

Chapter 32 Definitions

For the purpose of the Zoning Ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the words "his" and "her" shall be interchangeable; the word "building" shall include the word "structure" and the word "shall" is mandatory.

Accessory Building, Use or Structure: Accessory Use means a use, object, 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, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and accessory uses such as packing, treating, storing or selling the produce; provided, however that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

Apartment: A room or suite of rooms in a multiple dwelling of three (3) or more units intended or designed for use as a residence by a single family.

Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property.

Building, Height of: The vertical distance from the average grade at the building walls to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building Line: A line across the width of a lot or tract of ground, said line drawn concentric with, in the case of a curve, or parallel with the frontage line. It shall be set back from the frontage line, the minimum distance required in the regulations pertaining to the District in which the lot or tract is located.

Club: Building and facilities owned or operated by a corporation, association, person or persons for social or recreation purposes, on a non-profit basis.

Comprehensive Development Plan – A plan or any portion thereof, adopted by the Village Planning Commission showing the general location and extent of present and proposed physical facilities including residential, industrial and commercial land uses, major streets, parks, schools, and other community facilities.

Conditional Use: A use that may only be permitted after a hearing before the Board of Zoning Appeals.

Covenant – A written pledge or promise.

Development: Any man-made change to improved or unimproved real estate including but not limited to buildings or other structure, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

Developer: Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

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Development Plan: See Comprehensive Development Plan

District: Any area or areas of the Village of Maineville for which the regulations governing the use of buildings and premises, the height of buildings, size of yards and the area of lots are uniform, except in Planned Unit Development District, in which multi-use, non-conforming arrangements and lot sizes are permitted. The term District and Zone are used interchangeable and shall have the same meaning.

Dwelling – Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a tent, cabin, and trailer or other temporary or transient structure or facility.

Dwelling Units – All dwelling units shall be classified as one of the following:

- A. Single family detached: A dwelling unit that is not physically attached to or contained within the same building as any other dwelling unit.
- B. Single family attached: A dwelling unit which shares part of the same physical structure as other dwelling units, but has a separate exterior entrance. Dwelling units that share a common stairway for the entrance shall be considered multi-family dwelling units.
- C. Multi-family: A dwelling unit that shares the same physical structure and the same exterior entrances with other dwelling units.

Family: A group of persons who form a single household.

Fences: An artificially constructed barrier of wood, masonry, stone, wire metal or any other manufactured material or combination of materials.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas.

Flood Plain: (1) A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation due to the periodic overflow of surface waters;
(2) An area subject to the unusual and rapid accumulation of surface waters from any source.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100 year flood without cumulatively increasing the water surface elevation more than one foot.

Floodway Fringe: The area within the 100-year flood plain that is outside the Floodway.

Frontage: The common boundary between the Public Street and road right-of-way as established on the Village of Maineville or Warren County Thoroughfare Plan and the abutting property.

Garage, Private: A detached or semi-detached accessory building or portion of the principal building used for the storage of motor vehicles, boats and their trailers, by the occupants of the premises.

Garage, Public: Any building other than a private garage used for parking or repairing motor vehicles for profit.

Highway, Major or Secondary: An officially designated state or federal numbered highway or other road designated as a major street on the Official Thoroughfare Plan of the Village of Maineville or Warren County.

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Home Occupation and Professional Activities: Any occupation or profession carried on in a residential District a building on the premises, by a member of the family residing therein, in connection with which there is used no sign other than a name plate two square feet in area. Noisome activities are not allowed including appearance, noise or smells. No commodity is sold thereon, unless it was produced on the premises, or unless it is incidental to the services rendered, or the articles produced on the premises; no person is employed, other than relatives living on the premises and who are within the first degree of kinship. The practice of medicine, dentistry, engineering, architecture and law, real estate office, and insurance sales office are permitted uses.

Hotel or Motel: A building in which lodging is provided for transient guests and operated for profit.

Institution: A building or the organization it houses owned or occupied by a non-profit organization and used exclusively for the benefit of the members of the organization or the public.

Junkyard: A place not in a completely enclosed building including auto wrecking yards and building wrecker yards, where waste, discarded or salvaged material is bought, sold, exchanged, baled, packed, stored, disassembled or handled.

Lot: A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and its accessory buildings and uses, including all open spaces required by the zoning regulations and having frontage on a public street.

Mobile Home Park: Any site, lot, field, or tract of land upon which three or more house trailers used for habitation are parked both free of charge or for fee purposes, and shall include any roadway, building structure, vehicle and enclosure available for use as part of the facilities of such trailer park.

Non-conforming Use: Any building or land being used in a manner contrary to the Zoning Ordinance, such use having begun and having been legal use prior to the effective date of said Ordinance.

One-Percent Chance Annual Flood: A flooding event that has a 1 percent chance of being equaled or exceeded in a particular location in any given year.

Parking Lot: A parcel of land devoted to unenclosed parking spaces.

Parking Space: A permanently surfaced area of not less than one-hundred eighty (180) square feet, either within a structure or in the open, exclusive of driveways and access drives, permanently reserved for the parking of a motor vehicle.

Plat: The map or drawing on which the developer's plan of subdivision is presented to the Maineville Village Planning Commission for approval.

Recreation Area, Private: A recreation area owned and maintained by the owner of a development, business concern or property owners association for tenants employees or CO-owners.

Recreation Area, Charitable: A recreation area owned or maintained by a philanthropic organization.

Recreation Area, Commercial: A recreation area privately owned and operated for profit.

Recreation area, Public: A recreation area dedicated to public use and maintained by a public authority.

