHWAY SIGN OVERLAY AREA.

1187.1 STATEMENT OF PURPOSE.

It is hereby determined that regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to promote traffic safety, safeguard public health and welfare, and prevent wasteful use of natural resources in competition among businesses for attention.

In addition, it is the intent of this Chapter to assure the continued attractiveness of the total City environment through the adoption of discretionary controls designed to preserve scenic, aesthetic, and economic values within the City. It is further determined that signs lawfully erected and maintained under the provisions of this Chapter are consistent with customary usage.

The standards contained herein are intended to be content neutral while achieving the following objectives:

A) Recognize the proliferation of signs is unduly distracting to motorists and non-motorists travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates the potential for vehicular crashes.

B) Prevent signs that are potentially dangerous to the public because of structural deficiencies or disrepair.

C) Require signs to conform to the City character and scale and reduce visual pollution caused by a proliferation of signs which could diminish the City's image, property values, and quality of life.

D) Recognize that the principal intent of commercial signs, to meet the purpose of these standards and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names, or off-premise activities; alternative channels of advertising communication and media are available for advertising that does not create visual blight and compromise safety of the motoring public.

E) Enable the public to locate goods, services, and facilities without excessive difficulty and confusion by restricting the number and placement of signs.

F) Prevent placement of signs that will conceal or obscure signs of adjacent uses.

G) Protect the public right to receive messages, especially non-commercial messages such as religious, political, economic, social, philosophical, and other types of information protected by the First Amendment of the U.S. Constitution.

H) Achieve a substantial government interest for public safety, aesthetics, and protection of property values.

I) Maintain and improve the image of the City by encouraging signs that are compatible with and complimentary to related buildings, uses, and adjacent streets through the establishment of limited discretionary standards and specific standards for various commercial areas in the City.

J) To prohibit all signs that are not expressly permitted under this Chapter.

1187.2 GENERAL PROVISIONS.

A) Scope of Requirements. It shall be unlawful for any person, firm, or corporation to erect, construct, or alter any sign in the City except in conformance with the provisions of this Chapter, subject to issuance of a permit, except as otherwise provided herein.

B) Location.

1) Setback Requirements.

a) All freestanding signs shall be set back a minimum of ten (10) feet from the right-of-way as shown on the City of Mason Thoroughfare Plan, unless otherwise exempted.

b) Signs shall be setback at least three (3) feet from the closest edge of any parking lot to protect signs from vehicular encroachment.

c) Freestanding signs in nonresidential zoning districts shall be located no closer than fifty (50) feet to any residential zoning district. Freestanding signs in

residential districts located on a nonresidential property shall be located no closer than fifty (50) feet to any property line used for residential purposes.

d) All signs shall comply with Section 1171.9 Unobstructed Sight Distance.

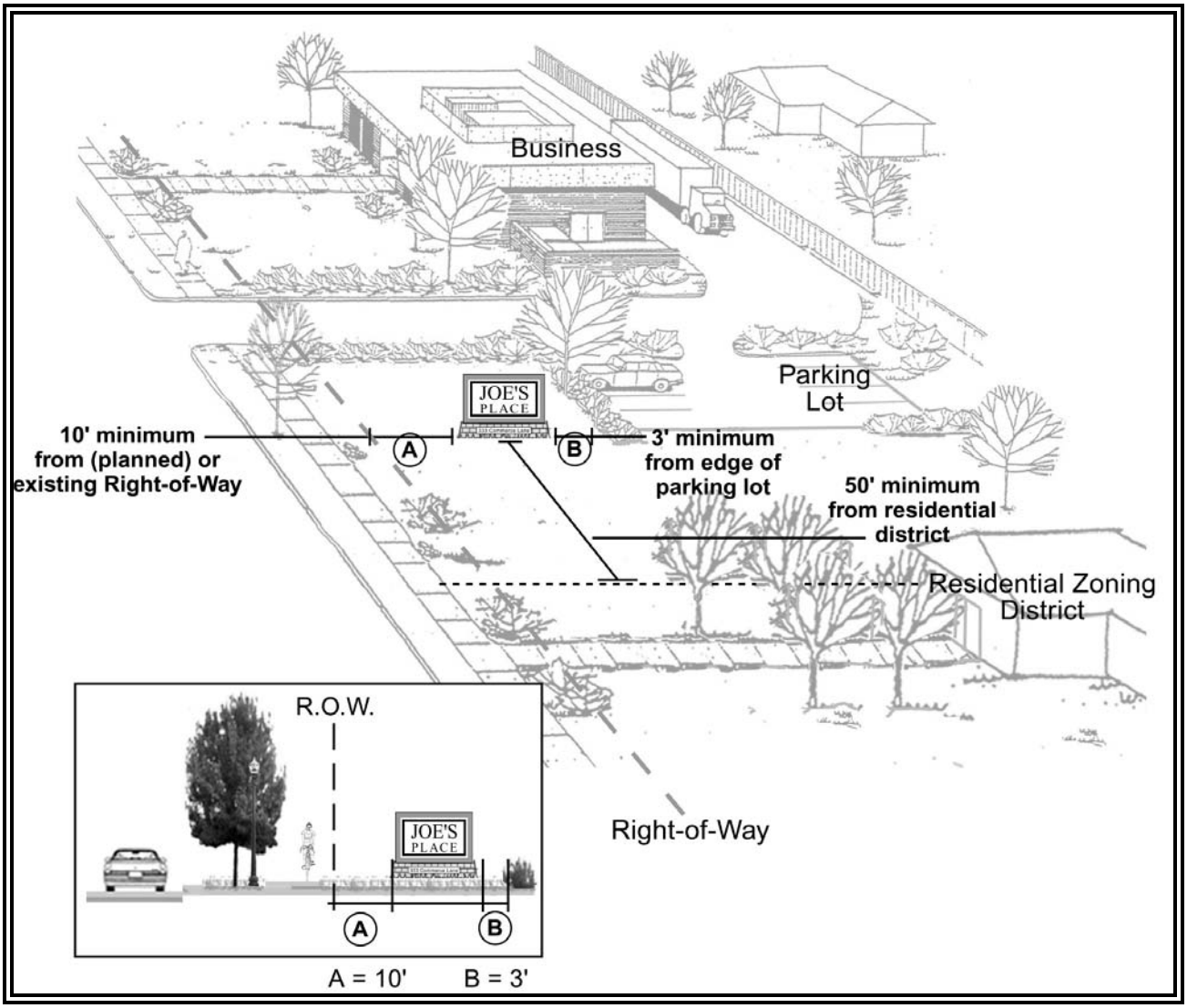

Figure 1187.1: Sign Setbacks

C) Construction Standards.

1) General Requirements. All signs shall be designed and constructed in a safe and stable manner in accordance with the Building Code and other applicable codes. All electrical wiring associated with a freestanding sign shall be installed underground.

2) Framework. All signs shall be designed so that all internal support framework is contained within the sign or behind the face of the sign or within the building to which it is attached so as to be totally screened from view.

D) Sign Area, Setback and Height Measurements.

1) Sign Area Measurements. Sign area shall be computed as follows:

a) General Requirements. Where a sign consists of a generally flat surface or sign face on which lettering and other information is affixed, the sign area shall be computed by measuring the entire face of the sign, including any frame which forms an integral part of the sign display (see Figure 1187.2).

b) Individual Letters. Where a sign consists of individual letters and logo affixed directly to a building, the area of the sign shall be computed by measuring the area of the rectangular envelope required to enclose the lettering and logo.

c) Freestanding Sign. The area of a freestanding sign shall be computed by measuring the entire vertical surface of a face upon which the letters and logo are attached. The area of a double-faced freestanding sign shall be computed using only one (1) face of the sign provided that: 1) the outline and dimensions of both faces are identical, and 2) the faces are back-to-back so that only one face is visible at any given time.

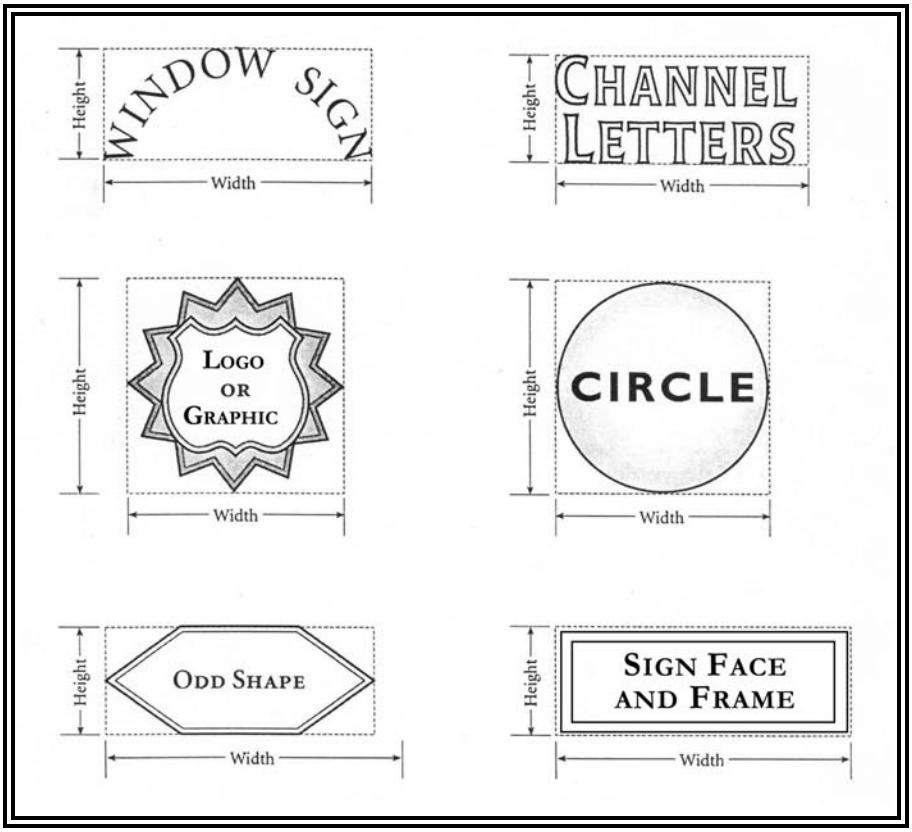

Figure 1187.2: Sign Area Measurements

2) Setback and Distance Measurements. The following guidelines shall be used to determine compliance with setback and distance measurements:
   a) The distance between two (2) signs shall be measured along a straight horizontal line that represents the shortest distance between the two signs.
   b) The distance between a sign and a parking lot or building shall be measured along a straight horizontal line that represents the shortest distance between the sign and the outer edge of the parking lot or building.
   c) The distance between a sign and a property line shall be measured along a straight horizontal line that represents the shortest distance between the sign and property line.
   d) The distance between a sign and a right-of-way line shall be measured along a straight horizontal line that represents the shortest distance between the sign and right-of-way line.
3) Height Measurements. Sign height shall be computed as follows:
   a) The height of a freestanding sign shall be determined by measuring the vertical distance between the top part of the sign or its structure or frame, whichever is highest, to the elevation of the ground directly beneath the sign or the elevation of the street centerline of the road that the sign fronts on, whichever is lowest (see Figure 1187.3). In the event that the sign height is less than allowed under this Chapter due to the differences in elevation between the street centerline and the ground beneath the proposed sign, the applicant may request a sign height determination from the Zoning Board of Appeals. The Zoning Board of Appeal's determination may not exceed the maximum permitted height of a freestanding sign as regulated in this Chapter.

