

The logo features the word "MAINEVILLE" in a large, yellow, outlined, serif font. Below it, the words "ZONING CODE" are written in a smaller, black, sans-serif font. A small graphic of a house with a chimney is positioned between the two lines of text. The entire logo is set within a yellow oval with a dark grey border.

MAINEVILLE

ZONING CODE

A grayscale photograph of a street scene in a village. On the left is a two-story white house with dark shutters. In the center is a three-story brick building with a prominent front porch supported by columns. To the right is another two-story building. The street has a crosswalk and utility poles are visible.

Effective March 23, 2019

**Village of Maineville, Ohio
8188 S. State Route 48
Maineville, Ohio 45039
513-583-8202**

ORDINANCE NO. 2019-01

ORDINANCE TO ADOPT AMENDMENTS TO THE ZONING CODE

WHEREAS, the Warren County Regional Planning Commission has reviewed the current Zoning Code and has assisted in proposing certain amendments to the Zoning Code, and

WHEREAS, an 8-member Citizens Advisory Committee was formed consisting of various stakeholders who have an interest in development issues within the Village; and

WHEREAS, the Planning Commission of the Village of Maineville, Ohio has considered certain amendments to the Zoning Code, and has recommended that Council adopt these amendments; and,

WHEREAS, the Village Council, after publication of notice, had held a public hearing on said proposed changes to the Zoning Code on the 17th day of January, 2019; and,

WHEREAS, to promote public health, safety, morals, comfort and general welfare, conserve and protect property values, to secure the most appropriate use of land, to facilitate adequate but economical provision of public improvements, the Council of the Village of Maineville desires to adopt certain changes to the Zoning Code.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Maineville, State of Ohio:

SECTION 1: The proposed changes to the Zoning Code, a copy of which is attached hereto as Exhibit A, which are incorporated by reference herein are hereby adopted.

Mr. Kembel made the motion and Mr. Drook seconded the motion, and a vote being called upon the question of adoption of Resolution _____, the vote resulted as follows:

<input checked="" type="checkbox"/> Mr. Bingham	<input checked="" type="checkbox"/> Mr. Drook	<input checked="" type="checkbox"/> Mr. Gaebel
<input checked="" type="checkbox"/> Ms. Humphries	<input checked="" type="checkbox"/> Mr. Kembel	<input checked="" type="checkbox"/> Mr. Sevier

Yeas 5 Nays 0 Abstain _____

Passed this 21 day of February, 2019.

Wm. Shearer
William Shearer, Mayor
Village of Maineville, Ohio

VILLAGE OF MAINEVILLE, OHIO OFFICIAL ZONING CODE

Passed February 21, 2019

Effective March 23, 2019

MAYOR:	William Shearer
COUNCIL:	Roger Bingham Doug Drook Roger Gaebel Linda Humphries Mike Kembel Delmas Sevier
PLANNING COMMISSION:	Gus Bunnell Doug Drook Jeff Oakes William Shearer Carl Uebelacker
FISCAL OFFICER:	Sharee' Dick
SOLICITOR:	Kevin McDonough
ENGINEER:	CT Consultants c/o Don Shvegza
PLANNER:	Warren County RPC c/o Zachary Moore

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CHAPTER 1: GENERAL INFORMATION

1.01 Purpose

To promote public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; to facilitate adequate but economical provision of public improvements, all in accordance with the provisions of Section 713. et. seq. of the Ohio Revised Code.

1.02 Title

This Ordinance shall be known and may be cited and referred to as the “Zoning Ordinance” or “Zoning Code” to the same effect.

1.03 Amendments

Amendments or supplements to the Zoning Ordinance may be made in the same manner and for the same purpose provided in Section 713 of the Ohio Revised Code. See Chapter 4 for amendment details.

1.04 Effective Date

This Zoning Ordinance shall be in full force and effect from and after the earliest period allowed by law and thereupon all prior zoning regulations in conflict herewith shall be void and of no effect.

1.05 Minimum Requirements

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

1.06 Severability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be unconstitutional or invalid.

1.07 Civil Proceedings

- (A) Whenever the Zoning Inspector or any other officer charged with the enforcement of the Zoning Ordinance is satisfied that any provision he or she is charged to enforce, or any law in the Village of Maineville applicable to the subject matter herein, has been violated or is about to be violated in any respect, or that any order of direction made in pursuance of the enforcement of the Zoning Ordinance has not been complied with, or is being disregarded, and whenever he or she is satisfied that civil proceedings are necessary for the enforcement of the Zoning Ordinance or laws, to restrain or correct the violation thereof, or to prevent the occupancy or use of any building that is being constructed, altered, or maintained in violation of the Zoning Ordinance, he or she shall apply to the Village of Maineville Solicitor who is hereby authorized to institute Civil Proceedings.

- (B) Such civil proceedings shall be brought in the name of the Village of Maineville Planning Commission; provided however, that nothing in this Chapter and no action taken hereunder, shall be held to exclude such criminal proceedings as may be authorized by the Zoning Ordinance, or any of the laws or resolutions in force in Warren County or to exempt anyone violating the Zoning Ordinance or any part of said laws from any penalty, which may be incurred.

CHAPTER 2: ADMINISTRATION

2.01 Purpose

This article sets forth the powers and duties of the Planning Commission, the Board of Zoning Appeals, the Village Council and the Zoning Inspector with respect to the administration of the provisions of this Ordinance.

2.02 General Provisions

The formulation, administration and enforcement of this Ordinance are hereby vested in the following offices and bodies within the Village of Maineville government:

- (1) Zoning Inspector
- (2) Planning Commission
- (3) Board of Zoning Appeals
- (4) Village Council
- (5) Village Solicitor

2.03 Zoning Inspector

A Zoning Inspector nominated by the Mayor and confirmed by council, shall administer and enforce this Ordinance. He or she shall be provided with the assistance of such other persons as the Mayor may direct. Unless otherwise specified by Resolution, the Village Administrator shall also serve as the Zoning Inspector.

2.04 Duties of the Zoning Inspector

For the purpose of this Ordinance the Zoning Inspector shall have the following duties:

- (1) Enforce the provisions of this Ordinance and interpret the meaning and application of its provisions.
- (2) Respond to questions concerning applications for amendments to the Zoning Ordinance text and the Official Zoning District Map.
- (3) Issue zoning permits and certificates of occupancy as provided by this Ordinance, and keep a record of same with a notation of any special conditions involved.
- (4) Act on all applications upon which he or she is authorized to act by the provisions of this Ordinance within the specified time or notify the applicant in writing of his or her refusal

or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his or her request to the Board of Zoning Appeals.

- (5) Conduct inspections of building and uses of land to determine compliance with this Ordinance and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
- (6) Maintain in current status the Official Zoning District Map, which shall be kept on permanent display in the Village offices.
- (7) Make such records available for the use of the Village Council, the Planning Commission, the Board of Zoning Appeals, and the public.
- (8) Act on site plans pursuant to this Ordinance.
- (9) Determine the existence of any violations of this Ordinance, and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.

2.05 Planning Commission

The Planning Commission shall be established in accordance with Ohio Revised Code Section 713.01.

2.06 Duties of the Planning Commission

For the purpose of this Ordinance the Commission shall have the following duties:

- (1) Recommend the proposed Zoning Ordinance, including text and map to the Village Council for formal adoption.
- (2) Initiate and recommend to Council advisable map or text changes where same will promote the best interest of the public in general through recommendation to the Village Council.
- (3) Review all proposed amendments to the text or map and make recommendations to the Village Council.
- (4) Review all Planned Unit Development and Conservation District Applications and make recommendations to the Village Council as provided in this Ordinance.
- (5) Review and act on site plans as required by this Ordinance.

2.07 Board of Zoning Appeals (BZA)

A Board of Zoning Appeals is hereby established in accordance with Ohio Revised Code Section 713.11.

2.08 Duties of the Board of Zoning Appeals

For the purpose of this Ordinance the BZA has the following specific responsibilities:

- (1) Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector;
- (2) Hear and act on applications for a Conditional Use Permit as specified in Chapter 26.
- (3) Hear and act on variances as specified in Chapter 26.

2.09 Duties of the Zoning Inspector, Village Council, and Courts Relative to the Board of Zoning Appeals

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the BZA only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the BZA shall be to the courts as provided by law. It is further the intent of this Ordinance that the duties of the Village Council shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance, the Village Council shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law, and of establishing a schedule of fees and charges as stated in Section 2.11 of this Ordinance. Nothing in this Ordinance shall be interpreted to prevent any official of the Village from appealing a decision of the BZA to the courts as provided in the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the BZA's written decision.

2.10 Village Council

The powers and duties of the Village Council pertaining to the Zoning Ordinance are as follows:

- (1) Act on the nominations of members to the Planning Commission, as per Section 713 of the Ohio Revised Code.
- (2) Act on the nominations of members to the Zoning Board of Appeals, as per Section 713 of the Ohio Revised Code.
- (3) Act upon suggested amendments to the Zoning Ordinance text or map, as per Section 713 of the Ohio Revised Code, and per Chapter 4 of this Ordinance.
- (4) Override a written recommendation of the Planning Commission on a text or map amendment provided that such legislative action is passed by a vote of not less than three-quarters of the Village Council.

2.11 Schedule of Fees

The Village Council shall establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Ordinance, after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Village Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or

VILLAGE OF MAINEVILLE ZONING ORDINANCE

administrative procedure. Any changes to the Schedule of Fees shall be done without being considered a revision of the Village of Maineville Zoning Ordinance.

2.12 Warren County Building Department

The Village of Maineville follows the Warren County Residential Code for one, two and three family dwellings.

TABLE 2.1: TABLE OF REVIEW AUTHORITY

Decisions may be based partially or in whole by recommendations from outside consultants.

PH – Public Hearing Required M – Public Meeting Required A – Authority to Hear/Decide Appeals
 D – Responsible for Final Decision R – Responsible for Review and Recommendation

PROCEDURE	Chapter	Village Council	Planning Commission	Board of Zoning Appeals	Zoning Department
Zoning Ordinance Text or Map Amendment	4	PH / D	M / R		R
Site Plan Review	30		M / D		R
Conditional Use	26.05			PH / D	R
Appeals	26.03			PH / A	
Variance	26.04			PH / D	R
Non-Conforming Use	25			PH / D	R
Zoning Permit	3				D
Certificate of Compliance	3				D

CHAPTER 3: ZONING PERMITS

3.01 Purpose

This chapter stipulates the policy and procedure to be followed in obtaining permits, certificates, and other legal or administrative approvals under this Ordinance.

3.02 Zoning Permits Required

No building or structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of these Regulations unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, variance, or finding of substantially similar use, or from Village Council, approving a Planned Unit Development District, as provided by this Ordinance.

3.03 Contents of Application for Zoning Permit

The application for a zoning permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within ninety (90) days or substantially completed within one (1) year. At a minimum, the application shall contain the following information, and be accompanied by all required fees and homeowner association approvals (as applicable, to the discretion of the Zoning Inspector):

- (1) Name, address, and phone number of applicant;
- (2) Legal description of property;
- (3) Existing use
- (4) Proposed use;
- (5) Zoning district;
- (6) Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration;
- (7) Building heights;
- (8) Number of off-street parking spaces or loading berths, and their layout;
- (9) Location and design of access drives;

- (10) Number of dwelling units;
- (11) If applicable, application for such additional permits as may be required;
- (12) Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Ordinance.

3.04 Approval of Zoning Permit

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Ordinance. All zoning permits shall, however, be conditional upon the commencement of work within one (1) year. One (1) copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his or her signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a permit, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Ordinance.

3.05 Expiration of Zoning Permit

If the work described in any zoning permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire and shall be revoked by the Zoning Inspector, with written notice thereof given to the persons affected. If the work described in any zoning permit has not been completed within one (1) year of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed until a new zoning permit has been obtained.

3.06 Certificate of Compliance

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a certificate of compliance has been issued by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance. The issuance of a certificate in no way relieves the recipient from compliance with all the requirements of this Ordinance.

3.07 Record of Zoning Permits and Certificates of Compliance

The Zoning Inspector shall maintain a record of all zoning permits and certificates of compliance, and copies shall be furnished upon request and upon payment of the established fee, to any person.

3.08 Failure to Obtain a Zoning Permit or Certificate of Compliance

Failure to obtain a zoning permit or certificate of occupancy shall be a punishable violation of this Ordinance.

3.09 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates

Zoning permits or certificates of compliance issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and any other use, arrangement, or construction contrary to that authorized use shall be deemed a punishable violation of this Ordinance.

3.10 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, investigate it, and take action thereon as provided by this Ordinance.

3.11 Entry and Inspection of Property

The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Ordinance.

3.12 Stop Work Order

Subsequent to his or her determination that work is being done contrary to this Ordinance, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Inspector, or violation of a stop work order shall constitute a punishable violation of this Ordinance.

3.13 Zoning Permit Revocation

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Ordinance or based upon false information or misrepresentation in the application.

3.14 Notice of Violation

- (1) Whenever the Zoning Inspector or his agent determines that there is a violation of any provision of this Ordinance, a notice shall be issued and shall serve as a notice of violation. Such order shall:
 - (a) Be in writing;
 - (b) Identify the violation;
 - (c) Include a statement of the reason or reasons why it is being issued and refer to the sections of this Ordinance being violated; and
 - (d) State the time by which the violation shall be corrected. Violations shall be corrected within twenty (20) days of the date of notice.

- (2) Service of notice of violation shall be as follows:
 - (a) By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or
 - (b) By certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
 - (c) By posting a copy of the notice form in a conspicuous place on the premises found in violation.
- (3) As a courtesy, the Zoning Inspector may issue another final notice of violation if within twenty (20) day timeframe the applicant does not contact the Village, or no attempt has been made to correct the violation. The final notice shall be prepared following the same procedures as specified in subsections (1) and (2) above, except the applicant shall be given ten (10) days to correct the violation.

3.15 Summons Procedure

If, upon re-inspection following the issuance of a notice of violation, the condition has either not been corrected or the owner has made no effort to work out an agreeable plan of correction with the Zoning Inspector, the person or persons responsible shall be issued a summons. Such summons shall:

- (1) Be served personally;
- (2) Be in writing on an approved form from the Clerk of the Maineville Mayor's Court;
- (3) Identify the violation;
- (4) State the time, date and place for appearance in court;
- (5) Summons shall be delivered by the Maineville Police Department or other department of jurisdiction.

3.16 Penalties and Fines

Any violation of this Ordinance shall constitute a minor misdemeanor. Each day a violation occurs or continues shall constitute a separate offense. Furthermore, the owner or tenant of any building, structure, premise or part thereof, and any architect, engineer, builder, contractor agent, or other person who commits, participates in, assists in or maintains any violation of the Ordinance may each be guilty of a separate offense and may be subject to the penalties provided herein. The cost of prosecution shall be assessed against the violator.

The imposition of any sentence shall not exempt the offense from compliance with the requirements of this Ordinance.

3.17 Rights and Remedies Reserved

Any failure or omission to enforce the provisions of this Ordinance, and any failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver of nor prevent any further prosecution of violations of this Ordinance.

CHAPTER 4: AMENDMENT PROCEDURES

4.01 Procedure for Amendment or District Changes

This Ordinance, either text or map, may be amended utilizing the procedures specified in this chapter.

4.02 General

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Council may by ordinance, after receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

4.03 Initiation of Zoning Amendments

Amendments to this ordinance may be initiated in one of the following ways:

- (1) By adoption of a motion of the Planning Commission or by the adoption of a resolution by the Village Council;
- (2) By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment. In cases where a lessee is the applicant, authorization by the property owner is required for the application to be accepted.

4.04 Contents of Application for Zoning Map Amendment

Applications for amendments to the Official Zoning Map adopted as part of this Ordinance shall contain at least the following information:

- (1) The name, address, and phone number of the applicant;
- (2) A statement of the reason(s) for the proposed amendment;
- (3) Present use;
- (4) Present zoning district;
- (5) Proposed use;
- (6) Proposed zoning district;

- (7) A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;
- (8) A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
- (9) A statement on the ways in which the proposed amendment relates to the comprehensive plan;
- (10) A fee as established by the Village Council.

4.05 Contents of Application for Zoning Text Amendment

Applications for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Ordinance, other than the Official Zoning Map, shall contain at least the following information:

- (1) The name, address, and phone number of the applicant;
- (2) The proposed amending ordinance, approved as to form by the Village Solicitor.
- (3) A statement of the reason(s) for the proposed amendment;
- (4) A statement explaining the ways in which the proposed amendment relates to the comprehensive plan;
- (5) A fee as established by Village Council.

4.06 Transmittal to Planning Commission

Immediately after the adoption of a resolution by the Village Council or the filing of an application with the Zoning Inspector by at least one (1) owner or lessee of property, together with property owner authorization if filed by a lessee, said resolution or application shall be transmitted to the Commission.

4.07 Recommendation by Planning Commission

Within sixty (60) days from the receipt of the proposed amendment, the Planning Commission shall transmit its recommendation to the Village Council. The Planning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment as requested, or it may recommend that the amendment be denied. The written decision of the Planning Commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for their determination that the proposed amendment is or is not consistent with the comprehensive plan.

4.08 Public Hearing by Village Council

Upon receipt of the recommendation from the Planning Commission, Village Council shall schedule a public hearing. Said hearing shall be not more than sixty (60) days from the receipt of the recommendation from the Planning Commission.

4.09 Notice of Public Hearing in Newspaper

Notice of the public hearing required in Section 4.08 shall be given by Council by at least one (1) publication in one or more newspapers of general circulation in the Village. Said notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

4.10 Notice to Property Owners by Village Council

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Fiscal Officer, by first class mail, at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, and to such other list or lists that may be specified by Village Council. The failure to deliver the notification as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 4.09.

4.11 Action by Village Council

Within thirty (30) days after the public hearing required by Section 4.08, the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than three fourths of the full membership of Village Council. No such ordinance shall be passed unless it has been fully and distinctly read on three different days except that such ordinances may become emergency legislation if three-fourths of the members of Village Council vote to dispense with this rule.

4.12 Effective Date and Referendum

Such amendment adopted by Village Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the ordinance there is presented to the Fiscal Officer a petition, signed by a number of qualified voters residing in the Village equal to not less than ten (10) percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Village Council to submit the zoning amendment to the electors of the Village for approval or rejection at the next general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

4.13 Zoning Amendment resubmission requests

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An application by a property owner requesting that a zoning amendment be reconsidered by the Planning Commission and Village Council shall not be permitted to be filed for a period of at least twelve (12) months following Council's action.

TABLE 4.1: ZONING AMENDMENT PROCESS



4.14 Zoning Upon Annexation

The following regulations shall apply to any areas annexed to the Village:

- (1) If any lots, tracts, or lands are not subject to zoning at the time of their annexation, they shall be classified into whichever districts established by this Ordinance most closely resembles the existing uses at the time of the annexation. Such classification shall be recommended to Council by the Planning Commission and shall be approved by Council.
- (2) Any lots, tracts, or areas which are subject to zoning at the time of their annexation shall be classified as being in whichever district established by this Ordinance most closely resembles the zoning district that existed in the annexation. Such classification shall be recommended to Council by the Planning Commission and shall be approved by Council, as specified in the amendment process of Chapter 4.
- (3) The referendum provisions as specified in Section 4.12 shall apply providing such petition is filed as per Section 4.12.

4.15 Zoning Map Amendments

Within thirty (30) days of the effective date of any change of a zoning district classification or boundary, the Zoning Inspector shall amend the Official Zoning Map to reflect such change, and shall note the effective date of such change, together with appropriate reference to the ordinance authorizing such change. The Official Zoning Map shall then be signed by the Mayor, Zoning Inspector and attested to by the Fiscal Officer.

CHAPTER 5: ZONING DISTRICTS

5.01 Purpose

In order to classify, regulate and restrict the location of trades, industries, residences, recreation and other land uses and the location of buildings designed for the specified uses: to regulate and limit the height, number of stories and size of buildings and other structures hereafter erected or altered; setback building lines, sizes of yards and other open spaces within and surrounding such buildings, the density of population; the Village of Maineville, Warren County, Ohio is hereby divided into the following districts or “zones”. All such regulations are uniform for each class, kind of building, structure, or uses throughout each district, except in Overlay districts.

5.02 Comprehensive Plan

Future amendments, including the addition, removal, or modification of zoning districts or standards pertaining thereto, should be based on the policy recommendations of the Village of Maineville Comprehensive Plan.

5.03 Establishment of Zoning Districts

The Zoning Districts listed on Table 5.1 are hereby established within the Village of Maineville.

TABLE 5.1: MAINEVILLE ZONING DISTRICTS		
Chapter	District Designation	District Name
RESIDENTIAL DISTRICTS		
6	R-1	Single Family Residential
7	R-2	Single and Two Family Residential
8	R-3	Multi-Family Residential
9	RR	Rural Residential
BUSINESS DISTRICTS		
10	NB	Neighborhood Business
11	M-1	Light Industry
MIXED USE DISTRICTS		
12	B-1	Downtown Core
13	B-2	Downtown Support
OVERLAY DISTRICTS		
14	PUD	Planned Unit Development Overlay
15	CDO	Conservation Design Overlay
16	FPO	Flood Plain Overlay

5.04 Adoption of Zoning Map

The boundaries of the Zoning Districts enumerated in Table 5.1 are hereby established as shown on the Official Zoning Map of the incorporated area of Maineville, Ohio, said map inclusive of all notations, references, and other information shown thereon being a part of this Ordinance and duly filed in the office of the Zoning Inspector. In accordance with the provisions of this Ordinance and the Ohio Revised Code, as amended, changes made in district boundaries and other matters portrayed on the Official Zoning Map shall be entered on the Zoning Map promptly after the amendment has been approved in the manner provided by this Ordinance and applicable law. No changes of any nature shall be made to the Official Zoning Map except in conformity with the procedures set forth in this Ordinance. Regardless of the existence of copies of the zoning map which may from time to time be made or published, the Official Zoning Map shall be located in the office of the Zoning Inspector and shall be the final authority with regard to the current zoning status of all land and water areas, buildings, and other structures in the Village.

5.05 Interpretation of Boundaries

Where there is any uncertainty, contradiction, or conflict concerning the intended location of zoning district boundaries, the Zoning Inspector shall interpret the exact location of zoning district boundary lines in accordance with the following standards:

- (A) Boundaries indicated as approximately following the center lines of streets, roads, railroad rights-of-way, or alleys shall be construed to follow such center lines.
- (B) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (C) Boundaries indicated as approximately following Village corporation limits shall be construed as following such limits.
- (D) Boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines.
- (E) Boundaries indicated as parallel to or as extension of the features cited in Subsections 1 through 4 above shall be construed as being parallel to or an extension of the features cited. Distances not specified on the Official Zoning Map shall be determined using the scale on the map.
- (F) All streets, alleys, and railroad rights-of-way, unless specified otherwise, shall be deemed to be in the same district as the property immediately abutting upon such street, alley or railroad right-to-way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley, unless specified otherwise, shall be deemed to be the same as that of the abutting property up to such centerline.
- (G) The Zoning Inspector shall determine the location of any district line in question. Should the Zoning Inspector's determination not satisfy the enquirer, the exact location of the district boundary lines shall be determined by the Board of Zoning Appeals.

5.06 Existing Structures

When a tract contains existing structures deemed to be of historic, cultural or architectural significance, and where these structures are suitable for rehabilitation, the structures should be retained. Any determination of historical, cultural or architectural significance may be made by the Village Council prior to plan submission.

5.07 Temporary Buildings and Signs

Temporary buildings and signs incidental to construction and pre-approved by the Zoning Inspector shall be removed upon the completion or abandonment of the construction work.

5.08 Wastewater

- (A) In all districts except "RR" (Rural Residential), a building or lot shall be connected to a central sewage system.

- (B) In the “RR” (Rural Residential) district, a building or lot not connected to a central sewage system shall be connected to a private septic system approved by the Warren County Combined Health District and/or Ohio Environmental Protection Agency

5.09 Required Trash Areas

All commercial, industrial, and multi-family residential use that provide an area for trash and/or garbage collection (i.e., dumpster) must enclose that collection area on four (4) sides with a solid fence or wall. Said enclosure must have a gate or door with a lockable latch and must be at least eighteen (18) inches above the highest part of any container housed therein.

5.10 Fire Safety

The following requirements shall apply to all government and public institutions, commercial and/or industrial buildings and multifamily dwellings that contain a security door. Any deviation of the following requirements can only be approved by the Fire Chief of the Hamilton Township Fire Department.

(A) Knox Box Required:

- (1) **Access:** Where access to or within a structure or an area is restricted because of secure openings or where immediate access is necessary for life saving or firefighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of a design found appropriate by the fire department and shall contain keys to gain necessary access as required by the fire code official.
- (2) **Locks:** An approved lock shall be installed on gates or similar barriers when required by the fire code official.
- (3) **Key box maintenance.** The operator of the building shall immediately notify the fire code official and provide the new key when a lock is changed or rekeyed. The key to such lock shall be secured in the key box.

(B) Sprinkler System: On all structures five thousand (5,000) square foot or greater, a fire sprinkler system is required.

(C) Sprinkler Connections: All fire department connections shall be located forty (40) feet from the structure.

(D) Fire Hydrant: A fire hydrant must be located within forty (40) feet of the fire department sprinkler connection.

(E) Fire Lanes: The Fire Chief may require and designate fire lanes on public property and on private property for the efficient and effective use of fire and other emergency apparatus. Fire lanes may be required by the Fire Chief to extend on any or all sides of the building perimeter.

5.11 Premises Identification

- (A) **Address Numbers.** New and existing buildings shall have approved address numbers, building numbers, or approved building identification numbers placed in a position that is plainly legible and visible from the street or road fronting of the property. These numbers shall contrast with their background. Numbers shall be a minimum of four (4) inches (102 mm) high.
- (B) **Street and Road signs.** Streets and road shall be identified with approved signs. Temporary signs shall be installed at each intersection when construction of new roadways allows passage of vehicles. Signs shall be of an approved size weather resistant and maintained until replaced by permanent signs.

5.12 Fire Hydrants

- (A) **Obstruction.** Post, fences, vehicles, growth, trash, storage, and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.
- (B) **Clear space around hydrants.** A three (3) foot (914 mm) clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.

5.13 Junk, Junk Vehicles, and Other Salvageable Items Restrictions

- (A) No person or entity shall accumulate, collect, deposit, dump, dispose, maintain, or store, or allow the same on any property under the person or entity's control or responsibility, any junk, junk vehicle, or other types of salvageable solid waste, or construction/demolition debris, outside of an enclosed structure.
- (B) Processed firewood for a property owner's personal use is not junk. Raw materials that have not been processed into firewood (cut, split, and/or stacked for use as a heating source on-site), including but not limited to, pallets, untreated dimensional lumber, and other wood products that have not been painted, stained, chemically treated or coated, is not firewood and may constitute junk subject to this Section.
- (C) Violation of this section shall be subject to prosecution in a court of competent jurisdiction, unless one (1) or more person or entity which is responsible for the violation permanently removes or causes permanent removal of the violating items within seven (7) days after receipt of notice of violation to another property or use location, whereon such items are permitted to be located outdoors for the purpose of a junkyard business, or are otherwise placed within an enclosed structure.

5.14 Allowed Uses

Tables 5.2 and 5.3 list the uses allowed within all zoning districts. The following is an explanation of the abbreviations and columns in Tables 5.2 and 5.3:

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- (A) **Permitted Uses (P):** A “P” in a cell indicates that a building or use is permitted by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this ordinance.
- (B) **Conditional Uses (C):** A “C” in a cell indicates that, in the respective zoning district, a building or use is permitted if reviewed and approved as a conditional use pursuant to Chapter 26(Board of Zoning Appeals). Conditional Uses are subject to all other applicable regulations of this ordinance.
- (C) **Prohibited Uses (Shaded Cells):** A shaded cell indicates that the listed building or use is prohibited in that respective zoning district.
- (D) **Zoning Permit Required:** Any use listed in Tables 5.2 and 5.3 require the issuance of a Zoning Permit.

