

CHAPTER 1133  
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#### 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 omnidirectional 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:

$$25,000 \text{ sq. ft. impervious surface} / 50,000 \text{ sq. ft. of total site area} = .5 \text{ or } 50\%$$

**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.

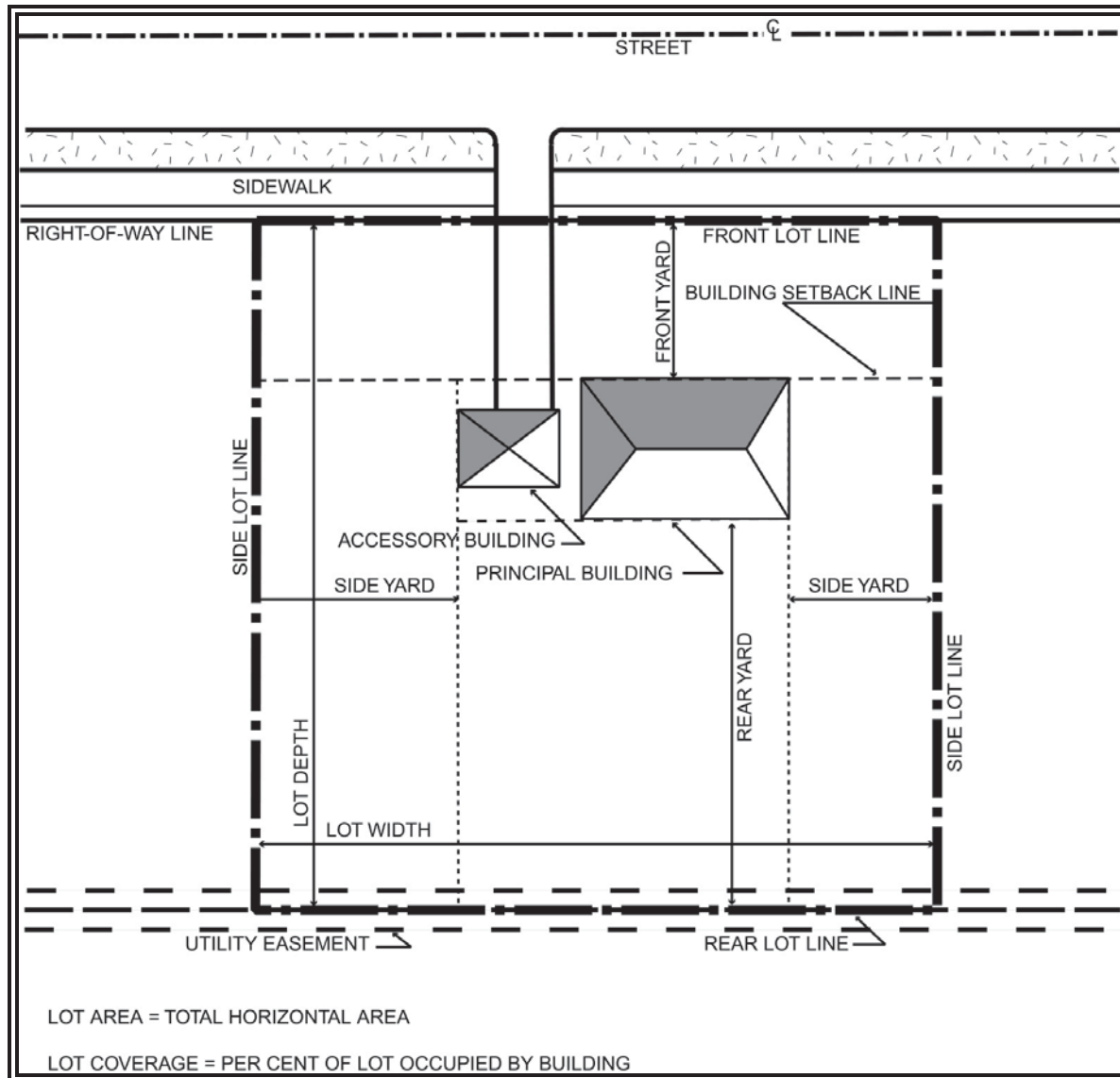


Figure 1133.1: Lot Measurements Illustrated

- 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 furthestmost 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)