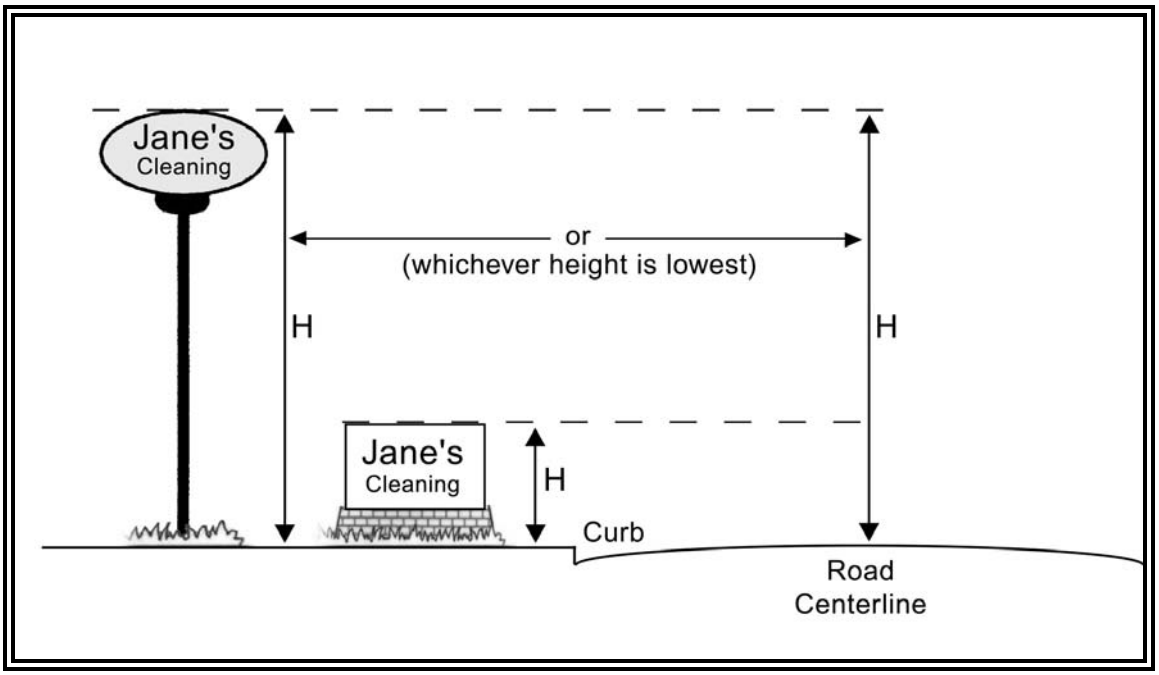

Figure 1187.3: Freestanding Sign Height Measurements

b) The height of an awning, canopy, marquee, window, wall, or projecting sign shall be determined by measuring the vertical distance between the top part of the of a sign letter, symbol, panel, or frame, whichever is highest to the elevation of ground underneath the sign (see Figure 1187.4).

c) Any material whose major function is to provide structural support for a sign shall be considered part of the sign for purposes of determining sign height.

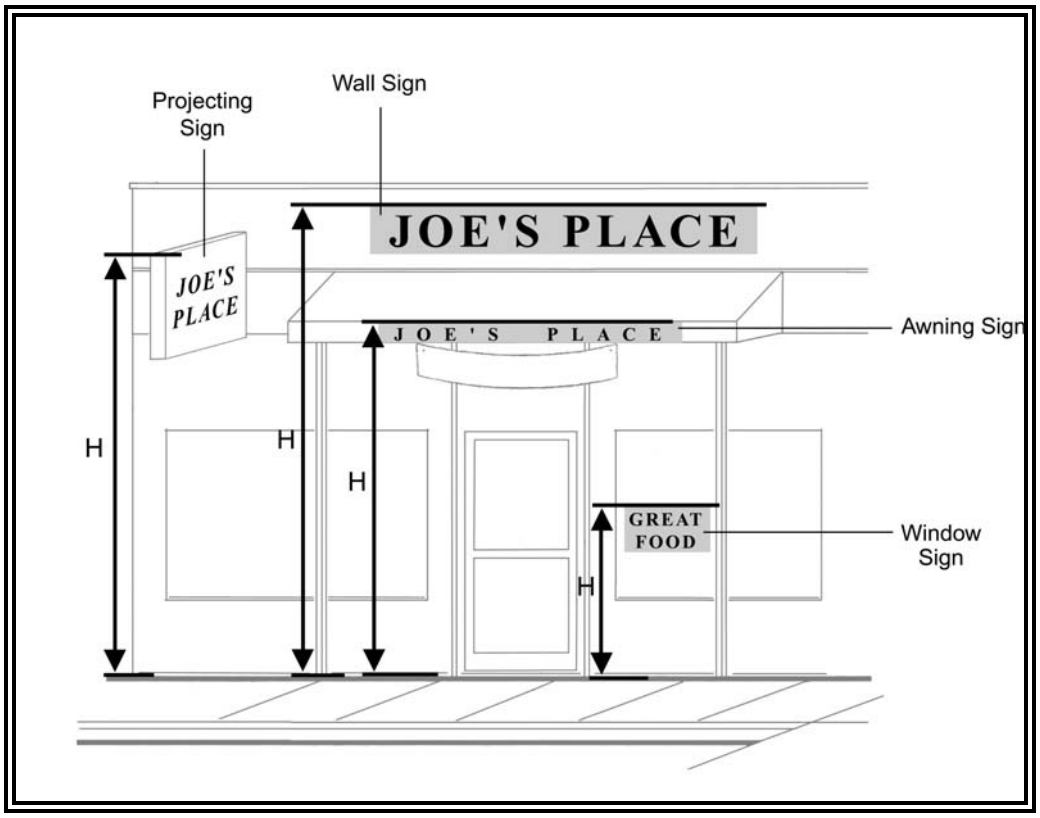

Figure 1187.4: Window, Awning, Projecting and Wall Sign Height Measurements

E) Illumination.

1) General Requirements. Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it, except for all signs located in the B-1 Central Business District, which shall be externally lit.

2) Non-Glare, Shielded Lighting. Use of glaring, unshielded or undiffused lights or bulbs shall be prohibited. Lights shall be shielded so as not to project onto adjoining properties or thoroughfares.

3) Traffic Hazards. Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.

4) Bare Bulb Illumination. Illumination by bare bulbs or flames is prohibited.

5) Intensity. Illumination resulting from all signs and sign lighting on any property in a non-residential zoning district shall not exceed one-half (½) foot candles at a height of five (5) feet when measured at any point on property in a residential zoning district or at any point on any road right-of-way.

F) Sign Design Features. The following standards shall apply to all signs:

1) All signs shall be designed, constructed, and maintained so as to compliment the construction materials and architectural style of the principal structure on the lot and to prevent nuisances and distractions to motorists.
   a) Location. Signs shall not cover architectural details such as arches, transom windows, doors, moldings, columns, capitals, sills, cornices, and similar details.
   b) Material. Sign materials shall compliment the construction materials and architectural style of the building facade.
   c) Lettering Style. Lettering style shall be clean and simple to assure readability (see Figure 1187.5).
   d) Colors. Colors used on any sign should be in harmony with the building color and architecture.
   e) Text Lines. The amount and number of text and text lines on any sign should be kept to a minimum to aid in effective communication and to prevent a nuisance (see Figures 1187.5 and 1187.6).

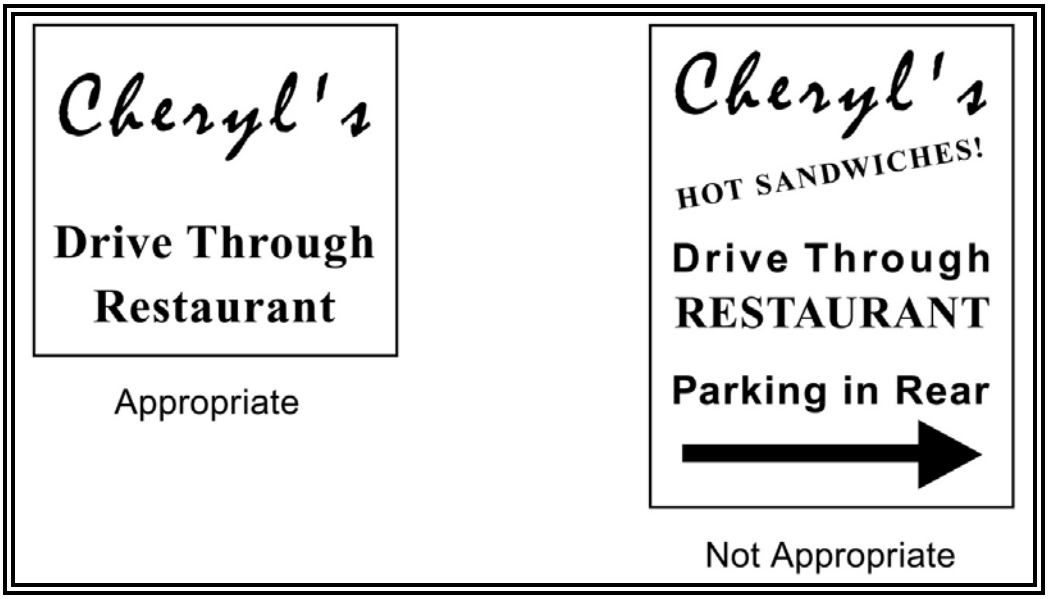

Figure 1187.5: Appropriate Lettering Style and Number of Text Lines

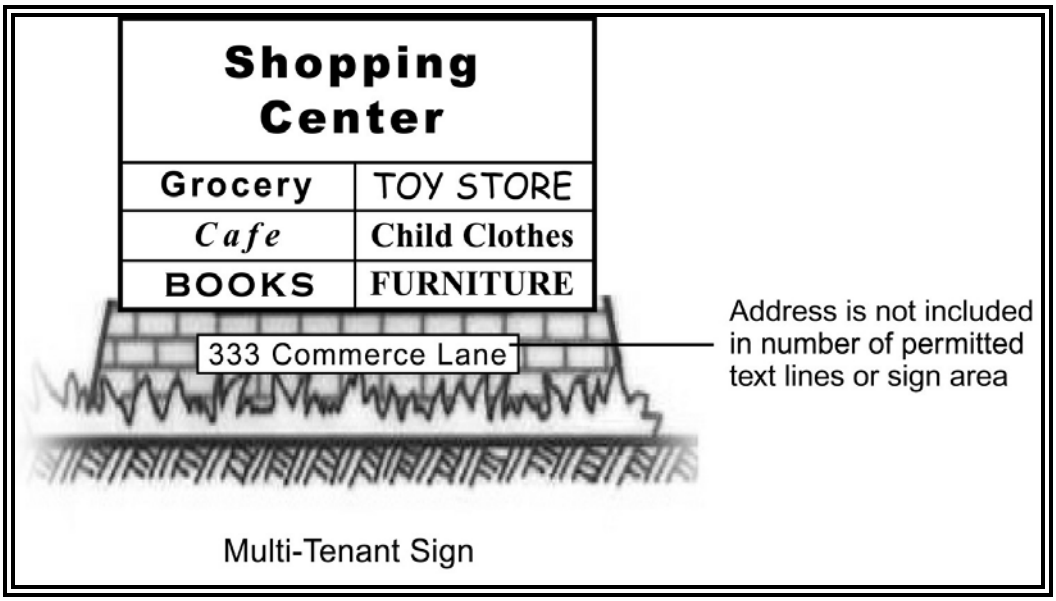

Figure 1187.6: Example Multi-Tenant Ground Sign

G) Treatment of Existing Signs.