TABLE 5.2: PERMITTED USES IN RESIDENTIAL & MIXED USE DISTRICTS

Use	Zoning District						Additional Regulations
	R-1	R-2	R-3	RR	B-1	B-2	
AGRICULTURAL USES							
Agriculture - Raising of Crops	P	P	P	P	P	P	
Agriculture - Raising of Livestock				P			
Greenhouses and Nurseries				P			
Marijuana Cultivation							
Marijuana Processing							
RESIDENTIAL USES							
Multi-Family Dwellings			P		P	P	
Two Family Dwellings		P	P		P	P	Sec. 24.04(A)
Single Family Dwellings	P	P	P	P	P	P	Sec. 24.04(A)
Manufactured Home Park							
Nursing Homes and Assisted Living Facilities			C	C		C	Sec. 24.01(D)
Adult Family Homes or Small Residential Facilities	P	P	P	P			
Adult Group Homes or Large Residential Facilities	C	C	C	C			

VILLAGE OF MAINEVILLE ZONING ORDINANCE

TABLE 5.2 (CONT.): PERMITTED USES IN RESIDENTIAL & MIXED USE DISTRICTS

Use	Zoning District						Additional Regulations
	R-1	R-2	R-3	RR	B-1	B-2	
COMMERCIAL USES							
Bed and Breakfast	C	C	C	C	P	P	Sec. 24.01(B)
Family Day Care – Type A (7-12 children)	C	C	C	C		C	
Family Day Care – Type B (1-6 children)	P	P		P		P	
Flea Markets				C			
Garden Center				P	P		
Kennels or Animal Shelters				C			
Shooting Range (Outdoor)				C			
PUBLIC AND INSTITUTIONAL USES							
Active Parks, Playgrounds, and Recreational Facilities	C	C	C	C	C	C	
Cemeteries				P			
Churches and Places of Worship	C	C	C	P	P	P	
Community Center	P			P	P		
Community Garden	C	C	C	C	C	C	
Educational Institutions	P			P			
Educational Institutions, Higher				C	C	C	
Fire / Police Station	P			P	P	P	
Government Offices	P			P	P	P	
Libraries or Cultural Centers	C	C	C	C	P	P	
Passive Parks, Open Space, and Conservation Areas	P	P	P	P	P	P	
Public Infrastructure	P	P	P	P	P	P	
Public Utilities	C	C	C	C	C	C	

VILLAGE OF MAINEVILLE ZONING ORDINANCE

TABLE 5.2 (CONT.): PERMITTED USES IN RESIDENTIAL & MIXED USE DISTRICTS							
Use	Zoning District						Additional Regulations
	R-1	R-2	R-3	RR	B-1	B-2	
PUBLIC AND INSTITUTIONAL USES (CONT.)							
Telecommunications Facility (New Facility/Tower)				C	C	C	Sec. 24.03(A)
Telecommunications Facility (Existing Tower Modification)	P	P	P	P	P	P	Sec. 24.03(B)
Telecommunications Facility (Micro Wireless Facility)	P	P	P	P	P	P	Sec. 24.03(C)

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TABLE 5.3: PERMITTED USES IN BUSINESS & MIXED USE DISTRICTS

Use	Zoning District				Additional Regulations
	NB	M-1	B-1	B-2	
RESIDENTIAL USES					
Multi Family Dwellings			P	P	
Two Family Dwellings			P	P	Sec. 24.04(A)
Single Family Dwellings	P		P	P	Sec. 24.04(A)
COMMERCIAL USES					
Banquet/Assembly Halls or Conference Centers	P		P	P	
Automobile Body Repair Shops	C	P			Sec. 24.01(A)
Automotive General Repair	P				Sec. 24.01(A)
Automobile Fueling Stations	P				Sec. 24.01(A)
Automobile Oil Change, Lube, or Light Service	P				Sec. 24.01(A)
Automobile Sales or Rental Establishments	P				
Automobile Washing Facility	P				
Bed and Breakfasts	P		P	P	Sec. 24.01(B)
Bars, Brewpubs and Taverns	P		P	P	
Casino or Skilled Gaming Facility	C				
Clinics	P		P	P	
Convenience Stores	P		P		
COMMERCIAL / OFFICE USES					
Day Care Centers	P		P	P	
Drive-Through Facilities	P				Sec. 24.01(C)
Equipment Sales and Leasing	C	P			
Family Day Care – Type A (7-12 children)	C			C	
Family Day Care – Type B (1-6 children)	C			P	
Financial Institutions	P		P		
Flea Markets	C				

VILLAGE OF MAINEVILLE ZONING ORDINANCE

TABLE 5.3 (CONT.): PERMITTED USES IN BUSINESS & MIXED USE DISTRICTS

Use	Zoning District				Additional Regulations
	NB	M-1	B-1	B-2	
COMMERCIAL / OFFICE USES (CONT.)					
Funeral Homes	P		P	P	
Garden Centers	P		P		
Hotel or Motel	P				
Kennels or Animal Shelters	C	C			
Landscaping Service	P		P	P	Sec. 24.01(E)
Marijuana Dispensary					
Micro-breweries, Micro-distilleries, or Micro-wineries	P	P	C	C	
Moving Truck and Trailer Rental	P	P		C	
Offices	P		P	P	
Private Parking Lots or Garages	P	P	P	C	
Personal Service Establishments	P		P	P	
Recreational Facility (Indoor)	P	C	C	C	
Recreational Facility (Outdoor)	C	C	C	C	
Retail and Service Uses (under 75,000 SF)	P		P	P	
Retail and Service Uses (over 75,000 SF)	P				
Restaurants	P		P		
Self-Storage Facilities		P			
Sexually Oriented Businesses	P				See Chapter 31
Shooting Range (Indoor)	C	C			
Shooting Range (Outdoor)		C			
Theaters	P				
Truck Stops		C			
Veterinary Clinics or Animal Grooming	P		P	P	

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TABLE 5.3 (CONT.): PERMITTED USES IN BUSINESS & MIXED USE DISTRICTS

Use	Zoning District				Additional Regulations
	NB	M-1	B-1	B-2	
PUBLIC AND INSTITUTIONAL USES					
Active Parks, Playgrounds, and Recreational Facilities	C		C	C	
Cemeteries	P			P	
Churches and Places of Worship	P	C	P	P	
Community Garden	C	C	C	C	
Educational Institutions	P	C			
Educational Institutions, Higher	P	C	C	C	
Fraternal Organizations or Social Clubs	P	C	P	P	
Fire or Police Station	P	P	P	P	
Government Facilities	P	P	P	P	
Hospitals and Outpatient Centers	C				
Libraries or Cultural Centers	P		P	P	
Passive Parks, Open Space, and Conservation Areas	P	P	P	P	
Public Infrastructure	P	P	P	P	
Public Utilities	C	C	C	C	
Telecommunications Facility (New Facility/Tower)	C	C			Sec. 24.03(A)
Telecommunications Facility (Existing Tower Modification)	P	P	P	P	Sec. 24.03(B)
Telecommunications Facility (Micro Wireless Facility)	P	P	P	P	Sec. 24.03(C)
INDUSTRIAL USES					
Building/Lumber Yards		P			
Contractor Yards		P			
General Industrial Services		P			
Heavy Industrial Uses		C			
Junkyard					
Light Industrial Uses	C	P			

TABLE 5.3 (CONT.): PERMITTED USES IN BUSINESS & MIXED USE DISTRICTS					
Use	Zoning District				Additional Regulations
	NB	M-1	B-1	B-2	
INDUSTRIAL USES (CONT.)					
Research and Development Facilities		P			
Warehouses and Distribution Centers		P			
Wholesale Businesses		P			

CHAPTER 6: R-1 – SINGLE FAMILY RESIDENTIAL

6.01 Purpose

The purpose of the R-1 zoning district is to designate land for low density detached single family development.

6.02 District Standards

STANDARD	USE			
	Single-Family	Two-Family ¹	Multi-Family ¹	All Other Uses ¹
LOT DIMENSIONS				
Lot Area	9,600 sq ft min.	12,000 sq ft min.	Min. 10,000 sq ft + 2,500 sq ft for every unit over 2	10,000 sq ft min.
Lot Frontage	80 feet min., except lots of 5 acres or more must have a frontage of 250 feet min.			
Lot Width	80 feet min., except lots of 5 acres or more must have a width of 250 feet min.			
COVERAGE STANDARDS				
Combined Footprint of All Structures	Max. is 50% of the lot	Max. is 50% of the lot	Max is 40% of the lot	Max. is 40% of the lot
Impervious Surface	No maximum	No maximum	No maximum	Max. is 60% of the lot
PRINCIPAL STRUCTURE STANDARDS				
Structure Height	Max. of 2 ½ stories or 35 feet, whichever is less			
Dwelling Unit Floor Area	1,200 sq ft min.	720 sq ft min.	720 sq ft min.	N/A
Front Yard Setback	35 feet, except as provided in Sec. 19.05(F)			
Side Yard Setback	5 feet min. for each side yard; combined total of 20 feet min. ²			
Rear Yard Setback	35 feet min.			
PARKING LOCATION				
Parking in Front Yard	Permitted	Permitted	Permitted	Permitted
Parking in Side Yard	Permitted	Permitted	Permitted	Permitted
Parking in Rear Yard	Permitted	Permitted	Permitted	Permitted

¹ For those uses allowed per Sec. 5.14 (Allowed Uses)

² For lots 5 acres or greater, the minimum setback for each side yard shall be 75 feet.

6.03 Design Standards

- (A) **Orientation:** All dwelling units shall be orientated toward the street. Access, where possible, shall be provided through rear alleys or a single-loaded front street.
- (B) **Roof Pitch:** The pitch of the main roof shall have a minimum vertical rise of one (1) foot for each four (4) feet of horizontal run, and the minimum distance from the eaves to the ridge shall be ten (10) feet, except where the specific housing design dictates otherwise (such as, French provincial, Italianate.)
- (C) **Foundation:** Dwelling units shall be permanently attached to a perimeter foundation, with the same perimeter dimensions as the dwelling.
- (D) **Architectural Features:** The front door shall be the architectural focus of the dwelling unit. Permanent steps, porches or barrier free access ramps shall be provided where there is a difference in elevation between the doorway and the grade level. Windows and vertical architectural elements should be used to break up blank facades.
- (E) **Garages:** A garage door shall not occupy more than fifty (50) percent of the linear frontage of the dwelling unit.

6.04 Sidewalks, Paths and Trails

Sidewalks, where proposed or required, shall be subject to the following regulations:

- (A) **Location and Width:** Required sidewalk shall be a minimum of five (5) feet in width and shall be located one (1) foot off the property line in the road right-of-way, except where the planned right-of-way is greater in width than the existing right-of-way, in which case the sidewalk shall be located one (1) foot inside the planned right-of-way. The Planning Commission or Building Official may modify this requirement in consideration of the location of utilities, existing landscaping, or other site improvements.
- (B) **Design Standards:** Sidewalks shall be constructed of concrete in accordance with established engineering standards for the Village and shall be compliant with State and ADA Federal requirements.
- (C) **Alignment with Adjacent Sidewalks:** Sidewalks shall be aligned horizontally and vertically with existing sidewalks on adjacent properties. The Planning Commission may modify this requirement if existing adjacent sidewalks are not constructed in conformance with the standards set forth herein.
- (D) **Maintenance:** The owner of the property that fronts on the sidewalk shall be responsible for maintenance of the sidewalk, including patching cracked or deteriorated pavement, snow removal, and removal of glass and other debris. The property owner shall be liable for damages in the event that a person is injured while using a sidewalk that said property owner has not properly maintained.
- (E) **Permits:** It shall be the responsibility of the owner or developer to secure any required permits from Village, County, or State agencies to allow sidewalk construction in the road right-of-way.

- (F) **Construction:** Construction of sidewalks shall be in accordance with Ordinance 2001-09, Sidewalk Construction.

6.05 Driveway Approaches

Driveway approaches shall be subject to the following regulations:

- (A) **Design Standards:** Driveway approaches shall be constructed of concrete in accordance with established engineering standards for the Village.
- (B) **Maintenance:** The owner of the property shall be responsible for maintenance of the driveway approach, including patching cracked or deteriorated pavement, snow removal, and removal of glass and other debris.
- (C) **Permits:** It shall be the responsibility of the owner or developer to secure any required permits from Village, County, or State agencies to allow driveway construction in the road right-of-way.
- (D) **Construction:** Construction of driveway approaches shall be in accordance with Ordinance 2001-09, Sidewalk Construction.

CHAPTER 6: R-1 – SINGLE FAMILY RESIDENTIAL

6.01 Purpose

The purpose of the R-1 zoning district is to designate land for low density detached single family development.

6.02 District Standards

STANDARD	USE			
	Single-Family	Two-Family ¹	Multi-Family ¹	All Other Uses ¹
LOT DIMENSIONS				
Lot Area	9,600 sq ft min.	12,000 sq ft min.	Min. 10,000 sq ft + 2,500 sq ft for every unit over 2	10,000 sq ft min.
Lot Frontage	80 feet min., except lots of 5 acres or more must have a frontage of 250 feet min.			
Lot Width	80 feet min., except lots of 5 acres or more must have a width of 250 feet min.			
COVERAGE STANDARDS				
Combined Footprint of All Structures	Max. is 50% of the lot	Max. is 50% of the lot	Max is 40% of the lot	Max. is 40% of the lot
Impervious Surface	No maximum	No maximum	No maximum	Max. is 60% of the lot
PRINCIPAL STRUCTURE STANDARDS				
Structure Height	Max. of 2 ½ stories or 35 feet, whichever is less			
Dwelling Unit Floor Area	1,200 sq ft min.	720 sq ft min.	720 sq ft min.	N/A
Front Yard Setback	35 feet, except as provided in Sec. 19.05(F)			
Side Yard Setback	5 feet min. for each side yard; combined total of 20 feet min. ²			
Rear Yard Setback	35 feet min.			
PARKING LOCATION				
Parking in Front Yard	Permitted	Permitted	Permitted	Permitted
Parking in Side Yard	Permitted	Permitted	Permitted	Permitted
Parking in Rear Yard	Permitted	Permitted	Permitted	Permitted

¹ For those uses allowed per Sec. 5.14 (Allowed Uses)

² For lots 5 acres or greater, the minimum setback for each side yard shall be 75 feet.

6.03 Design Standards

- (A) **Orientation:** All dwelling units shall be orientated toward the street. Access, where possible, shall be provided through rear alleys or a single-loaded front street.
- (B) **Roof Pitch:** The pitch of the main roof shall have a minimum vertical rise of one (1) foot for each four (4) feet of horizontal run, and the minimum distance from the eaves to the ridge shall be ten (10) feet, except where the specific housing design dictates otherwise (such as, French provincial, Italianate.)
- (C) **Foundation:** Dwelling units shall be permanently attached to a perimeter foundation, with the same perimeter dimensions as the dwelling.
- (D) **Architectural Features:** The front door shall be the architectural focus of the dwelling unit. Permanent steps, porches or barrier free access ramps shall be provided where there is a difference in elevation between the doorway and the grade level. Windows and vertical architectural elements should be used to break up blank facades.
- (E) **Garages:** A garage door shall not occupy more than fifty (50) percent of the linear frontage of the dwelling unit.

6.04 Sidewalks, Paths and Trails

Sidewalks, where proposed or required, shall be subject to the following regulations:

- (A) **Location and Width:** Required sidewalk shall be a minimum of five (5) feet in width and shall be located one (1) foot off the property line in the road right-of-way, except where the planned right-of-way is greater in width than the existing right-of-way, in which case the sidewalk shall be located one (1) foot inside the planned right-of-way. The Planning Commission or Building Official may modify this requirement in consideration of the location of utilities, existing landscaping, or other site improvements.
- (B) **Design Standards:** Sidewalks shall be constructed of concrete in accordance with established engineering standards for the Village and shall be compliant with State and ADA Federal requirements.
- (C) **Alignment with Adjacent Sidewalks:** Sidewalks shall be aligned horizontally and vertically with existing sidewalks on adjacent properties. The Planning Commission may modify this requirement if existing adjacent sidewalks are not constructed in conformance with the standards set forth herein.
- (D) **Maintenance:** The owner of the property that fronts on the sidewalk shall be responsible for maintenance of the sidewalk, including patching cracked or deteriorated pavement, snow removal, and removal of glass and other debris. The property owner shall be liable for damages in the event that a person is injured while using a sidewalk that said property owner has not properly maintained.
- (E) **Permits:** It shall be the responsibility of the owner or developer to secure any required permits from Village, County, or State agencies to allow sidewalk construction in the road right-of-way.

- (F) **Construction:** Construction of sidewalks shall be in accordance with Ordinance 2001-09, Sidewalk Construction.

6.05 Driveway Approaches

Driveway approaches shall be subject to the following regulations:

- (A) **Design Standards:** Driveway approaches shall be constructed of concrete in accordance with established engineering standards for the Village.
- (B) **Maintenance:** The owner of the property shall be responsible for maintenance of the driveway approach, including patching cracked or deteriorated pavement, snow removal, and removal of glass and other debris.
- (C) **Permits:** It shall be the responsibility of the owner or developer to secure any required permits from Village, County, or State agencies to allow driveway construction in the road right-of-way.
- (D) **Construction:** Construction of driveway approaches shall be in accordance with Ordinance 2001-09, Sidewalk Construction.

CHAPTER 7: R-2 – ONE AND TWO FAMILY RESIDENTIAL

7.01 Purpose

The purpose of the R-2 zoning district is to encourage the development of moderate density family housing consisting of single family detached and two family detached dwelling units.

7.02 District Standards

STANDARD	USE			
	Single-Family	Two-Family	Multi-Family*	All Other Uses*
LOT DIMENSIONS				
Lot Area	10,000 sq ft min.	12,000 sq ft min.	Min. 10,000 sq ft + 2,500 sq ft for every unit over 2	10,000 sq ft min.
Lot Frontage	30 feet min.	35 feet min.	60 feet min.	60 feet min.
Lot Width	60 feet min.	70 feet min.	60 feet min.	60 feet min.
COVERAGE STANDARDS				
Combined Footprint of All Structures	Max. is 50% of the lot	Max. is 50% of the lot	Max is 40% of the lot	Max. is 40% of the lot
Impervious Surface	No maximum	No maximum	No maximum	Max. is 60% of the lot
PRINCIPAL STRUCTURE STANDARDS				
Structure Height	Max. of 2 ½ stories or 35 feet, whichever is less			
Dwelling Unit Floor Area	1,200 sq ft min.	720 sq ft min.	720 sq ft min.	N/A
Front Yard Setback	35 feet, except as provided in Sec. 19.05(F)			
Side Yard Setback	5 feet min. for each side yard; combined total of 15 feet min.			
Rear Yard Setback	30 feet min.			
PARKING LOCATION				
Parking in Front Yard	Permitted	Permitted	Permitted	Permitted
Parking in Side Yard	Permitted	Permitted	Permitted	Permitted
Parking in Rear Yard	Permitted	Permitted	Permitted	Permitted

* For those uses allowed per Sec. 5.14 (Allowed Uses)

CHAPTER 8: R-3 – MULTI FAMILY RESIDENTIAL

8.01 Purpose

The purpose of the R-3 zoning district is to designate land areas capable of accommodating well planned multi-family developments for apartments and/or condominiums. Multi-family developments shall be conceived and planned in relation to the physical features of the site, the availability of utilities , the surrounding development, traffic and access, in order to afford an attractive setting for multifamily housing uses and harmonize such uses with their surroundings.

8.02 District Standards

STANDARD	USE			
	Single-Family	Two-Family	Multi-Family	All Other Uses ¹
LOT DIMENSIONS				
Lot Area	5,000 sq ft min.	10,000 sq ft min.	Min. 10,000 sq ft + 2,500 sq ft for every unit over 2	10,000 sq ft min.
Lot Frontage	25 feet min.	30 feet min.	60 feet min.	60 feet min.
Lot Width	50 feet min.	60 feet min.	60 feet min.	60 feet min.
COVERAGE STANDARDS				
Combined Footprint of All Structures	Max. is 50% of the lot	Max. is 50% of the lot	Max. is 40% of the lot	Max. is 40% of the lot
Impervious Surface	No maximum	No maximum	No maximum	Max. is 60% of the lot
PRINCIPAL STRUCTURE STANDARDS				
Structure Height	Max. of 2 ½ stories or 45 feet, whichever is less			
Dwelling Unit Floor Area	1,200 sq ft min.	720 sq ft min.	720 sq ft min.	N/A
Front Yard Setback	30 feet min., except as provided in Sec. 19.05(F)			
Side Yard Setback	5 feet min. for each side yard; combined total of 15 feet min.			
Rear Yard Setback	25 feet min.			
PARKING LOCATION				
Parking in Front Yard	Permitted	Permitted	Permitted	Permitted
Parking in Side Yard	Permitted	Permitted	Permitted	Permitted
Parking in Rear Yard	Permitted	Permitted	Permitted	Permitted

¹ For those uses allowed per Sec. 5.14 (Allowed Uses)

8.03 Design Standards

- (A) **General Standards:** Multiple-family dwellings and developments shall be subject to the following:
- (1) **Building design and composition.** The following standards shall apply to all new multiple-family dwellings:
 - (a) **Side and rear facades.** Walls visible from a street or other residential uses shall include windows and architectural features similar to the front façade of the building, including, but not limited to, awnings, cornice work, edge detailing, or other decorative finish materials.
 - (b) **Roof.** All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing.
 - (c) **Maximum building length.** No building shall exceed two hundred (200) feet in length.
 - (2) **Outdoor recreation.** Passive or active outdoor recreation facilities shall be provided in accordance with the following standards.
 - (a) Outdoor recreation areas shall occupy a minimum of 15% of the gross lot area. The Planning Commission may waive this requirement upon determination that adequate public or private recreation facilities are available to serve the intended residents.
 - (b) Recreation facilities may include outdoor seating, playgrounds, swimming pools, walking paths and other recreational elements designed for the intended residents of the development.
 - (c) Outdoor recreation areas shall be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations.
 - (3) **Pedestrian circulation.** Concrete sidewalks with a minimum width of five feet shall be provided along both sides of interior streets, and from parking areas, public sidewalks and recreation areas to all building entrances. Public sidewalks shall be provided along abutting public streets per Village standards.

CHAPTER 9: RR – RURAL RESIDENCE DISTRICT

9.01 Purpose

The regulations set forth in this chapter are to encourage the development of low density single family dwellings on large lots to preserve open space.

9.02 District Standards

STANDARD	USE			
	Single-Family	Two-Family ¹	Multi-Family ¹	All Other Uses ¹
LOT DIMENSIONS				
Lot Area	87,120 sq ft min.			
Lot Frontage	80 feet min., except lots of 5 acres or more must have a frontage of 250 feet min.			
Lot Width	80 feet min., except lots of 5 acres or more must have a width of 250 feet min.			
COVERAGE STANDARDS				
Combined Footprint of All Structures	Max. is 50% of the lot	Max. is 50% of the lot	Max is 40% of the lot	Max. is 40% of the lot
Impervious Surface	No maximum	No maximum	No maximum	Max. is 60% of the lot
PRINCIPAL STRUCTURE STANDARDS				
Structure Height	Max. of 2 ½ stories or 35 feet, whichever is less			
Dwelling Unit Floor Area	1,200 sq ft min.	720 sq ft min.	720 sq ft min.	N/A
Front Yard Setback	50 feet, except as provided in Sec. 19.05(F)			
Side Yard Setback	5 feet min. for each side yard; combined total of 20 feet min. ²			
Rear Yard Setback	35 feet min.			
PARKING LOCATION				
Parking in Front Yard	Permitted	Permitted	Permitted	Permitted
Parking in Side Yard	Permitted	Permitted	Permitted	Permitted
Parking in Rear Yard	Permitted	Permitted	Permitted	Permitted

¹ For those uses allowed per Sec. 5.14 (Allowed Uses)

² For lots 5 acres or greater, the minimum setback for each side yard shall be 75 feet.

CHAPTER 10: NB – NEIGHBORHOOD BUSINESS DISTRICT

10.01 Purpose

The purpose of the Neighborhood Business District (NB) is to promote the development of business establishments near residential districts.

10.02 District Standards

STANDARD	USE
	All Allowed Uses ¹
LOT DIMENSIONS	
Lot Area	9,600 sq ft min.
Lot Frontage	80 feet min.
Lot Width	80 feet min.
COVERAGE STANDARDS	
Combined Footprint of All Structures	Max. is 30% of the lot
Impervious Surface	Max. is 60% of the lot
PRINCIPAL STRUCTURE STANDARDS	
Structure Height	Max. of 2 ½ stories or 45 feet, whichever is less
Front Yard Setback	30 feet min., except as provided in Sec. 19.05(F)
Side Yard Setback	5 feet min. for each side yard; combined total of 15 feet min.
Rear Yard Setback	25 feet min.
PARKING LOCATION	
Parking in Front Yard	Permitted
Parking in Side Yard	Permitted
Parking in Rear Yard	Permitted

¹ Allowed uses are per Sec. 5.14 (Allowed Uses)

CHAPTER 11: M-1 – LIGHT INDUSTRY DISTRICT

11.01 Purpose

The purpose of the M-1 Light Industry District is to provide areas where manufacturing, processing, packaging, storage, treatment, and assembling of a variety of goods and products can take place.

11.02 District Standards

STANDARD	USE
	All Allowed Uses ¹
LOT DIMENSIONS	
Lot Area	43,560 sq ft min.
Lot Frontage	80 feet min.
Lot Width	80 feet min.
COVERAGE STANDARDS	
Combined Footprint of All Structures	Max. is 50% of the lot
Impervious Surface	Max. is 60% of the lot
PRINCIPAL STRUCTURE STANDARDS	
Structure Height	60 feet max.
Front Yard Setback	50 feet min., except as provided in Sec. 19.05(F)
Side Yard Setback	None, except when adjoining a residential zone or when building height exceeds 45 feet in which case each side yard shall be 20 feet min.
Rear Yard Setback	None, except when adjoining a residential zone or when building height exceeds 45 feet in which case the rear yard shall be 20 feet min.
PARKING LOCATION	
Parking in Front Yard	Permitted
Parking in Side Yard	Permitted
Parking in Rear Yard	Permitted

¹ Allowed uses are per Sec. 5.14 (Allowed Uses)

11.03 Exception

A residence or house trailer is not permitted except for caretaker, or equivalent use as approved by the Zoning Inspector.

CHAPTER 12: B-1 – DOWNTOWN CORE DISTRICT

12.01 Purpose

The purpose of this district is to create a vibrant, pedestrian-friendly Village Core of retail, dining, offices, and services. The Downtown Core District achieves the Comprehensive Plan’s goal of preserving and enhancing the Village Core as a distinct “center” for the community while increasing the economic vitality of the Village by diversifying the land use mix.

12.02 District Standards

STANDARD	USE			
	Single-Family ¹	Two-Family ¹	Multi-Family ¹	All Other Uses ¹
LOT DIMENSIONS				
Lot Area	10,000 sq ft min.	10,000 sq ft min.	No minimum	No minimum
Lot Frontage	30 feet min.	30 feet min.	No minimum	No minimum
Lot Width	30 feet min.	60 feet min.	No minimum	No minimum
COVERAGE STANDARDS				
Combined Footprint of All Structures	Max. is 50% of the lot	Max. is 50% of the lot	No maximum	No maximum
Impervious Surface	No maximum	No maximum	No maximum	No maximum
PRINCIPAL STRUCTURE STANDARDS				
Structure Height	Max. of 3 stories or 35 feet, whichever is less			
Dwelling Unit Floor Area	1,200 sq ft min.	720 sq ft min.	720 sq ft min.	N/A
Front Yard Setback	35 feet min., except as provided in Sec. 19.05(F)			See Sec. 12.03(J)
Side Yard Setback	5 feet min. for each side yard; combined total of 15 feet min.			See Sec. 12.03(J)
Rear Yard Setback	30 feet min.			See Sec. 12.03(J)
PARKING LOCATION				
Parking in Front Yard	Prohibited ²	Prohibited ²	Prohibited ²	Prohibited ²
Parking in Side Yard	Permitted	Permitted	Permitted	Permitted
Parking in Rear Yard	Permitted	Permitted	Permitted	Permitted

¹ For those uses allowed per Sec. 5.14 (Allowed Uses).

² All front yard parking which exists as of the effective date of this regulation shall be permitted to continue.

12.03 Design Standards

All non-residential buildings and uses shall comply with the following standards:

- (A) **Parking:** Parking and parking lot design shall comply with the following standards, in addition to the provisions of Chapter 20, Parking and Loading Regulations.
- (1) The parking lot layout shall accommodate pedestrian circulation. Pedestrian crosswalks shall be provided, shall be distinguished by textured paving, striping, or color change alternatives and shall be integrated into the sidewalk network.
 - (2) Parking lots shall be located behind the principal building. Parking shall be prohibited from being in the front yard. Where it is not feasible to locate parking behind the principal building, the Planning Commission may permit parking on the side of the building provided they are screened and landscaped in accordance with Chapter 29, Landscaping and Screening.
- (B) **Building Entrances:** All buildings shall have at least one (1) public entrance that faces the street. Rear entrances are permitted, only if there is a primary entrance from the main street. Buildings with parking to the side or the rear must provide a second entrance on the rear or side of the building or a pedestrian connection from the parking lot to a public sidewalk.
- (C) **Building Materials:** Buildings are to be constructed from permanent materials that will weather handsomely over time, such as brick, stone, masonry, or other natural materials. The use of bare metal, aluminum or vinyl siding, metal panels, plastic, imitation stucco (Dry-Vit, Sto-Wall, and other brands), Texture 1-11, and mirrored glass shall be prohibited as primary building materials.
- (D) **Front Façade Design:** Buildings with frontage on a public or private right-of-way, street, sidewalk, public park, or plaza shall be designed to encourage and complement a pedestrian-scale environment, with façade variation, window openings and facade transparency subject to the following:
- (1) At least of one (1) vertical element, projection or recess shall be provided for every thirty (30) feet of façade length.
 - (2) At least fifty percent (50%) and maximum of seventy five percent (75%) of the street level façade shall be transparent.
 - (3) A minimum of twenty-five percent (25%) and maximum of sixty percent (60%) of the upper level façade shall be transparent.
 - (4) The front façade for all buildings must be parallel to the street.
- (E) **Side or Rear Façade Design:** Wherever a side or rear facade is visible from a public street, or if parking is located at the side or rear of a building, the facade shall be designed to create a pleasing appearance, in accordance with the following design criteria:
- (1) Materials and architectural features similar to those present on the front of the building shall be used on the side or rear facade.

- (2) Dumpster and service areas shall be completely screened with a landscape hedge, a fence, a wall, or a combination thereof.

(F) Awnings: Awnings shall be permitted on buildings as follows:

- (1) All awnings must be made from canvas fabric or similar water-proofed material, rather than metal, aluminum, plastic, or rigid fiberglass.
- (2) All awnings shall be attached directly to the building, rather than supported by columns or poles.
- (3) Awnings shall be kept in good repair to maintain the original appearance and ensure public safety.
- (4) Internal illumination of awnings shall be prohibited.

(G) Lighting: Exterior lighting must be placed and shielded so as to direct the light onto the site and away from adjoining properties. The lighting source shall not be directly visible from adjoining properties. Floodlights, wall pack units, other types of unshielded lights, and lights where the lens is visible outside of the light fixture shall be prohibited.

- (1) Sidewalks and parking areas shall be properly lighted to facilitate the safe movement of pedestrians and vehicles and provide a secure environment. In parking areas, the light intensity shall average a minimum of 1.0 foot candle, measured five (5) feet above the surface. In pedestrian areas, the light intensity shall average a minimum of 2.0 foot candles, measured five (5) feet above the surface.

(H) Roof Mounted Mechanical Equipment: All roof mounted mechanical equipment shall be screened from public view with a wall or similar architectural feature that is compatible with the design of the building façade.

(I) Signage: All signs shall comply with the requirements of Chapter 21, Signs.

(J) Setbacks: Non-residential and mixed-use development shall comply with the following setback requirements:

- (1) Front yard setbacks shall be as determined by the Planning Commission during a Site Plan Review, but at no time may exceed ten (10) feet.
- (2) If the property adjoins a residential zoning district, the minimum setback for each side yard shall be twenty (20) feet for buildings/structures and ten (10) feet for parking/driveways.
- (3) If the property adjoins a residential zoning district, the minimum rear yard setback shall be twenty (20) feet.