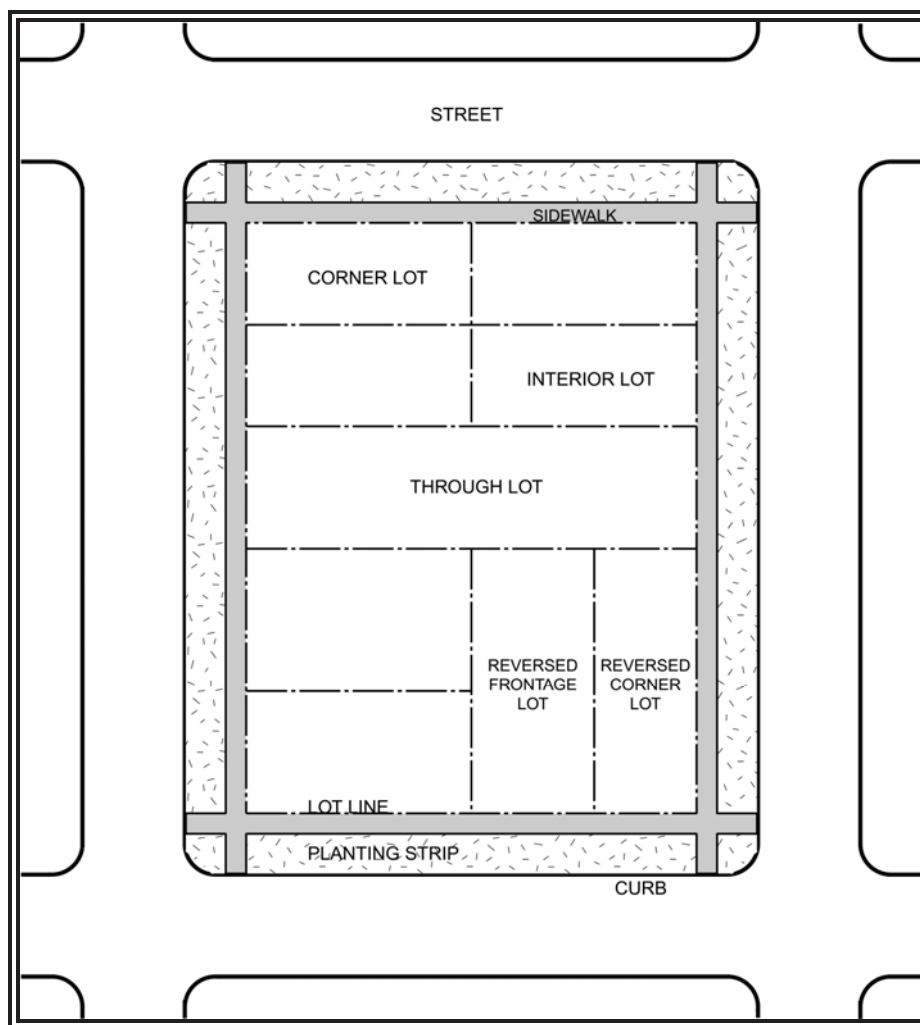


Figure 1133.2: Lot Types Illustrated

**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:

$$25 \text{ acres open space} / 100 \text{ acres gross site area} = .25 \text{ or } 25\%$$

**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 statutes 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).



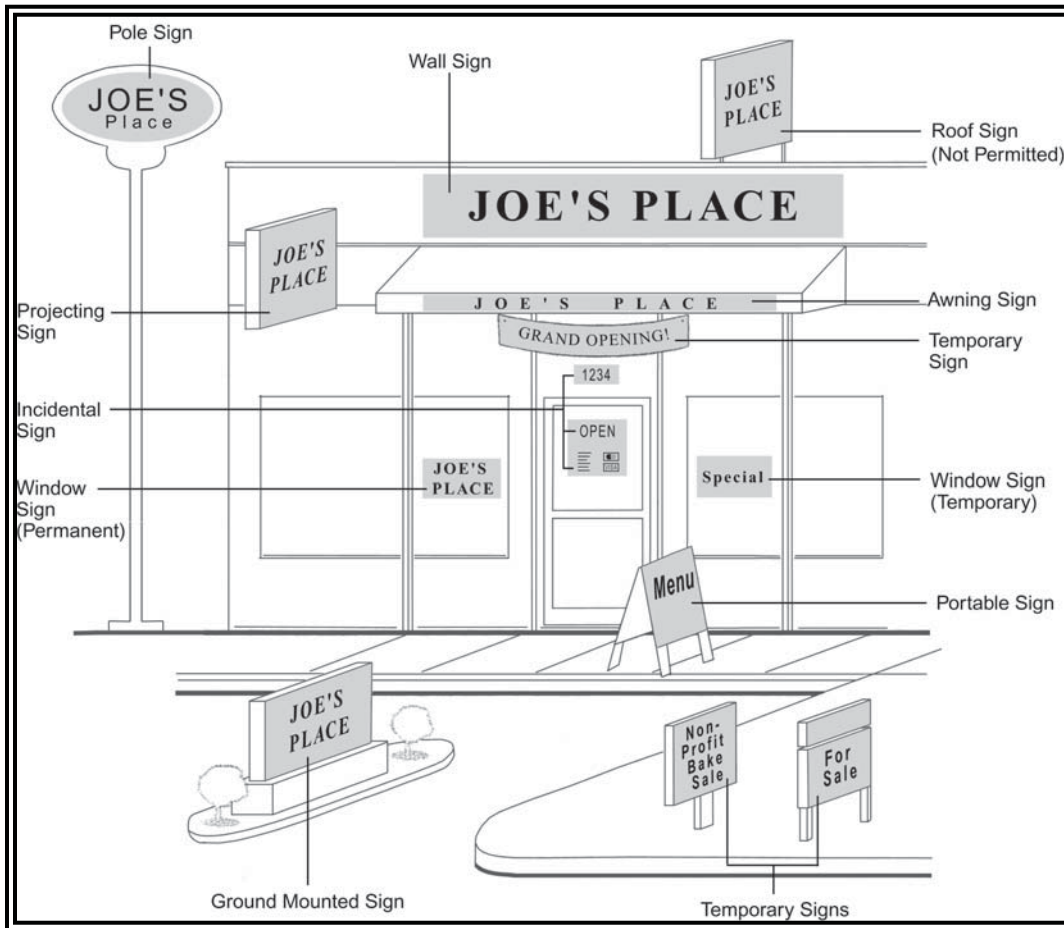


Figure 1133.3: Sign Types Illustrated

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.