1) Maintenance.
   a) All signs and sign structures shall be kept in repair and in a proper state of preservation.
   b) Sanitation/Landscaping. Property surrounding any freestanding sign shall be kept clean, sanitary, and free from obnoxious and offensive substances, weeds, debris, rubbish, and flammable material. All plant materials and other landscaping surrounding a freestanding sign shall be maintained on a regular basis, including pruning, mowing, watering, fertilizing, and replacement of dead and diseased materials.
2) Inspection of Existing Signs. The Building Official shall have the authority to routinely enter onto property to inspect existing signs for compliance with this Chapter. In conducting such inspections, the Building Official shall determine whether the sign is compliant with the City of Mason Building Code. The sign owner shall be notified of any defects or deferred maintenance requiring corrective action in writing.
3) Correction of Defects. If any sign reaches a state of disrepair and is deemed unsightly or unsafe or abandoned by the Zoning Administrator and is not properly renovated within thirty (30) days, it shall be condemned and an order issued for its immediate removal by sign erector, owner of the sign, or owner of the land.
4) Removal of Signs.
   a) Public Nuisance. Signs that exhibit a material defect or lapse of maintenance to such an extent that the sign jeopardize public safety shall be deemed a nuisance by the Building Official or his designee and be removed immediately at the expense of the property owner. The Building Official or his designee

may have the sign removed by private contractor. Costs associated with the sign removal shall be a debt owed to the City by the owner of the sign. The City may assess the costs to remove the sign on the property owner's taxes.

b) Abandoned Signs. Any sign face or copy that no longer identifies a business that is in operation, or that identifies an activity or event that has already occurred, shall be considered abandoned and shall be removed by the owner, agent, or person having use of the building or structure. Upon vacating a commercial or industrial establishment, the property owner shall be responsible for removal of all non-permanent signs and sign copy used in conjunction with the business. The property owner shall paint over painted wall signs so the original sign is not visible and completely blocked. The entire wall shall be painted if the color of paint used to block out the painted wall sign does not match the color of the wall.

c) Unlawful Signs. Signs that are erected without an approved permit or erected in a manner different than approved shall be unlawful and removed by the owner, agent, or person having use of the building, structure, or unit. The Zoning Administrator may fine the sign owner or property owner where such unlawful sign is located as permitted in Section 1135.11 PENALTY. The Zoning Administrator may use all remedies provided for by law to bring the unlawful sign into compliance or to have the sign removed.

d) Signs Placed in City Right-of-Way. Signs placed in the city's right-of-way without previous approval by City Council will be immediately removed by the Zoning Administrator. All expenses incurred by the city when removing the illegally placed signs will be the responsibility of the sign owner.

1187.3 NONCONFORMING SIGNS.

A) Any signs erected prior to the enactment of this Chapter and not conforming to the provisions of this Chapter shall be deemed to be nonconforming. This shall not prohibit the posting or maintaining in a safe condition any sign which is nonconforming.

B) Any nonconforming sign which is relocated or replaced shall comply with all provisions of this Chapter.

C) Any nonconforming sign which has not been used for a continuous period of six (6) months for any reason shall not be rebuilt, re-erected, relocated, or reused unless or until it is made to comply with the standards of this Chapter and the Building Code.

D) Normal maintenance shall be permitted, provided that any nonconforming sign that is destroyed by any means to an extent greater than fifty percent (50%) of the sign's pre-catastrophe fair market value, exclusive of the foundation, shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs; replacement of faded

or damaged surface panels; or repair or replacement of electrical wiring or electrical devices. A non-conforming sign shall not be structurally altered to prolong the life of the sign.

1187.4 PERMITS.

A) Permits Required. Building and zoning permits shall be obtained for erection, construction, enlargement, relocation or modification of any size sign, as regulated by the Building Department of the City of Mason and this Chapter.

B) Fee. A permit shall require payment of a fee as set in Section 1121.2. Permits for sign construction shall expire six (6) months from the date they are issued. The applicant can request one, thirty (30) day extension. The request for an extension must be filed in writing to the Zoning Administrator at least fifteen (15) days prior to the expiration date of the original permit. The fee shall be one-half (1/2) the amount required for a new permit.

C) Permit Applications. Application for a sign permit shall be made upon forms provided by the Zoning Administrator. The following information shall be required:

1) Name, address, and telephone number of the applicant.
2) Location of the building, structure, or lot on which the sign is to be attached or erected.
3) A plot plan or site plan showing the position of the sign in relation to the building facade and other existing or proposed improvements on the property such as parking lots, drives, and walkways. Permit applications submitted for freestanding signs shall also show nearby buildings, structures, including other signs, property lines, roadways, and adjacent land uses and zoning within one hundred (100) feet of the proposed freestanding sign.
4) A plot plan or site plan showing the sign dimensions, height, area, materials, colors, lettering as it will appear on the completed sign, method of construction, method of illumination, and method of attachment to the building or in the ground.
5) Landscaping proposed around freestanding signs including the amount and type of species utilized. Landscaping shall be designed as to be proportionate to the size of the sign. All plant materials shall comply with the Mason Landscape Code.
6) Name and address of the person, firm, or corporation owning, erecting, and maintaining the sign.
7) Information concerning required electrical connections and electrical permits.
8) Written consent of the owner or lessee of the premises upon which the sign is to be erected.
9) Other information required by the Zoning Administrator and Building Department to make the determination that the sign is in compliance with all applicable laws and regulations.

D) Issuance of a Permit. The applicant shall be given a permit by the Zoning Administrator and Building Department after a complete sign permit application is submitted for the Zoning Administrator's and Building Department's review. Sign applications that are not complete or do not meet the minimum standards required in this Chapter shall not be approved. The Zoning Administrator shall send to the applicant a notice of the specific ways in which the application is deficient, incomplete, or not in compliance with this Chapter.

E) Inspection. All signs for which a permit has been issued shall be inspected by the Zoning Administrator and Building Official when erected. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable Zoning Code and Building Code standards.

F) Exceptions. A new permit shall not be required for ordinary servicing or repainting of an existing sign, cleaning of a sign, or changing of the message on the sign where the sign is designed for such changes (such as lettering on a marquee or numbers on a gasoline price sign). Replacement of the plastic face shall be included as an exempt operation provided that it is due to a change caused by breakage and/or deterioration of the face, but not for the substitution of a new or different advertiser. Furthermore, a permit shall not be required for certain signs listed in Section 1187.5.

1187.5 SIGNS AUTHORIZED WITHOUT PERMITS.

A) Government signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs for the purpose of public safety or signs associated with city government functions.

B) Flags, emblems, and insignia of any governmental agency. Lots zoned residential shall have no more than two (2) flags and one (1) flag pole. Nonresidential zoned lots shall have no more than four (4) flags and three (3) flag poles.

C) Commemorative or memorial plaques placed by recognized historical agencies or in association with the City of Mason.

D) Two (2) on-site directional signs without commercial messages, logos, commercial information, or other forms of advertising. Directional signs shall not exceed four (4) square feet in area, or thirty (30) inches in height.

E) Signs that designate a site, building, facility, or portion thereof as barrier-free.

F) Address numbers with a numeral height no greater than six (6) inches for residences and twelve (12) inches for businesses.

G) Identification signs not to exceed two (2) square feet.

H) Incidental exterior window signs (see definition in Section 1133.140), provided that total of all such signs shall not exceed four (4) square feet.

I) Real estate and "open house" signs with an area no greater than six (6) square feet in area advertising the sale, rental, or lease of that particular property.

J) "No Trespassing," "Help Wanted," and "No Dumping" or similar signs with an area no greater than two (2) square feet. Signs two (2) square feet or smaller are allowed without a permit. Applicants wishing to install a sign larger than two (2) square feet are required to obtain a sign permit.

K) Permanent signs on fuel pumps, automatic teller machines (ATM), or ice containers or similar devices indicating only the contents and operational instructions for the devices, provided that the sign area for each device shall not exceed four (4) square feet.

L) Works of Art that do not include a commercial message.

M) Any sign inside a building, not attached to a window or door that is not legible from a distance of more than three (3) feet beyond the lot line of the lot or parcel on which such sign is located.

N) Signs required or specifically authorized for a public purpose by any law, statute or chapter; which may be of any type, number, area, height above grade, location, illumination, or animation, required by the law, statute or chapter under which the signs are erected;

O) Traffic control signs on private property, such as Stop, Yield, and similar signs, the faces of which meet Ohio Manual of Uniform Traffic Control Devices standards and which contain no commercial message of any sort.

1187.6 PROHIBITED SIGNS.

A) No signs shall be attached or otherwise applied to trees, bus shelters, utility poles, benches, trash receptacles, vending machines, or any other unapproved supporting structure or otherwise placed in the public right-of-way, except signs that meet the standards of the Ohio Manual of Uniform Traffic Control Devices or as approved by City Council.

B) Pennants, streamers, festoons, spinners, balloons, balloon signs, and similar type devices.

C) No sign shall emit audible sounds including messages, announcements, music, or sirens, etc.

D) Signs which are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure, except where permitted under this Chapter.

E) Projecting signs, except in the B-1 Central Business District. No projecting sign shall extend above the wall or parapet of a building to which it is affixed.

F) All blinking, flashing, or intermittent lighting.

G) Moving, revolving, or rotating signs.

H) Off-premise advertising signs except where expressly permitted in this Chapter.

I) Roof signs.

J) Portable signs, except where expressly permitted in this Chapter.

K) Any sign which makes use of the words "Stop," "Look," or "Danger," or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.

L) Any sign containing obscene, indecent, or immoral matter.

M) Real estate signs no longer valid due to the sale, rental, or lease of the property.

N) String lights used for commercial purposes, other than holiday decorations which must be mounted on the principal structure on the lot.

O) Signs affixed to a parked motor vehicle or trailer which is being used principally for advertising purposes, rather than for transportation purposes, on public or private property.

P) Any sign not expressly permitted.

Q) Abandoned signs.

R) The tacking, pasting, or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns, sheds, on trees, poles, posts, fences, or other structures is prohibited unless otherwise permitted by this Chapter.

S) The permanent use of searchlights shall be prohibited. Searchlights shall be considered temporary signage.

T) LED and electronic message boards, except as otherwise permitted for electronic gasoline price signs in the B-2, Shopping Center District, and the B-3, Road Service Commercial District. (Ordinance 15-89, passed September 28, 2015)

U) Temporary signs with changeable copy.

V) Neon signs where the tubing is exposed on all sides.

W) Portable changeable copy signs.

1187.7 TEMPORARY SIGNS

A) Shall be located on the premises to which they refer, except as permitted in Part D of this section.

B) Shall not be illuminated.

C) Temporary signs shall be permitted as specified in the Temporary Sign Standards table on the following page, except as permitted in Part D of this section.

Temporary Sign Standards (Section 1187.7)

Type of Temporary Sign	District(s) Permitted	Type of Sign Permitted	Maximum Size	Maximum Height	Maximum Number	Permit Required	Required Setback	Permitted Duration
Real Estate - sale or lease of individual home or residential lot	Residential	Ground	6 sq. ft.	4 ft.	1[b]	No	[d][h]	Remove within 30 days of sale or lease.
Real Estate - sale or lease of individual business or vacant lot	Retail Office Industrial	Ground Wall	32 sq. ft.	10 ft.	1[b]	Yes	[d][h]	Remove within 30 days of sale or lease
Real Estate - sale or lease of unplatted vacant land	All	Ground	32 sq. ft.	10 ft.	1[b]	Yes	[d][h]	Remove within 30 days of sale or lease.
Construction/ Real Estate Development Sign	All	Ground Wall	32 sq. ft.	10 ft.	1[c]	Yes	[d][h]	Remove within 30 days after 90% of all units or lots are sold or leased.
Garage Sale Sign	Residential	Ground Wall	6 sq. ft.	4 ft.	1	No	[d][h]	7 consecutive days.

Type of Temporary Sign	District(s) Permitted	Type of Sign Permitted	Maximum Size	Maximum Height	Maximum Number	Permit Required	Required Setback	Permitted Duration
Promotional and Information Signs	All [i]	[e]	32 sq. ft.	[e]	1	Yes	[a][h]	4 permits per year not to exceed 15 days each.
Window Sign	Business	Paper Paint Plastic Fabric	[f]	[f]	[f]	No	-	[g]

Footnotes

[a] The temporary sign shall comply with the setback requirements for the district in which it is located.

[b] On a corner parcel two (2) signs, one (1) facing each street, shall be permitted.

[c] One sign shall be permitted for each frontage on a secondary or major thoroughfare.

[d] The temporary sign may be located in the required setback area, but shall not be located within the road right-of-way.

[e] Promotional signs may include ground or wall signs, subject to obtaining a permit from the Zoning Administrator. Streamers, pennants, or similar displays may be permitted subject to Zoning Board of Appeals approval.

[f] The total area of all temporary window signs shall not exceed ten (10) square feet. The total area of all window signs, temporary and permanent, shall not exceed fifty percent (50%) of the total window area.