12.04 Additional Provisions

(A) Sidewalk Sales: Retail sales may be conducted outdoors on sidewalk provided:

VILLAGE OF MAINEVILLE ZONING ORDINANCE

- (1) At least five (5) feet of sidewalk width is unobstructed for pedestrian traffic.
- (2) All equipment and merchandise is kept indoors during non-business hours.
- (3) At least five (5) feet of clearance is provided on either side of entrances and exits.
- (4) Sidewalk displays shall maintain a clean, litter-free and well-kept appearance at all times and shall be compatible with the colors and character of the storefront from which the business operates.
- (5) Sales must be accessory to the principal retail business adjacent to the sidewalk.

(B) Outdoor Seating: Accessory outdoor seating may be permitted provided:

- (1) Pedestrian circulation and access to building entrances shall not be impaired.
- (2) At least five (5) feet of sidewalk along the curb and leading to the entrance to the establishment must be maintained free of tables and other encumbrances, unless an alternative layout and means of access is approved by the Planning Commission.
- (3) Planters, posts with ropes or other enclosures shall be used to define the area occupied by the outdoor seating.
- (4) No permanent installations shall be permitted within the street right-of-way.
- (5) The seating area shall maintain a clean, litter-free and well-kept appearance at all times. Additional outdoor waste receptacles may be required by the Planning Commission. Written procedures for cleaning and waste containment and removal responsibilities shall be included with all applications and approved by the Planning Commission.
- (6) Broadcasting of music or any other amplified sound shall be prohibited.
- (7) Tables, chairs, planters, waste receptacles, and other elements of street furniture should be compatible with the architectural character of the adjacent buildings as determined by the Planning Commission. If table umbrellas will be used, they should complement building colors and shall not be used for signage or advertising.
- (8) Additional signs are not permitted beyond those permitted for the existing use.

CHAPTER 13: B-2 – DOWNTOWN SUPPORT DISTRICT

13.01 Purpose

The Downtown Support District is designed and intended to support the Downtown Core District and serve as a transition zone between commercial/business and residential uses. The use is to be less intense than the downtown core district and compatible with residential uses.

13.02 District Standards

STANDARD	USE			
	Single-Family ¹	Two-Family ¹	Multi-Family ¹	All Other Uses ¹
LOT DIMENSIONS				
Lot Area	10,000 sq ft min.	10,000 sq ft min.	No minimum	No minimum
Lot Frontage	30 feet min.	30 feet min.	No minimum	No minimum
Lot Width	30 feet min.	60 feet min.	No minimum	No minimum
COVERAGE STANDARDS				
Combined Footprint of All Structures	Max. is 50% of the lot	Max. is 50% of the lot	Max. is 60% of the lot	Max. is 60% of the lot
Impervious Surface	No maximum	No maximum	Max. is 75% of the lot	Max. is 75% of the lot
PRINCIPAL STRUCTURE STANDARDS				
Structure Height	Max. of 3 stories or 35 feet, whichever is less			
Dwelling Unit Floor Area	1,200 sq ft min.	720 sq ft min.	720 sq ft min.	N/A
Front Yard Setback	35 feet min., except as provided in Sec. 19.05(F)			20 feet min.
Side Yard Setback	5 feet min. for each side yard; combined total of 15 feet min.			See Sec. 13.03(G)
Rear Yard Setback	30 feet min.			See Sec. 13.03(G)
PARKING LOCATION				
Parking in Front Yard	Prohibited ²	Prohibited ²	Prohibited ²	Prohibited ²
Parking in Side Yard	Permitted	Permitted	Permitted	Permitted
Parking in Rear Yard	Permitted	Permitted	Permitted	Permitted

¹ For those uses allowed per Sec. 5.14 (Allowed Uses)

² All front yard parking which exists as of the effective date of this regulation shall be permitted to continue.

13.03 Design Standards

All non-residential and two-family and multiple family buildings and uses shall comply with the following standards:

- (A) **Parking:** Parking and parking lot design shall comply with the following standards, in addition to the provisions of Chapter 20, Signs.
 - (1) The parking lot layout shall accommodate pedestrian circulation. Pedestrian crosswalks shall be provided, shall be distinguished by textured paving, striping, or color change alternatives and shall be integrated into the sidewalk network.
 - (2) Parking lots shall be located behind the principal building. Parking shall be prohibited from being in the front yard. Where it is not feasible to locate parking behind the principal building, the Planning Commission may permit parking on the side of the building provided they are screened and landscaped in accordance with Chapter 29, Landscaping and Screening.
- (B) **Building Entrances:** All non-residential buildings shall have at least one (1) public entrance that faces the street. Rear entrances are permitted, only if there is a primary entrance from the main street. Buildings with parking to the side or the rear must provide a second entrance on the rear or side of the building or a pedestrian connection from the parking lot to a public sidewalk.
- (C) **Building Materials:** All non-residential buildings shall have the appearance of a single family residential building, and materials, such as brick, stone, masonry, or other natural materials shall be used for the building.
- (D) **Lighting:** Exterior lighting must be placed and shielded so as to direct the light onto the site and away from adjoining properties. Attached fixtures shall be compatible with residential design. The lighting source shall not be directly visible from adjoining properties. Floodlights, wall pack units, other types of unshielded lights, and lights where the lens is visible outside of the light fixture shall be prohibited.
 - (1) Sidewalks and parking areas shall be properly lighted to facilitate the safe movement of pedestrians and vehicles and provide a secure environment. In parking areas, the light intensity shall average a minimum of 1.0 foot candle, measured five (5) feet above the surface. In pedestrian areas, the light intensity shall average a minimum of 2.0 foot candles, measured five (5) feet above the surface.
- (E) **Roof Mounted Mechanical Equipment:** All roof mounted mechanical equipment shall be screened from public view with a wall or similar architectural feature that is compatible with the design of the building façade.
- (F) **Signage:** All signs shall comply with the requirements of Chapter 21, Signs.
- (G) **Setbacks:** Non-residential development shall comply with the following setback requirements:
 - (1) The minimum setback for each yard shall be five (5) feet, except when the property adjoins a residential zoning district in which case the minimum

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setback for each side yard shall be twenty (20) feet for buildings/structures and ten (10) feet for parking/driveways.

- (2) The minimum rear yard setback shall be fifteen (15) feet, except when the property adjoins a residential zoning district in which case the minimum rear yard setback shall be twenty (20) feet.

CHAPTER 14: PLANNED UNIT DEVELOPMENT OVERLAY REGULATIONS “P.U.D.”

14.01 Purpose

The Planned Unit Development provisions of this chapter are intended to provide permissive, voluntary, and alternative zoning procedures for well planned developments in harmony with the public health, safety, morals and general welfare in any zone provided otherwise in this Ordinance and;

- (A) To permit the creation of areas within the Village that can be developed or redeveloped with maximum flexibility in design;
- (B) To promote the efficient use of land and facilitate an economic arrangement of buildings, circulation systems, and utilities; and to promote conformance to the village's land use and thoroughfare plan, zoning ordinance, and any other applicable regulations;
- (C) To provide for and locate suitable supporting recreation facilities, educational facilities and other public and semi-public common facilities, while preserving the existing landscape to the greatest extent possible;
- (D) To encourage the most skillful planning in the arrangement of buildings, the preservation of open space, the utilization of topography and other site features;
- (E) To provide creative and coordinated architectural and site designs harmonious and compatible with surrounding uses;
- (F) To encourage a mix of land use types and densities within a development in order to establish a balanced overall development pattern; and
- (G) To obtain pedestrian and bicycle amenities between neighborhoods and adjacent commercial and civic properties.

14.02 Permitted Uses

Any use permitted in this Zoning Ordinance may be permitted in the Planned Unit Development (PUD) district provided that it is consistent with the overall purpose of the PUD district and is compatible with the adjacent uses. Planning Commission reserves the right to prohibit certain uses which it may find objectionable for the reason that such uses are not consistent with the purpose set forth in Sec. 14.01 or the use is not consistent with the planning criteria set forth in Sec. 14.03 or other requirements in this Chapter.

14.03 Planning Criteria

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Planning criteria guidelines have been established to guide and control the planning, development and use of land in a PUD district and are in addition to all other applicable regulation in this Zoning Ordinance.

(A) Characteristics and Relationship of Buildings

- (1) Evaluation of appearance of a project shall be based on quality of its overall design and relationship to surroundings. Architectural style is not restricted; however, Planning Commission may require architecture that is sensitive and compatible with its surroundings.
- (2) Buildings shall be in scale and harmonious with permanent neighboring developments.
- (3) Materials shall be in harmony with adjoining structures.
- (4) Materials shall be selected for suitability to the type of building and design in which they are used.
- (5) Materials shall be of durable quality. Construction materials such as tilt up concrete, smooth faced block, prefabricated steel panels, and other similar materials shall be avoided unless the exterior surface is covered with an acceptable architectural treatment.
- (6) There should be definite transitions between changes of material and plane to break the building mass.
- (7) In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious to their surroundings.
- (8) Exterior building components such as windows, doors, eaves, and parapets are required and shall have balanced proportions.
- (9) All sides of a structure should receive design consideration. A façade unrelated to the rest of the building is not in keeping with acceptable design.
- (10) Colors shall be harmonious and accents, if used, shall be compatible.
- (11) All projections and mechanical details such as louvers, exposed flashing, flues, vents, gutters and downspouts are to be recognized as architectural features and are to be treated to match the color of the adjacent surface or an approved complementary color.
- (12) Mechanical equipment or other utility hardware on the roof, ground, or elevations shall, wherever possible, be located so as not to be visible from any public ways or adjacent residential areas. Where such limitation on location is not possible, the facilities shall be screened from public view with landscaping and/or materials harmonious with the building.
- (13) Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways with landscaping and/or materials harmonious with the building.

- (14) Monotony of design in single or multiple building projects shall be avoided. Variation of exterior wall material, detail, form and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to help prevent a monotonous appearance.

(B) Relationship of Buildings to Site

- (1) Projects shall reflect the character of the site upon which they are located. Compatibility to grade conditions, degree of exposure from passers-by, the context of adjacent structures, exceptional views, tree masses, and size of the lot are some of the factors to be considered.
- (2) The site shall be planned to accomplish a desirable transition with the streetscape, and to provide for adequate planting, safe pedestrian movement, and parking areas.
- (3) Consideration of the appropriateness of providing setbacks and yards in excess of zoning restrictions is encouraged to enhance compatible relationships between buildings, and between buildings and adjacent streets.
- (4) Plans should demonstrate a concern for the conservation of energy by their sensitivity to factors such as the orientation of a building, the use and location of glass, and the use of landscape materials on the site.
- (5) Parking areas shall be treated with decorative elements, building wall extensions, plantings, beams or other means so as to minimize the impact of parked vehicles on the view from public ways and adjacent residential areas.
- (6) Fencing plans must be a part of the submittal at the earliest stages and should be consistent with the general plan for the site.
- (7) The design of fences and screening walls shall give specific consideration to the relief of monotony, such as breaking up major lengths by complementary landscaping.
- (8) Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
- (9) Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
- (10) Residential units shall have access to, or be directly abutting, public or common open space areas.

(C) Relationship of Project to Adjoining Area

- (1) Designs shall demonstrate a harmony in texture, lines, and masses between all adjacent buildings. Monotony shall be avoided.
- (2) The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.

- (3) Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks and materials.
- (4) Attractive landscape transition or compatible use characteristics to adjoining properties shall be provided.
- (5) Project features that may have negative impacts upon adjacent properties, such as parking lots, service entrances, loading zones, mechanical equipment, etc., shall be buffered from the adjacent properties.

(D) Landscape and Site Treatment

See Chapter 29, Landscaping and Screening.

(E) Non-Motorized Transportation

- (1) The planned unit development shall be designed with a sidewalk network to accommodate safe pedestrian circulation throughout and along the perimeter of the site, without interference from vehicular traffic.
- (2) Pedestrian passage in a form of an access easement is strongly recommended between dead-end streets, including cul-de-sacs, and adjacent thoroughfares and developments.
- (3) Pedestrian amenities are strongly encouraged and include any element that further enhances the visual appeal of the development and community and benefits residents, guests, employees or patrons of the development. Examples include, but are not limited to public assembly areas including: plazas, formal gardens, patios, playgrounds and courtyards; decorative and natural looking water features and fountains; and pedestrian walkways and sidewalks made of decorative materials and colors. Each planned development shall have a minimum of two of the above mentioned amenities or other amenity landscaping. Each pedestrian area shall provide benches and other amenities designed to attract pedestrians as a place to rest, congregate and socialize.

(F) Signs

See Chapter 21, Signs.

(G) Lighting

- (1) All exterior lighting should balance the need for energy conservation with needs for safety, security and decoration.
- (2) Where decorative exterior floodlighting is used, it shall consist of an appropriate composition of brightness relationships, textures, and restrained colors to dramatize a setting and extend the hours of the setting's usefulness. Floodlighting fixtures shall be located or shielded so that their presence is minimized.

- (3) All exterior lighting shall be part of the architectural and landscape design concept. Fixtures, standards and all exposed accessories shall be concealed or harmonious with other project design materials.
- (4) In general, the height of exterior lighting fixtures shall not exceed the predominant height of the principal building to which it relates.
- (5) Exterior lighting shall not be designed to permit an adverse effect upon neighboring properties. Designs shall specify appropriate light cut-off angles for all sources of strong illumination.
- (6) If high pressure sodium vapor luminaries are used for free-standing parking lot and internal access route lighting, they should be color corrected for compatibility.

(H) Miscellaneous Structures and Street Hardware

Miscellaneous structures and street hardware (i.e., seating, lighting, mailboxes, etc.) shall be designed to be a part of the architectural and landscape design concept. The materials shall be compatible, the scale shall be appropriate, and the colors shall be in harmony with buildings and surroundings.

(I) Maintenance Design Factors

- (1) Continued quality of appearance depends upon the extent of quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
- (2) Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage and abuse.
- (3) Provisions for washing and cleaning of buildings and structures and control of dirt and refuse shall be included in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt and rubbish shall be avoided.

14.04 Area and Density Regulations

The various area, yard and height regulations of a planned unit development area in a PUD district are defined and set forth as follows:

- (A) Development Area.** The minimum area to qualify as a planned unit development area shall be not less than five (5) contiguous acres. A parcel or parcels of land with less acreage may be considered for a planned unit development when it is demonstrated that such smaller area has a unique feature of geography, topography or other development aspect which is determined to be appropriate for such district designation. However, contiguous property of less than five (5) acres may be added to a previously established PUD district without any demonstrated basis.
- (B) Ability to Vary Dimensional Standards.** Lot width, setback and yard requirements may be varied to accommodate a variety of structural patterns, clustering design and

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housing types; unless explicitly varied by the PUD, the requirements of the underlying zoning district(s) shall apply.

- (C) Uses. Residential uses including single family homes, two-family homes, and multiple family housing including row houses, condominiums, landominiums and zero-lot line developments may be combined in PUD districts, provided that the proposed location of the uses will not adversely impact upon adjacent property or the public health, safety and general welfare, and that the location of such uses are specified in the final development plan.
(D) Residential Density. Maximum project density shall be determined by dividing the total net residential area by the minimum allowable lot area in the underlying zoning district as shown in Table 14.1:

Table with 2 columns: Zoning District, Minimum Allowable Lot Area. Rows include R-1 (9,600 sq. ft.), R-2 (10,000 sq. ft.), R-3 (5,000 sq. ft.), and RR (87,120 sq. ft.).

Net residential area is defined as the total lot area minus all portions dedicated to right-of-way. The Planning Commission shall have the authority to deviate from these density standards in subsection (D) by exercising the provisions of subsection (E) below.

- (E) Standards for Increasing Residential Density.
(1) The Planning Commission may recommend authorization of an increase in the residential density of a Planned Unit Development for exemplary projects that substantially meet requirements of Sec. 14.03. If the Planning Commission finds that any of the following conditions would be created by an increase in density, it may then use either of the provisions listed in Sec.14.04 (E)(2):
(a) Inconvenient or unsafe access to the Planned Unit Development;
(b) Traffic congestion in the streets which adjoin the Planned Unit Development; or
(c) An excessive burden on parks, recreational areas, schools and other public facilities which serve or are proposed to serve the Planned Unit Development.
(2) The Planning Commission may use either of the following provisions in order to control the conditions specified in 14.04(E)(1):

- (a) Prohibit any increase in density; or
- (b) Limit the increase in density by an amount which is sufficient to avoid the creation of any of these conditions.

14.05 Buffering Between Uses

The minimum setbacks required for buildings, parking and streets along the boundary of any PUD district shall meet the minimum standards in Chapter 29, Landscaping and Screening.

14.06 Required Open Spaces

The Planned Unit Development will only be approved if the development plan contains areas to be allocated for common open space which satisfy the standards governing the usability and quality of common open space that are contained below:

- (A) No open area may be accepted as common open space under the provisions of this zoning ordinance unless it meets the following standards:
 - (1) Common open space shall comprise at least twenty percent (20%) of the project area.
 - (2) The location, shape, size and character of the common open space shall be suitable for the Planned Unit Development. Common open space shall not include any public utility easements, rights-of-way, private yards, required setbacks between the project boundary lines and buildings, and minimum spacing between buildings.
 - (3) Common open space shall be used as an amenity for recreational purposes or remain undeveloped. The uses authorized for the common open space shall be appropriate to the scale and character of the Planned Unit Development, considering its size, density, expected population (accounting for age and number), topography, and the number and type of dwellings or uses to be provided.
 - (4) Common open space shall be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space shall be appropriate to the uses which are authorized for the common open space and shall conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.
 - (5) The development schedule which is part of the development plan shall coordinate the improvement of the common open space, the construction of buildings, structures and improvements in the common open space and the construction of other buildings in the planned development.
 - (6) If the final development plan provides for buildings, structures or improvements in the common open space, the developer shall provide a bond of one hundred percent (100%) of the village engineer's estimate of the cost of those improvements so that the buildings, structures and improvements will be

completed before the final plat is recorded. Upon request of the developer, the Planning Commission may delay the requirements of posting bond, such delay to be based upon the development schedule. If the developer does not complete the buildings, structures and improvements at the time set forth in the schedule, then the commission shall require that a bond be provided for the remainder of the improvements. The commission shall release the bond or other assurance when the buildings, structures or improvements have been completed according to the development plan.

- (7) The use and improvement of the common open space shall be planned in relation to any existing or proposed public or semi-public open space which adjoins or which is within fifteen hundred (1,500) feet of the perimeter of the Planned Unit Development.
- (B) All land shown on the final development plan as common open space shall be conveyed to one (1) of the following:
- (1) A public entity or agency, such as the Village, Warren County, or the State of Ohio, subject to acceptance by the appropriate legislative body;
 - (2) An individual or group of individuals;
 - (3) A non-profit organization;
 - (4) A homeowners' association or similar association, where the open space is held jointly or in common by the owners of the building lots; or
 - (5) Any combination of the entities mentioned above.
- (C) No common open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit that use. However, no change of use so authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas and all rights to enforce these covenants are expressly reserved.

14.07 Intent of Procedural Requirements; Required Charges

- (A) It is the purpose of Sections 14.07 through 14.22 to establish procedures, supplementary to those applicable in the standard zoning districts created by this zoning ordinance, under which a developer may prepare development plans particularly designed to meet the objectives for a Planned Unit Development. Procedures are also established for professional review of such development plans, action thereon by the village and the implementation thereof.
- (B) The applicant shall be responsible for the reasonable expenses incurred by the Village in reviewing the plan or any modifications to the plan. Such expenses may include items such as the cost of professional and review services, including expenses and legal fees in connection with reviewing the plan and prepared reports, the publication and mailing of public notice in connection therewith and any other reasonable expenses directly attributable thereon.

- (C) At the time of submitting the preliminary plan to the Planning Commission for consideration, the applicant shall make a deposit in the office of the clerk in an amount equal to the estimated cost of the Village's expense. This deposit shall not exceed two thousand five hundred dollars (\$2,500) at any time. When this deposit has been depleted to thirty-three percent (33%), another deposit will be requested.

14.08 Preliminary Plan of Development Area

- (A) The developer is encouraged to meet with the zoning inspector and village engineer prior to submission of a preliminary plan. The intent of this meeting is to discuss early and informally, the purpose and effect of the ordinance and the criteria and standards contained herein. It will also give the developer the opportunity to become familiar with zoning and other applicable regulations, as well as receive the benefit of any comments on the specific proposal by the village staff. The preliminary plan shall include the following information:
- (1) Name, address, and phone number of the applicant.
 - (2) Name, address, and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of preliminary development plans.
 - (3) The boundary of the proposed Planned Unit Development with bearings and distances indicated for all proposed boundary lines. The total area of the proposed Planned Unit Development should be indicated.
 - (4) The zoning of all adjoining properties and existing zoning of sites.
 - (5) Existing features of the site within one hundred (100) feet including topography at ten (10) foot intervals or less, vegetation, trees with eight (8) inch caliper, roadways, structures, permanent facilities, drainage courses and utilities.
 - (6) The specific location of proposed land uses within the planned unit development. The amount of area dedicated to each type of land use shall be indicated. The types of uses and their extent, size and composition in terms of use, intensity and coverage of structures shall be specified. For residential developments, dwelling unit density in terms of dwelling units per gross acre and minimum lot sizes, frontages and setbacks shall be specified.
 - (7) The interior open space system includes open space area calculations.
 - (8) The conceptual circulation system, noting the primary roadway and pedestrian systems within the project and their connection to the existing network including existing and proposed right-of-way widths.
 - (9) All FEMA designated one hundred (100) year flood plain areas.
 - (10) Conceptual utility layout indicating approximate location of lines, easements, and connections.
 - (11) A complete application provided by the village along with the required review fee.

- (12) A list containing the names and addresses of all property owners adjacent to and within three hundred (300) feet of the subject property printed on two (2) sets of address labels.
- (13) Legal description of property.
- (14) A vicinity map at a scale approved by the zoning inspector showing the property lines, streets, existing and proposed zoning, and such other items as the zoning inspector may require.
- (15) Proposed regarding that would substantially alter the topography.
- (16) Evidence that the applicant has sufficient control over the land in question to initiate the proposed development.

14.09 Referral for Review and Reports

Upon receipt of a preliminary plan of a development area, the zoning inspector shall transmit a copy of the preliminary plan to the village planner, village engineer, and fire chief for their review, report and recommendation. The zoning inspector shall also transmit a copy of all covenants, restrictions and easements to be recorded and covenants for maintenance to the solicitor for his or her review, report and recommendation. The solicitor, engineer and planner shall each, within fifteen (15) days from receiving a preliminary plan of the development area, unless otherwise extended, provide and furnish to the Planning Commission a report upon their respective jurisdiction.

14.10 Planning Commission Public Hearing

The Planning Commission shall schedule a public hearing on the application for approval of the preliminary plan not less than twenty (20) days or more than forty (40) days from the date of filing such application.

14.11 Notice of Public Hearing

Before holding the public hearing, notice of such commission hearing shall be given in one or more newspapers of general circulation at least fifteen (15) days before the date of said hearing. The notice shall set for the time and place of the public hearing, a general description of the Planned Unit Development, and a statement that, after the public hearing and submission of a final development plan, the matter will be referred to the village council for further determination. Written notice of the hearing on the Planned Unit Development shall be mailed by the clerk by first class mail, at least twenty (20) days before the date of the public hearing, to all owners of property located within three hundred (300) feet of the proposed PUD boundary. Notices to individual property owners should contain the same information as required of notices published in the newspaper.

14.12 Public Access to Proposed PUD Documents

For a period of at least twenty (20) days prior to the public hearing by the commission, all papers relating to the Planned Unit Development shall be available for public inspection in the office of the zoning inspector.

14.13 Planning Commission Review

Within sixty (60) days after the public hearing, the Planning Commission shall review the preliminary plan to determine if it is consistent with the intent of these regulations; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The Planning Commission's approval, approval with conditions, modification or disapproval in principle of the preliminary development plan shall be necessary before the preliminary development plan is transmitted to council.

14.14 Report to Council

- (A) Within sixty (60) days, unless otherwise extended by consent of the developer, after a preliminary plan has been filed with the zoning inspector, the Planning Commission shall evaluate the plan and reports required under Sec. 14.08, and it shall furnish to council its detailed report and recommendations with respect thereto. Planning Commission may extend the sixty (60) days set forth above for good cause. The Planning Commission shall notify the developer of any such extension prior to the elapse of the original sixty (60) days. Failure to submit the report within sixty (60) days shall not be deemed either an approval or disapproval of the preliminary plan.
- (B) The report of the Planning Commission shall include a finding either that the preliminary plan complies with the regulations, standards, criteria and purpose prescribed by this zoning ordinance for Planned Unit Development areas applicable to the proposal, or a finding of any failure of such compliance, and a recommendation that the preliminary plan be approved, approved with conditions, disapproved or modified. If in any evaluation, the Planning Commission finds that any regulations, standards or criteria prescribed by this zoning ordinance are inapplicable because of unusual conditions of the development area, or the nature and quality of the proposed design, it may recommend to council that an adjustment in such regulations, standards or criteria be made, and that special conditions be required for the development, provided such adjustment or conditions will not be in conflict with the promotion of the public health, safety and general welfare of the Village. Such adjustments and conditions shall constitute a part of the proposed preliminary plan.
- (C) The preliminary plan, together with eight (8) copies of the report of the Planning Commission, shall be filed with the clerk for submission to village council and the mayor.

14.15 Action by the Village Council

- (A) Council, at its next regular meeting following receipt of the Planning Commission report, or as otherwise extended by consent of the developer, shall set a date for a public hearing on the preliminary plan of the development area, including the report of the commission thereon, and shall give at least thirty (30) days notice of the time, place and purpose of such hearing by publication in one (1) or more newspapers of general circulation in the village.
- (B) Written notice of the hearing on the planned unit development shall be mailed by the clerk by first class mail, at least twenty (20) days before the date of the public hearing,

to all owners of property located within three hundred (300) feet of a PUD boundary. Notices to individual property owners should contain the same information as required of notices published in the newspaper.

- (C) Following the public hearing, council shall approve, approve with conditions, disapprove or modify the preliminary plan in conformity with regulations, standards, criteria and purpose prescribed by this zoning ordinance. Council may affirm any report of the Planning Commission or disapprove a favorable report of the Planning Commission by a majority vote of its members. If council reverses a report of the commission recommending disapproval of a preliminary plan, it may only do so by the affirmative vote of two thirds of the members elected or appointed to council.

14.16 Council's Action Shall Constitute Rezoning

Provided that council has acted as directed by Sec. 14.15 and provided that the Planning Commission has approved a preliminary development plan and preliminary plat (if a subdivision), then council's action under Sec. 14.15 shall constitute a zoning action and shall be subjected to all provisions contained within these regulations regarding referendum. Any subsequent rezoning of the property shall follow the amendment process as specified in these regulations.

14.17 Lapse of Approval

If within one hundred twenty (120) days of council's approval of the preliminary plan, the developer does not submit a final plan of the development area, or if the developer fails to commence construction within one (1) year of council's approval of the preliminary plan, then the developer shall forfeit the required inspection fee, and the approval of the preliminary plan shall lapse. The Planning Commission report and preliminary plan approved by council may specify an enlargement of the foregoing one hundred twenty (120)-day and one (1)-year periods for all or part of the development area when the nature and character of the particular type of use or development so required or when progressive stage development is specified in the preliminary plan.

14.18 Final Plan of a Development Area

The developer of any parcel or parcels of land for which a preliminary plan has been approved by council shall submit a final plan of the development area. Twenty (20) copies of such plan shall be filed with the zoning inspector along with a complete application including required review fee. The final development plan may be presented either in sections or in its entirety. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for the final development plan. Each application shall clearly state that the approval shall expire and a rezoning action may be initiated by the Planning Commission or council if construction on the project has not begun within two (2) years from the date of issuance of the approval. Within sixty (60) days after submission of the final development plan, the commission shall recommend that the final development plan be approved as presented, approved with conditions, or disapproved.

- (A) The final plan of the development area shall contain and be accompanied by the following unless waived by Planning Commission as inapplicable:
 - (1) Topography, at a two (2) foot contour interval, of the proposed development area, including property lines, easements, street right-of way, existing

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structures, trees and landscape features existing thereon, floodplains, wetlands, ravines, stream areas, ponds and lakes, and including a certificate, by a registered engineer or surveyor, of the gross area of the development area in acres and square feet.

- (2) The vehicular and pedestrian traffic patterns, with a traffic impact study, including the proposed location and design of public and private streets; the directional flow and location of existing and proposed storm and sanitary sewers and sewers connecting with existing or proposed municipal interceptor, outlet or trunk sewers outside the development area; the location and design of parking and service areas; and an estimate of traffic volumes to be generated, including the assignment of traffic to proposed entrances and exits.
- (3) A site plan, including the proposed public and private street system with right-of-way, all easements, the use and subdivision of all land including common and private land, and the location of each existing structure to be retained.
- (4) A plat of the development area showing street right-of-way, subdivided and common land and easements in accordance with the requirements of the Village Subdivision Regulations which shall be in form for recording.
- (5) Detailed plans and specifications for all streets, sidewalks, storm and sanitary sewers, water mains, street illumination, open space calculations, open space amenities, and all other site features of the development area or that portion of the development area to be developed, designed in accordance with the Village Subdivision Regulations. Upon approval and recommendation from the village engineer, Planning Commission may vary the Village's Subdivision Regulations to allow more flexibility in design.
- (6) A detailed landscape plan showing all site features and finished grading for public and private lands within the development area.
- (7) The final form of covenants running with the land and deed restrictions (including the use of common land); covenants, restrictions or easements to be recorded; declaration of covenants, restrictions and bylaws of a home association and its incorporation; declaration of condominium ownership and other covenants, if any, for maintenance.
- (8) Estimated project cost, including estimates for all public and private improvements.
- (9) Construction schedule and land disposition program.
- (10) Site plans, floor plans, elevations and cross sections for all buildings and structures.
- (11) Descriptive data as to the type of buildings, square footage for each use and number of dwelling units in each building type.
- (12) In the event the final plan of a development area includes the subdivision of land, any map, plat or other data required for compliance with the provisions of the Village Subdivision Regulations.

- (B) The Planning Commission may require additional data and/or drawings to supplement the above when more information is needed or when special conditions occur.