Recreational Vehicle(s) shall include the following:

- A. Travel Trailer: A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally include self-contained sanitary, water, and electrical facilities.

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- B. Pickup Camper: A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- C. Motor Home: A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- D. Folding Tent Trailer: A folding structure mounted on wheels and designed for travel and vacation use.
- E. Boats and Boat Trailers: "Boats" and "boat trailers" shall include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- F. Other Recreational Equipment: Other recreational equipment includes snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

Setback Line (minimum) – A line established by the zoning resolution, generally parallel with and measured from a lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said resolutions.

Sexually Oriented Businesses: See Chapter 31 for Definitions.

Signs: See Chapter 21 for Definitions.

Stable, Private: A building for beasts to lodge and feed in, especially having stalls for horses.

Stable, Public: A building for beasts to lodge and feed in, especially having stalls for horses, operated for remuneration.

Storage Container: Any container intended for this purpose of storing or keeping household goods and other personal property that is intended to be filled, refilled, or emptied while located outdoors on a residential property, and later removed from the property for storage off-site.

Storm-water Management Facility: Refers to designed and/or constructed features which collect, convey, channel, store, inhibit, or divert the movement of storm water.

Story: That portion of a building, other than a cellar as described herein, Included between the surface of any floor and the surface of the floor above it, except for the top story, it shall be from floor surface to ceiling above.

Story, Half: A space above the highest full story under a sloping roof, which has the line of intersection of roof and wall face not more than three (3) feet above the floor level.

Street Types – All streets are classified as one of the following:

- A. Local - A street used primarily for providing access to abutting properties. This street can connect other local streets or be a cul-de-sac, loop or marginal access street. Design speed is 25 miles per hour.
- B. Collector I - A low speed collector street, which carries traffic from local streets to other collector or arterial streets. Direct vehicular access to abutting properties is not provided except in cases of major commercial or industrial developments (i.e. shopping centers or industrial parks). Design speed is 35 miles per hour.

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- C. Collector II - A high-speed collector street which carries traffic from local or other collector streets to other collector or arterial streets. Direct vehicular access to abutting properties is not provided. This street is also designed to accommodate short to intermediate distance travel between communities. Design speed is 45 miles per hour.
- D. Arterial - The major street in the hierarchy, which is designed to accommodate intermediate to long distance travel between communities. Direct vehicular access to abutting properties is not provided. Design speed is generally 55 miles per hour.
- E. Private I & II - Streets used for providing access to abutting properties. Design speeds are 15 miles per hour and 25 miles per hour respectively.
- F. "Special Street Types" are defined as one of the following:
- G. Cul-de-sac - A local street with one (1) end open to traffic and the other end terminating in a circular, vehicular turnaround.
- H. Dead-end Street - Any classification of street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- I. Loop Street - A local street, each end of which terminates at an intersection with the same street.
- J. Marginal Access Street - A local street, parallel and adjacent to an Arterial or Collector Street, which provides access to abutting properties while separating them from arterial or Collector Street traffic (also referred to as a Frontage Street).
- K. One-Way Street - A local street that carries traffic in one direction only.

Structure: Anything constructed or installed with a fixed location on the ground, or attached to something having a fixed location on the ground.

Subdivision:

- A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots any one of which is less than five (5) 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 (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
- B. The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of 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 leaseholders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and it is being restored, before the damage occurred. For the purposes of this definition "substantial Improvement" is considered to occur when a building permit is issued for the alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include, either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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Tenant, Farm: A person who resides on a tract of land for agricultural purposes as defined under “Agriculture” and who works thereon, as an agricultural worker an average of thirty (30) hours per week, or more.

Trailer: The word “trailer” shall include trailer coach, house trailer, mobile home, automobile trailer, camper, camp car or any self-propelled vehicle constructed, reconstructed or added to by means of accessories in such a manner as will permit the use and occupancy thereof for human habitation, storage or conveyance of machinery, tools or equipment whether resting on Wheels, jacks or other foundation and used or so constructed that it is or may be mounted on wheels or any similar transporting devices and used as a conveyance on highways and streets, but not including those vehicles that are attached to an automobile or truck for the sole purpose of transporting goods or farm animals. Trailers shall not be considered buildings, dwellings or structures for the purpose of the Zoning Ordinance.

Telecommunication Tower: Any free-standing structure, or any structure to be attached to a building or other structure; proposed to be owned or principally used by a public utility or other person or entity engaged in the provision of telecommunication services; in the area zoned for residential use; proposed at a height greater than that permitted within the applicable District; or an attached structure proposed at a height greater than either the height of the building or structure to which it is to be attached, or that permitted within the applicable District; proposed to have attached to it radio frequency transmission or reception equipment.

Variance – A variance is a modification of the standards or requirements of these regulations 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.

Village of Maineville Comprehensive Plan: The Comprehensive Plan represents the Village of Maineville’s vision for the future and serves as a policy guide for the Village.

Village of Maineville Unified Development Manual: To promote public health, safety, morals, comfort and general welfare. To provide procedural information and define material specifications for the construction of pavement and roadway improvements, storm sewer mains and all appurtenances that are to become a part of or to be connected to the Village of Maineville’s public streets and utilities. The requirements contained herein are to be followed by any person, firm, partnership or corporation in the construction of residential, industrial or commercial subdivisions and/or developments in which storm sewer utilities, sidewalks, curb and gutter, and/or roadway and pavement will be constructed.

Yard – A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward, provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

- A. Front - A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- B. Rear - A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
- C. Side - A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Yard Sale: The sale of household goods, furnishings, clothing, toys, tools, and books that have been used by members of the family occupying the premises may be advertised and sold on the premises.