[g] Temporary window signs that are faded, yellowed, ripped or otherwise damaged shall be removed immediately.

[h] All temporary signs shall comply with Section 1171.9 Unobstructed Sight Distance.

[i] Promotional signage in residential districts permitted on nonresidential uses only. (Ord. 04-15, passed March 8, 2004)

D) Temporary Signs for Community Events sponsored in whole or in part by the City of Mason.

1) Sings for Community Events on City Property

a) The Event must be sponsored in whole or in part by a City agency such as Parks and Recreation, Fire Department, or Police Department.

b) The event must take place on the City of Mason property, including the Community Center facility.

c) Only one sign at the event location is permitted to list sponsors other than the City of Mason. Signs not at the event location are not permitted to include sponsors other than the City of Mason, except for a single co-sponsor having a typeface smaller than that used for the City and the title of the event. Commercial advertisements are not permitted.

d) Signs are permitted at all City property locations, with a maximum size of 32 square feet, for up to 15 days. Signs are permitted for only one event at a time at any one location.

2) Signs for Community Center Events at the Community Center.
   a) The Event must be sponsored in whole or in part by a City agency such as Parks and Recreation, Fire Department, or Police Department.
   b) The event must take place on the City of Mason property, including the Community Center facility.
   c) Only one sign at the event location on Lakeside Drive is permitted to list sponsors other than the City of Mason. Signs not at the event location are not permitted to include sponsors other than the City of Mason, except for a single co-sponsor having a type-face smaller than that used for the City and the title of the event. Commercial advertisements are not permitted.
   d) Additional signs of up to 32 square feet are permitted on the Municipal Center frontage on Mason-Montgomery Road and in the parks, for up to 15 days. Signs are permitted for only one event at a time at any one location.
3) Signs for Community Events not on City of Mason property.
   a) Event must be sponsored in whole or in part by a City agency such as Parks and Recreation, Fire Department, or Police Department.
   b) The City of Mason must control the dates and times of the individual events. Seasonal sports and sign-ups for sports teams and programs not administered by the City of Mason are not included.
   c) A maximum of six signs are permitted along City of Mason thoroughfares and in the Parks, for a maximum of 32 square feet for up to 15 days. Signs are permitted for only one event at a time at any one location and all signs must have the permission of the property owner.

All temporary signs for Community Events must be out of the Right of Way and maintain the unobstructed sight distance in Section 1171.9. Events not sponsored by the City of Mason, but taking place on City of Mason property must meet the temporary sign regulations in Parts A-C of this section and Table 1187.7. Fees and permits are not required for Temporary signs for Community Events that qualify for Part D of this section.

1187.8 BILLBOARDS.

A billboard is an off-premise advertising sign permitted in business and industrial districts located adjacent to an interstate highway. Billboards shall not be located on or over the roofs of buildings.

A) Standards.

1) Maximum Size. No billboard sign shall exceed four hundred (400) square feet in area per sign. Each billboard sign shall have no more than one (1) sign face. No more than one (1) product, business, message, and/or event shall be advertised on any billboard sign face.
2) Maximum Height. The maximum height for such signs shall be equal to the height restrictions set for principal structures within the zoning district in which it is located.

3) Setbacks.
   a) Highway Right-of-way. No billboard sign shall be erected or maintained within six hundred sixty (660) feet of the edge of the right-of-way of an interstate or state highway.
   b) Property Lines. Billboard signs shall comply with the building setback requirements for the district in which they are located.
   c) Non-compatible Use or Structure. No part of any such billboard sign shall be located closer than five hundred (500) feet to any residential dwelling unit, residential zoning district, park, school, church, hospital, cemetery, government building, or interstate interchange.
   d) Distance Between Billboards. There shall be a minimum of two thousand (2,000) feet between billboard signs. Only one (1) billboard sign may be located on either side of an interstate or state highway for each two thousand (2,000) foot segment, including billboard signs in adjacent governmental jurisdictions.
   e) Distance Between Billboards and On-premise Signs. There shall be a minimum of two hundred fifty (250) feet between any billboard sign and any on-premise sign.
4) Content. Each face of the billboard sign shall exhibit no more than two (2) pictorials and/or two written messages about one use, product, service, goods, event, or facility located on other premises. No face of a sign shall be so designed as to give the impression of more than two signs.
5) Any billboard sign not in use for advertising purposes shall have unused surfaces kept uniformly white in color overall. However, the owner of the sign shall be permitted to place a phone number on it to which inquiries for advertisement may be directed.
6) Additional Requirements. All outdoor advertising signs shall comply with all applicable requirements and conditions to the Ohio Revise Code and Administrative Code for advertising device control.

1187.9 SIGNS IN THE R-1, R-2, R-3 AND R-4 SINGLE FAMILY RESIDENTIAL DISTRICTS.

A) Permitted Signs. The following signs shall be permitted in residential zoning districts.

1) Signs Without a Permit. Signs permitted with out 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) Residential Entranceway or Identification Signs. Permanent residential entranceway or identification signs shall be permitted in accordance with the following regulations:
   a) There shall be no more than one (1) such sign located at each entrance to a subdivision or other residential development. Such sign shall display the

name of the development only. Names of developers, homebuilders, or contractors shall not be displayed anywhere on such sign.

b) Sign materials shall compliment the construction materials and architectural style of the houses within the subdivision. Landscaping shall be provided to create an aesthetically pleasing and safe identification for the residential development.

c) Entranceway structures shall not exceed eight (8) feet in height.

d) Entranceway signs shall be externally illuminated.

e) All freestanding signs shall comply with the setback and location requirements of Section 1187.2.

4) Home Occupation Signs.

a) No more than one (1) non-illuminated sign shall be allowed for each home occupation. The sign shall be located on the facade of the structure in which the home occupation is conducted or on the mailbox of the residence provided that the mailbox is on or abuts the residence where the home occupation is located.

b) Said sign shall display only the name and occupation of the residents on the premises.

c) Signs placed on the facade of the structure where the home occupation is located shall have no more than one (1) face, nor shall the sign face exceed three (3) square feet in area. Signs placed on the mailbox shall not exceed one (1) square foot in area.

B) Signs Permitted for Nonresidential Uses in Residential Districts. Nonresidential uses in residential districts, such as schools, colleges, public parks, museums, municipal buildings, churches, and country clubs shall be permitted to erect the following signage:

1) Signs Without a Permit. Signs permitted with out 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) Ground Mounted Signs Including Bulletin Boards.

a) Size. There shall be no more than one (1) ground mounted sign per road frontage for a maximum number of two (2) ground mounted signs per lot. The total area of the permitted ground mounted sign adjacent to a local or collector street shall not exceed sixteen (16) square feet. The total area of the permitted ground mounted sign adjacent to a minor or major arterial street shall not exceed sixty-four (64) square feet.

b) Setbacks. Ground mounted signs shall be set back as required in Section 1187.2 B.

c) Height. The maximum height of any ground mounted sign facing a local or collector street shall be six (6) feet. The maximum height of any ground mounted sign facing a minor or major arterial street shall be eight (8) feet.

d) Landscaping. A landscaping area around the base of the ground mounted sign shall be provided equal to the area of the sign face. A mixture of live plant material shall be provided in the landscape area and should include a combination of shrubs, annuals and perennials to create a pleasing identification for the development it advertises.

e) Lighting. Ground mounted signs shall be externally lit with shielded and diffused lights.

4) Wall signs.

a) Size. There shall be no more than one (1) wall sign per parcel. The total area of wall sign shall not exceed one (1) square foot per linear foot of building frontage, not to exceed thirty-two (32) square feet in area.

b) Location. Wall signs shall be permitted only on the side of a building which faces the front lot line. Wall signs shall be mounted on a flush surface.

c) Height. The top of a wall sign shall not be higher than fifteen (15) feet.

1187.10 SIGNS IN THE R-6 CONDOMINIUM AND LANDOMINIUM AND R-7 MULTIPLE FAMILY RESIDENTIAL DISTRICTS.

A) Permitted Signs.

1) Signs Without a Permit. Signs permitted with out 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) Residential Entranceway or Identification Signs. Permanent residential entranceway or identification signs shall be permitted in accordance with the following regulations:

a) There shall be no more than one (1) such sign located at each entrance to a subdivision or other residential development. Such sign shall display the name of the development only. Names of developers, homebuilders, or contractors shall not be displayed anywhere on such sign.

b) Sign materials shall compliment the construction materials and architectural style of the houses within the subdivision. Landscaping shall be provided to create an aesthetically pleasing and safe identification for the residential development.

c) Entranceway structures shall not exceed eight (8) feet in height.

d) Entranceway signs shall be externally illuminated.

e) All ground mounted signs shall comply with the setback and location requirements of Section 1187.2.

4) Home Occupation Signs.

a) Permits for home occupation signs shall be issued by the Zoning Administrator.

b) Home occupation signs shall be limited to signs placed on the facade of the structure in which the home occupation is conducted.

c) No more than one (1) non-illuminated sign shall be allowed for each home occupation. Said sign shall display only the name and occupation of the residents on the premises.

d) No sign for a home occupation shall have more than one (1) face, nor shall any sign face exceed one (1) square feet in area.

5) Management Office Identification. Rental or management offices in the residential district shall be permitted one (1) identification sign not to exceed six (6) square feet in area.

B) Signs Permitted for Nonresidential Uses in Residential Districts. Nonresidential uses in residential districts, such as schools, public parks, colleges, museums, municipal buildings, churches, and country clubs shall be permitted to erect the following signage:

1) Signs Without a Permit. Signs permitted with out 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) Ground Mounted Signs Including Bulletin Boards.

a) Size. There shall be no more than one (1) ground mounted sign per road frontage for a maximum number of two (2) ground mounted signs per lot. The total area of the permitted ground mounted sign adjacent to a local or collector street shall not exceed sixteen (16) square feet. The total area of the permitted ground mounted sign adjacent to a minor or major arterial street shall not exceed sixty-four (64) square feet.

b) Setbacks. Ground mounted signs shall be set back as required in Section 1187.2.B.

c) Height. The maximum height of any ground mounted sign facing a local or collector street shall be six (6) feet. The maximum height of any ground mounted sign facing a minor or major arterial street shall be eight (8) feet.

d) Landscaping. A landscaping area around the base of the ground mounted sign shall be provided equal to the area of the sign face. A mixture of live plant material shall be provided in the landscape area and should include a combination of shrubs, annuals and perennials to create a pleasing identification for the development it advertises.

e) Lighting. Ground mounted signs shall be externally lit with shielded and diffused lights.

4) Wall Signs.

a) Size. There shall be no more than one (1) wall sign per parcel. The total area of wall sign shall not exceed one (1) square foot per linear foot of building frontage, not to exceed thirty-two (32) square feet in area.

b) Location. Wall signs shall be permitted only on the side of a building which faces the front lot line. Wall signs shall be mounted on a flush surface.

c) Height. The top of a wall sign shall not be higher than fifteen (15) feet.

1187.11 SIGNS IN THE B-1 CENTRAL BUSINESS DISTRICT.

A) Permitted Signs. Awning, wall, projecting, and ground mounted signs are permitted in the B-1 District. No more than two (2) sign types shall be allowed per lot.

1) Signs for Residential Uses in a Nonresidential District.
Signs for nonconforming residential uses in nonresidential districts shall be governed by the sign regulations for residential district uses set forth in Section 1187.9 or Section 1187.10.

2) Signs Without a Permit. Signs permitted with out a permit, such as a name plate sign and street address, are allowed subject to the provisions of Section 1187.5.

3) Temporary Signs. Real estate signs and other temporary signs shall be permitted in accordance with Section 1187.7.

4) Wall Signs.

a) Number and Location. One (1) wall sign shall be permitted per street frontage on each parcel for a maximum of two (2) wall signs per parcel, except one (1) additional wall sign shall be permitted on the side of the structure that does not have road frontage but does face a side or rear parking lot. Wall signs shall be mounted on a flush surface.