14.19 Conditions for Approval by Commission

If the Planning Commission shall consider the following criteria when approving a final PUD plan:

- (A) The plan is in substantial accordance with and represents a detailed extension of the preliminary plan heretofore approved by council;
- (B) The plan complies with all of the conditions and adjustments which may have been imposed in the approval of the preliminary plan;
- (C) The plan is in accordance with the design criteria and provisions of this zoning ordinance which apply particularly to any plan of the planned unit development;
- (D) All agreements, contracts, deed restrictions, dedications, declarations of ownership and other required documents are in acceptable form and have been executed;
- (E) Development pursuant to a previously approved final plan is in accordance with that plan and the approved preliminary plan;
- (F) All fee payments have been made and that the provisions of the subdivision regulations have been met;
- (G) The location, design, size and uses will result in an attractive, healthful, efficient and stable environment for commerce and/or residential development;
- (H) The design size and use are consistent with land use plans adopted by the Planning Commission or council.

14.20 Zoning Certificates

No zoning certificates or other permits shall be issued until approval of the final development plan.

14.21 Progressive Development

When the final plan of the development area provides for partial development of the total area for which a preliminary plan has been approved, the Planning Commission may require inspections of the improvements then made, or detail plans for all improvements in the development area to permit evaluation of the progress and conformance of development of the entire parcel to the preliminary plan or a previously approved final plan before further or partial development may be approved. Any plan, which requires more than twenty-four (24) months to complete, shall be constructed in phases and a phasing plan must be developed.

14.22 Plan Modifications

- (A) Modifications to an approved final PUD plan may be considered in accordance with this Section. A request for modification shall be submitted to the Zoning Inspector.

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- (B) The Zoning Inspector shall have the authority to determine if the proposed modification is a major modification or minor modification in accordance with this Section. Such decision may be appealed to the BZA.
- (C) Major Modifications
- (1) Major modifications to an approved final PUD plan shall include but not be limited to:
- (a) Changes to the PUD boundaries;
 - (b) An increase in residential density;
 - (c) An expansion in non-residential floor area that exceeds ten (10) percent of the total floor area that was previously approved;
 - (d) Changes in the amount (percentage of the total development) or location of different land uses;
 - (e) An addition of a use that is specifically prohibited, or not specifically approved for the PUD unless the use is otherwise permitted in the underlying base zone;
 - (f) A decrease in the total amount of open space or landscaping;
 - (g) A significant alteration of circulation patterns (vehicular or pedestrian);
 - (h) Changes that are not consistent with the purposes and general character of the PUD; or
 - (i) Any other major deviation from the requirements of the PUD or the Zoning Code.
- (2) Major modifications shall require approval of a revised preliminary PUD plan submission, in accordance with the process and procedures outlined in this Chapter.
- (D) Minor Modifications
- Other amendments or modifications shall be classified as a minor modification and shall be reviewed and approved by the Zoning Inspector.

CHAPTER 15: CONSERVATION DESIGN OPTION “CDO”

15.01 Purpose and Intent

The purpose of the Conservation Design Option (CDO) is to preserve the Village’s character and encourage the preservation of open areas. The regulations in this section propose to accomplish this purpose by providing for grouping of new homes onto the most buildable portions of a site so that the remainder of the site can be preserved as open space. CDO developments may be approved in all residential zoning districts, subject to the standards and review procedures set forth herein.

The regulations in this section are also intended to accomplish the following purposes, and intended to achieve:

- (A) A choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre or a reduction in lot dimensions, yards, building setbacks, and area requirements.
- (B) A more useful pattern of open space and recreation areas.
- (C) A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
- (D) A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
- (E) A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the Village’s Comprehensive Plan.

15.02 Site Plan Review

CDO development shall be an allowed use in all residential zoning districts and subject to the approval by the Planning Commission in accordance with the Village Subdivision Regulations.

15.03 Allowable Density

The overall density of residential uses within a CDO development should not exceed the density that could be achieved in the residential district in which the development is located. The Village will allow up to a twenty (20%) increase in allowable density, determined by the following steps:

- (A) Determine gross tract square footage (total project area);
- (B) Multiply the gross tract square footage by 0.85;

- (C) Divide by the minimum lot area in the underlying zoning district;
- (D) Multiply by 1.2; and
- (E) Round down to the nearest whole number – this is the maximum number of dwelling units permitted.

15.04 Dimensional Standards

- (A) **Modifications to Zoning District Standards:** Developments utilizing the Conservation Design Option (CDO) need not meet the minimum setback standards of the applicable underlying zoning district; however, all CDO developments must comply with the standards provided in subsections (B) thru (D) below.
- (B) **Setbacks:** Buildings in CDO developments shall comply with the minimum yard setback requirements shown in Table 15.1:

TABLE 15.1: MINIMUM YARD SETBACKS	
Description	Setback
Along site perimeter adjacent to public road	50 ft.
Along site perimeter, but not adjacent to a road	35 ft.
Along an internal collector or local road	
<i>Between parking lot and property line</i>	40 ft.
<i>Adjacent to road</i>	50 ft.
<i>Not fronting on road</i>	20 ft.

- (C) **Parcel Size:** The minimum parcel size for the overall Conservation Design/Open Space development shall be ten (10) acres.
- (D) **Distances between Buildings:** Buildings in Conservation Design/Open Space developments shall comply with the following minimum spacing requirements:
 - (1) Any detached single family structure (or accessory structure) shall be located at least fifteen (15) feet from any other detached single family structure (or accessory structure).
 - (2) The minimum rear and side yard setback for detached single family structures and accessory structures thereto shall be based on good planning and design principles, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, and the need for adequate amounts of light and air between buildings.

15.05 Floor Area and Height Standards

Buildings in a Conservation Design/Open Space development shall comply with the floor area and height standards in the residential zoning district the proposed development is proposed to be constructed.

15.06 Streets

Twenty-five (25) foot wide streets

15.07 Open Space Requirements

CDO developments shall provide and maintain usable open space that is accessible to all residents, which shall comply with the following requirements:

- (A) CDO developments shall set aside a minimum of thirty percent (30%) of the total parcel area in common open space.
- (B) Open space shall be located on the parcel to meet the following objectives:
 - (1) To preserve distinctive natural features and characteristics.
 - (2) To minimize impact from development on wetlands, woodlands, open water, and other sensitive environmental areas.
 - (3) To maintain open character along main roads.
- (C) No more than ten percent (10%) of the required open space shall be used for active developed recreation facilities, such as swimming pools, tennis courts, etc.
- (D) Pervious land area may be included in required open space, except that: required open space shall not include the area of any public or private road, the area of any easement providing access to the site, the area of any commercial recreation use (such as a golf course), or the area of any required setbacks.
- (E) The required open space shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions and covenants that run with the land or through a conservation easement, whereby all rights to develop the land are conveyed to a land conservation organization or other public body, assuring that the open space will be developed according to the site plan. Such conveyance shall:
 - (1) Indicate the proposed allowable use(s) of the required open space.
 - (2) Provide for the privately-owned open space to be maintained by private property owners with an interest in such open space.
 - (3) Provide maintenance standards and a maintenance schedule.
 - (4) Provide notice of possible assessment to the private property owners by the Village of Maineville for the maintenance of the open space in the event that it

is inadequately maintained and becomes a public nuisance or in the event that other public facilities are not maintained.

- (5) Be recorded with the County Register of Deeds to provide record notice of the restrictions to all persons having an interest in the property contained in the Conservation Design/Open Space development.

15.08 Stormwater Management

- (A) Existing natural drainage shall be maintained to the maximum extent feasible.
- (B) Where storm-water management facilities are required, they shall be designed in as small an area as possible. The ratio of the basin's area to volume shall be minimized.
- (C) Retention or detention basins, where required, shall resemble natural ponds with gradual slopes and shall be landscaped with native plant material that enhances the wildlife habitat.

15.09 Landscaping and Lawns

- (A) Existing trees and other plant growth shall be preserved in areas where disturbance is not necessary outside of the building envelope.
- (B) Where landscaping is proposed, native species shall be used.
- (C) Landscaping must be the requirements of Chapter 29, Landscaping and Screening.

15.10 Pedestrian Circulation

The applicant must demonstrate that the CDO development will be connected to any existing pedestrian and non-motorized vehicle paths and trails within a public right-of-way or easement open to the public. Paths and sidewalks must be provided within the development.

CHAPTER 16: FLOOD PLAIN OVERLAY REGULATIONS “FPO”

16.01 Purpose

The purpose of the flood plain regulations is the promotion of the public health, safety and general welfare and the minimization of the public and private losses due to flood conditions in specific areas. This is accomplished by:

- (A) Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities, and developments, will cause unacceptable increases in flood heights, velocities, and frequencies.
- (B) Restricting or prohibiting certain uses, activities and developments from locating within areas subject to flooding.
- (C) Requiring all those uses, activities and developments that do occur in flood prone areas to be protected and/or flood proofed against flooding and flood damage.
- (D) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

16.02 Findings of Fact

The flood hazard areas of the Village of Maineville are subject to periodic inundation which results in the loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and welfare.

These flood losses are the result of the cumulative effect of obstructions in flood hazard areas which cause increases in flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to flood loss.

16.03 Application

The regulations set forth in this chapter, or set forth elsewhere in the Zoning Ordinance, are the zoning regulations for the flood plain areas and shall apply to all lands within the jurisdiction of the Zoning Ordinance.

16.04 Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas

outside the flood plain areas, or that land uses permitted within such areas, will be free from flooding or flood damages.

16.05 Basis of Flood Plain Areas

The flood plain shall include all areas subject to inundation by waters of the one hundred year flood. The flood plain is comprised of two parts, the floodway and the floodway fringe. The basis for the delineation shall be the engineering report entitled Flood Insurance Study, County of Warren, Ohio, Unincorporated Areas dated October 15, 1980 and effective April 15, 1981 prepared by the Federal Emergency Management Agency, Federal Insurance Administration. This study, with the accompanying maps and any revisions thereto, is hereby adopted by reference and declared to be part of the Zoning Ordinance. The Flood Insurance Study is to be on file in the Office of the Village Zoning Inspector. For that area denoted on the Flood Insurance Study maps as "Approximate One Hundred (100) Year Flood Boundary" areas for which no detailed flood profiles or elevations are provided other sources of data may be used such as:

- (A) U.S. Army Corps of Engineers - Flood Plain Information Reports.
- (B) U.S. Geological Survey - Flood Prone Quad-angles.
- (C) U.S. Department of Agriculture, Soil Conservation Service - Soil Survey of Warren County, Ohio and Flood Hazard Analysis Studies.
- (D) Ohio Department of Natural Resources - Flood Hazard Reports and Flood Profile Charts.
- (E) Known High Water Marks from past floods.
- (F) Warren County Soil and Water.

Where the one-hundred (100) year flood elevation cannot be determined for this area using other sources of data, the applicant for the proposed use, development, and/or activity shall, if requested to do so by the Zoning Inspector, determine the one-hundred year flood elevation in accordance with hydrologic and hydraulic analysis which shall be undertaken only by registered professional engineers who shall demonstrate that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Village Council.

16.06 Flood Hazard Area Provision

All uses, activities and development occurring within any flood plain shall be undertaken only in strict compliance with the provisions of the Zoning Ordinance and with all other applicable codes and regulations of the Village of Maineville and Warren County, State of Ohio, and Federal.

Prior to any proposed alteration or relocation of a watercourse, notification of the proposal shall be given to all affected adjacent communities. Copies of such notifications shall be forwarded to both the Federal Emergency Management Agency; the Flood Insurance Coordinator, Ohio Department of Natural Resources; and the U.S. Army Corps of Engineers, Louisville District, and other agencies required by law.

16.07 Permitted Uses

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- (A) No use, activity or any other development shall be permitted in the floodway except the following uses provided the property is zoned properly for the intended use and the use is not prohibited by any other regulations or paragraph or section of this chapter:
- (1) Agricultural uses with the exception of any building or structure.
 - (2) Public or private recreational areas and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, trap and skeet ranges, and hunting and fishing areas with the excepting of any building or structure.
 - (3) Utilities and public facilities improvements such as railroads, streets, bridges, transmission lines, pipe lines and other similar or related uses with the excepting of any buildings.
- (B) No development, use or activity (including fill, grading and/or substantial improvements to structures, etc.) shall be permitted in the Floodway Fringe unless the applicant for the proposed development, use or activity has demonstrated that the proposed undertaking, when combined with all other existing and anticipated development, uses and activities, will not increase the water surface elevation of the 100 year flood more than one (1) foot at any point. The engineering principal, equal reduction of conveyance shall be used to make the determination of increases in flood heights.

The following uses and activities having a low flood damage potential and not obstructing flood flows are permitted in the floodway fringe provided the property is zoned properly for the intended use and the use is not prohibited by any other regulations or paragraph or section of this chapter; and further that no building or structure shall be erected, constructed, reconstructed, altered, or moved into the premises unless it is elevated to a level which is one point five (1.5) feet above the one hundred (100) Year Flood Level, and if applicable the PUD for such use has been approved.

- (1) Agricultural uses.
- (2) Public or private recreational areas and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet ranges, and hunting and fishing areas.
- (3) Summer camps, cabins and trailer camps which provide central management and control to assure seasonal or temporary occupancy only.
- (4) Accessory residential uses such as side yard areas, gardens, play areas, and pervious parking areas.
- (5) Accessory industrial and commercial uses such as yard areas, and pervious parking and loading areas.
- (6) Utilities and public facilities improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewer treatment plants and other similar or related uses.
- (7) Extraction of sand, gravel and other minerals.

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- (8) Temporary uses such as circuses, carnivals, and similar activities.
- (9) Storage of materials and equipment provided that they are not subject to major damage by flooding, and provided that such material and equipment is firmly anchored to prevent floatation or movement and/or can be readily removed from the area within the time available after a flood warning.
- (10) Other similar uses and activities provided they do not cause more than the maximum allowable increase in flood heights and/or velocities. All uses, activities and structural developments shall be undertaken in strict compliance with the flood protection provisions contained in all other applicable codes and regulations.

CHAPTER 19: SITE MEASUREMENT PROVISIONS

19.01 Purpose

The purpose of this Chapter is to establish the rules for measuring and computing the various numerical requirements of this Zoning Ordinance, including but not limited to certain minimum/maximum dimensions, distances, areas, or spaces, as may be included in the zoning district standards of Chapters 6 – 13 or any other section of this Ordinance.

19.02 Percentages and Fractions

When a measurement results in a fractional number or percentage, any fraction of $\frac{1}{2}$ or less shall be rounded down to the next lower whole number and any fraction of more than $\frac{1}{2}$ shall be rounded up to the next higher whole number. Any percentage of .5 percent or less shall be rounded down to the next lower whole number and any percentage greater than .5 percent shall be rounded up to the next higher whole number.

19.03 Distance Measurements

Unless otherwise expressly stated, distances specified in this ordinance are to be measured as the length of an imaginary straight line joining those points.

19.04 Lot Area Measurements

- (A) **Lot Area Measurements:** The area of a lot includes the total horizontal surface area within the lot's boundaries.
- (B) **Reductions in Lot Area Prohibited**
- (1) No lot shall be reduced in area so that lot area per dwelling unit, lot width, yards, building area, or other requirements of this ordinance are not maintained except where such reduction has been brought about by the expansion or acquiring of public rights-of-way.
 - (2) If, however, by some means (for example, misinterpretation of law, erroneous lot descriptions, and the like) the lot area is reduced below the minimum required lot area as specified herein for the zone, all of the uses and structures contained on the remaining portion of the area shall be subject to compliance with all other provisions of this ordinance.
 - (3) In the event that the uses and structures cannot comply in such circumstances, the property owner shall seek relief from the Board of Zoning Appeals (BZA), as provided for in Section 26.02, Variances.

19.05 Setbacks and Yards

- (A) **Measurements:** Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed from the ground to the sky except as otherwise expressly allowed in Subsection 19.05 (H).
- (B) **Yards Required for Buildings:** A yard or other open space required about a building shall not be included as part of a yard or other open space for another building.
- (C) **Front-Yard Setback**
 - (1) The yard fronting a street shall be considered to be a front yard and shall meet the minimum front-yard setback.
 - (2) The front-yard setback shall extend the full width of the lot and shall be measured from the street right-of-way line.
- (D) **Side-Yard Setback:** The side-yard setback shall extend from the required front-yard setback line to the required rear-yard setback line and shall be measured from the side lot line. If no street or rear-yard setback is required, the setback shall extend the full depth of the lot.
- (E) **Rear-Yard Setback:** The rear-yard setback shall extend the full width of the lot and shall be measured from the rear lot line.
- (F) **Front Yard Variance**
 - (1) Where the average depth of existing front yards within 300 feet of the lot in question and within the same block front is greater than the minimum front yard depth required by the Ordinance, the required minimum front yard depth on such lot shall be modified to be the average depth of such existing front yards; in these cases, the modified requirement shall supersede the district standard.
 - (2) In any residential zone, no front yard shall be required to exceed the average depth of existing front yards on the same side of the street within the same block, when 51% or more of lots within that block are improved with residential buildings; provided that in no case shall a front yard depth be less than 12 feet.
- (G) **Side Yard Variance:** Where the average width of existing side yards within 300 feet of the lot in question and within the same block front, is less than the minimum side yard width required by the ordinance, the required minimum side yard width on such lot shall be modified to be the average depth of such existing side yards. However, in no instance shall a side yard be less than four feet.
- (H) **Permitted Obstructions in Minimum Required Yards:** Except as herein provided, the following shall not be considered to be obstructions when located in the required minimum yards specified:

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- (1) **Obstructions Permitted in All Minimum Required Yards:** Driveways; private walkways; fire escapes and chimneys projecting not more than 18 inches into the minimum required yards; arbors and trellises; flag poles; bird baths; trees; plants; shrubberies; ornaments; utility poles and wires; and outdoor furniture; fences and walls, subject to the requirements of Chapter 22, Fences and Walls; and off street parking as provided for in Chapter 20, Parking and Loading Requirements).
- (2) **Obstructions permitted in Minimum Front Yard:** Bay windows, overhanging eaves and gutters projecting not more than three feet into the minimum required front yard; air conditioning equipment, awnings and canopies extending not more than four feet into the minimum required front yard; and roof covered steps and porches with post supports extending not more than five feet into the minimum required front yard. In no case will these encroachments be permitted to be closer than 15 feet to a right-of-way line.
- (3) **Obstructions Permitted in Minimum Rear Yards:** Bay window, overhanging eaves, and gutters, and air conditioning equipment projecting not more than three feet into the minimum required rear yard; awnings and canopies provided they extend not more than ten feet into the minimum required rear yards.
- (4) **Obstructions Permitted in Minimum Side Yards:** Air conditioning equipment, excluding compressor for central air conditioning unit; overhanging eaves and gutters, awnings, and canopies providing that they extend not more than two feet into the minimum required side yard.

(I) Corner Lots

- (1) Where a lot is considered a corner lot, the required minimum front yard setback shall be provided on each street or section thereof. See Figure 19.3.
- (2) The lot line of least dimension opposite the public right-of-way shall be the rear lot line and the minimum rear yard setback shall be applied. See Figure 19.3.
- (3) The lot line of greatest dimension opposite the public right-of-way shall be the side lot line and the minimum side yard setback shall be applied. See Figure 19.3.

(J) Double Frontage Lots

- (1) Where a lot is considered a double frontage lot, the required minimum front yard setback shall be provided on both streets. See Figure 19.4.
- (2) The remaining lot lines not abutting a public road right-of-way shall be considered side yards and shall have the required minimum side yard setback provided for each side lot line. See Figure 19.4.
- (3) For the purposes of the placement of accessory uses, the front yard located to the rear of the structure shall be considered the rear yard.

(K) Panhandle / Flag Lots

- (1) Flag or panhandle lots shall not be used to avoid the construction of a street.
 - (2) The panhandle shall have a minimum width of 40 feet.
 - (3) The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot. See Figure 19.5.
 - (4) The minimum lot area requirement for panhandle lots shall be two times the minimum lot area requirement of the applicable zoning district.
 - (5) The panhandle portion of the lot shall not be used for storage nor shall any structures be permitted in such portion of the lot.
- (L) **Cul-de-Sac or Curved-Street Lot:** For a cul-de-sac lot or a lot abutting a curved street, the front-yard setback shall follow the curve of the front property line. See Figure 19.6.

19.06 Lot Width Measurements

Lot width is the distance between the side lot lines measured at the point of the front setback line.

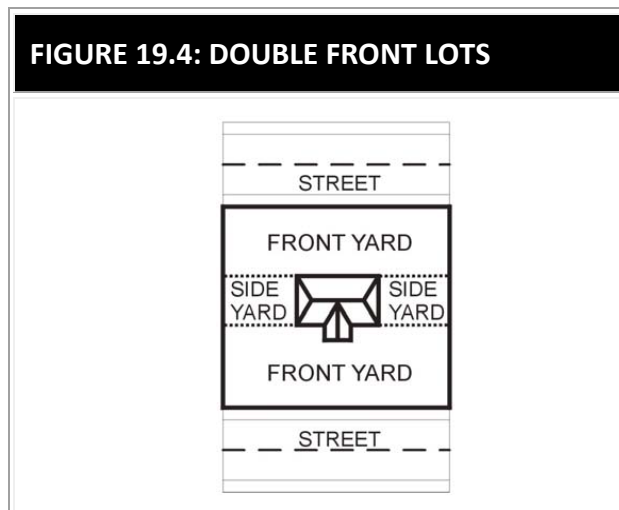
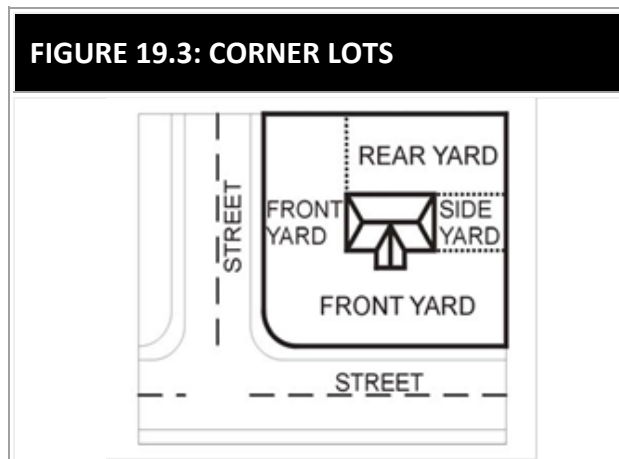


FIGURE 19.5: FLAG LOTS

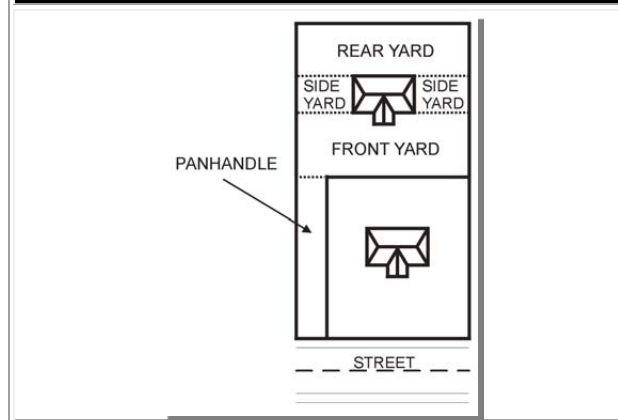
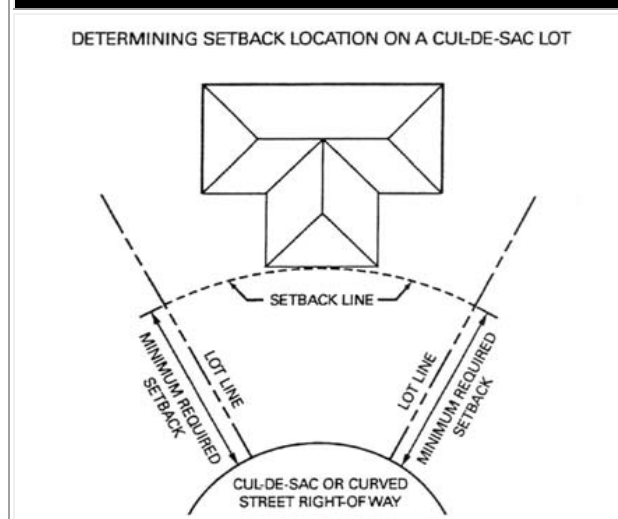


FIGURE 19.6: CUL-DE-SAC LOTS



CHAPTER 20: PARKING AND LOADING REGULATIONS

20.01 Purpose

The purpose of this Chapter is to:

- (A) Prevent and alleviate the congestion of public streets;
- (B) Increase and protect the capacity of the roadway system;
- (C) Promote greater safety of passage between highway and land;
- (D) Minimize the detrimental effects of vehicular use areas on adjacent properties; and
- (E) Promote the health, safety, and public welfare by establishing minimum requirements for off-street parking and loading areas as well as provisions for access control.

20.02 Applicability

- (A) **New Uses:** The parking, loading, and access control requirements of this Chapter shall apply to a site plan review or zoning permit application for the construction of a new building or use in any district.
- (B) **Expanded Uses:**
 - (1) Whenever a building or use created prior to the effective date of this Zoning Code is changed or enlarged in floor area, number of units, seating capacity, or otherwise that will create a need for an increase in the number of parking spaces, the additional parking spaces shall be provided on the basis of the new demand created by the enlargement or change.
 - (2) If the proposed expansion or enlargement will increase the floor area, number of dwelling units, seating capacity, or other area to an extent larger than twenty (20) percent of the building or use prior to the effective date of this Zoning Code, then the entire site must come into compliance with the requirements of this Chapter.
 - (3) In cases where small expansions or enlargements occur over a period of time after the effective date of this Zoning Code, the site shall come into full compliance with the requirements of this Chapter once the total expansion or enlargement of the floor area, number of dwelling units, seating capacity or other area exceeds twenty (20) percent of the original size at the time this Zoning Code became effective.

- (C) **Change of Use:** No change of use shall be authorized unless the new use meets the minimum number of parking spaces required by this Chapter.
- (D) **Existing Uses:** The parking, loading, and access control requirements of this Chapter shall not apply to buildings and uses legally in existence on the effective date of this Zoning Code unless modified in the manner stated in subsections (A) and (B) above. Furthermore, any parking or loading facilities now serving such existing buildings or uses shall not be reduced below the requirements established in this Chapter in the future.
- (E) **Maintenance:** The duty to provide and maintain all such parking and loading areas shall be the joint responsibility of the owner, operator, and lessee of the use for which the vehicular areas are required.

20.03 General Provisions

(A) Parking Plan Required

- (1) Plans for all parking facilities, including parking garages, shall be submitted to the Zoning Inspector for review and a determination of compliance with the provisions of this Zoning Code and other pertinent ordinances of the Village.
- (2) A separate parking plan is not required if the parking plan is being submitted as part of a site plan, in accordance with Chapter 30 (Site Plan Review).

(B) Use of Off-Street Parking Spaces

- (1) **Sales, Storage, Repair Prohibited:** Any approved off-street parking area shall be used for parking only. Any other use of such space, including, but not limited to, outdoor sales, outdoor storage, repair work or servicing of any kind, other than in an emergency, shall be deemed to constitute a separate activity/use of the site. Outdoor Sales and Storage is regulated as an accessory use (see Chapter 23).
- (2) **Placement of Vehicles Offered "For Sale" or "For Trade":** No person or owner of any vehicle or watercraft shall allow such vehicle to be placed or parked on any public property in the Village zoning jurisdiction, including street rights-of-way, or on any private property zoned for office, commercial, industrial, or service type uses for the purpose of advertising a vehicle "for sale." The provisions of this subsection do not apply to properly licensed motor vehicle dealerships and car lots.

20.04 Off-Street Parking Requirements

(A) Required Number of Parking Spaces

- (1) **Parking Spaces Required:** Table 20.1 (Schedule of Required Parking by Use) defines the number of parking spaces required for each use within the Village of Maineville.
- (2) **Single-Family and Two-Family Residential Uses in All Districts:** For single-family and two-family dwellings, the number required by Table 20.1 (Schedule of

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Required Parking by Use) shall be interpreted as a minimum requirement. Additional parking spaces above the minimum may be provided.

- (3) All Other Uses in All Other Districts
 - (a) For all uses other than single-family and two-family residential, the number of parking spaces required in Table 20.1 (Schedule of Required Parking by Use) may be modified according to the following provisions without requiring a variance:
 - (i) An applicant may provide a number of spaces equal to the number of spaces required by Table 20.1 (Schedule of Required Parking by Use);
 - (ii) An applicant may provide up to twenty (20) percent fewer than the number of spaces required by Table 20.1 (Schedule of Required Parking by Use); or
 - (iii) An applicant may provide up to ten (10) percent more than the number of spaces required by Table 20.1 (Schedule of Required Parking by Use).
 - (b) Applicants may propose fewer parking spaces than provided in subsection (ii) above through the use of shared parking pursuant to subsection (C) (Shared Parking), shadow parking pursuant to Section subsection (E) (Shadow Parking), or may submit an application for a variance in which case the applicant shall provide the BZA with a parking demand study that illustrates the need for the decrease in parking provided.
 - (c) Applicants may propose more spaces than allowed in subsection (iii) above but must submit an application for a variance and the applicant shall provide the BZA with a parking demand study that illustrates the need for the increase in parking provided. Additional landscaping requirements may be imposed as a condition by the BZA to alleviate the effect of increased parking.

(B) Rules for Computation of Required Number of Parking Spaces

- (1) Location of Parking Spaces
 - (a) Parking spaces shall be located on the same lot as the principal use they serve unless the spaces meet the requirements of subsection (C) (Shared Parking) and/or subsection (D) (Off-Site Parking).
 - (b) On-street parking spaces may be counted toward off-street parking space requirements in the B-1 (Downtown Core) District provided the on-street parking spaces are located within three hundred (300) feet of the lot. In all other zoning districts, on-street parking spaces shall not be counted toward off-street parking space requirements.
- (2) Driveway Spaces: Entrances, exits, or driveways shall not be computed as part of the required area for off-street parking spaces, except in the case of single-

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family and two-family dwellings where driveways may be used in calculating the amount of off-street parking.

