

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. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or detached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise required in this Ordinance, an accessory use shall be a permitted use.

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.

Basement: A story or portion of a story having part, but not more than one-half (1/2) its height below average grade. A basement is counted as a story for the purpose of height regulation. See “Cellar.”

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 zone in which the lot or tract is located.

Cellar: A story or portion of a story having more than one-half (1/2) of its height below average grade. A cellar is counted as a story for regulating the number of stories only if used for dwelling purposes other than by a janitor employed on the premises. See “Basement”.

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

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

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.

Development Plan; A plan for the development and use of a specified parcel or tract of real estate, illustrated by a plat showing the boundaries of such parcel or tract, the location, size, height, and use of all structures, all vehicular and pedestrian ways and parking areas, all sewers and water mains.

Fire hydrants, both public and private, and all landscaped and recreation areas to be erected and maintained thereon: and further explained by such specifications, conditions and limitations as may be imprinted on the plat, or contained in the amendment or supplement to the Zoning Ordinance, incorporating the development plan as an integral part of the zoning regulations applicable to that particular tract of land.

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 shall have the same meaning.

Dwelling: Any building or portion thereof designed or intended to be used exclusively for residence purposes, but not including a tent, cabin, trailer or trailer coach, or camper on truck.

Dwelling, Single Family: A building designed for or occupied exclusively by one non-transient family.

Dwelling, Two Families: A building designed for or occupied exclusively by two non-transient families.

Dwelling, Multiple: A building or portion thereof designed for or occupied by more than two non-transient families.

Family: A person or a group of persons no more than four of whom are unrelated, occupying a single dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a hotel or motel as herein defined.

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 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 Warren County.

Home Occupation and Professional Activities: Any occupation or profession carried on in a residential zone 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 parcel of land having it's frontage upon a public street or road.

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: A map or other scale drawing of a lot, or other parcel of ground, showing shape or dimensions.

Public Street or Road: One that has been dedicated whether or not it has been constructed to the standards as approved by the Village Engineer and accepted by the Village Council.

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.
- 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.

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: to design and/or construct features that 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.

Structure: Anything constructed or erected, the use of which requires location on ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, signs, gas or liquid storage facility, mobile homes, access drives, sidewalk, street directional or street name sign, and landscape improvements. Essential public utility poles, regulatory signs, necessary drives, sidewalks, bicycle paths, permitted parking, permitted signs and landscaping are not considered structures within required setback open spaces.

Subdivision as used in this Ordinance means:

1. **Subdivision:** The splitting of any parcel of land into two (2) or more parcels, at least one (1) of which is less than five (5) acres, per Ohio Revised Code Sec. 711.001 A and 711.131.
2. **Platted Subdivision:** A parcel of land that has been divided, the resulting lots have been numbered and an approved plat of the entire parcel has been recorded at the Warren County Recorder’s Office.

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.

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 zone; 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 zone; proposed to have attached to it radio frequency transmission or reception equipment.

Yard: An open space in the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except eaves, balconies and unenclosed steps leading to a first floor or basement. In measuring a yard for the purpose of determining a rear yard, the minimum horizontal distance between the lot line and the nearest portion of the building shall be used, starting at the lot line and ending at the nearest portion of the building foundation.

Yard, Front: The open space extending across the front of a lot between the lot frontage and the main building or any projection thereof, other than the projection of the usual eaves, steps or entranceway. In determining the front yards for a lot fronting on more than one (1) street, the frontage on all streets shall be considered as front yards.

Yard, Rear: The open space extending across the rear of a lot between the side lot lines and being the minimum distance between the rear lot line and the main building or any projection thereof, other than steps, unenclosed balconies, or unenclosed porches. On corner lots all yards not fronting on a street shall be considered side yards.

Yard, Side: The open space between the main building and the sideline of the lot extending from the front yard to the rear. Unenclosed steps and balconies may extend into side yard no more than one-half (1/2) of the required side yard width.

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; provided such a sale does not last longer than three (3) consecutive days and is not held oftener than every six (6) months, the items sold were not acquired for the sale and a zoning permit is obtained prior to said sale.