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 thirty two (32) square feet for wall signs facing a street right-of-way and wall signs facing a side or rear parking lot shall not exceed eighteen (18) square feet.

c) Vertical Dimensions. The maximum vertical dimension of any wall sign shall not exceed thirty percent (30%) of the building height.

d) Horizontal Dimensions. The maximum horizontal dimension of any wall-mounted sign shall not exceed seventy-five percent (75%) of the width of the building.

e) Height. The top of a wall sign shall not be higher than whichever is lowest:

i) The maximum height specified for the district in which the sign is located.

ii) The top of the sills at the first level of windows above the first story.

iii) The height of the building facing the street on which the sign is located.

5) Ground Mounted Signs.

a) Number. One (1) ground mounted sign shall be permitted per parcel.

b) Size. The total area of the ground mounted sign shall not exceed one (1) square foot per lineal foot of building frontage, not to exceed thirty-six (36) square feet.

c) Height. The height of a ground mounted sign shall not exceed six (6) feet in height.

d) Setbacks. All ground mounted signs shall comply with the setback and location requirements of Section 1187.2, except for Section 1187.2 B)1)a).

e) Landscaping. A landscaping area around the base of the ground mounted sign shall be provided equal to the area of the sign face. A mixture of live plant material shall be provided in the landscape area and should include a combination of shrubs, annuals and perennials to create a pleasing identification for the development it advertises.

f) Street Address. The street address number shall be clearly displayed on the sign in numerals not less than four (4) inches or no more than eight (8) inches in height. Required street address numbers are not counted in the total area of the sign.

6) Projecting Sign.

a) Number. One (1) projecting sign shall be permitted per parcel.

b) Size. The total area of the projecting sign shall not exceed six (6) square feet for one-story structures and eight (8) square feet for two-story structures. The opposite sign face shall not be counted in the total sign area if both sign faces are an exact replica. The opposite faces of a projecting sign shall not be separated by more than four (4) inches.

c) Height. A projecting sign shall be attached to the building so that no part of the sign or sign support structure is less than eight (8) feet from the surface of the established grade under the sign. No part of a projecting sign or sign support structure shall be more than fifteen (15) feet above the surface of the established grade under the sign.

d) Sign Overhang Into Public Right-of-way. A projecting sign may protrude into the air space over a public sidewalk by not more than three and one-half (3.5) feet. However, in no event shall the projecting sign obstruct the movement of vehicles or vision of vehicle drivers or vision of pedestrians so as to create a public safety hazard. In the event that a projecting sign will create a hazard even though the overhang is three (3) feet or less, the sign design or sign location must be adjusted to eliminate the potential hazard. Projecting signs shall be set back a minimum of six (6) feet from any curb.

e) Maximum Distance from Wall of Building. The nearest edge of a projecting sign shall be located no further than six (6) inches from the wall of the building where the projecting sign is anchored.

f) Lighting. The projecting sign shall not be internally illuminated. Any lighting for the sign shall be from an external source. External lighting shall be properly shielded and directed so that glare from the light source will not create a visual hazard for vehicles or create a visual nuisance for occupants of nearby dwellings, particularly dwellings located on upper floors of downtown buildings.

7) Awnings and Canopies.

a) Coverage. The total area of the lettering and logo shall not exceed twenty-five percent (25%) of the total area of the awning or canopy that would be visible in a drawing of a facade on which the awning is located.

b) Compliance with Size Requirements for Wall Signs. The area of signs on awnings or canopies shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.

c) Height. An awning sign shall be attached to the building so that no part of the awning or awning support structure is less than eight (8) feet from the surface of the established grade under the sign. No part of an awning sign or support structure shall be more than twelve (12) feet above the surface of the established grade under the awning sign.

d) Maximum Projection. An awning or canopy sign can project out from the wall to which it is attached no more than four (4) feet.

e) Sign Overhang Into Public Right-of-way. An awning sign may protrude into the air space over a public sidewalk but they can be located no closer than six (6) feet to any curb. However, in no event shall the awning sign obstruct the movement of vehicles or vision of vehicle drivers or vision of pedestrians so as to create a public safety hazard. In the event that a projecting sign will create a hazard, the awning sign design or location must be adjusted to eliminate the potential hazard.

f) Lighting. Internally lighted canopies and awnings are prohibited.

8) Window Signs. Temporary, incidental, and permanent window signs shall be permitted on the inside in business districts provided that the total combined area of such signs shall not exceed fifty percent (50%) of the total window area. Window signs shall be kept in good repair. Faded, curled, or partially attached window signs are shall be removed.

9) Folding Portable. One (1) 20-inch wide by 30-inch tall folding portable sign is permitted per lot provide that the folding portable sign is located on private property completely out of the public right-of-way. Folding portable signs shall be displayed only when the business it advertises is open.

1187.12 SIGNS IN THE B-2 SHOPPING CENTER DISTRICT.

A) Permitted Signs.

1) Signs Without a Permit. Signs permitted with out 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 and Locations. One (1) wall sign shall be permitted per street frontage on each parcel for a maximum of two (2) wall signs per parcel. In the case of a multi-tenant building or shopping center, one (1) wall sign shall be permitted for each tenant having an individual means of public access. Only one (1) wall sign shall be permitted where several tenants use a common entrance in a multi-tenant structure, but the total sign area may be allocated on

an equal basis to all tenants provided that the total wall sign area does not exceed that allowed for a single tenant building or sixty-four (64) square feet. Wall signs shall be mounted on a flush surface.

b) Size.

i) Single-Tenant Building. The total area of a wall sign shall not exceed one (1) square foot per lineal foot of building frontage not to exceed sixty-four (64) square feet.

ii) Multi-Tenant Building. The total area of a wall sign shall not exceed one (1) square foot per lineal foot of building frontage not to exceed forty-eight (48) square feet. The center of the wall sign shall be placed in the center of the unit on which it is affixed.

iii) Height. The top of a wall sign shall not be higher than whichever is lowest:

(1) The maximum height specified for the district in which the sign is located.

(2) The height of the building facing the street on which the sign is located.

4) Ground Mounted Signs.

a) Number. One (1) ground mounted sign shall be permitted per parcel. In multi-tenant buildings or shopping centers the sign area may be allocated for use by individual tenants.

b) Size.

i) Single-Tenant Building. The total area of the ground mounted sign shall not exceed eighty (80) square feet.

ii) Multi-Tenant Building. The total area of the ground mounted sign shall not exceed one-hundred twenty (120) square feet.

c) Height.

i) Single-Tenant Building. The height of a ground mounted sign in a B-2 District shall not exceed eight (8) feet in height advertising a single tenant building.

ii) Multi-tenant Building. The height of a ground mounted sign in a B-2 District shall not exceed eight (8) feet in height advertising a multi-tenant building.

d) Setbacks. All ground mounted signs shall comply with the setback and location requirements of Section 1187.2.

e) Landscaping. A landscaping area around the base of the ground mounted sign shall be provided equal to the area of the sign face. A mixture of live plant material shall be provided in the landscape area and should include a combination of shrubs, annuals and perennials to create a pleasing identification for the development it advertises.

f) Street Address. The street address number shall be clearly displayed on the sign in numerals not less than six (6) inches or no more than twelve (12) inches in height. Required street address numbers are not counted in the total area of the sign.

g) Gasoline Price Signs. One (1) gasoline price sign with either manual or electronic changeable copy shall be permitted to be displayed provided that the gasoline price sign is integrated with a ground mounted sign and shall not exceed twenty-five (25) square feet in area. The area of a gasoline price sign shall be included in the maximum area allowed for a ground mounted sign. Electronic gasoline price signs shall also be subject to the following restrictions:

i) The electronic gasoline price numbers shall not exceed twelve (12) inches in height.

ii) Electronic gasoline price signs are not permitted on fuel canopies.

iii) Electronic gasoline price signs shall use Light Emitting Diode (LED) technology that displays the appearance of a single color.

iv) Electronic gasoline price signs shall come equipped with automatic dimming capabilities and shall automatically dim to a corresponding reduction in ambient light. In no instance shall the electronic gasoline price sign cause light trespass onto an adjacent residential district or use.

v) The maximum daytime brightness shall be 7500 nits and the maximum nighttime brightness shall be 500 nits.

vi) Electronic gasoline price signs shall be static and may not display animated, scrolling, moving, or flashing messages or video. (Ordinance 15-89, passed September 28, 2015)

5) Marquee Signs. Marquee signs shall be permitted for theaters located in the B-2 District subject to the following requirements:

a) The written message shall be affixed flat to the vertical face of the marquee.

b) A minimum vertical clearance of ten (10) feet shall be provided beneath any marquee.

c) Marquee signs shall comply with the setback requirements for the B-2 District and Section 1187.2.

d) Number. One (1) marquee sign shall be permitted per lot.

6) Awnings and Canopies.

a) Coverage. The total area of the lettering and logo shall not exceed twenty-five percent (25%) of the total area of the awning or canopy that would be visible in a drawing of a facade on which the awning is located.

b) Compliance with Size Requirements for Wall Signs. The area of signs on awnings or canopies shall be counted in determining compliance with the standards for the total area of wall signs permitted on the parcel.

c) Height. An awning sign shall be attached to the building so that no part of the awning or awning support structure is less than seven (7) feet from the surface of the established grade under the sign. No part of an awning sign or support structure shall be more than twelve (12) feet above the surface of the established grade under the awning sign.

d) Maximum Projection. An awning or canopy sign can project out from the wall to which it is attached no more than six (6) feet.

e) Lighting. Internally lighted canopies and awnings are prohibited.

7) Window Signs. Temporary, incidental, and permanent window signs shall be permitted on the inside in business districts provided that the total combined area of such signs shall not exceed forty percent (40%) of the total window area.

1187.13 SIGNS IN THE B-3 ROAD SERVICE DISTRICT.

A) Permitted Signs.

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 and Location. One (1) wall sign shall be permitted per street frontage on each parcel for a maximum of two (2) wall signs per parcel. In the case of a multi-tenant building or shopping center, one (1) wall sign shall be permitted for each tenant having an individual means of public access. Only one (1) wall sign shall be permitted where several tenants use a common entrance in a multi-tenant structure, but the total sign area may be allocated on an equal basis to all tenants provided that the total wall sign area does not exceed that allowed for a single tenant building or eighty (80) square feet. Wall signs shall be mounted on a flush surface.

b) Size.

i) Single-Tenant Building. The total area of a wall sign shall not exceed one and one-half (1.5) square foot per lineal foot of building frontage not to exceed eighty (80) square feet.

ii) Multi-Tenant Building. The total area of a wall sign shall not exceed one and one-half (1.5) square foot per lineal foot of building frontage not to exceed sixty four (64) square feet. The center of the wall sign shall be placed in the center of the unit on which it is affixed.

iii) Height. The top of a wall sign shall not be higher than whichever is lowest:

(1) The maximum height specified for the district in which the sign is located.

(2) The height of the building facing the street on which the sign is located.