- (3) Fractions: When a measurement of the number of required spaces results in a fractional number, any fraction of $\frac{1}{2}$ or less shall be rounded down to the next whole number and any fraction of more than $\frac{1}{2}$ shall be rounded up to the next higher whole number.
- (4) Multiple Uses: Unless otherwise noted or approved, off-street parking areas serving more than one use shall provide parking in an amount equal to the combined total of the requirements for each use.
- (5) Area Measurements
 - (a) Unless otherwise specifically noted, all square footage-based parking standards shall be computed on the basis of gross floor area of all floors in a nonresidential building.
 - (b) Up to twenty five (25) percent of the gross floor area may be excluded from the above calculation if the area is used for storage, loading, unloading, or for mechanical equipment.
- (6) Occupancy- or Capacity-Based Standards
 - (a) For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on single shift, the maximum enrollment, or the maximum fire-rated capacity, whichever is applicable, and whichever results in a greater number of parking spaces.
 - (b) In hospitals, bassinets shall not be counted as beds.
 - (c) In the base of benches, pews and similar seating accommodations, each eighteen (18) inches thereof shall be counted as one (1) seat for the purpose of determining the parking requirements.
- (7) Unlisted Uses
 - (1) Upon receiving an application for a use not specifically listed in the parking schedule below, the Zoning Inspector shall apply the parking standard specified for the listed use that is deemed most similar to the proposed use in regards to use, size, and intensity of use.
 - (2) If the Zoning Inspector determines that there is no listed use similar to the proposed use, intensity, or size, he or she may refer to the estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE).

VILLAGE OF MAINEVILLE ZONING ORDINANCE

TABLE 20.1: SCHEDULE OF REQUIRED PARKING BY USE

Use	Parking Spaces Required
AGRICULTURAL USES	
All Agricultural Uses	No parking requirement
RESIDENTIAL USES	
Single Family Dwellings	2 spaces per dwelling unit, exclusive of any garage spaces
Two Family Dwellings	2 spaces per dwelling unit, exclusive of any garage spaces
Multiple Family Dwellings	1.5 spaces per efficiency or single-bedroom dwelling unit and 2 spaces per dwelling unit for multiple bedroom dwelling units
Upper Story Residential	1.5 spaces per efficiency or single-bedroom dwelling unit and 2 spaces per dwelling unit for multiple bedroom dwelling units
Adult Family Homes or Small Residential Facilities	1.5 spaces per bedroom
Adult Group Homes or Large Residential Facilities	1.5 spaces per bedroom
Nursing/Convalescent Homes and Assisted Living Facilities	1 space per 2 beds
Manufactured Home Parks	2 spaces per dwelling unit
PUBLIC AND INSTITUTIONAL USES	
Active Parks, Playgrounds, and Ball Fields	1 space per 10,000 square feet of park or playground area; 20 spaces per ball field
Cemeteries	1 space per 4 seats in a chapel or place of assembly
Churches and Places of Worship	1 space per 3 fixed seats in the main assembly room or 1 space per 3 persons, whichever is greater
Educational Institutions	3 spaces per classroom, 1 space per 4 seats in auditorium, or 1 space for each 17 classroom seats (at maximum capacity), whichever is greater
Educational Institutions, Higher	1 space for each 5 classroom seats plus 1 space for each auditorium seat
Fraternal Organizations or Social Clubs	1 space per 1,000 square feet or 1 space per 2 persons, whichever is greater

VILLAGE OF MAINEVILLE ZONING ORDINANCE

TABLE 20.1: SCHEDULE OF REQUIRED PARKING BY USE

Use	Parking Spaces Required
Police or Fire Station	No parking requirement
Government Facilities	1 space per 350 square feet or 1 space per 4 people at maximum occupancy, whichever is greater
Hospitals and Outpatient Centers	1 space for every 2 patient beds plus outpatient clinics, laboratories, pharmacies and other similar uses shall have 4 spaces per 1,000 square feet
Libraries or Cultural Centers	1 space per 350 square feet
Passive Parks, Open Space, and Conservation Areas	1 space per 10,000 square feet of park or playground area; or none if found acceptable by the Zoning Inspector due to the use's passive nature
Public Infrastructure	No parking requirement
Public Utilities	No parking requirement
Telecommunication Facilities (New Facility/Tower)	1 space per structure
COMMERCIAL USES	
Adult Entertainment Facilities	1 space per 300 square feet
Banquet/Assembly Halls or Conference Centers	1 space per 2 persons, or 1 per 1,000 square feet, whichever is greater
Automobile Body Repair Shops	1 space per 250 square feet of office space plus 2 spaces per service bay (service bays excluded as parking)
Automobile Fueling Stations	1 space per 350 square feet (excluding required stacking spaces at fuel pumps)
Automobile General Repair	1 space per 250 square feet of office space plus 2 spaces per service bay (service bays excluded as parking)
Automobile Oil Change, Lube, or Light Service	1 space per 250 square feet of office space plus 2 spaces per service bay (service bays excluded as parking)
Automobile Sales or Rental Establishments	1 space per 400 square feet of showroom and/or office space plus 2 spaces per service bay (service bays excluded as parking)
Automobile Washing Facility	2 drying spaces per lane (See also required stacking spaces)

VILLAGE OF MAINEVILLE ZONING ORDINANCE

TABLE 20.1: SCHEDULE OF REQUIRED PARKING BY USE

Use	Parking Spaces Required
Bars, Brewpubs and Taverns	1 space per 100 square feet
Clinics	1 space per 250 square feet
Convenience Stores	1 space per 250 square feet
Day Care Centers	1 space for every 4 children
Drive-Through Facilities	2 spaces for drive-through employees (does not include stacking spaces)
Equipment Sales and Leasing	1 per 250 square feet of indoor floor space plus 1 space per 500 square feet of outdoor sales or display area
Family Day Care – Type A (7-12 children)	2 spaces for the owner/unit plus 1 space for each 3 children who do not live in the dwelling
Family Day Care – Type B (1 to 6 children)	2 spaces for the owner/unit plus 1 space for each 3 children who do not live in the dwelling
Financial Institutions	1 space per 250 square feet
Flea Markets	1 space per 300 square feet of indoor sales area and 1 space per 500 square feet of outdoor sales area
Funeral Homes	1 space per 75 square feet of parlor or chapel space
Garden Centers	1 per 300 square feet plus 1 per 1,500 square feet of outdoor sales or display area
Hotels or Motels	1 space per room or suite
Kennels or Animal Shelters	1 space per 1,000 square feet
Marijuana Dispensary	1 space per 300 square feet
Micro-breweries, Micro-distilleries, or Micro-wineries	1 space per 100 square feet of tasting room, taproom or table service area
Moving Truck and Trailer Rental	1 per 250 square feet of floor area

VILLAGE OF MAINEVILLE ZONING ORDINANCE

TABLE 20.1: SCHEDULE OF REQUIRED PARKING BY USE

Use	Parking Spaces Required
Offices and Professional Services	1 space per 350 square feet
Parking Lots or Garages	No parking requirement
Personal Service Establishments	1 space per 200 square feet, or 2 spaces per station/chair, whichever is greater
Recreational Facility (Indoor)	5 spaces per 1,000 square feet of a skating rink; 5 spaces per bowling lane; 5 spaces per racquetball court; otherwise, 2 spaces per 1,000 square feet
Recreational Facility (Outdoor)	8 spaces per golf hole; 2 spaces per golf driving range tee; 2 spaces per miniature golf hole; 5 spaces per play court; 20 spaces per ball field; 20 spaces per 1,000 square feet of swimming pool area
Retail and Service Uses	1 space per 250 square feet
Restaurants	1 space per 100 square feet
Self-Storage Facilities	1 space per 80 storage units
Shooting Range (Indoor)	2 spaces per target area
Shooting Range (Outdoor)	2 spaces per target area
Theaters	1 space per 2 fixed seats or 1 space per 2 persons based on the maximum occupancy, whichever is greater
Truck Stops	1 space per 350 square feet (not including truck parking spaces)
Veterinary Clinics or Animal Grooming	1 space per 250 square feet
INDUSTRIAL USES	
All Industrial Uses	1 for each employee computed on the basis of the greatest number of persons to be present at any one period during the day or night

- (C) **Shared Parking:** For combinations of land uses, the Planning Commission may grant a reduction in the required number of required parking spaces when multiple uses with offsetting peak hours of parking demand are provided on the same lot, as follows:

TABLE 20.2: SHARED PARKING REDUCTIONS	
Number of Uses	Maximum Reduction
4+	30%
3+	15%
2+	10%

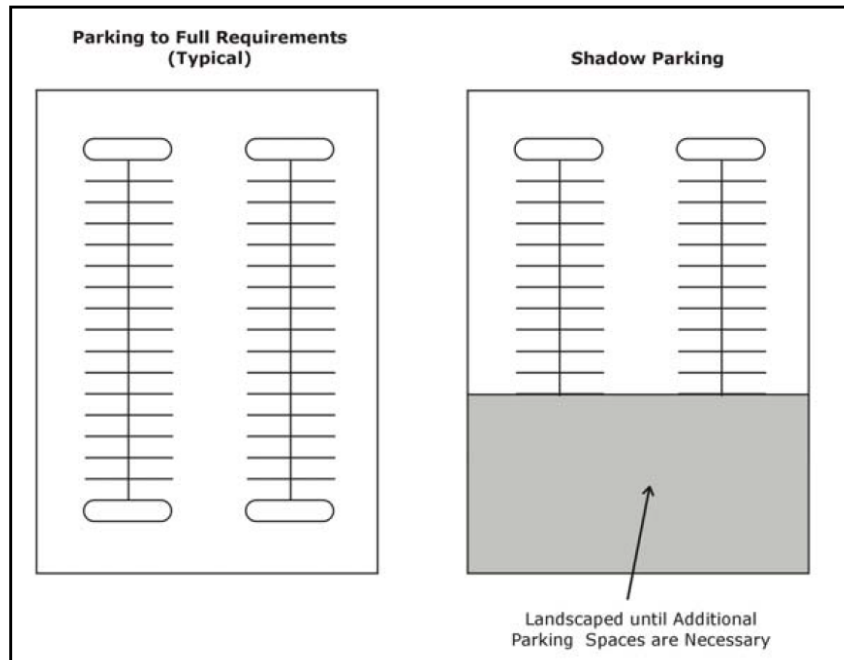
- (1) Churches and other places of worship may share up to 100% of their required parking spaces.
- (2) Theaters and other places of assembly may share up to 50% of their required parking spaces.
- (3) Documentation must be provided that the land uses involved have peak hours of parking demand that do not overlap.
- (4) A written agreement shall be drawn to the satisfaction of the Village Solicitor and executed by all parties assuring the continued availability of the shared parking facilities for the use they are intended to serve.

(D) **Off-Site Parking**

- (1) All or a portion of the required off-street parking spaces, as determined per Table 20.1 (Schedule of Required Parking by Use), may be located on an adjacent or nearby property, so long as no parking space is located more than five hundred (500) feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
- (2) Off-site parking shall not be used to satisfy the off-street parking requirements for single-family dwellings, two-family dwellings, and hospitals. Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking facility, unless waived by the Planning Commission if proper safety measures and compliance with ADA requirements can be demonstrated.
- (3) In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement shall be required. An off-site parking agreement shall include evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development. All off-site parking agreements shall be recorded in the office of the Warren County Recorder and a copy of the recorded document shall be provided to the Zoning Inspector prior to any zoning permit being issued.

- (E) **Shadow Parking:** Up to thirty (30) percent of the required off-street parking spaces, as determined per Table 20.1 (Schedule of Required Parking by Use), may remain landscaped and unpaved, or paved with pervious pavers, provided that the parking and unpaved areas are authorized in accordance with subsection (A)(3) and comply with the following standards:
- (1) The parking plan submitted with the Zoning Permit or Site Plan Review application shall denote the location and layout of that portion of the parking area that currently is no longer deemed required. The plan shall indicate that the “shadow” parking spaces will be constructed according to this Zoning Code in event that the Zoning Inspector makes a finding, at any time, that all or any portion of this parking is necessary.
 - (2) At no time shall any portion of the required parking area that is so designated for future construction be used for the construction of any structure or paved surface with the exception that pervious pavers may be used to provide temporary parking provided that the pavers allow for grass and other vegetation to grow through the material.
 - (3) At no time shall any portion of the required parking or loading area that is so designated for future construction as provided herein be counted as open space or other non-paved areas required by other provisions of this Zoning Code.
 - (4) The owner shall initiate construction of the approved “future” parking area, as identified on the approved parking and loading plan, within three (3) months of the receipt of a certified letter or a letter through normal postal service (in the event that the certified letter is not accepted) sent to the owner of record from the Zoning Department, identifying that such parking is determined to be necessary.

FIGURE 20.1: SHADOW PARKING



20.05 Vehicle Stacking Requirements

(A) Required Number of Parking Spaces

The number of required stacking spaces shall be provided as established in Table 20.4 and Figure 20.2.

TABLE 20.4: MINIMUM VEHICLE STACKING SPACE REQUIREMENTS

Activities/Uses	Minimum Stacking Spaces (per lane)	Measured From (and including)
Financial Institutions or Automated Teller Machine (ATM)	3	Teller or Window
Restaurant	8	First Pick-Up Window
Full Service Car Wash	20 / 12 *	Entrance of Tunnel / Exit of Tunnel
Self-Service or Automated Drive-Through Car Wash	4	Washing Bay
Fuel or Gasoline Pump Island	2 *	Pump Island
Other	As determined by Zoning Inspector *	

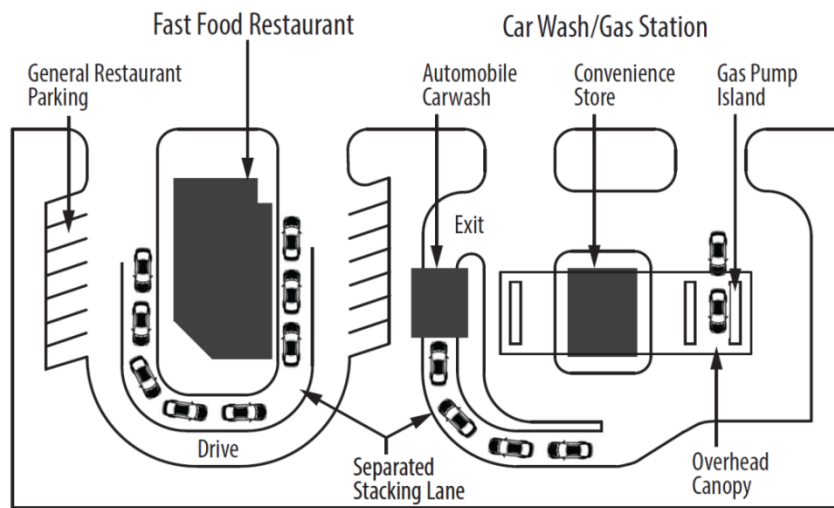
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* **Full Service Car Wash:** The 20 spaces required prior to the entrance of the tunnel may be spread across multiple stacking lanes. The 12 stacking spaces shall be required outside of the exit of the wash tunnel to provide areas for the drying of cars, vacuuming, or other ancillary services.

* **Fuel or Gasoline Pump Island:** Pump spaces can count toward the stacking requirement.

* **Other:** Any other use shall be required to document proof that the provided number and location of stacking spaces are adequate to meet the purpose of this Section.

FIGURE 20.2: VEHICLE STACKING



(B) Design and Layout

- (1) Stacking spaces shall be a minimum of ten (10) feet by twenty (20) feet in size.
- (2) Stacking spaces may not impede on- or off-site traffic movements or movements in or out of off street parking spaces.
- (3) Stacking spaces shall be separated from other internal driveways by surface markings or raised medians.
- (4) These stacking spaces requirements shall be in addition to the off-street parking space requirements.
- (5) When adjacent to a residential zoning district, or any lot used for residential purposes, stacking spaces shall be required to be located on sides of the lot opposite the adjacent residential use.

20.06 Off-Street Loading Requirements

- (A) General Requirements:** Each building, structure, or use shall be designed to provide and shall provide for off-street loading in the minimum amounts specified in this Section.

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Loading spaces shall not conflict or overlay with the area used for parking spaces or parking aisles.

- (B) Required Number of Off-Street Loading Spaces:** The minimum number of loading spaces provided for various uses shall be as follows in Table 20.5.

TABLE 20.5: MINIMUM LOADING SPACE REQUIREMENTS		
Activities/Uses	Building Floor Area (Square Feet)	Minimum Loading Spaces Required
Public buildings; educational, religious, and philanthropic institutions; hospitals or other institutions, places of assembly or for sports or athletics; clubs; lodges; multiple family dwellings; and similar uses	0 – 100,000	1
	Each additional 100,000	1
Banks and financial institutions; medical offices and clinics; administrative, business, and professional offices; dancing or other commercial schools; theaters; bowling alleys; skating rinks; or other places of amusement and recreation	0 – 100,000	1
	Each additional 100,000	1
Retail stores; eating and drinking places; and all other commercial uses	0 – 10,000	1
	10,001 – 30,000	2
	30,001 – 50,000	3
	50,001 – 100,000	4
Light and heavy industrial uses	Each additional 100,000	1
	0 – 20,000	1
	20,001 – 40,000	2
	40,001 – 60,000	3

- (C) Dimension of Loading Spaces:** Loading spaces shall be at least twelve (12) feet in width and twenty-five (25) feet in length with a vertical clearance of at least fourteen (14) feet in height.

- (D) Location of Loading Spaces:**

- (1) Loading spaces shall not be provided in the front yard or on any building façade facing or visible from a public street, except where the Planning Commission determines such a location is necessary due to the location or placement of the building, existing street patterns, or other factors.

- (2) No loading space shall be closer than one hundred (100) feet to any residential use or district, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted solid board fence not less than six (6) feet in height.
- (3) In all other cases, loading spaces shall be set back a minimum of ten (10) feet from all property lines.
- (4) No loading space shall be in a designated fire lane.

(E) Access

- (1) Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation. The Zoning Inspector shall approve access to and from loading spaces.
- (2) No part of any truck or van that is being loaded or unloaded may extend into the right-of-way of a public thoroughfare.
- (3) Loading spaces shall be designed with sufficient apron area to accommodate truck-turning movements and to prevent backing of trucks onto any street right-of-way.

20.07 Design Standards for Vehicular Use Areas

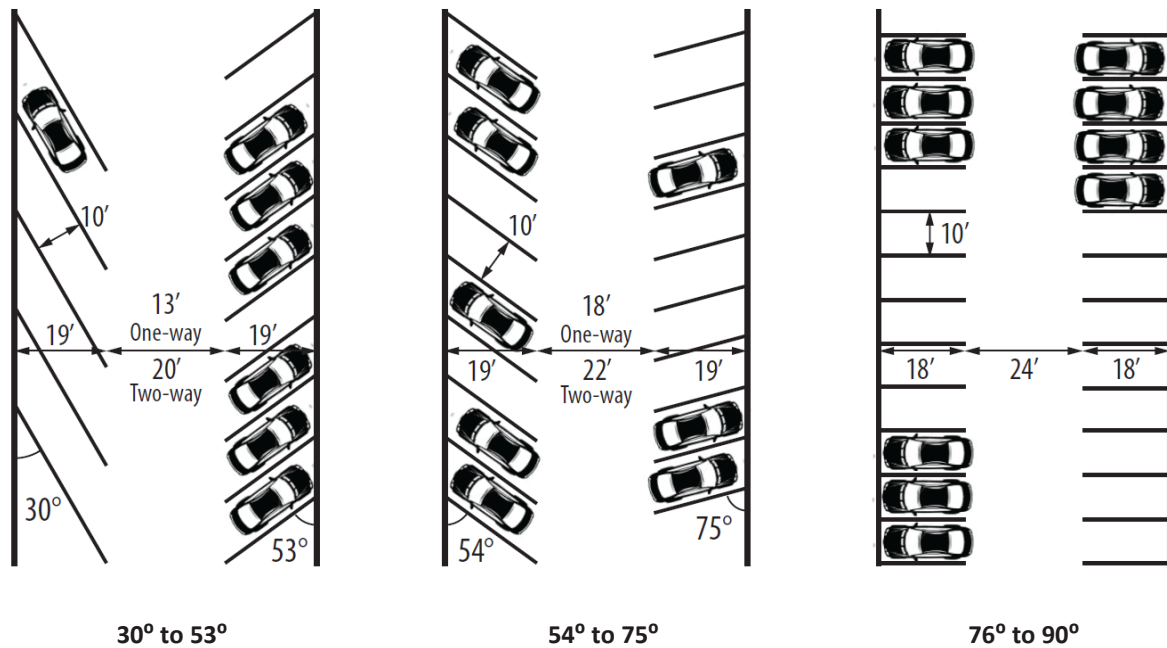
The following standards shall apply to the design and construction of off-street parking, loading, and stacking spaces and areas unless otherwise noted.

(A) Dimensions

- (1) The minimum size of a parking space may be altered based on aisle width and angle of parking. Parking stalls and aisle width shall conform to the minimum standards set forth in Table 20.6 and Figure 20.3.

TABLE 20.6: PARKING AREA DIMENSIONS				
Angle of Parking	One-Way Maneuvering Aisle Width	Two-Way Maneuvering Aisle Width	Parking Stall Width	Parking Stall Length
0° (Parallel)	13 feet	20 feet	9 feet	23 feet
30° - 53°	13 feet	20 feet	10 feet	19 feet
54° - 75°	18 feet	22 feet	10 feet	19 feet
76° - 90°	24 feet	24 feet	10 feet	18 feet

FIGURE 20.3: PARKING AREA DIMENSIONS



(2) Parking areas may include compact car parking spaces provided that the parking spaces shall be a minimum of eight (8) feet in width and fourteen (14) feet in length. Such parking for compact cars shall not be included in the calculations for required parking.

(B) Surface Material: All off-street parking areas and driveways shall be surfaced with asphalt concrete, or Portland Cement concrete so as to provide a durable and dustless surface and proper disposal of stormwater. Off-street parking facilities shall also be paved in accordance with the construction and design standards established by the Village.

(C) Pavement Markings

(1) Designated parking spaces, drive aisles, and pavement markings shall be marked on the surface of paved parking areas with paint or permanent marking materials and maintained in a clearly visible condition.

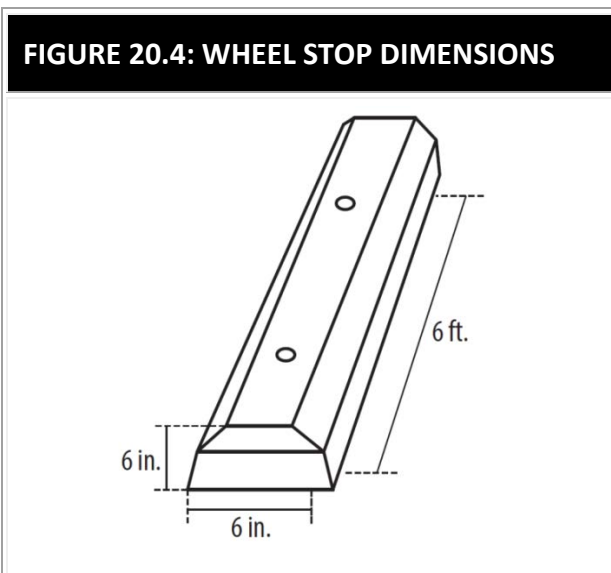
(2) Where driveways intersect the public right-of-way, the paint lines dividing vehicle paths and other pavement markings shall be in accordance with the State of Ohio Uniform Traffic Control Manual.

(D) Curbs and Wheel Stops

(1) For all non-residential and multi-family development, continuous curbs are required on the outside of all vehicular use areas and landscaped islands, subject to the following standards:

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- (a) Curbing shall be made of concrete, stone, or other similar material and shall have a minimum height of six (6) inches and a minimum width of six (6) inches.
 - (b) Curbing shall be located a minimum of two (2) feet from any structures, buildings, walls, or plant material (excluding ground cover) to prevent a vehicle from hitting any structure or driving through landscaped areas at the edge of a parking area.
 - (c) Curbing requirements may be waived by the Planning Commission if parking islands and/or areas beyond the parking lot can adequately accommodate storm water runoff through an alternate method such as the use of rain gardens with interrupted curbs. Wheel stops (see illustration below) shall be provided for parking spaces where no curb is present.
- (2) If wheel stops are to be used in the parking area, each wheel stop shall be a singular block of reinforced concrete, or similar material typical for such purpose (see illustration below). Wheel stops are to be securely attached to the ground and may be used only at the end of parking stalls. Wheel stops may be attached no less than two (2) feet from the rear edge of the parking space.



- (E) **Drainage:** All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.
- (F) **Parking Requirements for the Disabled:** Applicants shall provide parking spaces for the physically disabled as required by the Ohio Building Code and shall include all necessary marking, striping, and signage.
- (G) **Fire Code:** All parking and loading plans shall conform to all requirements set forth in the Fire Code as approved by the Maineville Fire Department.

- (H) **Interior Landscaping:** Vehicular use areas for ten (10) vehicles or more shall be landscaped in accordance with the provisions of Chapter 29 (Landscaping and Screening).
- (I) **Setback Requirements:** All driveways shall be located at least two (2) feet from side or rear property lines for all single-family and two-family residential properties and ten (10) feet for all other land uses, excepting cases where a shared driveway with an associated access easement straddles two or more properties served by the driveway. Development within the B-1 (Downtown Core) District shall also be exempt from these requirements.
- (J) **Access Requirements:** All required off-street parking or loading spaces shall be connected with a deeded public right-of-way by means of aisles or access driveways. Shared ingress and egress is strongly encouraged for multi-family and non-residential uses whenever possible. To the maximum extent feasible, provisions for primary access along secondary streets shall be provided to minimize traffic congestion on primary arterial streets.

20.08 Walkway Connections to Public Sidewalks

- (A) Where a sidewalk exists in a public right-of-way adjacent to the site, or is required to be constructed as part of the development approval, a pedestrian connection shall be constructed from the building to the sidewalk.
- (B) Stand alone pedestrian connections shall be constructed of concrete or hard surface pavers.
- (C) The pedestrian connection shall have a minimum width of four (4) feet.

20.09 Proper Maintenance

The owner of property used for parking and/or loading shall maintain such area in good condition, without holes and free of all dust, trash, and other debris.

20.10 Parking of Commercial Vehicles

- (A) Owners and/or operators of vehicles exceeding two (2) tons may be parked for a period not to exceed forty-eight (48) hours within a seven (7) day period.
- (B) Vehicles are not permitted to remain idling.
- (C) Any type of commercial vehicle, regardless of gross vehicle weight, delivering or picking up merchandise for delivery, or employed in performance of repair or a construction service, may park for the purpose of making such pick up or delivery, or for the duration of the period during which a repair or construction service is being performed on or to property in the area where parked.

CHAPTER 21: SIGNS

21.01 Purpose

The multiple purposes of this section are to: regulate and control all signs placed for exterior observation; coordinate the type, placement, and physical dimensions of signs; encourage the reasonable, orderly, and effective display of signs; enhance the physical appearance of the Village; protect property values; prevent visual clutter; and, authorize the use of signs which are compatible with their surroundings.

21.02 Exempt Signs

- (A) **Type 1 Exemptions:** Signs which fall under a “Type 1” exemption are completely exempt from the provisions of this Chapter and thus shall not be observed or considered in any way toward the standards of this Chapter, and shall not require a zoning permit to install:
- (1) **Government Signs:** Government signs are defined as those erected and maintained pursuant to a government’s function, ordinances, or regulation. Government signs include, but are not limited to, signs required or installed by the City, the County, a public entity, a public transit agency, a state or federal statute, or by order of a court of competent jurisdiction.
 - (2) **Numeric Address Signs:** Each building, building unit, lot, or property shall have a sign providing the numeric address for identification purposes to assist in fire and safety protection. Such signs shall not exceed two (2) square feet in area.
 - (3) **Official Flags:** Flags bearing the insignia of any local, state, or federal government agency, including the American flag, are exempt.
- (B) **Type 2 Exemptions:** Signs which fall under the “Type 2” exemption shall not be considered in applying limitations on the number of signs permitted on a single frontage, wall, property, or lot (as expressed in Tables 21.4, 21.5, and 21.6), but such signs shall be subject to the lighting, installation, height, setback, maintenance and other standards set forth in this Chapter:
- (1) **Commemorative Plaques:** Commemorative plaques placed by recognized historical agencies are exempt under this Section.
 - (2) **Portable Temporary Signs:** Portable temporary signs (e.g. yard signs) no larger than two (2) square feet in area and no more than four (4) feet in height are exempt under this Section.

21.03 General Provisions

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- (A) **Compliance:** No sign shall be erected, displayed, relocated or altered unless it is in full compliance with the regulations for the District in which it is located, and, meets all applicable provisions and regulations of this ordinance.
- (B) **Sign Permit:** Unless otherwise specified, an application for a sign permit shall be filed and approved by the Zoning Inspector prior to the placement of any and all signs.
- (C) **Enforcement:** The Zoning Inspector shall have the duty and authority to remove, or cause to be removed, any sign which is not in full compliance with the requirements of this ordinance. In such instances, the owner of the sign in violation shall bear the full costs of such removal, along with any penalty which has been assessed.
- (D) **Maintenance:** All signs and component parts thereof, as well as braces, cables, poles, uprights, and other supporting structures, shall be maintained in a safe, clean, and attractive condition.
- (E) **Code Standards:** All signs shall be designed and constructed to be in conformance with both the National Electric Code and the Ohio Basic Building Code.
- (F) **Nonconforming Signs:** Signs which legally existed prior to the enactment of these regulations are entitled to be kept, repaired, or replaced in a manner which maintains their preexisting nonconforming condition. However, whenever a nonconforming sign has been damaged to more than one half of its replacement value, it shall not be permitted to be repaired or replaced. In addition, any nonconforming sign which has been structurally altered, relocated, or replaced shall immediately be made to conform to the provisions of these regulations. It shall be the responsibility of the Village of Maineville Zoning Department to register and keep records of all non-conforming signs, and advise the owners of such signs of their being classified as non-conforming. Whenever a sign loses its non-conforming designation, the sign, including the base and all supports must be removed.
- (G) **Traffic Hazards:** No sign shall be erected within the public right-of-way in such a manner which obstructs free and clear vision, or, at any location where by reason of position, shape, motion, or color it may interfere with, obstruct the view of, or be confused with any traffic sign, signal, or device which makes use of the words "stop," "look," "danger," or, misleads and/or confuses traffic. See Table 21.2, Clear View Area.
- (H) **Illuminated Signs.** Illuminated signs shall be designed and constructed so as to concentrate the illumination upon the sign and prevent glare upon any street or adjacent property and prevent traffic hazards.
- (I) **Sanitation/Landscaping:** Property surrounding any freestanding pole/pylon sign shall be kept clean, sanitary and free from obnoxious and offensive weeds, debris, rubbish, and flammable materials. All plant materials and other landscaping surrounding a freestanding pole/pylon shall be maintained in a regular basis, including pruning, mowing, watering, fertilizing and replacement of dead or diseased materials.
- (J) **Identification Mark:** Signs must carry the identification and address of the sign installer, which includes voltage and date of erection. In the event the sign is replaced, the new erector must place their identification mark and date on the sign.
- (K) **Dangerous Signs:**

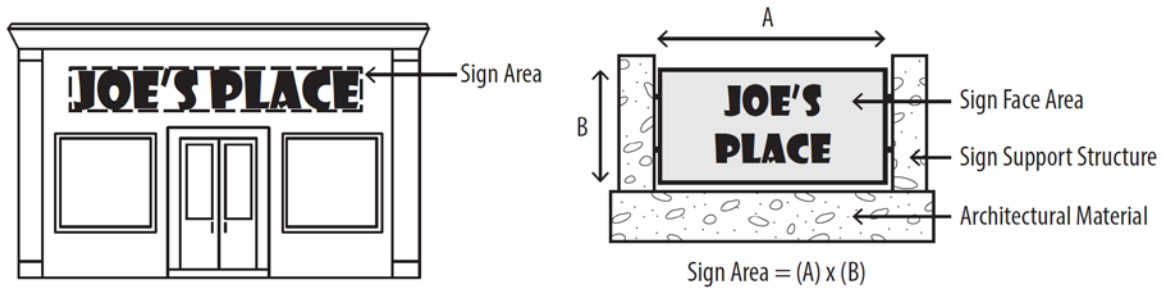
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- (1) Should any sign be abandoned and found unsafe, or be in danger of falling, the owner of such sign shall, upon receipt of written notice from the Zoning Inspector, proceed within three (3) days from the date of notification to do one (1) of the following:
 - (1) Remove said sign;
 - (2) Cause it to be repaired; or
 - (3) Have it replaced.
 - (2) Should a sign pose an imminent threat or danger to public health and safety, the Zoning Inspector may take immediate enforcement action to abate the situation without requiring prior written notice to the owner. After taking action, the Zoning Inspector shall send written notice informing the owner of the action taken and the reasons for doing so.
- (L) Window Treatments/Lighting:** All window lighting shall be in a uniform color, installed internally and must have approval by the Village of Maineville Zoning Department.
- (M) Misrepresentation of Information:** Any sign not constructed as represented on an approved sign permit application shall be construed as a misrepresentation of facts and a violation of this ordinance. In such instances, the sign in violation shall be promptly removed or the error in violation corrected within a period of time specified by the Zoning Inspector.
- (N) Temporary Signs:** Unless otherwise stated in this Chapter, a temporary sign may be either on-premise or off-premise, provided the sign conforms to the standards and provisions applicable to the signage type and zoning district.

21.04 Measurement of sign area

- (A) Sign area shall be computed by means of the smallest, single geometric shape (i.e. square, rectangle, circle, or triangle) that encompasses the extreme limits of the writing, representation, emblem, or other display elements, together with the sign face area. The sign face area is defined as any material or color that is an integral part of the background of the display or used to differentiate the sign from the structure against which it is placed; this does not include any supporting framework, bracing, decorative fence or wall, or any other feature which otherwise meets all applicable zoning regulations and is clearly incidental to the display itself.
- (B) The sign area for a sign with more than one face (multi-faced signs) shall be computed by adding together the area of all sign visible from any single point.
- (C) When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and not more than two (2) feet apart, the sign area shall be computed by the measurement of one (1) of the faces.

TABLE 21.1: SIGN AREA MEASUREMENT



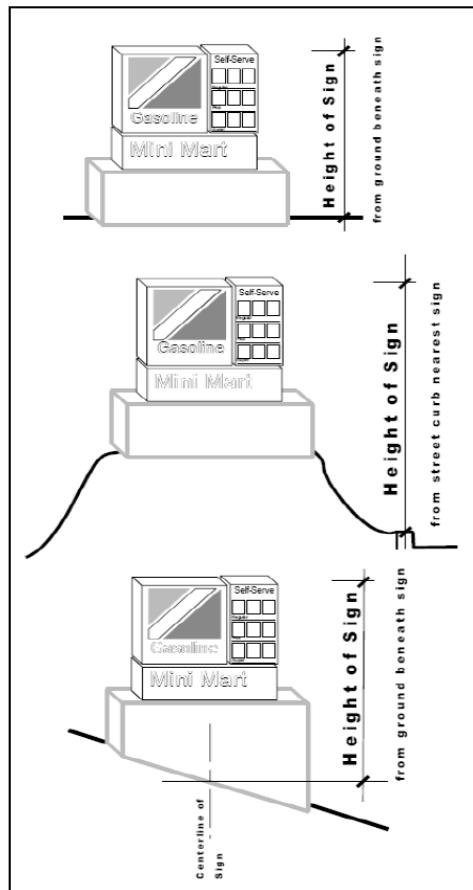
21.05 Measurement of sign height

- (1) The height of a ground sign shall be determined by measuring the vertical distance between the top part of a sign or its structure, whichever is highest, to the elevation of the ground directly beneath the sign. If the sign is placed on sloped terrain, the height shall be measured from the ground elevation at the centerline of the sign.
- (2) In cases where signs are to be located on man-made berms or other similar ground foundations, the elevation of the street curb nearest to the location of the sign shall be utilized for determining sign height. In the case of a private or public street without curbing, the edge of pavement nearest to the sign location shall be utilized to determine sign height.

21.06 Measurement of sign setbacks

Unless otherwise specified, the setback of all signs shall be measured from the existing right-of-way and adjoining property lines to the nearest point of the sign. Additional setback distance may be required by the Village Engineer or appropriate authority if widening or other public improvements are planned in the near future for a specific location along the frontage of a public road or street.

TABLE 21.2: SIGN HEIGHT MEASUREMENT



21.07 Building units

In many cases, the number of signs allowed for multi-tenant buildings is based on the number of building units. For purposes of this Chapter, a “building unit” shall be defined as a portion of a building that is owned or leased by a single occupant for a business purpose and has a public entrance. For instance, a single commercial building that is entirely owned or leased by a single occupant would constitute one (1) building unit; whereas a mixed-use building with four commercial tenant spaces having public entrances would constitute four (4) building units. “Building frontage” for a building unit shall be the most primary side/wall of the building, measured from the centerlines of the party walls defining such building unit.

21.08 Relocating signs

If any legally permitted sign is moved from one location to another, a new sign permit shall first be obtained. A new sign permit will not be required when relocation of the sign is necessary for public road improvements.

21.09 Alteration or enlargement of signs

Alteration, face change or enlargement of any legally existing sign shall first require the issuance of a new sign permit. A new permit will not be required for ordinary servicing or repainting of an existing sign, cleaning of the sign or changing of the message on a changeable copy sign.

21.10 Prohibited Sign Locations

Unless otherwise permitted, signs shall not be located in or project into any right-of-way. In addition, no person shall fasten, place, paint, or attach any sign, handbill, advertisement, poster, or notice of any kind, or cause the same to be located on any curb, lamp post, utility pole, trash receptacle, bench, fire hydrant, or bus shelter.

21.11 Prohibited Signs

The following types of signs are prohibited in all zoning districts within the Village:

- (A) Signs placed on vehicles and trailers which are parked or located for the primary purpose of either supplementing or replacing on-site signage shall be prohibited. This prohibition shall not, however, apply to either signing or lettering which is affixed, attached, or painted onto vehicles used to conduct everyday business.
- (B) Promotional Balloon Signs, defined as any balloon or other airborne floatation device which is tethered to the ground or to a building or other structure which directs attention to a business, commodity, service, or entertainment conducted, sold or offered.
- (C) Roof Signs
 - (1) **Roof Sign** is any sign erected and constructed wholly on or above the roof of a building, and supported by the roof structure, and extending vertically above the highest portion of the roof.
 - (2) **Roof Sign, Integral:** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof. This definition includes signs erected on the mansard area of a roof.
- (D) Signs that are not securely affixed to the ground or otherwise affixed in a permanent manner to an unapproved support structure such as trees, bus shelters, utility poles, benches, trash receptacles, vending machines or other unapproved support structure.
- (E) Billboards, Pennants, banners, streamers, festoons, spinners, balloons, and similar devices.
- (F) Signs which contain words, images, or graphic illustrations of an obscene nature.
- (G) Signs emitting flame, smoke, steam, or other visual matter.
- (H) Signs or portions of signs that revolve, whirl, spin, or otherwise make use of motion to attract attention.

- (I) All blinking, flashing or intermittent lighted signs and similar shiny devices designed to reflect light and create a glimmering or flashing lights, except one (1) window sign per business.

21.12 Abandoned Signs

- (A) Any sign which no longer advertises a bona fide business, conducted on the premises or a product sold on the premises for a period of ninety (90) days shall be deemed to be abandoned.
- (B) Abandoned signs shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which said sign is located. Removal must be completed within thirty (30) days upon receiving written notification from the Zoning Inspector.
- (C) Upon failure to comply with such notice within the time frame specified in such order, the Zoning Inspector is hereby authorized to cause removal of said sign, and any expense thereto shall be paid by the owner of the property, building or structure on which the sign is erected, or to which sign is attached.

21.13 Signage Types

Tables 21.3 and 21.4 display various signage types addressed in subsequent Sections. The illustration in Table 21.3 serves as a guide for the Zoning Inspector to determine specific signage types, and is not meant to exclude other variations of the signage types shown. Definitions of each signage type may also be found in Chapter 32 (Definitions). Any signage type not displayed in Tables 21.3 or 21.4 shall require the Zoning Inspector to make a determination as to whether such signage type shall be allowed as a permitted sign or otherwise prohibited, based on being similar or not to one or more signage types specified elsewhere in this Chapter. The Zoning Inspector may convene the Board of Zoning Appeals to make the same determination if he or she believes the sign is not easily categorized with any of the signage types specified elsewhere in this Chapter.

TABLE 21.3: SIGNAGE TYPE ILLUSTRATION

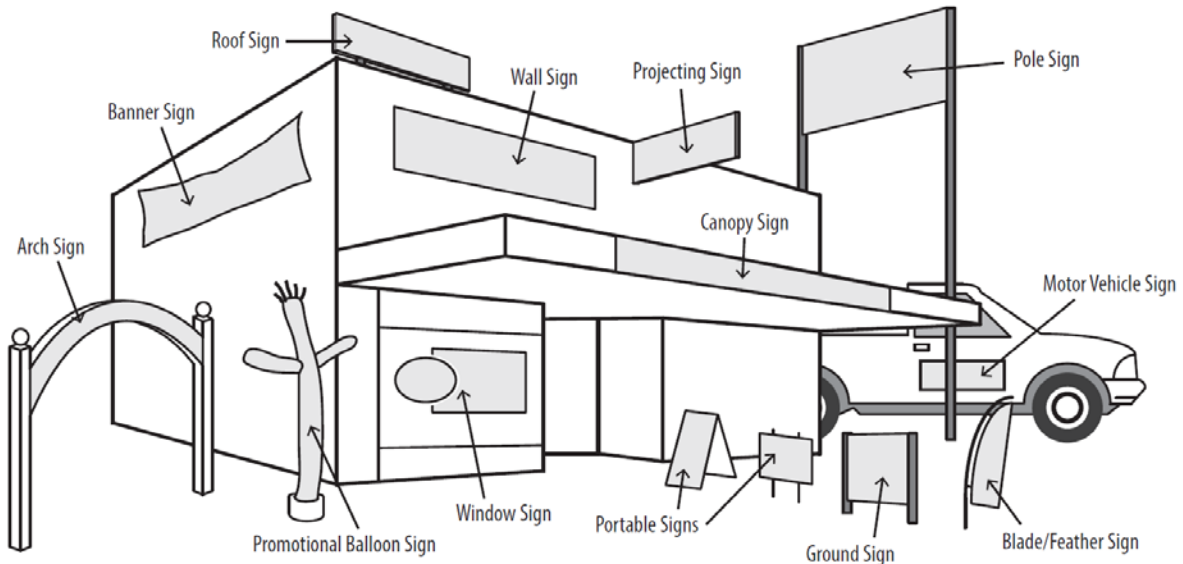


TABLE 21.4: SIGNAGE EXAMPLES



Ground (Monument) Sign



Ground (Monument) Sign - Multiple Businesses



Changeable Copy Sign (Letters)



Changeable Copy Sign (LED)

TABLE 21.4: SIGNAGE EXAMPLES (CONT.)



Cabinet Sign



Internally Illuminated Cabinet Sign



Channel Lettering



Reverse Channel Lettering



Portable Changeable Copy Sign



Blade/Feather Sign

21.14 Signs in Business Districts

- (A) **Number of Signs Permitted:** The provisions of Sec. 21.14 shall apply to all zoning districts identified as Business Districts in Sec. 5.03 (Establishment of Zoning Districts), which includes the M-1 and NB zones. Table 21.5 shall control the maximum number of certain signage types allowed, along with applicable standards specific to each type.
- (B) **Additional Limitations:** A single property may only have one (1) of the permanent signage types marked with an asterisk (*) in Table 21.5; a combination of two (2) or more of these signage types on the same property is prohibited.

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TABLE 21.5: SIGNS IN BUSINESS DISTRICTS

SIGNAGE TYPE	NUMBER OF SIGNS PERMITTED	STANDARDS SECTION
PERMANENT SIGNS		
Arch Signs*	One (1) per street frontage	21.14(C)(1)
Canopy Signs (e.g. Awning Signs)	One (1) per building unit	21.14(C)(2)
Flag Signs	One (1) per building unit	21.14(C)(3)
Gateway Signs*	Two (2) (one on each side of an entrance) per comprehensively developed collection of three (3) buildings or more	21.14(C)(4)
Ground Signs*	One (1) per street frontage, except as provided in Section 4.513	21.14(C)(5)
Off-Premise Signs (e.g. Billboards)	Prohibited	N/A
Pole Signs	Prohibited	N/A
Projecting Signs	One (1) per building unit	21.14(C)(6)
Roof Signs	Prohibited	N/A
Wall Signs	One (1) per building unit, except for buildings with a single user which may have one (1) per exterior building wall	21.14(C)(7)
Window Signs	Permitted (no restriction on number)	21.14(C)(8)
TEMPORARY SIGNS		
Banner Signs	One (1) per building unit	21.14(D)(1)
Beacons/Searchlights	Prohibited, except for temporary events and emergency purposes	N/A
Blade/Feather Signs	Two (2) per building unit	21.14(D)(2)
Ground Signs	One (1) per building unit	21.14(D)(3)
Pennants or Streamers	Prohibited	N/A
Portable Signs (e.g. A-Frame)	One (1) per building unit	21.14(D)(4)
Promotional Balloons	Prohibited	N/A
Window Signs	Permitted (no restriction on number)	21.14(D)(5)

(C) Permanent Sign Provisions

(1) Arch Signs: Permanent arch signs shall comply with the following standards:

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- (a) Minimum setback from right-of-way and adjoining property lines is (10) feet.
 - (b) Maximum height for signage, including any structural elements, is twenty-five (25) feet.
 - (c) Maximum area of the sign face is two (2) feet multiplied by the width of the span of the arch.
 - (d) Minimum clearance is fourteen (14) feet, four (4) inches.
 - (e) The maximum width of the signage and any structural elements shall equal the width of the passageway or paved roadway that passes underneath the sign, plus five (5) feet, with at least two and a half (2.5) feet on both sides.
 - (f) Maximum number of poles (structural supports) is two (2); one on either side of the driveway/roadway.
 - (g) Changeable copy arch signs are prohibited.
- (2) Canopy Signs:** The sign area of canopy signs shall not exceed twenty (20) square feet, a clearance of eight (8) feet shall be provided between the sidewalk and the sign, and such signs shall not extend above the roof line.
- (3) Flag Signs:** Flag signs are permitted provided they are attached to the side of a building, projecting outward in a diagonal fashion. The highest point of the flag shall be no taller than the highest eave of the building on which the flag is attached.
- (4) Gateway Signs:** Permanent gateway signs shall comply with the following standards:
- (a) Gateway signs shall maintain clear zones for pedestrians and motorists and comply with the following:
 - (i) Maintain a setback of ten (10) feet from adjoining property lines and public right-of-way line(s);
 - (ii) Ten (10) feet from the edge of any driveway; and
 - (iii) Five (5) feet from any sidewalk or paved path.
 - (b) Maximum sign height is ten (10) feet.
 - (c) Maximum sign area is sixty (60) square feet.
 - (d) Proof of an established mechanism to ensure the ongoing maintenance of the entire entrance structure and associated landscaping shall be submitted to the Zoning Inspector as part of the zoning permit application for a gateway sign.

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- (5) **Ground Signs:** Permanent ground signs shall comply with the following standards:
- (a) Signs shall be made of solid materials of a permanent nature known and used in the sign construction industry and shall include, but are not limited to: brick, stone, EIFS, polished or honed finish metals, decorative pre-cast concrete wood, architectural masonry, steel and/or metal, and glass.
 - (b) Ground signs shall maintain clear zones for pedestrians and motorists and comply with the following:
 - (i) Maintain a setback of ten (10) feet from adjoining property lines and public right-of-way line(s);
 - (ii) Ten (10) feet from the edge of any driveway; and
 - (iii) Five (5) feet from any sidewalk or paved path.
 - (c) Maximum sign height is eight (8) feet.
 - (d) Maximum sign area is thirty two (32) square feet. For lots with multiple street frontages, the maximum sign area is cumulative and shall not be increased, but the owner may apply the maximum sign area to multiple signs with a maximum of one (1) sign per street frontage.
 - (e) Changeable copy signs are permitted in accordance with the standards in Section 21.7 (Changeable Copy Signs). Electronic LED display signs are permitted.
- (6) **Projecting Signs:** Permanent projecting signs shall comply with the following standards:
- (a) The sign must be attached to a principal building, with a maximum projection of five (5) feet.
 - (b) The sign area shall not exceed nine (9) square feet.
 - (c) Signs shall be installed to achieve a minimum vertical clearance of eight (8) feet from the bottom of the sign to the finished grade.
 - (d) Projecting signs are prohibited over a vehicular access way.
- (7) **Wall Signs:** A wall sign shall be permitted with an area not to exceed one (1) square foot in area for each one (1) linear foot of building frontage to a maximum size of one hundred fifty (150) square feet, with a maximum extension of eight (8) feet from the building wall.
- (8) **Window Signs:** No more than fifty (50) percent of the window surface shall be covered by signage, inclusive of any temporary window signs which may be on display.

(D) Temporary Sign Provisions

- (1) Banner Signs:** Banner signs are permitted provided the sign is no larger than twenty (20) square feet, is not located on a single-family or two-family residential property, and is attached to the wall of a building. A zoning permit for this temporary sign type shall be valid up to sixty (60) calendar days, and no more than two (2) such permits for the same sign may be applied for within one (1) calendar year.
- (2) Blade/Feather Signs:** Temporary blade/feather signs shall comply with the following standards:
- (a) The sign must be placed at least ten (10) feet away from the existing right-of-way line and adjoining properties.
 - (b) Maximum sign height is twelve (12) feet.
 - (c) Maximum sign area is twenty (20) square feet.
 - (d) Blade/feather signs must be on the premises of the business or activity they serve.
 - (e) A zoning permit for this temporary sign type shall be valid up to sixty (60) calendar days, and no more than (2) such permits for the same sign may be applied for within one (1) year.
- (3) Ground Signs:** Temporary ground signs shall comply with the following standards:
- (a) No temporary ground sign may be erected on a single-family or two-family residential property.
 - (b) Ground signs shall maintain clear zones for pedestrians and motorists and comply with the following:
 - (i) Maintain a setback of ten (10) feet from adjoining property lines and public right-of-way line(s);
 - (ii) Ten (10) feet from the edge of any driveway; and
 - (iii) Five (5) feet from any sidewalk or paved path.
 - (c) Maximum sign height is six (6) feet.
 - (d) Maximum sign area is thirty six (36) square feet.
 - (e) Changeable copy signs are prohibited.
 - (f) A zoning permit for this temporary sign type shall be valid up to sixty (60) calendar days, and no more than (2) temporary sign permits for the same sign may be applied for within one (1) year. Once a temporary ground sign has been permitted for one hundred twenty (120) days, in order for the sign to remain it must be brought forward

for a permanent ground sign permit and meet the standards required of a permanent ground sign.

- (4) **Portable Signs:** Temporary portable signs, such as A-Frame signs, sandwich boards, or other portable sign types which are not affixed to the ground or which can be easily removed from the ground by hand without the use of tools, are permitted in accordance with the following provisions:
- (a) Maximum sign height is six (6) feet.
 - (b) Maximum sign area is (12) square feet.
 - (c) Changeable copy signs are prohibited.
 - (d) Portable signs shall not be located on any sidewalk within the public right-of-way, and must be set back a minimum of ten (10) feet from the inside edge of any sidewalk.
 - (e) A zoning permit for this temporary sign type shall be valid up to sixty (60) calendar days, and no more than (2) temporary sign permits for the same sign may be applied for within one (1) year.
 - (f) Temporary portable signs which are no larger than two (2) square feet and also no more than four (4) feet in height are exempt from maximum number requirements pursuant to Section 21.2(B) (Type 2 Exemptions).
- (5) **Window Signs:** No more than fifty (50) percent of the window surface shall be covered by signage, inclusive of any permanent window signs which may be on display. Temporary window signs do not require a zoning permit; however any window sign that has been on display for longer than sixty (60) days shall be considered a permanent window sign and is required to obtain a zoning permit.

21.15 Signs in Mixed Use Districts

- (A) **Number of Signs Permitted:** The provisions of Sec. 21.15 shall apply to all zoning districts identified as Mixed Use Districts in Sec. 5.03 (Establishment of Zoning Districts), which includes the B-1 and B-2 zones. Table 21.6 shall control the maximum number of certain signage types allowed, along with applicable standards specific to each type.
- (B) **Permanent Sign Provisions**
- (1) **Arch Signs:** Permanent arch signs shall comply with the following standards:
- (a) Minimum setback from right-of-way and adjoining property lines is (10) feet.
 - (b) Maximum height for signage, including any structural elements, is twenty-five (25) feet.
 - (c) Maximum area of the sign face is two (2) feet multiplied by the width of the span of the arch.

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TABLE 21.6: SIGNS IN MIXED USE DISTRICTS

SIGNAGE TYPE	NUMBER OF SIGNS PERMITTED	STANDARDS SECTION
PERMANENT SIGNS		
Arch Signs	As approved by the Planning Commission during Site Plan Review	21.15(B)(1)
Canopy Signs (e.g. Awning Signs)	One (1) per building unit	21.15(B)(2)
Flag Signs	One (1) per building unit	21.15(B)(3)
Gateway Signs	Prohibited	N/A
Ground Signs	One (1) per street frontage, except as provided in Section 4.513	21.15(B)(4)
Off-Premise Signs (e.g. Billboards)	Prohibited	N/A
Pole Signs	Prohibited	N/A
Projecting Signs	One (1) per building unit	21.15(B)(5)
Roof Signs	Prohibited	N/A
Wall Signs	One (1) per building unit	21.15(B)(6)
Window Signs	Permitted (no restriction on number)	21.15(B)(7)
TEMPORARY SIGNS		
Banner Signs	One (1) per building unit	21.15(C)(1)
Beacons/Searchlights	Prohibited, except for temporary events and emergency purposes	N/A
Blade/Feather Signs	Prohibited	N/A
Ground Signs	One (1) per building unit	21.15(C)(2)
Pennants or Streamers	Prohibited	N/A
Portable Signs (e.g. A-Frame)	One (1) per building unit	21.15(C)(3)
Promotional Balloons	Prohibited	N/A
Window Signs	Permitted (no restriction on number)	21.15(C)(4)

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- (d) Minimum clearance is fourteen (14) feet, four (4) inches.
 - (e) The maximum width of the signage and any structural elements shall equal the width of the passageway or paved roadway that passes underneath the sign, plus five (5) feet, with at least two and a half (2.5) feet on both sides.
 - (f) Maximum number of poles (structural supports) is two (2); one on either side of the driveway/roadway.
 - (g) Changeable copy arch signs are prohibited.
- (2) **Canopy Signs:** The sign area of canopy signs shall not exceed twenty (20) square feet, a clearance of eight (8) feet shall be provided between the sidewalk and the sign, and such signs shall not extend above the roof line.
- (3) **Flag Signs:** Flag signs are permitted provided they are attached to the side of a building, projecting outward in a diagonal fashion. The highest point of the flag shall be no taller than the highest eave of the building on which the flag is attached.
- (4) **Ground Signs:** Permanent ground signs shall comply with the following standards:
- (a) Signs shall be made of solid materials of a permanent nature known and used in the sign construction industry and shall include, but are not limited to: brick, stone, EIFS, polished or honed finish metals, decorative pre-cast concrete wood, architectural masonry, steel and/or metal, and glass.
 - (b) Ground signs shall maintain clear zones for pedestrians and motorists and comply with the following:
 - (i) Maintain a setback of ten (10) feet from adjoining property lines and public right-of-way line(s);
 - (ii) Ten (10) feet from the edge of any driveway; and
 - (iii) Five (5) feet from any sidewalk or paved path.
 - (c) Maximum sign height is six (6) feet.
 - (d) Maximum sign area is thirty two (32) square feet. For lots with multiple street frontages, the maximum sign area is cumulative and shall not be increased, but the owner may apply the maximum sign area to multiple signs with a maximum of one (1) sign per street frontage.
 - (e) Changeable copy signs are permitted in accordance with the standards in Section 21.7 (Changeable Copy Signs). Electronic LED display signs are permitted.

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- (5) **Projecting Signs:** Permanent projecting signs shall comply with the following standards:
- (a) The sign must be attached to a principal building, with a maximum projection of five (5) feet.
 - (b) The sign area shall not exceed nine (9) square feet.
 - (c) Signs shall be installed to achieve a minimum vertical clearance of eight (8) feet from the bottom of the sign to the finished grade.
 - (d) Projecting signs are prohibited over a vehicular access way.
- (6) **Wall Signs:** A wall sign shall be permitted with an area not to exceed one (1) square foot in area for each one linear foot of building frontage to a maximum size of one hundred fifty (150) square feet, with a maximum extension of eight (8) feet from the building wall.
- (7) **Window Signs:** No more than fifty (50) percent of the window surface shall be covered by signage, inclusive of any temporary window signs which may be on display.

(C) **Temporary Sign Provisions**

- (1) **Banner Signs:** Banner signs are permitted provided the sign is no larger than twenty (20) square feet, is not located on a single-family or two-family residential property, and is attached to the wall of a building. A zoning permit for this temporary sign type shall be valid up to sixty (60) calendar days, and no more than two (2) such permits for the same sign may be applied for within one (1) calendar year.
- (2) **Ground Signs:** Temporary ground signs shall comply with the following standards:
- (a) No temporary ground sign may be erected on a single-family or two-family residential property.
 - (b) Ground signs shall maintain clear zones for pedestrians and motorists and comply with the following:
 - (i) Maintain a setback of ten (10) feet from adjoining property lines and public right-of-way line(s);
 - (ii) Ten (10) feet from the edge of any driveway; and
 - (iii) Five (5) feet from any sidewalk or paved path.
 - (c) Maximum sign height is eight (8) feet.
 - (d) Maximum sign area is thirty six (36) square feet.
 - (e) Changeable copy signs are prohibited.

- (f) A zoning permit for this temporary sign type shall be valid up to sixty (60) calendar days, and no more than (2) temporary sign permits for the same sign may be applied for within one (1) year. Once a temporary ground sign has been permitted for one hundred twenty (120) days, in order for the sign to remain it must be brought forward for a permanent ground sign permit and meet the standards required of a permanent ground sign.

- (3) **Portable Signs:** Temporary portable signs, such as A-Frame signs, sandwich boards, or other portable sign types which are not affixed to the ground or which can be easily removed from the ground by hand without the use of tools, are permitted in accordance with the following provisions:
 - (a) Maximum sign height is three (3) feet.
 - (b) Maximum sign area is six (6) square feet.
 - (c) A zoning permit for this temporary sign type shall be valid up to sixty (60) calendar days, and no more than (2) temporary sign permits for the same sign may be applied for within one (1) year.
 - (d) Temporary portable signs which are no larger than two (2) square feet and also no more than four (4) feet in height are exempt from maximum number requirements pursuant to Section 21.2(B) (Type 2 Exemptions).

- (4) **Window Signs:** No more than fifty (50) percent of the window surface shall be covered by signage, inclusive of any permanent window signs which may be on display. Temporary window signs do not require a zoning permit; however any window sign that has been on display for longer than sixty (60) days shall be considered a permanent window sign and is required to obtain a zoning permit.

21.16 Signs in Residential Districts

- (A) **Number of Signs Permitted:** The provisions of Sec. 21.16 shall apply to all zoning districts identified as Residential Districts in Sec. 5.03 (Establishment of Zoning Districts), which includes the R-1, R-2, R-3, and RR zones. Table 21.7 shall control the maximum number of certain signage types allowed, along with applicable standards specific to each type.

- (B) **Permanent Sign Provisions**
 - (1) **Arch Signs:** Permanent arch signs shall comply with the following standards:
 - (a) Minimum setback from right-of-way and adjoining property lines is (10) feet.
 - (b) Maximum height for signage, including any structural elements, is twenty-five (25) feet.
 - (c) Maximum area of the sign face is two (2) feet multiplied by the width of the span of the arch.

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- (d) Minimum clearance is fourteen (14) feet, four (4) inches.
- (e) The maximum width of the signage and any structural elements shall equal the width of passageway or paved driveway that passes underneath the sign, plus five (5) feet, with at least two and a half (2.5) feet on both sides.
- (f) Maximum number of poles (structural supports) is two (2) – one on either side of the passageway/driveway/roadway.
- (g) Changeable copy signs are prohibited.
- (h) Illumination of the arch sign is prohibited.