4) Ground Mounted Signs.

a) Number. One (1) ground mounted sign shall be permitted per street frontage on each parcel provided that access is provided to the parcel via a curb cut and drive on each street frontage. However, only one (1) sign shall be permitted on lots having frontage on more than one street if a single sign can be located

such that it is visible from both streets. In multi-tenant buildings or shopping centers the sign area may be allocated for use by individual tenants.

b) Size.

i) Single-Tenant Building. The total area of the ground mounted sign shall not exceed one (1) square feet per lineal foot of lot-frontage, not to exceed eighty (80) square feet.

ii) Multi-Tenant Building. The total area of the ground mounted sign shall not exceed one (1) square feet per lineal foot of lot-frontage, not to exceed one-hundred twenty (120) square feet.

c) Height.

i) Single-Tenant Building. The height of a ground mounted sign in a B-3 District shall not exceed six (6) feet in height advertising a single tenant building.

ii) Multi-Tenant Building. The height of a ground mounted sign in a B-3 District shall not exceed ten (10) feet in height advertising a multi-tenant building.

d) Setbacks. All ground mounted signs shall comply with the setback and location requirements of Section 1187.2.

e) Landscaping. A landscaping area around the base of the ground mounted sign shall be provided equal to the area of the sign face. A mixture of live plant material shall be provided in the landscape area and should include a combination of shrubs, annuals and perennials to create a pleasing identification for the development it advertises.

f) Street Address. The street address number shall be clearly displayed on the sign in numerals not less than six (6) inches or no more than twelve (12) inches in height. Required street address numbers are not counted in the total area of the sign.

g) Gasoline Price Signs. One (1) gasoline price sign with either manual or electronic changeable copy shall be permitted to be displayed provided that the gasoline price sign is integrated with a ground mounted sign and shall not exceed twenty-five (25) square feet in area. The area of a gasoline price sign shall be included in the maximum area allowed for a ground mounted sign. Electronic gasoline price signs shall also be subject to the following restrictions:

i) The electronic gasoline price numbers shall not exceed twelve (12) inches in height.

ii) Electronic gasoline price signs are not permitted on fuel canopies.

iii) Electronic gasoline price signs shall use Light Emitting Diode (LED) technology that displays the appearance of a single color.

iv) Electronic gasoline price signs shall come equipped with automatic dimming capabilities and shall automatically dim to a corresponding reduction in ambient light. In no instance shall the electronic gasoline price sign cause light trespass onto an adjacent residential district or use.

v) The maximum daytime brightness shall be 7500 nits and the maximum nighttime brightness shall be 500 nits.

vi) Electronic gasoline price signs shall be static and may not display animated, scrolling, moving, or flashing messages or video. (Ordinance 15-89, passed September 28, 2015)

5) Marquee Signs. Marquee signs shall be permitted for theaters located in the B-3 District subject to the following requirements:

a) The written message shall be affixed flat to the vertical face of the marquee.

b) A minimum vertical clearance of ten (10) feet shall be provided beneath any marquee.

c) Marquee signs shall comply with the setback requirements for the B-3 District and Section 1187.2.

d) Number. One (1) marquee shall be permitted per lot.

6) Awnings and Canopies. Signs on awnings and canopies in commercial and industrial districts shall be permitted, subject to the following standards:

a) Coverage. The total area of the lettering and logo shall not exceed twenty-five percent (25%) of the total area of the awning or canopy that would be visible in a drawing of a facade on which the awning is located.

b) Compliance with Size Requirements for Wall Signs. The area of signs on awnings or canopies shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.

c) Height. An awning sign shall be attached to the building so that no part of the awning or awning support structure is less than seven (7) feet from the surface of the established grade under the sign. No part of an awning sign or support structure shall be more than twelve (12) feet above the surface of the established grade under the awning sign.

d) Maximum Projection. An awning or canopy sign can project out from the wall to which it is attached no more than six (6) feet.

e) Lighting. Internally lighted canopies and awnings are prohibited.

7) Window Signs. Temporary, incidental, and permanent window signs shall be permitted on the inside in business districts provided that the total combined area of such signs shall not exceed thirty percent (30%) of the total window area.

1187.14 SIGNS IN THE 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 establishment 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 a B-4 District shall not exceed twelve (12) feet in height for each 1,000 lineal feet of lot frontage not to exceed eighty-four (84) feet in height. (Ord. 04-155, passed January 10, 2005)

d) Setbacks. All freestanding signs shall comply with the setback and location requirements of Section 1187.2.

1187.15 SIGNS IN THE O-1 OFFICE PARK, HT-1 HIGH TECH LIGHT INDUSTRIAL, I-1 LIGHT INDUSTRIAL DISTRICT, AND I-2 INDUSTRIAL DISTRICT.

A) Permitted Signs.

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) Single Tenant Building. One (1) wall sign shall be permitted per street frontage per parcel and may be located on any building wall. The total area of each wall sign shall not exceed one square foot per lineal foot of building frontage, not to exceed two hundred (200) square feet; except for wall signs that face residentially zoned property shall not exceed one hundred (100) square feet. One additional wall sign shall be permitted for each side of the structure that does not have road frontage but does have a public entrance or faces a side or rear parking lot. The total area of each sign shall not exceed one square foot per lineal foot of building frontage, not to exceed one hundred (100) square feet; except for wall signs that face residentially zoned property shall not exceed fifty (50) square feet. A maximum of four (4) wall signs per building is permitted.

b) Multi-Tenant Building. One (1) wall sign shall be permitted for each tenant of a multi-tenant structure having an individual and exterior means of public access. 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. The center of the wall sign shall be placed in the center of the unit on which it is affixed. (Ordinance 15-89, passed September 28, 2015)

c) Height. The maximum height specified for the district in which the sign is located provided that no part of the wall sign extends past the roof line of the wall to which it is attached.

4) Ground Mounted Signs.

a) Number. One (1) ground mounted sign shall be permitted per street frontage on each parcel.

b) Size. The total area of the ground mounted sign shall not exceed one (1) square foot per lineal foot of lot-frontage, not to exceed eighty (80) square feet, except wall signs that face residentially zoned land shall not exceed sixty-four (64) square feet.

c) Setbacks. All ground mounted signs shall comply with the setback and location requirements of Section 1187.2.

d) Landscaping. A landscaping area around the base of the ground mounted sign shall be provided equal to the area of the sign face. A mixture of live plant material shall be provided in the landscape area and should include a combination of shrubs, annuals and perennials to create a pleasing identification for the development it advertises.

e) Street Address. The street address number shall be clearly displayed on the sign in numerals not less than six (6) inches or no more than twelve (12) inches in height. Required street address numbers are not counted in the total area of the sign.

5) Monument Sign. Monument entranceway signs shall be permitted in accordance with the following regulations:

a) There shall be no more than one (1) monument sign located at each primary entrance leading into a office or industrial park. The entrance leading into the office or industrial park must be a public thoroughfare. The total area of the monument sign shall not exceed one hundred fifty (150) square feet. Such sign shall display the name of the development only. Names of developers or contractors shall not be displayed anywhere on such signage.

b) Monument signs shall not exceed ten (10) feet in height.

c) Monument signs shall be externally illuminated.

d) A landscaping area equal to the sign area shall be provided around the sign base. The landscape area shall include living plants aesthetically located and maintained. Impervious material shall not be permitted within the landscape area.

e) All monument signs shall comply with the setback and location requirements of Section 1187.2.

6) Directory Signs. Directory signs shall be permitted to direct traffic within office and industrial parks that have at least twenty (20) businesses on individual lots, subject to the following conditions:
   a) One directory sign may be located at the entrance of an office or industrial park provided that the directory sign cannot be seen from the road right-of-way providing access to the office or industrial park.
   b) Such sign shall be located away from any public right-of-way within the office or industrial park, so that drivers can conveniently pull up to and read the directory without impeding traffic on any road, driveway or entrance serving the office or industrial park.
   c) Such sign may contain an unlimited number of pieces of information, but letters shall not be more than three inches in height and shall not be legible from any public right-of-way.
   d) Such sign may not exceed ten (10) square feet in area and eight (8) feet in height.
   e) One (1) additional directory sign may be provided internal to the office or industrial park for each additional twenty (20) single tenant buildings located within the office or industrial park.
   f) Directory signs shall not be illuminated.

1187.16 INTERSTATE HIGHWAY SIGN OVERLAY AREA.

Office and industrial users located on property that abuts the I-71 right-of-way are permitted to have one additional ground mounted sign and wall sign placed on the side of the property or building wall that abuts or faces I-71. The ground mounted sign and wall sign shall be located to be seen exclusively from I-71.

A) Permitted Signs.

1) Ground Mounted Sign. One (1) on-premise ground mounted sign is permitted on parcels that have frontage on an interstate highway provided that the sign shall not exceed two (2) square feet per lineal foot of lot-frontage, not to exceed two hundred (200) square feet. The height of the ground mounted sign in the Interstate Highway Sign Overlay Area shall not exceed fifteen (15) feet. The ground mounted sign shall meet the setback requirements for the zoning district in which it is located. No ground mounted sign is permitted in the Interstate Highway Sign Overlay Area for multi-tenant structures, except for as permitted in this Chapter.
2) Wall Sign. One (1) signature wall sign is permitted on the building wall that faces an interstate highway provided that the sign shall not exceed one (1) square foot per lineal foot of lot frontage, not to exceed two hundred twenty (200) square feet. In the case of a multi-tenant building, only the user that leases the most floor area can advertise using the permitted signature wall sign. The wall sign shall not extend above the roof line on the building that it is attached.

CHAPTER 1188
Cellular or Wireless Communications Systems

1188.1 PURPOSE.
1188.2 APPLICATION PROCEDURE.
1188.3 STANDARDS OF APPROVAL.
1188.4 DEVELOPMENT STANDARDS.
1188.5 MAINTENANCE.
1188.6 REMOVAL.
1188.7 PROHIBITIONS.
1188.8 SMALL CELL FACILITIES

1188.1 PURPOSE.

The purpose of regulating cellular or wireless communications systems is to:

A) Accommodate the need for cellular or wireless communications towers and facilities for the provision of personal wireless services while regulating their location and number in the city.

B) Minimize adverse visual effects of communications towers and support structures through proper siting, design, and screening.

C) Avoid potential damage to adjacent properties from communication tower and support structure failure.

D) Encourage the joint use of any new and existing communications towers and support structures to reduce the number of such structures needed in the future.

E) Apply to all of the areas within each zoning district of the City of Mason, including, but not limited to, parks, highways, rights-of-ways, and areas lawfully not in conformity with the current zoning regulations.

1188.2 APPLICATION PROCEDURE.

A) Pre-application Conference. Any person or company intending to apply the placement or operation of a cellular or wireless communications antenna, tower, or site within the City of Mason shall first schedule a pre-application conference with the City Engineer or his or her assignee. At this conference, the prospective applicant must present to the City Engineer any proposed locations for the equipment or site. This information should identify the area within which the tower may be located, the minimum height of the proposed tower, and identify any possible users that may co-locate at the site. The purpose of the pre-application conference will be to, generally, evaluate the impact on adjacent areas and neighborhoods, discuss possibilities of co-location, and identify alternative suitable sites that may minimize the negative impact on residential areas.

B) Formal Application. Upon completion of the pre-application conference, an application may be filed with the office of the City Engineer according to the procedures set forth in Section 1135.5. The application shall be in compliance with the requirements of this Chapter and in such form as approved by the City Engineer. If the application does not conform with requirements of this Chapter, the applicant shall be notified by the City Engineer, and no further consideration of the application shall occur until it is in compliance with the terms of this Chapter.

C) Review Fees. Each applicant shall pay, prior to the issuance of a permit, any reasonable cost the City has incurred in obtaining independent expert consultations that the City determines are necessary to review the application and advise the City, not to exceed one thousand dollars ($1,000.00). Such fees are in addition to the normal application fees incurred during the formal application process described in subsection B) above.

1188.3 STANDARDS OF APPROVAL.

The following standards for approval shall apply to all cellular or wireless communications antennas and towers:

A) Justification of Location. The cellular or wireless communications company shall demonstrate, using the latest technological evidence, that the antenna or tower must be placed in a proposed location to serve its necessary function in the company's grid system. Part of this demonstration shall include a drawing showing the boundaries of the area around the proposed location which would probably also permit the antenna to function properly in the company's grid system.

1) The applicant shall provide to the City all engineering studies which the applicant has completed, or intends to complete, to establish the necessity of placing an antenna within the City of Mason.
2) The applicant shall provide a map of all current locations of wireless communications antenna sites, and all proposed wireless communications antenna sites, which will provide service under a license issued by the FCC to users located in the City of Mason (Ord. 16-69, passed September 12, 2016). This map shall include (Ord. 99-132, passed October 11, 1999):
   a) The location of all existing wireless communications antennas and towers that provide service to users located in the City of Mason;
   b) All locations at which the applicant has secured the right to lease space for or has entered into a lease for installation of wireless communications antennas or towers, unless such information is deemed proprietary in nature;
   c) The geographic areas served by each tower location that provides service to users located within the City of Mason; and
   d) The geographic areas into which the provider must install an antenna or tower

in order to provide service to users located within the City of Mason.