(2) Flag Signs

The maximum size of the flag shall be fifteen (15) square feet.

(3) Gateway Signs

- (a) Gateway signs shall maintain clear zones for pedestrians and motorists and comply with the following:
 - (i) Maintain a setback of ten (10) feet from adjoining property lines and public right-of-way line(s) as determined by the Warren County Thoroughfare Plan;
 - (ii) Ten (10) feet from the edge of any driveway; and
 - (iii) Five (5) feet from any sidewalk or paved path.
- (b) Maximum sign height is ten (10) feet.
- (c) Maximum sign area is thirty-six (36) square feet.
- (d) Changeable copy signs are prohibited.
- (e) Only concealed external light illumination shall be permitted; internal illumination including channel lettering is prohibited.
- (f) Proof of an established mechanism to ensure the ongoing maintenance of the entire entrance structure and associated landscaping shall be submitted to the Zoning Inspector as part of the zoning permit application for a gateway sign.

- (4) Ground Signs:** Permanent ground signs shall comply with the following standards:

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TABLE 21.7: SIGNS IN RESIDENTIAL DISTRICTS

SIGNAGE TYPE	NUMBER OF SIGNS PERMITTED	STANDARDS SECTION
PERMANENT SIGNS		
Arch Signs	One (1) per property in RR; one (1) per community/subdivision entrance in R-1, R-2, and R-3	21.16(B)(1)
Canopy Signs (e.g. Awning Signs)	One (1) per multi-family or non-residential development site	N/A
Flag Signs	One (1) per property	21.16(B)(2)
Gateway Signs	One (1) on each side of a community/subdivision entrance	21.16(B)(3)
Ground Signs	One (1) per multi-family or non-residential development site	21.16(B)(4)
Off-Premise Signs (e.g. Billboards)	Prohibited	N/A
Pole Signs	Prohibited	N/A
Projecting Signs	One (1) per non-residential development site	21.16(B)(5)
Roof Signs	Prohibited	N/A
Wall Signs	One (1) per multi-family or non-residential development site	21.16(B)(6)
Window Signs	Prohibited	N/A
TEMPORARY SIGNS		
Banner Signs	Prohibited	N/A
Beacons/Searchlights	Prohibited, except for temporary events and emergency purposes	N/A
Blade/Feather Signs	Prohibited	N/A
Ground Signs	One (1) per property	21.16(C)(1)
Pennants or Streamers	Prohibited	N/A
Portable Signs (e.g. A-Frame)	One (1) per property	21.16(C)(2)
Promotional Balloons	Prohibited	N/A
Window Signs	Prohibited	N/A

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- (a) No permanent ground sign may be erected on a single-family or two-family residential property, except as provided in Section 2.204.13 (Home Occupations).
 - (b) Signs shall be made of solid materials of a permanent nature known and used in the sign construction industry and shall include, but are not limited to: brick, stone, EIFS, polished or honed finish metals, decorative pre-cast concrete, wood, architectural masonry, steel and/or metal, and glass.
 - (c) Ground signs shall maintain clear zones for pedestrians and motorists and comply with the following:
 - (i) Maintain a setback of ten (10) feet from adjoining property lines and public right-of-way line(s);
 - (ii) Ten (10) feet from the edge of any driveway; and
 - (iii) Five (5) feet from any sidewalk or paved path.
 - (d) Maximum sign height is eight (8) feet.
 - (e) Maximum sign area is twenty-four (24) square feet.
 - (f) Changeable copy signs are permitted in accordance with the standards in Section 21.7 (Changeable Copy Signs). Electronic LED display signs are permitted.
 - (g) Only concealed external light illumination shall be permitted, excepting any LED displays. All other forms of internal illumination shall be prohibited.
- (5) Projecting Signs:** Permanent projecting signs shall comply with the following standards:
- (a) The sign must be attached to a principal building, with a maximum projection of five (5) feet.
 - (b) The sign area shall not exceed nine (9) square feet.
 - (c) Signs shall be installed to achieve a minimum vertical clearance of eight (8) feet from the bottom of the sign to the finished grade.
 - (d) Projecting signs are prohibited over a vehicular access way.
- (6) Wall Signs:** A wall sign shall be permitted with an area not to exceed one (1) square foot in area for each one linear foot of building frontage to a maximum size of one hundred fifty (150) square feet, with a maximum extension of eight (8) feet from the building wall.

(C) Temporary Sign Provisions

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- (1) **Ground Signs:** Temporary ground signs shall comply with the following standards:
- (a) No temporary ground sign may be erected on a single-family or two-family residential property.
 - (b) Ground signs shall maintain clear zones for pedestrians and motorists and comply with the following:
 - (i) Maintain a setback of ten (10) feet from adjoining property lines and public right-of-way line(s) as determined by the Warren County Thoroughfare Plan;
 - (ii) Ten (10) feet from the edge of any driveway; and
 - (iii) Five (5) feet from any sidewalk or paved path.
 - (c) Maximum sign height is six (6) feet.
 - (d) Maximum sign area is twenty-four (24) square feet.
 - (e) Changeable copy signs are prohibited.
 - (f) A zoning permit for this temporary sign type shall be valid up to sixty (60) calendar days, and no more than (2) such permits for the same sign may be applied for within one (1) year. Once a temporary ground sign has been permitted for one hundred twenty (120) days, in order for the sign to remain it must be brought forward for a permanent ground sign permit and meet the standards required of a permanent ground sign.
- (2) **Portable Signs:** Temporary portable signs, such as A-Frame signs, sandwich boards, or other portable sign types which are not affixed to the ground or can be easily removed from the ground by hand without the use of tools, are permitted in accordance with the following provisions:
- (a) Maximum sign height is six (6) feet.
 - (b) Maximum sign area is (12) square feet.
 - (c) Changeable copy signs are prohibited.
 - (d) Portable signs shall not be located on any sidewalk within the public right-of-way, and must be set back a minimum of ten (10) feet from the inside edge of any sidewalk.
 - (e) A zoning permit for this temporary sign type shall be valid up to sixty (60) calendar days, and no more than (2) temporary sign permits for the same sign may be applied for within one (1) year.
 - (f) Temporary portable signs which are no larger than two (2) square feet and also no more than four (4) feet in height are exempt from

maximum number requirements pursuant to Section 21.2(B) (Type 2 Exemptions).

21.17 Changeable Copy Signs

(A) General Standards

- (1) A changeable copy sign shall only be permitted as part of a permanent on-premise sign.
- (2) A changeable copy sign shall be limited to ground-mounted signs.
- (3) The sign face of a changeable copy sign shall not exceed fifty (50) percent of the total sign area or twenty (20) square feet, whichever is less.
- (4) Changeable copy signs which comprise an electronic sign copy or display message shall utilize an LED display and be subject to the standards of subsection (B) below.

(B) LED Display Standards

- (1) The sign copy or display message shall not change or alternate more than once every eight (8) seconds. The transition interval between messages shall be accomplished within one (1) second or less and no animation is permitted during the transition except for a fade or dissolve pattern.
- (2) The sign copy or display message shall remain static and motionless for the duration of the display time.
- (3) The sign copy or display message shall not contain animation, scrolling or running letters or text, flashing lights, or intermittent, alternating message changes.
- (4) The luminosity of the LED display shall be dimmed between dusk and dawn so that the sign shall emit no more than 0.2 foot-candles at all property lines.
- (5) A face change to a legal non-conforming sign, as determined under Sec. 21.08 (Non-Conforming Signs), which involves the conversion of an existing manual changeable copy sign to an electronic sign copy or display message shall meet all standards of Sec. 21.17 and in no case shall the electronic sign copy or display message exceed the area of the original changeable sign copy.

21.18 Non-Conforming Signs

(A) **Determination of Legal Non-Conformity:** Existing signs that do not conform to the specific provisions of this Zoning Ordinance may be eligible for the designation of a “legal non-conforming sign” and allowed to continue provided that they are not in violation of either of the following:

- (1) The Zoning Inspector and/or Building Inspector determines that such signs are properly maintained and do not in any way endanger the public or constitute a nuisance; and/or

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(2) Except as provided in subsection (B) below, the sign was previously covered by a valid permit or variance, or complies with all applicable laws on the effective date of this Zoning Ordinance.

(B) Transitional Rules for Temporary Signs: All temporary signs, including portable signs, must comply with the new regulations of this Chapter. Existing temporary signs shall not qualify for non-conforming or grandfathering provisions of subsection (A) above; a zoning permit must be secured within ninety (90) days of the effective date of this provision. Failure to secure a zoning permit for an existing temporary sign after the ninety (90) day period shall render the sign illegal.

(C) Loss of Legal Non-Conforming Status: A legal non-conforming sign loses the legal non-conforming designation and shall be brought into compliance with the requirements of this Chapter or be removed if:

(1) The sign is relocated.

(2) The sign structure is replaced.

(3) The structure or size of the sign is altered in any way except toward compliance with this Zoning Ordinance. This does not refer to general maintenance, a change of copy on changeable copy signs, or face changes.

(4) The sign is part of an establishment that discontinues its operation for a period of six (6) months.

(5) The sign is damaged to an extent greater than fifty (50) percent of the estimated replacement value.

(D) Maintenance and Repair of Non-Conforming Signs: The legal non-conforming sign is subject to all requirements of this Chapter regarding safety, maintenance, and repair. However, if the sign suffers damage to an extent greater than fifty (50) percent of the estimated replacement value, such sign shall be replaced and/or reconstructed in compliance with this Zoning Ordinance.

CHAPTER 22: FENCES AND WALLS

22.01 Purpose

Every fence or wall constructed or erected in a Residential District within the Village of Maineville shall comply with the regulations of this Chapter. No fence shall be erected or constructed within any District until a permit has been issued in accordance with the provisions of this Chapter and Chapter 29, Landscaping and Screening.

22.02 General Requirements

- (A) **Fence Materials.** Fences shall consist of materials commonly used in conventional fence construction, such as wood, wrought iron or other metal, or vinyl. The use of metal panels or corrugated metal or razor wire shall not be permitted. Fences which carry electric current are prohibited. Barbed wire may be permitted in industrial districts, provided that the barbed wire is at least eight (8) feet above the ground, and provided further that the barbed wire shall be installed on supports that extend toward the interior of the site or straight up. Fence posts shall be sunk into the ground at least three (3) feet, and all posts shall be encased in concrete below the surface of the ground.
- (B) **Finished Appearance.** If, because of the design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot with the following exceptions:
- (1) When a fence is approved for construction under a joint permit as provided for in this subsection, the joint permit holders shall determine the preferred orientation of the more finished side of the fence along the common property line(s) of the joint permit holders.
 - (2) An owner of abutting property may waive the right for the more finished side of a fence to face his abutting property. Such waiver of right must be in the form of a written consent statement, signed by the owner of the property where the fence would face under the normal requirements of this subsection. The written consent statement shall be attached to the permit application and maintained with permit records by the Zoning Inspector.
- (C) **Obstruction to Use of Adjoining Property.** No fence shall be erected where it would prevent or unreasonably obstruct the use of adjacent property, nor shall a fence be erected where it would obstruct or prevent the continued safe use of an existing driveway or other means of access to adjacent property. In enforcing this provision, the Zoning Inspector may require a fence to be set back a minimum distance of not more than two (2) feet from a driveway or property line in order to provide for the safe passage of pedestrians, bicyclists or vehicular traffic or other safety related concerns.

- (D) **Fence Maintenance.** Fences shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or otherwise treated with materials to protect and preserve the fence and provide an attractive finish. If a fence is found to be in need of repair by the Zoning Inspector, the Zoning Inspector shall issue orders to the property owner to complete such repairs. Failure to comply with written notice from the Zoning Inspector ordering completion of such repairs shall be deemed a violation of this Ordinance.
- (E) **General Location Requirements:** All fences shall be located entirely on the private property of the person constructing it. However, adjoining property owners may jointly apply for a fence permit, in which case the Zoning Inspector may permit it to be constructed on their common property line. A fence shall not be attached to or touch a fence located on another owner's lot without the express written agreement of the owner's of both fences. No more than six (6) inches is permitted between such fences. In every case, fences must be constructed with adequate posts and other supports so that each fence is capable of maintaining an upright position and the location described in the original application for permit to construct the fence. All fence permits shall require a drawing clearly showing all property lines and fence locations. If the evidence is not clear the Zoning Inspector may require a survey for line and/or property line fences.
- (F) **Nonconforming Fences.** Any future additions or improvements will be required to conform to this Ordinance.
- (G) **Signs Attached to Fences.** Signs advertising the availability of services or products shall not be attached to any fence. The only sign that may be attached to a fence shall indicate the name of the individual or company that constructed the fence and that sign shall not exceed one (1) square foot in area.
- (H) **Screening and Landscaping:** All fencing must comply with the requirements of Chapter 29, Landscaping and Screening.

22.03 Fence Regulations in Residential Districts

- (1) **Height**
 - (1) Fences in residential districts shall not exceed six (6) feet in height, with a maximum three (3) inch clearance underneath for maintenance.
- (2) **Location**
 - (1) Fences are permitted in a rear yard only, and are not to extend past the rear sidelines of the residence.
 - (2) Fences located along the side lot line abutting a street on corner lots shall be installed by using one, but not both or part thereof of the following two options as shown, which ever option offers the property owner the greater flexibility. The application for a fence shall indicate Side A and Side B as detailed on Table 22.1.
 - (a) Option 1: Side A: Fence shall not extend further than the rear of house.

Side B: Fence shall not extend further than the front of the house

- (b) Option 2: Side A: Fence will not extend further than the rear of the house.
 Side B: Fence shall not extend more than ½ (one half) the distance from the rear of the house to the (yard side) edge of the sidewalk. With no sidewalk in place, the edge of the sidewalk will be considered to be eight (8) feet from the edge of the road and/or curb.

TABLE 22.1: FENCES ON CORNER LOTS	
OPTION 1	
OPTION 2	

- (3) **Border Treatments.** A border treatment, as defined in this Ordinance, shall not exceed thirty (30) inches in height. Typical border treatments include, but are not limited to those devices known as split rail fences and picket fences. A border treatment may be created in any required yard area in accordance with the following limitations:
- (i) If a border treatment is used at a property corner to deter pedestrians from walking on a private yard area, the border treatment that will be visible must be visible so as not to present a safety hazard at night or during other times of low visibility.
 - (ii) Thin strands of wire, cable or cord shall not be permitted to be attached to standing poles to form a border treatment.

(iii) The border treatment shall be located on the private property owner's lot not less than two (2) feet from all sidewalks and driveways and not less than one (1) foot from all lot lines.

(iv) No permit fee shall be charged for a border treatment. However, a border treatment must comply with these specifications and other applicable Village regulations.

(4) **Fences Enclosing Public Areas.** Fences, which enclose public parks, playgrounds, or similar public areas located within a residential district, shall not exceed eight (8) feet in height, measured from the surface of the ground.

22.04 Fence Regulations in Nonresidential Districts

(A) **Location.**

(1) Fences located along the side lot line abutting a street on a corner lot shall be located no closer than one (1) foot to the edge of the sidewalk or on the lot line if there is no sidewalk adjacent to the lot line.

(2) Fences on corner lots shall comply with the corner clearance requirements in this Ordinance.

(3) All Fences within Non-Residential districts are subject to Chapter 29, Landscaping and Screening.

(B) **Height.** Fences in the B-1, B-2, M-1, and NB districts shall not exceed eight (8) feet in height. If barbed wire is attached to the top of a fence, the barbed wire may extend not more than one (1) foot above the height of the fence.

22.05 Review and Approval Procedures

(A) **Application for Permit.** No fence shall be erected or constructed until a permit has been issued in accordance with the provisions of this Chapter. An application for permit to construct a fence shall be filed with the Zoning Inspector. The application shall be accompanied with drawings and other information, which illustrate the dimensions, design and location of the proposed fence. The following minimum information shall be included on the drawing submitted in support of a fence permit application:

(1) Fence location.

(2) Location of all structures within twenty-five (25) feet of the proposed fence.

(3) Location of all driveways within twenty-five (25) feet of the proposed fence.

(4) Location of all sidewalks within twenty-five (25) feet of the proposed fence.

(5) Location of all existing fences within ten (10) feet of the proposed fence. The Zoning Inspector may determine other additional information is reasonably necessary to provide a complete review of the proposed fence. Such additional information shall be provided by the applicant as may be required by the

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Zoning Inspector to assure compliance with the regulations set forth in this Ordinance and to assure the fence is constructed with sound materials.

- (B) **Survey Required.** In the event lot lines for the subject property cannot be located to the satisfaction of the Zoning Inspector, the Zoning Inspector may require the applicant to establish lot lines on the property through placement of permanent stakes located by a licensed surveyor. Lot lines must be located before the fence permit is issued. The Zoning Inspector may withhold issuance of the permit to construct the fence until the lot lines are located and permanent stakes are placed by a licensed surveyor.
- (C) **Permit Fee.** The amount of the fee shall be fixed by resolution of Council and posted in the Administrative Offices. If fence construction is started before an application for a permit is obtained, the fee may be increased to an amount equal to twice the fee that is required.
- (D) **Administrative Rules.** The Zoning Inspector may establish reasonable rules and procedures, consistent with the intentions of this Ordinance, which may be necessary to provide for the proper administration of this Chapter.
- (E) **Application Review and Permit Issuance by the Zoning Inspector.** The Zoning Inspector shall review the fence application and supporting data with respect to the standards set forth in this Ordinance and administrative rules, which may be established to provide for proper administration of this Chapter. The Zoning Inspector shall grant a permit to construct a proposed fence upon finding that the proposed fence fully complies with all applicable regulations.
- (F) **Appeal of a Decision.** An applicant may appeal a decision of the Zoning Inspector or Planning Commission concerning a proposed fence or enforcement of the provisions of this Chapter to the Board of Zoning Appeals. The Board of Zoning Appeals shall review the appeal in accordance with the standards and procedures set forth in this Ordinance.

CHAPTER 23: ACCESSORY USES

23.01 Purpose

This chapter authorizes the establishment of accessory uses that are incidental and customarily subordinate to the principal uses. An accessory use is “incidental and customarily subordinate” to a principal use if it complies with the standards set forth in this chapter.

23.02 General Accessory Use and Structure Standards

Accessory uses or structures shall be permitted provided:

- (A) The building or use is incidental to and customarily found in connection with a principal Building or use permitted in the district in which is located;
- (2) It is subordinate to and serves the principal building or use;
- (3) It is subordinate in size, area, extent, and purpose to the principal building or use;
- (4) An owner applies for and receives a zoning permit unless exempted by this chapter;
- (5) The maximum height of an accessory detached garage shall be twenty (20) feet in overall height;
- (6) The maximum height of any other accessory use or building shall be fifteen (15) feet in overall height;
- (7) Unless permitted by the Planning Commission and Village council in a PUD or CDO approval or site plan approval, accessory uses and structures shall be prohibited in any open space area that is preserved by covenant including, but not limited to, open spaces in any planned unit development or Conservation District subdivisions;

23.03 Allowed Accessory Uses

Table 23.1 lists the accessory building and uses allowed within all zoning districts. The following is an explanation of the abbreviations and columns in Table 23.1.

- (1) Permitted Uses (P): A “P” in a cell indicates that an accessory building or use is permitted by-right in the respective zoning district. Permitted accessory uses are subject to all other applicable regulations of this ordinance, including the use-specific standards set forth in this Chapter.
- (2) Conditional Uses (C): A “C” in a cell indicates that, in the respective zoning district, an accessory building or use is permitted if reviewed and approved as a conditional use pursuant to Chapter 26.02(E) (Conditional Use). Conditional Uses are subject to all other

applicable regulations of this ordinance, including the use-specific standards set forth in this Chapter.

- (3) Prohibited Uses (**Shaded Cells**): A shaded cell indicates that the listed accessory building or use is prohibited in that respective zoning district.
- (4) Zoning Permit Required: The “Zoning Permit Required” column identifies if a Zoning Permit is required for the applicable accessory building or use.
- (5) Yard Location: The “Yard Location” column identifies what yards the applicable accessory building or use is permitted in unless otherwise exempted.
- (6) Additional Regulations: Regardless of whether an accessory building or use is permitted by-right or permitted as a conditional use, there may be additional regulations that are applicable to the use. The existence of these use-specific standards is noted through a cross-reference in the last column of Table 23.1. These standards apply in all districts unless otherwise specified.

23.04 Exceptions to the Location of Accessory Uses

For accessory buildings and uses that may only be permitted in the rear yard pursuant to Table 23.1, the following exemptions shall apply:

- (1) On a corner lot, accessory buildings and uses may be located in the side yard as specified in Chapter 19.05 (Setbacks and Yards).
- (2) On a double frontage lot, accessory buildings may be located in the front yard located to the rear of the principal structure as specified in Chapter 19.05 (Setbacks and Yards).

23.05 Attached Versus Detached Accessory Buildings

- (1) Typical accessory uses, such as a private garage, that are an integral part of a principal building and not separated by a porch, walkway, breezeway, or other similar structure shall not be subject to the provisions of this chapter on accessory uses. Such uses shall be considered part of the principal building and shall be subject to the site development standards of the applicable zoning district.
- (2) Accessory buildings located within five (5) feet of a principal structure and connected by a permanently enclosed porch, walkway, breezeway, or other similar structure shall be considered an attached accessory building and may be located within a side yard provided the attached accessory building meets the applicable site development standards including setbacks.
- (3) Accessory buildings or structures located more than five (5) feet from a principal structure shall be considered a detached accessory building and shall be subject to the provisions of this chapter even if the accessory building is connected by a permanently enclosed breezeway, walkway, or other similar structure.

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TABLE 23.1: ACCESSORY USES

Uses P – Permitted P* – Permitted with Conditions C – Conditional	Zoning Districts								Zoning Permit Required	Approved Yard Locations F – Front S – Side R – Rear	Additional Regulations
	R-1	R-2	R-3	RR	NB	B-1	B-2	M-1			
Accessory Dwelling Unit	C			P					Yes	R	23.06(A)
Agricultural Use on Residential Property				P					No	S R	23.06(B)
Automated Teller Machines					P	P	P		Yes	F S R	23.06(C)
Basketball Hoops	P	P	P	P	P	P	P		Yes	F S R	23.06(D)
Carport	P	P	P	P					No	S R	23.06(E)
Commercial/Recreational Vehicle Parking on Residential Property	P	P	P	P					No	S R	23.06(F)
Detached Accessory Garage / Pole Barn	P	P	P	P					Yes	S R	23.06(G)
Gazebos	P	P	P	P					Yes	R	23.06(H)
Greenhouses	P	P	P	P	P	P	P	P	Yes	R	23.06(I)
Home Occupations	P	P	P	P					No	Inside principal building	23.06(J)
Hot Tub / Spa	P	P	P	P		P	P		No	R	23.06(K)
Outdoor Dining Areas					P	P			Yes	F S R	23.06(L)
Outdoor Sales or Display					P	P	P	P	Yes	F S R	23.06(U)
Outdoor Storage					P	P	P	P	Yes	S R	23.06(V)
Porches, Patios, Decks, Awning Covers	P	P	P	P					Yes	F S R	23.06(M)
Ramps (Handicap)	P	P	P	P	P	P	P		No	F S R	23.06(N)
Roadside Stands				P					Yes	F S R	23.06(O)
Sheds / Doghouse	P	P	P	P	P	P	P	P	Yes	R	23.06(P)
Swimming Pools	P	P	P	P					Yes	R	23.06(Q)
Swing or Gym play sets	P	P	P	P	P	P	P		No	R	23.06(R)
Tennis Courts / Ball Courts	P	P	P	P		P	P		Yes	S R	23.06(S)
Other Accessory Uses	C	C	C	C	C	C	C	C	Determination of the BZA		

P – Permitted Use

C – Conditional Use

23.06 Accessory Use-Specific Standards

(A) Accessory Dwelling Units: One (1) accessory dwelling unit is allowed per lot in conjunction with an owner-occupied single-family residential unit (elsewhere in this Section referred to as the “primary dwelling unit”), in accordance with the following requirements:

- (1) The accessory dwelling unit is located entirely within the principal structure, or within a detached accessory structure. In the case of such a unit being located within a detached accessory structure, such structure shall be subject to the same zoning district setback requirements as the principal structure.
- (2) Mobile homes, recreational vehicles, and travel trailers shall not be used as accessory dwelling units.
- (3) The gross floor area associated with an accessory dwelling unit shall be at least four hundred (400) square feet, but shall not exceed fifty (50) percent of the floor area of the primary dwelling unit, or fifteen hundred (1,500) square feet, whichever is less.
- (4) There shall be no more than one (1) accessory dwelling unit on a lot.
- (5) Off-street parking shall be sufficient to accommodate all occupants of both the primary dwelling unit and accessory dwelling unit.
- (6) Exterior building materials shall be durable and of the same, or higher, quality as the primary dwelling unit, in order to create continuity between the units, and shall not adversely impact adjacent uses.
- (7) Accessory dwelling units shall not be sold apart from the principal dwelling unit.
- (8) Accessory dwelling units shall not be leased or rented.
- (9) Home occupations shall be prohibited within an accessory dwelling unit.
- (10) Accessory dwelling units shall be built using the same construction methods as the primary dwelling unit, although manufactured accessory dwelling units shall be prohibited. Metal siding shall not be used for the walls of the structure.
- (11) The accessory dwelling unit shall be constructed at the same time as the primary dwelling unit; in all other cases where an accessory dwelling unit is proposed to be constructed on a lot with a pre-existing single-family dwelling, the accessory dwelling unit shall be reviewed as a conditional use by the BZA.

(B) Agricultural Use on Residential Property

- (1) The keeping of animals as pets is permitted; however, any non-domestic animals must be housed at least one hundred (100) feet from any neighboring property line.

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- (2) Outdoor houses for not more than three (3) adult dogs and/or cats are permitted but must be located in the rear yard, but at minimum of twenty five (25) feet from each property line.
- (3) Outdoor housing for more than three (3) adult dogs and/or cats shall be considered a private kennel and fencing shall be required at a minimum of twenty-five (25) feet from each property line.
 - (a) Kennel sizes shall be ten (10) feet long, four (4) feet wide and five (5) feet high, minimum per animal, and the floor shall be made of concrete. County license and zoning permit must first be obtained before a kennel will be permitted.
- (4) Equine animals shall be considered an accessory use to any single-family residential property within the Rural Residential (RR) District, subject to the following conditions and limitations:
 - (a) No equine animal shall be kept on a lot that is not occupied by a single family dwelling except as permitted in subsection (b) below.
 - (b) An equine animal may be kept on a vacant lot provided the owner of such vacant lot lives on the lot contiguous to such vacant lot.
 - (c) The minimum area of any lot on which equine animals may be kept shall be three (3) acres exclusive of road or street right of way. No more than three (3) such animals may be kept on any lot, regardless of the size of the lot, unless otherwise approved as part of a PUD.
 - (d) The owner of the lot where an equine animal is kept must provide adequate fences, housing and other facilities for the animal.
 - (e) No stable or other building related to the keeping of equine animals shall be closer than one hundred (100) feet to any lot line or street right of way line.
- (C) **Automated Teller Machines:** Automated Teller Machines (ATMs) located in the Downtown Core (B-1) District are restricted to walk-up type only (non drive-thru). All ATMs shall be set back at least ten (10) feet from the side and rear property lines.
- (D) **Basketball Hoops:** Basketball hoops shall be set back at least fifteen (15) feet from any street right-of-way, and at least five (5) feet from the side and rear property lines
- (E) **Carport:** They shall be permanently affixed to the ground, and be set back at least five (5) feet from all property lines.
- (F) **Commercial/Recreational Vehicle Parking on Residential Property:** Parking of commercial and recreational vehicles in any unenclosed area are limited to the side and rear yards. Such vehicles shall be located on a driveway typical of the neighborhood and shall comply with the requirements of Section 5.13 (Junk, Junk Vehicles, and Other Salvageable Items Restrictions). Recreational and Commercial Vehicles are subject to the following:
 - (1) **Recreational Vehicles:**

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- (a) Recreational vehicles for the purpose of storage on a lot with a principal residential structure and not for purpose of habitation are subject to the following:
 - (i) A maximum of one (1) recreational vehicle is permitted in the rear or side yard, so long as the location is not less than five (5) feet from any side or rear property line and not less than twenty (20) feet from any adjoining street.
 - (ii) Any additional recreational vehicles must be stored in an enclosed building.
 - (iii) Recreational vehicles parked or stored shall not be connected to water, gas, or sanitary sewer facilities.
 - (iv) Recreational vehicles must be kept in good repair. Vehicles capable to being moved from place to place under their own power must be maintained in good running condition. All such vehicles must be properly registered in the name of the occupant of the dwelling unit, and, if required, have a current State of Ohio license attached.
- (b) Recreational vehicles for the purpose of habitation are subject to the following:
 - (i) The use is prohibited, except for the purpose of providing temporary visits for a period lasting not more than fourteen (14) days and not exceeding two (2) times in twelve (12) months; or
 - (ii) May be used for construction-related activities subject to applicable permitting requirements.
- (c) Parking or storage of recreational vehicles, boats, utility trailers or similar items is prohibited within the front yard, except for loading and unloading which does not exceed forty eight (48) hours within a seven (7) day period.

(2) Commercial Vehicles

- (a) On lots less than five (5) acres, one (1) commercial vehicle, with or without a connected trailer, not exceeding eight (8) tons combined gross vehicle weight may be parked in any unenclosed area.
- (b) On lots greater than or equal to five (5) acres, two (2) commercial vehicles, with or without connected trailers, each not exceeding eight (8) tons combined gross vehicle weight, may be parked in any unenclosed area.

(G) Detached Accessory Garage or Pole Barn:

- (1) They shall be placed no closer than ten (10) feet to any other structure.

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(2) They shall be permanently affixed to the ground.

(3) They shall be set back at least ten (10) feet from all property lines.

(H) Gazebos: Gazebos shall be securely affixed to the ground and comply with the following requirements:

(1) If the lot size is twelve thousand (12,000) square feet or less, the maximum gazebo floor area shall be one hundred twenty (120) square feet.

(2) Gazebo structures shall be set back at least ten (10) feet from all property lines and all other structures.