B) Attempts to Use Existing Structures. If the communications company proposes to build a cellular or wireless communications tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it has contacted the owners of nearby tall structures within the area that would allow the antenna to function properly in the company's grid system to ask for permission to install the cellular communications antenna on those structures, and was denied for non-economic reasons, or that a clearly unreasonable economic demand was made by the owner, based on prevailing market values.

The City may deny the application to construct a new cellular or wireless communications tower if the applicant has not made a good-faith effort to mount the antenna on existing structures.

C) Plan of Operation. The applicant shall provide the City with its plan of operation of the antenna structure, including:

1) The radio wave frequency range of the expected or intended usage;
2) The effective radiated power under peak operating conditions of each antenna on a proposed tower; and
3) The type of services the applicant expects or intends to provide to customers of the applicant through the signals received and transmitted by the antenna.

D) Radiation Level Calculations. The applicant shall provide engineering calculations demonstrating anticipated levels of effective radiated power, and shall provide a study which demonstrates the mapping of radiation levels actually produced by all antennas on a tower under maximum operating conditions; such mappings showing radiation levels at ground level within eight hundred (800) feet of the tower. Said readings shall be taken at 45 degree intervals around the tower at every one hundred (100) feet from the tower (plus or minus 10 feet). Upon written request of any applicant, the City Engineer, in his or her discretion, can waive the requirements for measurements at particular intervals or distances from the tower, or may require different points of measurement if, in his or her opinion, it is unlikely that any person will be exposed at the location specified in this provision. The City Engineer's decision shall be stated in writing with written justification for the decision. The approval or denial of any permit shall not be based on the radiation level calculations unless such radiation exceeds the standards established by the FCC. (Ord. 99-132, passed October 11, 1999)

E) Justification of Antenna/Tower Height. The applicant shall demonstrate that the antenna/tower is no higher than necessary to function satisfactorily and to accommodate the co-location requirements as set out in subsection G) below. An antenna that is taller than the minimum necessary height may be approved if it would significantly increase the potential for co-location.

F) Tower Safety. All cellular or wireless communications towers shall be fitted with anti-

climbing devices, as approved by the manufacturers. Furthermore, the applicant shall demonstrate that the proposed cellular or wireless communications tower and its antenna are safe, and that the surrounding properties will not be negatively affected by tower failure, falling ice or other debris, electromagnetic fields or radio frequency interference. However, if a specific safety issue in question is determined to be regulated by either FCC regulations or applicable building code regulations, and the operation or construction is in compliance with such regulations, then this requirement for safety shall be deemed to have been met.

Subsequent to the installation of a cellular or wireless communications tower site, if it is determined by the City Council, upon presentation of proper and sufficient documentation and after a public hearing that the operation of a cellular or wireless communications tower is inherently dangerous, or is a demonstrable health hazard, the cellular or wireless communications tower site shall be declared to be a nuisance and all operations shall cease. The tower or antenna shall also be removed as provided under Section 1188.6. However, no order of removal shall be made if it is inconsistent with FCC regulations.

G) Limiting the Number of Cellular or Wireless Communications Towers. In order to reduce the number of antenna support structures needed in the City in the future, the proposed cellular or wireless communications towers shall be required to accommodate other uses, including other cellular or wireless communications companies, and the local police, fire, and ambulance departments. The owner of the existing cellular or wireless communications tower may request reasonable compensation for the use of the tower. For the purposes of encouraging co-location of cellular or wireless antennas and other uses, cellular or wireless communications towers shall be designed, engineered, and constructed as follows, unless waived for good cause by the City Engineer, to minimize impact on adjoining property:

1) Towers less than seventy-five (75) feet tall shall be designed, engineered and constructed to support antennas installed by one or more cellular or wireless communications service users.
2) Towers more than seventy-five (75) feet in height, but less than one hundred fifty (150) feet, shall be designed, engineered and constructed to support antennas installed by two or more wireless communications service users.
3) Towers one hundred fifty (150) feet in height or taller shall be designed, engineered and constructed to support antennas installed by three or more cellular or wireless communications service users.

As used in this subsection, the term “users” shall include the antennas of police, fire and ambulance departments. In addition, an applicant must demonstrate that the area acquired by lease or otherwise acquired for the use and construction of the cellular tower and accessory structures is sufficient in size to accommodate any additional structures that may be required if additional users are added to the tower.

H) Licensing. The communications company must demonstrate to the City that it is licensed by the Federal Communication Commission (FCC). The owner of the tower must also annually

provide to the City during the first week of January of each new year a list of all users of the tower, and each user shall provide the City with a copy of each user's license with the FCC. No approval will be granted to any applicant unless proof of current FCC license for the proposed use of the tower is provided. (Ord. 99-132, passed October 11, 1999)

1188.4 DEVELOPMENT STANDARDS.

The following development standards shall apply to cellular or wireless communications antennas and towers:

A) Location.

1) Every attempt shall be made to mount a cellular or wireless communications antenna to an existing structure, such as a communications tower (whether said tower is for cellular or wireless purposes or not), smoke stack, water tower, or other tall structure in any zoning district. Cellular or wireless communications antennas may only be placed on the top of buildings that are no less than thirty-five (35) feet in height, for so long as the structure or building remains. Cellular or wireless communications antenna mounted on existing structures may be approved according to Section 1135.4.
2) If an existing structure is not available, every attempt shall be made to place cellular or wireless communications systems in I-1 and I-2 zoning districts. If a cellular or wireless communications company can demonstrate that there are no suitable sites under industry or engineering standards for its cellular or wireless communications sites within an I-1 or I-2 zoning district, the company may apply for a permit to place the tower or antenna in a B-3, B-4 or HT-1 district. (Ord. 14-002, passed February 10, 2014)
3) Micro antennas not exceeding five (5) feet in height may be placed on any existing building in any zoning district. Such micro antenna shall not be subject to the setback requirements of other cellular or wireless communications towers, provided it is placed on the roof of an existing building.
4) All other uses accessory to the cellular or wireless communications antennas and towers, including, but not limited to, business offices, maintenance depots, and materials and vehicles storage, are prohibited from the site unless otherwise permitted in the zoning district in which the cellular or wireless communications antenna and/or tower is located.

B) Setback. The minimum distance between the base of a tower or any support structures, including guy wire anchors, shall be as follows:

Table 1188: Setbacks for Cellular or Wireless Comm. Towers and Support Structures
(Ord. 99-132, passed October 11, 1999) (Ord. 14-002, passed February 10, 2014)

Minimum setback from	
Any property used for residential purposes or zoned for use as residential property	A distance equal to the height of the tower OR One hundred (100) feet (whichever is the greatest distance)
Adjacent non-residential property	Forty percent (40%) of the tower height; OR The minimum set-back in the adjacent zoning district; OR Fifty (50) feet (whichever is the greatest distance)
Any Right-of-Way adjacent to a B-4 District	A Distance equal to the height of the tower; OR One thousand (1000) feet (whichever is the greatest distance)
Any property adjacent to a B-4 District	A Distance equal to the height of the tower; OR One hundred (100) feet (whichever is the greatest distance)

C) Fencing. A fence shall be required around the cellular or wireless communications tower and its support or accessory structure(s), unless the antenna is mounted on an existing structure. The fence shall be a minimum of ten (10) feet in height, and shall be erected to prevent access to non-authorized personnel.

D) Screen/Landscaping. Screening/landscaping shall be required to completely screen, up to six (6) feet from ground level, the support structure(s) and any other ground-level equipment, in order to soften the appearance of the cellular of wireless communications site. The screening may be comprised of any combination of existing vegetation, topography, walls, decorative fences, or other landscape features, provided they achieve one hundred percent (100%) opacity year-round. A wall or fence without natural vegetation is not an acceptable screen.

If the antenna is mounted on an existing structure and other equipment is housed inside an existing structure, additional landscaping shall not be required.

E) Parking. If the cellular or wireless communications site is fully automated, adequate parking shall not be required for maintenance workers. If the site is not fully automated, the number of required parking spaces shall equal the number of employees working on the largest shift. All parking specifications and requirements shall be consistent with the applicable parking requirements as established in the Zoning Ordinance.

F) Appearance. Cellular or wireless communications towers under two hundred (200) feet in

height shall be painted silver or have a galvanized finish retained in order to reduce visual impact. Cellular or wireless communications towers shall meet all Federal Aviation Administration (FAA) regulations. No cellular or wireless communications towers may be artificially lighted, except when required by the FAA. Furthermore, no cellular or wireless communications tower or antenna and accessory buildings and structures shall contain any signage. All utility lines serving the towers shall be underground.

1188.5 MAINTENANCE.

Any owner of property used as a cellular or wireless communications site, and any owner of a cellular or wireless communications antenna or tower, shall maintain such property and all structures in good condition and free from trash, outdoor storage, weeds and other debris. Any owner of a cellular or wireless communications tower shall be required to notify the City Engineer of its intent, in writing, within thirty (30) days of its cessation of business, its discontinuance of service, or transfer of ownership.

1188.6 REMOVAL.

Any cellular or wireless communications tower or antenna that has discontinued its service for a period of six (6) continuous months or more is hereby determined to be a nuisance. A tower or antenna declared to be a nuisance must be removed by the owner of the tower or antenna, and by the owner of the property on which the tower or antenna is located, along with all accessory structures related thereto. Discontinued shall mean that the structure has not been properly maintained, has been abandoned, has become obsolete, is unused, is no longer used for its original purpose, is no longer transmitting the same type of radio wave signals that it was originally designed to transmit, or has ceased the daily activities or operations which had occurred.
Whenever, upon inspection, it shall appear that a cellular or wireless communications tower has been abandoned or its use discontinued, the City Engineer or a designated representative shall notify, either by personal delivery or by certified mail, the owner of the property on which the tower is located that the tower must be taken down and removed. The City Engineer, or a designated representative, in addition to any other citations, notices, penalties or remedies provided by law or ordinance, is authorized to proceed in a manner consistent with and pursuant to Ohio R.C. 715.26 and 715.261 to maintain the public health, safety and welfare, and to recover costs as appropriate.

1188.7 PROHIBITIONS.

A) No cellular or wireless communications tower shall be permitted on any lot on which any non-conforming building or structure is located, nor on which any non-conforming use or activity is occurring without first obtaining a variance from the City Planning Commission.

B) No cellular or wireless communications tower shall be constructed, replaced or altered

without first obtaining the applicable building permit.

C) A cellular or wireless communications antenna or communications site shall not be placed, operated, constructed or affixed, or otherwise located within the City of Mason, except as allowed and permitted by this Chapter.

1188.8 SMALL CELL FACILITIES. (Ord. 16-69, passed September 12, 2016)

A) Small Cell Facility Requirements. Small cell facilities shall be subject to all regulations and procedures of Chapter 1188, except for Sections 1188.4 B), 1188.4 C), 1188.4 D), including all application procedures, unless specifically stated otherwise below. In addition, all final approvals of any small cell facilities shall fall within the jurisdiction of City Council and shall be considered by City Council at the next regular Council meeting following a decision by Planning Commission.

B) Location.

1) Every attempt shall be made to mount a small cell facility to an existing structure, such as a communications tower (whether said tower is for cellular or wireless purposes or not), smoke stack, water tower, or other tall structure in any zoning district. Small cell facilities may only be placed on the top of buildings that are no less than thirty-five (35) feet in height, for so long as the structure or building remains. Small cell facilities mounted on existing structures may be approved according to Section 1135.4.

2) If an existing structure is not available, a small cell facility shall be located within the public right-of-way of an arterial or collector street as identified on the City of Mason Thoroughfare Plan, in an industrial subdivision, or on private property within a utility easement recorded at the Warren County Recorder's Office in a I-1, I-2, HT-1, B-3, or B-4 zoning district.

3) A small cell facility shall not be located within a residential zoning district, a residential subdivision, or within 100 feet of a property that contains a residential use. However, a small cell facility may be located either on the property or in the right-of-way adjacent to a valid conforming non-residential use that is located in a residential zoning district provided that the use is also located on an arterial or collector street as identified on the City of Mason Thoroughfare Plan. Distance shall be measured from the base of the small cell facility to the nearest property line of the use.

C) Quantity. No small cell facilities may be located within 2,000 linear feet from another small cell facility or cellular or wireless communication tower, unless such facility is co-located as defined in this chapter.

D) Height. Small cell facilities shall not exceed thirty (30) feet in height, unless such facility is co-located as defined in this chapter.

E) Appearance.

1) All small cell facilities shall be designed to be consistent and complimentary with the surrounding environment in terms of height, materials, color, scale, and design.

2) Small cell facilities shall be painted, anodized or constructed out of materials that are colored grey or black. Galvanized material may not be used in construction of the small cell facility unless it can be painted or otherwise coated as required in this section.

3) All related equipment, including, but not limited to, electrical boxes, conduit, wiring, and mounting equipment shall be placed underground or be wholly contained within an enclosure so as not to be visible. Further, all electrical and communications connections shall run underground to the facility.

F) Co-Location. Small cell facilities shall consist of not more than one small cell antenna per wireless communications user and shall be capable of providing the operation for two or more wireless communications service users.

G) Footprint. Small cell facilities shall not exceed twenty-four (24) inches in diameter with the exception of the foundation, which said foundation shall not exceed six (6) inches above grade.

CHAPTER 1189
Sexually Oriented Business Supplemental Standards

1189.01 PURPOSE; FINDINGS AND RATIONALE.
1189.02 DEFINITIONS.
1189.03 LOCATION OF SEXUALLY ORIENTED BUSINESSES

11889.01 PURPOSE; FINDINGS AND RATIONALE.

A) Purpose. It is the purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

B) Findings and Rationale. The findings and rationale shall be the same as set forth in Chapter 723 of the Business Regulation Code and hereby incorporated herein by reference.

11889.02 DEFINITIONS

For purposes of this chapter, the words and phrases defined hereunder shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

A) Public Building. Any building owned, leased, or held by the United States, the state, the county, the city, any special district, school district, or any other agency or political subdivision of the state or the United States, which building is used for governmental purposes including, but not limited to, public libraries.

B) Public Park or Recreation Area. Public land which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, and wilderness areas, as well as public land within the city which is under the control, operation, or management of the city park and recreation authorities.

C) Religious Institution. Any church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities.

D) School. Any public or private educational facility including, but not limited to, child day-care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. SCHOOL includes the school grounds, but does not include any facilities used primarily for another purpose and only incidentally as a school.

E) Sexually Oriented Business. An "adult arcade," an "adult bookstore," an "adult motion picture theater," a "semi-nude lounge," or a "sex paraphernalia store" as those terms are defined in Chapter 723 of the Business Regulation Code.

11889.03 LOCATION OF SEXUALLY ORIENTED BUSINESSES.

A) It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in Mason within 750 feet of another sexually oriented business. Measurements for this subsection (a) shall be made in a straight line without regard to intervening structures or objects, between the closest parts of the structures occupied by the two sexually oriented businesses. Where a sexually oriented business is within a multi-tenant development, the measurement shall be to or from the closest part of the tenant space occupied by the sexually oriented business.

B) It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in Mason, unless said sexually oriented business is at least:

1) 750 feet from the closest boundary of any residential zoning district;

2) 750 feet from all parcels containing a residential structure;

3) 750 feet from all parcels containing a public building, public park or recreation area, religious institution, or school; and

4) 750 feet from all parcels containing a business that is licensed to serve alcohol and is not primarily engaged in the sale and service of food at the premises.

C) For the purpose of subsection (B), measurements shall be made in a straight line from the closest part of any structure occupied by the sexually oriented business to the closest property line of the zoned property and uses identified in subsection (B) above. Where a use identified in subsection (B) is located in a multi-tenant development, the distance shall be measured to the closest part of the tenant space occupied by that use rather than the property line of the

entire development, so as to maximize the number of locations available to adult establishments.

D) The zoning and/or use of land in adjacent jurisdictions shall not disqualify any location within Mason from being available to an adult establishment.

E) Notwithstanding any provision in the Mason Code of Ordinances to the contrary, a sexually oriented business in a location that satisfies the standards in this § 1189.03 shall not be deemed noncompliant with this section by virtue of the subsequent establishment or expansion of a land use or zoning district specified in this section.

APPENDICES

APPENDIX A Summary of Uses for Residential Districts..... A-1
APPENDIX B Summary of Uses for Non-Residential Districts B-1
APPENDIX C Development Standards for Non-Residential Districts..... C-1

APPENDIX A
Summary of Uses for Residential Districts

Table A: Summary of Uses for Residential Districts

Principal & Conditional Uses	**DISTRICT [1] and Chapter Reference**		
	R-1, R-2, R-3, R-4 1147	**R-6 1148**	**R-7 1149**
Agricultural (minimum of 10 acres)	P	P	
Child daycare centers	C	C	C
Convalescent, nursing or rest homes	C	C	C
Dwelling structures, condominiums and landominiums		P	P
Dwelling structures, multi-family			P
Dwelling structures, single family	P	P	
Dwelling structures, two family			P
Golf courses	P	P	P
Group homes	P	P	P
Home-based barber shops and beauty salons	C		
Institutions, public and cultural	P	P	P
Parks	P	P	P
Places of Worship	P	P	P
Schools, public and private	P	P	P
Utility substations		C	C

P - Permitted
C - Conditional

If there is any discrepancy between this table and the Zoning Ordinance, including errors of omission, the Zoning Ordinance shall prevail. Please refer to the district chapter for specific requirements and/or conditions.

APPENDIX B
Summary of Uses for Non-Residential Districts

Table B: Summary of Uses for Non-Residential Districts
(Ord. 99-132, passed October 11, 1999)

Principal & Conditional Uses	**DISTRICT [1] and Chapter Reference**							
	B-1 1155	**B-2 1157**	**B-3 1159**	**B-4 1160**	**O-1 1153**	**HT-1 1162**	**I-1 1165**	**I-2 1167**
Amphitheaters				P				
Animal hospitals, veterinarian clinics and kennels		C	C					
Arcades				P				
Art studios	P	P	P					
Automobile repair (minor), body shops, automobile accessories			P					
Automobile repair shops (major)							P	P
Automobile service stations accessories		C	P					
Automobile washing facilities			P					
Bakeries	P	P	P					
Bed and breakfast	P							
Business and cleaning services	P	P	P					
Business and personal services	P	P	P		C			
Cellular or wireless communications systems								
New structure			P*			P*	P	P
	** See Section 1188.4 A)1) for location restrictions.*							
On existing structure	P	P	P	P	P	P	P	P
Child day-care centers	P	P	P		C	P		
Churches and places of worship	P	P						
Commercial entertainment and recreation, indoor			P					
Commercial entertainment and recreation, outdoor			P					
Commercial parking garage/lots	C				C	P		

Principal & Conditional Uses	DISTRICT (1) and Chapter Reference							
	B-1 1155	B-2 1157	B-3 1159	B-4 1160	O-1 1153	HT-1 1162	I-1 1165	I-2 1167
Concert halls, meeting and banquet halls with structures set back at least 50 feet from any residential property.			P					
Contractor's yard and related establishments							P	
Convenience food stores, carry-outs, mini-markets and drive through and drive-in facilities		C	P					
Data processing services						P		
Financial establishment with drive-through facilities			P		P	P		
Financial establishments without drive-through facilities.	P	P	P		P	P		
Fraternal and social associations			P					
Funeral homes					P	P		
Garden supply	P	P	P					
General merchandise and grocery stores	P	P	P					
Home furnishings, home improvements, materials and equipment stores	P	P	P					
Hotels and conference facilities			P	P		P		
Indoor movie theaters			P	P				
Institutional, public and cultural uses	P	P			P	P		
Libraries, museums and art galleries	P	P						
Manufacturing, fabricating, assembly, testing, repair, servicing and processing						P	P	P
Manufacturing - heavy industrial use								P
Manufacturing - light industrial use							P	P
Mechanical rides or attractions				P				
Motels and hotels			P			P		
Motion picture production						P		
Nursery supply			P					
Offices - professional, administrative, medical and dental clinics	P	P	P	P	P	P	P	P

Principal & Conditional Uses	**DISTRICT [1] and Chapter Reference**							
	B-1 1155	**B-2 1157**	**B-3 1159**	**B-4 1160**	**O-1 1153**	**HT-1 1162**	**I-1 1165**	**I-2 1167**
Public offices and buildings	P	P	P					
Public utility substations						P		
Publishing, printing, and blueprinting shops			P					
Recreational - private health clubs and recreational facilities that are not operated for commercial purposes		P	P		P	P		
Residential use (second floor)	C							
Restaurants, fast food			P					
Restaurants, standard, with drive-through facilities	C	C	P					
Restaurants, standard, without drive-through facilities.	P	P	P	P				
Schools, public and private elementary	P	P	P					
Sexually oriented business						P	P	P
Specialty food stores	P	P	P	P				
Specialty retail and commercial uses, including drug stores with drive-through pharmacies			P					
Specialty retail and commercial uses without a drive-through	P	P	P					
Stages				P				
Swimming facilities				P				
Taverns, bars, and nightclubs		C	P					
Theaters		C	P					
Vehicle sales, leasing, rental and service		C	P					
Vehicle storage, with structures set back at least 75 feet			P					
Warehousing						P	P	P
Wholesaling, storage, mini-storage							P	P

P - Permitted
C - Conditional

If there is any discrepancy between this table and the Zoning Ordinance, including errors of omission, the Zoning Ordinance shall prevail. Please refer to the district chapter for specific requirements and/or conditions.

APPENDIX C
Development Standards for Non-Residential Districts

The following table is a summary of lot widths, areas, and setback requirements for non-residential districts. If there is any discrepancy between this table and the Zoning Ordinance, including errors of omission, the Zoning Ordinance shall prevail. Please refer to the district chapters for specific requirements and/or conditions.

Table C: Summary of Development Standards for Non-Residential Districts

(Ord. 99-132, passed October 11, 1999)

					Minimum Setbacks for Principal buildings			Parking and Driveways		
District	**Min. area of district**	**Min. lot area**	**Min. lot width**	**Min. lot depth**	**Front**	**Side**	**Rear**	**Front**	**Side**	**Rear**
B-1		None	None		(1)	(2)	(2)	(1)	(2)	(2)
B-2		5 acres	None		50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
B-3		40,000 sq.ft.	200 ft.		25 ft. (3)	25 ft. (3)	40 ft. (3)	25 ft (3)	10 ft (3)	10 ft (3)
B-4	See Chapter 1160 for specific standards									
O-1	5 acres	1 acre	150 ft.	200 ft.	50 ft.	15 ft. 100 ft. if abutting a residential district	25 ft. 100 ft. if abutting a residential district	Same as principal building setbacks		
HT-1	10 acres	1 acre	150 ft.	200 ft.	50 ft.	15 ft. 100 ft. if abutting a residential district	25 ft. 100 ft. if abutting a residential district	Same as principal building setbacks		
I-1		2 acres			25 ft. 50 ft. if abutting a residential district	12 ft. 100 ft. if abutting a residential district	10 ft. 100 ft. if abutting a residential district	25 ft.	10 ft.	10 ft.
I-2		5 acres			50 ft.	12 ft. 100 ft. if abutting a residential district	10 ft. 100 ft. if abutting a residential district	25 ft.	10 ft.	10 ft.

(1) The minimum front yard setback shall be the average of existing commercial structures on the same side of the street and facing thereon within the same block. Where there are no adjacent commercial structures, the front yard setback shall be not less than fifteen (15) feet measured from the street right-of-way, and sufficient to meet screening and buffer yard standards specified in the Landscape Ordinance.

(2) No minimum side or rear yards shall be required, provided that the requirements of Chapter 1175 and the Landscape Ordinance are met.

(3) In a B-3 zone, a minimum setback of 100 ft. from all residential zones is required for any structure, use, or parking.