(I) Greenhouses: Greenhouses shall be securely affixed to the ground and comply with the following requirements:

(1) If the lot size is twelve thousand (12,000) square feet or less, the maximum greenhouse floor area shall be one hundred twenty (120) square feet.

(2) Greenhouse structures shall be set back at least ten (10) feet from all property lines and all other structures.

(J) Home Occupations: The following requirements shall apply to home occupations when permitted herein:

(1) Not more than one (1) person, who is not a resident of the premises, may participate in the home occupation as an employee or volunteer.

(2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than 25% of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of the home occupation.

(3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling unit, except that one (1) non-illuminated nameplate, no more than one (1) square foot in area and mounted flat on the front face of the dwelling or on a driveway lamppost or mailbox post, shall be erected or maintained on the premises.

(4) No home occupation shall be conducted in any accessory building, although an accessory structure no larger than two hundred (200) square feet may be used for storage.

(5) There shall be no outside storage of equipment, vehicles, or supplies associated with the home occupation, except as provided in Sec. 23.06(F)(2) (Commercial Vehicles).

(6) There shall be no clients or customers visiting the site, and no display of products visible in any manner from outside of the dwelling.

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- (7) No equipment or process which creates noise, vibration, flare, fumes, odors, or electrical interference detectable to the normal senses off the lot shall be used in such home occupation. In the case of electrical interference, no equipment or process which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises, shall be used.
- (8) Should a home occupation be proposed in a district wherein permitted, which deviates from one (1) or more of the standards and requirements listed above in subsections (1) through (7), the home occupation may still be considered but shall be subject to the conditional use process with the BZA. The BZA may choose to approve, deny, or approve with additional conditions, the proposed home occupation based on impacts to surrounding properties and the character of the existing neighborhood.
- (9) Hours of operation for the home occupation shall be no earlier than 7:00 a.m. and no later than 9:00 p.m.
- (10) There shall be no more than one (1) customer present at a time, and no more than ten (10) customers per day.
- (11) The following home occupations shall be prohibited:
 - (a) Homes that serve as a gathering point for employees engaged in the business that takes place off premises. This may include, but is not limited to, landscape business offices, construction offices, or a trucking business where drivers or employees gather at the home before being dispatched from the home for the purposes of the home occupation;
 - (b) Home occupations that involve the use or storage of tractor trailers, semi trucks, or heavy equipment such as construction equipment used in a business, except as provided in Sec. 23.06(F)(2) (Commercial Vehicles);
 - (c) Home occupations that require fire safety inspections, precautions or permits or other regulatory inspections or permits involving public health and safety;
 - (d) Home occupations that require the use of mechanical ventilation systems to exhaust hazardous by-products of the home occupation; or
 - (e) Home occupations that involve the use of controlled substances.
- (K) Hot Tub or Spa:** See 23.06(R), Swimming Pools
- (L) Outdoor Dining Areas:** At least five (5) feet of sidewalk along the curb and leading to the entrance to the establishment must be maintained free of tables and other encumbrances, unless an alternative layout and means of access is approved by the Planning Commission. Outdoor dining areas must be set back at least twenty (20) feet from all residential property boundaries.
- (M) Porches and Decks**

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- (1) Decks and porches shall meet all applicable safety and building codes.
- (2) Decks and porches shall comply with the same zoning district setback requirements applicable to principal structures, and in no case shall be less than five (5) feet from any property line or right-of-way.
- (3) The maximum height of decks and porches shall be fifteen (15) feet.

(N) Ramps: Ramps shall comply with the Americans with Disabilities Act.

(O) Roadside Stand:

- (1) Roadside stands shall only be permitted for the sale of products grown on the premises.
- (2) Roadside stands shall be set back a minimum of fifteen (15) feet from the road right-of-way.
- (3) Roadside stands shall not exceed one hundred (100) square feet in floor area.

(P) Sheds

- (1) They shall be placed no closer than ten (10) feet to any other structure.
- (2) They shall be placed no closer than five (5) feet from any rear lot line and two and half (2.5) feet from any side lot line.
- (3) The maximum height shall be fifteen (15) feet.
- (4) The maximum floor area shall be one hundred twenty (120) square feet.

(Q) Swimming Pools

- (1) Outdoor lighting shall be subject to the lighting standards of Chapter 24 (Lighting Requirements).
- (2) All swimming pools and associated equipment of the swimming pool shall be constructed and erected in accordance with all applicable codes, ordinances and regulations of the Village of Maineville and, where applicable, the Warren County Combined Health District.
- (3) All swimming pools shall be set back at least ten (10) feet from all property lines and at least five (5) feet from all structures on site.
- (4) Private Swimming Pools: All private swimming pools with a depth of eighteen (18) or more inches shall be regulated according to the following requirements:
 - (a) Except as herein provided, no swimming pool or associated equipment, shall be permitted within any required front and side yards, nor within any public right-of-way or utility easement.

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- (b) In-ground swimming pools shall be required to have a fence or wall, including a self-closing or self-locking door or gate, around the pool or the property on which the pool is located. Such fence or wall shall be a minimum of four feet, but not more than seven feet in height; such fences or walls shall be constructed in such a manner that a small child may not reach the pool from the street or any adjacent property without climbing the fence or wall or opening the gate or door.
 - (c) Above-ground swimming pools shall be required to have a fence or wall, including a self-closing or self-locking door or gate, around the pool or property upon which the pool is located if the sides of the pool are shorter than four feet in height. Such fences shall comply with division (b) above.
 - (d) Any access to above ground pools by means of a ladder or stairway shall be provided with a self-closing or self-locking door or gate, or some other device that would prevent a small child from gaining access to the pool by means of a ladder.
- (5) Public, Semi-Public and Commercial Swimming Pools: All public, semi-public, and commercial swimming pools shall be regulated according to the following requirements:
- (a) Except as herein provided, no swimming pool and associated equipment shall be permitted within any required front and side yards or within the limits of any public right-of-way or utility easement.
 - (b) The swimming pool or the property on which the pool is located shall be surrounded by a fence or wall, including a self-closing or self-locking door or gate. Such fence or wall shall be a minimum of five feet, but not more than eight feet in height; such fences or walls shall be constructed in such a manner that a small child may not reach the pool from the street or any adjacent property without climbing the fence or wall or opening the gate or door.
 - (c) No device for the reproduction or amplification of sounds used in connection with a swimming pool shall create a nuisance to adjacent residential properties.

(R) Swing and Gym Play Sets

- (1) The facility shall be located in the rear and/or side yard and shall be set back at least ten (10) feet from any adjacent property line.
- (2) The use shall not create a nuisance, disturb the peace, or result in a health or safety violation as reported to, acted upon by, an enforcement authority.
- (3) All equipment shall be secured to the ground in a way which withstands normal weather patterns.
- (4) Swing and gym play sets within the B-1, B-2, and NB districts are only permitted when installed to be in conjunction with a day care center principal use.

(S) Tennis Courts and Ball Courts

- (1) The facility shall be located in the rear and/or side yard and shall be set back at least ten (10) feet from any adjacent property line.
- (2) The use shall not create a nuisance, disturb the peace, or result in a health or safety violation as reported to, acted upon by, an enforcement authority.

(T) Drive-Throughs

A drive-in or drive-through service lane shall satisfy the following requirements:

- (1) Stacking requirements specified in Section 20.05 shall be provided and shall not prevent obstruction of any street, sidewalk, or sight-distance;
- (2) The location shall not impair or obstruct provision of emergency services of the site, as determined to the satisfaction of the Fire/EMS Department;
- (3) The turning radius of any curve in a driveway lane shall be sufficient to require only forward movement, i.e., no backing up to get through any curve in the drive-through lane.
- (4) Signage shall comply with requirements specified in Chapter 21, except for the following menu board and clearance sign provisions:
 - (a) May have two-way audio communication broadcasting;
 - (b) Limited to forty-eight (48) square feet;
 - (c) Shall not exceed eight (8) feet in height with the exception of clearance signs and they may be determined by the height and width of the structure or opening to be protected;
 - (d) Shall not be visible or audible from any off-site residential use or district;
- (5) A buffer shall be provided to prevent visual, noise and light impact, if no such requirements are specified in Chapter 29.
- (6) The height and width of vehicles the facility can accommodate shall be posted.

(U) Outdoor Sales and Display

- (1) At least five (5) feet of sidewalk width shall be unobstructed for pedestrian traffic.
- (2) All equipment and merchandise is kept indoors during non-business hours.
- (3) At least five (5) feet of clearance is provided on either side of entrances and exits.

- (4) Sidewalk displays shall maintain a clean, litter-free and well-kept appearance at all times and shall be compatible with the colors and character of the storefront from which the business operates.
- (5) Sales must be accessory to the principal retail business adjacent to the sidewalk.

(V) Outdoor Storage

- (1) Outdoor storage areas shall not be located in any required setback, parking and circulation area, right-of-way, or required landscape or buffer area.
- (2) All outdoor storage areas shall be screened from view from public right-of-way and any adjoining residential properties with a fence or wall at least six (6) feet tall but not exceeding eight (8) feet in height. Materials to be screened cannot exceed fence height.

23.07 Temporary Accessory Uses

The guidelines for certain temporary uses of limited duration and special events, provided that such uses do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and special events shall not involve the construction or alteration of any permanent building or structure.

(A) General Temporary Use Standards: All temporary uses, structures, or events shall:

- (1) Obtain a temporary zoning permit, where required, pursuant to Table 23.3;
- (2) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- (3) Be compatible with the principal uses taking place on the site;
- (4) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
- (5) Not include permanent alterations to the site;
- (6) Not maintain temporary signs associated with the use or structure after the activity ends;
- (7) Comply with the sign and parking regulations of this ordinance;
- (8) Not violate the applicable conditions of approval that apply to a site or use on the site;
- (9) Not interfere with the normal operations of any permanent use located on the property;
- (10) All applicable zoning district setbacks are met.

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(B) Retail Sales: The conduct of general retail sales or commercial activities in residential areas, except as otherwise expressly authorized under this ordinance, is prohibited.

(C) Yard Sales / Garage Sales / Auctions

- (1) May be held for no more than three (3) consecutive days.
- (2) Sales cannot exceed three (3) times per year per property.

TABLE 23.3: TEMPORARY USES

Temporary Use or Structure	Time Permitted	Zoning Permit Required	Districts Permitted
Construction Dumpster, Trailer, or other Equipment Storage ¹	Completion of Construction ²	Yes	All Districts
Real Estate Sales Office / Model Sales Home	Two (2) Years ³	Yes	All Districts
Temporary Storage in a Portable Container ⁴	Up to two times per year for a maximum thirty (30) days per calendar year	Yes	All Districts
Garage or Yard Sales	Three (3) days per event / three (3) events per property	No	All Residential Districts, Downtown Core and Downtown Support
Temporary Farm Markets or Garden Sales	Up to one hundred twenty (120) days per year	Yes	Downtown Core

NOTES:

¹Construction dumpsters, trailers and equipment storage shall not be located on a public street.

²Construction dumpsters, trailers and equipment storage used during the development of residential subdivisions shall be removed once eighty five (85) percent of the certificates of occupancy have been issued.

³Semi-Annual extensions may be granted by the Planning Commission if conditions warrant.

⁴Portable containers are defined as items such as PODS of standard size.

CHAPTER 24: OTHER USE SPECIFIC REGULATIONS

24.01 Commercial/Office Uses

- (A) **Automotive Service and Repair (Indoor) and Fuel Services:** Automotive service and repair facilities and fuel services shall comply with the following:
- (1) Automotive fuel services and automotive repair and service facilities that are located on a corner lot shall have a minimum of one hundred (150) feet of frontage on each street;
 - (2) Fuel pumps and related driveways and paved areas may be erected in a front yard, but not less than thirty (30) feet from an existing or proposed street right of way.
 - (3) A canopy may be constructed over the pump island, provided that the canopy shall extend no closer than twenty (20) feet from an existing or proposed right of way.
 - (4) If repair or service activities are performed on a vehicle, such vehicle shall be entirely within an enclosed building.
 - (e) Structures shall not be closer than fifty (50) feet from any residential district.
 - (f) Facilities for the storage of vehicles, parts or junk autos are to be kept inside a building, or screened from view of persons on contiguous property or persons using public right-of-ways.
- (B) **Bed and Breakfast Establishments.** The use of a single-family dwelling for a bed and breakfast establishment shall comply with the following requirements:
- (1) The owner of the premises used for the bed and breakfast establishment shall reside full-time in the dwelling, or in a dwelling on an adjoining lot.
 - (2) No more than five (5) bedrooms in any dwelling may be used for bed and breakfast lodging and at least one (1) bathroom shall be dedicated to guest use.
 - (3) The owner shall keep a current register of guests including names, addresses, and dates of occupancy of all guests.
 - (4) One (1) off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.

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- (5) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.
 - (6) Each bed and breakfast establishment shall be permitted to have one (1) wall-mounted sign with a maximum sign area of four (4) square feet and/or a free-standing ground sign with a maximum sign area of six (6) square feet with a maximum height of five (5) feet. Such signs shall not be illuminated. All signs shall be approved by the Planning Commission before installation.
 - (7) Meals provided for cost in a bed and breakfast establishment shall only be served to the guests who are lodging at the bed and breakfast establishment.
- (C) **Drive-Through Facility.** A drive-through facility shall be designed and located to minimize visual, traffic and noise impacts on neighboring development.
- (D) **Nursing Homes and Assisted Living Facilities:** Nursing homes and assisted living facilities may be allowed, provided that:
- (1) The minimum lot area shall be two (2) acres.
 - (2) All structures and activities shall be setback a minimum of fifty (50) feet from all lot lines.
 - (3) The density shall not exceed fifteen (15) patient rooms per acre.
- (E) **Landscaping Service:** Within the B-1 zoning district, landscaping service uses must be fully enclosed within a structure with no outside storage of equipment or supplies.

24.02 Industrial Uses

- (A) **Self-Storage Facilities**
- (1) All items shall be stored within a building.
 - (2) Buildings shall not exceed one (1) story, with a maximum height of twenty two (22) feet.
 - (3) No door shall exceed fifteen (15) feet in either height or width.
 - (4) Access to the facility shall be limited to one (1) entrance and one (1) exit per abutting street.
 - (5) Loading and unloading of storage units shall be oriented towards the side and rear lot lines.

24.03 Public and Institutional Uses

- (A) **Telecommunication Towers (New Facility/Tower):** All telecommunications facilities which do not qualify as a “micro wireless facility” shall conform to the following standards:

(1) Property and Setback Requirements

- (a) Towers shall be located centrally on a continuous parcel having a dimension at least equal to the height of the tower measured from the center of the base of the tower to all points on each property line.
- (b) All accessories related to the tower, including but not limited to, guy wires, equipment sheds, parking, and fencing shall all be located on the same lot as the tower.
- (c) Towers shall be set back a minimum of five hundred (500) feet from any off-site dwelling unless a reduced setback is approved by the Board of Zoning Appeals as part of a conditional use review of the tower.
- (d) Towers shall also comply with the setback requirements of subsection (e) (Additional Standards Table).

(2) Co-Location and Use Requirements

- (a) Towers shall provide at least two (2) co-location opportunities.
- (b) The owner of such a tower shall agree to permit use of the tower by other communication service providers, on reasonable terms, so long as such use does not conflict with the applicant's and/or any other pre-existing user's use of the tower and does not violate the structural integrity of the tower.

(3) Site Development Standards

- (a) Existing trees and shrubs shall be maintained to the greatest degree possible to screen the view of the tower and base facility. Additionally, the perimeter of the tower and base facility shall be planted with evergreen landscaping capable of forming a continuous visual buffer at least five (5) feet in height within two (2) years of planting.
- (b) A security fence, not less than six (6) feet tall with a locking gate, shall enclose the equipment areas and the base of the tower. Fencing shall be set back at least twenty (20) feet from any adjacent property line.
- (c) Accessory structures, such as cabinets, are subject to the maximum building height permitted for accessory structures in the zoning district in which the facility is located.
- (d) Lights, beacons, or strobes shall not be permitted on any such structures and such structures shall not be illuminated in any way, unless required by the Federal Aviation Administration (FAA).
- (e) No advertising is permitted anywhere upon or attached to any such structures.

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- (f) Additional site development standards are shown in Table 24.1 (Additional Standards Table).

(4) Required Documentation and Inspections

- (a) Proof shall be provided by the applicant in a form satisfactory to the Zoning Inspector that the proposed application has been approved by all agencies and governmental entities with jurisdiction, including but not limited to, the Ohio Department of Transportation (ODOT), the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), or the successors to their respective functions.
- (b) Structural sufficiency of a telecommunications tower or other support structure shall be certified by an Engineer licensed in the State of Ohio. To ensure structure integrity and the health and safety of the public, telecommunications tower inspections shall, at a minimum, take place as follows:
 - (i) Mono-pole towers every ten (10) years;
 - (ii) Lattice towers every five (5) years; and
 - (iii) Guy-wire cable secured towers every three (3) years.
- (c) Structural sufficiency inspections are the sole responsibility of the tower operator of record and shall be performed by an individual or company that is a member of the National Association of Tower Erectors. Results of inspections shall be provided in writing to the Zoning Inspector; based upon the results, the Village may require the repair or removal of a telecommunications tower.
- (d) The property owner, tower owner and/or any successor or assign shall be required to notify the Village, in writing, of the intent to abandon any tower and/or related equipment. The Village will issue a certified mail notice to the property owner to verify the use has permanently ceased or is abandoned. Abandoned towers, including all related equipment and structures, shall be removed within one hundred eighty (180) days after verification is confirmed the use has permanently ceased or is abandoned.

TABLE 24.1: ADDITIONAL STANDARDS TABLE		
REQUIREMENT	TELECOMMUNICATION TOWERS	
	Towers Greater than 150 Feet in Height	Towers Less than or Equal to 150 Feet in Height
Districts Allowed	NB and M-1 Districts	NB, M-1, and RR Districts
Conditional Use Review Required	Yes	Yes
Minimum Lot Area	4 acres	2 acres
Required Setback from any Residential District or Use	500 feet	200 feet
Yard Requirement	Cannot occupy a front yard	Cannot occupy a front yard
Maximum Height	300 feet	150 feet
Appearance	Gray or as required by federal statute	Gray or as required by federal statute
Structure Type	Any	Restricted to freestanding mono-pole only (no lattice or guy-wire cable towers)

(B) Existing Facility/Tower Modifications

- (1) Modification of an existing facility/tower may involve one (1) or more of the following:
 - (a) Co-location of new transmission equipment;
 - (b) Removal of transmission equipment; and/or
 - (c) Replacement of transmission equipment.

(2) Substantial Changes

- (a) A modification request that constitutes a “substantial change” to the physical dimensions of an existing facility is required to conform to the same standards and provisions provided for new facilities/towers in Sec. 24.03(A) (New Facility/Tower). The Planning Commission shall approve as submitted, approve with conditions, or deny the application within ninety (90) days after submitted to the Zoning Inspector, plus any tolling periods that may have been granted per Sec. 24.03(B)(4) (Tolling).
- (b) Modifications of an existing facility are deemed a “substantial change” subject if the modification meets any of the following criteria:

- (i) For towers not in the public right-of-way, the height of the structure is increased by more than ten (10) percent or more than twenty (20) feet, whichever is greater. For towers in the public right-of-way and all base stations, the height of the structure is increased by more than ten (10) percent or more than ten (10) feet, whichever is greater;
- (ii) For towers not in the public right-of-way, an appurtenance added to the body of the tower would protrude by more than twenty (20) feet from the edge of the tower or more than the width of the tower structure at the level of the appurtenance, whichever is greater. For towers in the public right-of-way and all base stations, an appurtenance added to the body of the structure would protrude by more than six (6) feet from the edge of the structure;
- (iii) Entails any excavation or deployment outside the existing site;
- (iv) Would defeat the concealment elements of the eligible support structure; or
- (v) Would not comply with conditions associated with site approval for the construction or modification of the eligible support structures or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in items (1) through (4) above.

(3) Eligible Facilities Request

A modification request that does not constitute a “substantial change” to the physical dimensions of an existing telecommunications facility/tower, per the criteria outlined in Section 24.03(B)(2)(b), is considered an “Eligible Facilities Request.” Eligible Facilities Requests are exempt from zoning and shall be approved by the Zoning Inspector within sixty (60) days following submission, plus any tolling periods that may have been granted per subsection (4) below.

(4) Tolling

- (a) The review period begins when the application is filed, and may be tolled only by mutual agreement by the Zoning Inspector and the applicant, or in cases where the Zoning Inspector determines that the application is incomplete.
- (b) To toll the time frame for incompleteness, the Zoning Inspector must provide written notice to the applicant within thirty (30) days of receipt of the application, specifically delineating all missing documents or information required in the application. Tolling begins on the date when such notice is mailed.

- (c) Following a supplemental submission, the Zoning Inspector will notify the applicant within ten (10) days about the completeness of the application. Subsequent notices of incompleteness shall not specify missing documents or information that was not delineated in the original notice of incompleteness. Tolling ceases on the date when the Zoning Inspector mails notice to the applicant specifying that the application is complete.

(C) Small Cell Facilities

- (1) Definition:** A “small cell facility” is defined as a wireless facility that meets both of the following requirements:
 - (a) Each antenna is located inside an enclosed structure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six (6) cubic feet in volume.
 - (b) All other wireless equipment associated with the facility is cumulatively not more than twenty eight (28) cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunication demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- (2) Exemption from Zoning:** Small cell facilities, as defined in subsection (1) above, shall be exempt from any zoning requirements; however, such facilities must comply with all other applicable codes and regulations of the Village.

24.04 Residential Uses

(A) Single Family & Two Family Residential

- (1) Within the Downtown Core (B-1) and Downtown Support (B-2) districts, detached (standalone) single-family & two family residential uses are only permitted if such dwellings were constructed prior to August 2008.
- (2) Within the Downtown Core (B-1) and Downtown Support (B-2) districts, single-family or two family dwellings which are on the second or third floor of a mixed use building are permitted, so long as the floor where located is used purely for residential purposes (no non-residential use on the same floor), and a separate pedestrian entranceway is provided for each dwelling unit. Structures containing these types of upper story residential units shall comply with the provisions for “All Other Uses” under Section 12.02 and 13.02, for Downtown Core (B-1) and Downtown Support (B-2) districts respectively.
- (3) Mobile homes, and manufactured homes that do not qualify as permanently sited, shall not be used as a single family dwelling or permanent residence in any district, except within a manufactured home park as defined in ORC 4781.01(D).

CHAPTER 25: NON-CONFORMING USES

25.01 Purpose

Within the districts established by this Ordinance or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination may exist which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this Ordinance shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Ordinance, or any amendment thereto. Nevertheless, while it is the intent of this Ordinance that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity shall be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Ordinance.

25.02 Uses Under Conditional Use Provisions Not Non-Conforming Uses

Any use which is permitted as a conditional use in a district under the terms of this Ordinance shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

25.03 Avoidance of Undue Hardship

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

25.04 Certificates for Nonconforming Uses

The Zoning Inspector may upon their own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One (1) copy of the certificate shall be returned to the

owner and one (1) copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.

25.05 Non-Conforming Lots of Record

- (A) **Legal Nonconforming Lots:** A legal (grandfathered) nonconforming lot of record is one which does not conform to one (1) or more of the dimensional requirements of this Zoning Ordinance, but was recorded prior to the date when the lot became nonconforming.
- (B) **Approved Preliminary Plan Lots:** Lots which do not conform with the regulations of this Ordinance but are shown on preliminary plans approved by the Planning Commission prior to the date when such lots became nonconforming, where such approval has not expired by reason of inactivity as provided in the Village of Maineville Subdivision Regulations, shall be allowed to be recorded as shown on the preliminary plan. Once such lots are recorded on a final plat, the lots shall then be considered legally nonconforming.
- (C) **Construction on a Nonconforming Lot:** In any zoning district, an allowable structure may be permitted on a single nonconforming lot of record provided that the lot has at least forty (40) feet of road frontage. If placement of the structure cannot conform to the required setbacks of this Ordinance, the following rules shall apply:
- (1) The sum of the side yard setbacks of any sub-standard sized lot shall be thirty (30) percent of the width of the lot and at least ten (10) percent of the lot width for any one (1) side yard.
 - (2) The depth of the rear yard setback of any sub-standard sized lot need not exceed twenty (20) percent of the depth of the lot, but in no case less than ten (10) percent.
 - (3) The front yard setback shall follow the district standard, unless so modified in accordance with Sec. 19.05(F) (Front Yard Variance).
- (D) **Recombination of Nonconforming Lots:** If two (2) or more adjacent lots of sub-standard width for the zone in which they are located belong to one (1) owner, they shall be combined into new lot sizes as follows:
- (1) If the total combined width is less than the required minimum width for one (1) lot for the zone in which they are located, they shall be combined to form one (1) lot.
 - (2) If the total combined width is greater than the minimum required width for one (1) lot for the zone in which it is located, but not a multiple of said width, the lots shall be divided into equal width lots, so as to result in one (1) more lot than the number of lots of the minimum width required in the zone in which they are located.
 - (3) Recombination of lots is not required, if:
 - (1) Two (2) or more of the lots are developed with principal buildings, and the recombination of lots would create non-conforming structures;

- (2) The combination of lots would materially disrupt the character of the area, as determined by the Zoning Inspector; or
- (3) Each lot is capable of individually supporting sanitary service.

25.06 Non-Conforming Uses

A legally established nonconforming use of record which would not be allowable by the most recent regulations shall be grandfathered, recognized to legally continue so long as the use remains otherwise lawful in accordance with the following:

- (A) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the date when the use became nonconforming.
- (B) No such nonconforming use shall be moved, in whole or in part, to any other portion or location of the lot or parcel than which was occupied by the use on the effective date of the regulation which made the use nonconforming, unless such would improve conformity with the current regulations.
- (C) If any such nonconforming uses of land are discontinued or abandoned for more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located. Where government actions impede access to the premises, the one (1) year time period shall begin upon conclusion of the government action.
- (D) No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.
- (E) The nonconforming use may be extended throughout any part of the building(s) in which it existed on the date when the use became nonconforming, provided no structural alterations are made therein, except required by law. The use shall not be extended to occupy any more land outside of any such building(s) on the lot where located.
- (F) No existing structure devoted to a use not allowed by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (G) Once a nonconforming use is superseded by a permitted use conforming to the regulations for the district, the nonconforming use may not thereafter be resumed.

25.07 Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (A) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- (B) If the structure becomes damaged or destroyed beyond fifty (50) percent of the replacement cost, reconstruction shall comply with the current zoning requirements.
- (C) Should such structure be moved for any reason and across any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (D) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased.
- (E) Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

25.08 Procedure for Becoming Conforming

In many instances, nonconforming uses or buildings/structures are integral parts of the community's fabric. In these instances, the classification "nonconformity" and resulting restriction on investment may not be what the community desires. As such, the use may be made conforming pursuant to this Section. Nonconformities may become conforming as follows:

- (A) **Types of Situations:** The following are three types of situations whereby a nonconforming use, building, or structure can become conforming:
 - (1) Correct the nonconforming situation. Where a nonconforming use is proposed to be changed to another use which requires a conditional use permit, those procedures must be followed.
 - (2) Apply for a conditional use permit to change the existing nonconforming use to another nonconforming use; in such cases, the BZA must find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. Whenever the BZA allows a nonconforming use to be changed to another non-conforming use per this section, it shall not thereafter be allowed to come back before the BZA for a change to another nonconforming use.
 - (3) Apply for conditional use permit as conforming. Under this process, where there is no change of use, the nonconforming situation may be mitigated and made conforming through application for, and approval by, the BZA for a conditional use permit.

- (B) **Procedure**

Owners of nonconforming uses, buildings or structures may apply for a conditional use permit to become conforming without changing the use or necessarily modifying the

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entire physical nature of the nonconformity. The conditional use permitting application shall be reviewed by the Zoning Inspector, and he or she shall provide a recommendation to the BZA for a final decision. The BZA, at their discretion, may require an operation plan or additional studies and reports from the property owner as part of their consideration.

(C) Review Criteria

(1) In addition to the standards and criteria for Conditional Use review, the applicant shall demonstrate that the nonconformity, as conducted and managed, has minimal incompatibilities that have been integrated into the community's function. Factors to evaluate this criterion include the following:

- (a) The area residents patronize or are employed at the use;
- (b) Current management practices that eliminate problems such as noise, waste materials, competition for on-street parking, or similar conflicts;
- (c) The nonconformity's history of complaints against it; and,
- (d) The nonconformity has been maintained in good condition or that the nonconformity represents a disincentive for such maintenance.

(2) The BZA shall determine that the nonconformity is generally integrated into the community and has minimal adverse impacts. The BZA may require appropriate conditions and safeguards to assure that the nonconformity does not adversely affect orderly development and the value of nearby property, including, but not limited to:

- (a) Required improvement of, or modifications to existing improvements on the property;
- (b) Limitations on hours of operations;
- (c) Limitations on the nature of operations.

(D) Effect: The granting of a conditional use approval eliminates the nonconformity.

CHAPTER 26: BOARD OF ZONING APPEALS

26.01 Powers

The Board of Zoning Appeals shall have the powers and duties as outlined in Ohio Revised Code 713.11. In exercising its powers, the Board may in conformity with the Ohio Revised Code, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and it may make such order, requirement, decision or determination as ought to be made and to that end shall have all powers of an officer from whom the appeal is taken.

26.02 Duties

- (A) **Appeal of Administrative Decisions:** To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official, including the Zoning Inspector, in the enforcement of Section 713.11 of the Ohio Revised Code, or any resolution adopted pursuant thereto. See Sec. 26.03.
- (B) **Variations:** To authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Ordinance as will not be contrary to the public interest, where owing to special condition, a literal enforcement of said Ordinance will result in unnecessary hardship and so that the spirit of the Zoning Ordinance shall be observed and substantial justice done. Under no circumstances shall the Board of Zoning Appeals grant a use specifically prohibited by the Zoning Ordinance, in the District involved. See Sec. 26.04.
- (C) **Non-Conforming Uses:** The Board shall have the power to authorize the completion, restoration, reconstruction, in whole or in part, extension, or substitution of non-conforming uses; taking into consideration the nature of such uses in relationship to the character of the adjacent uses, lot size, setback lines, traffic conditions, terrain, and all other factors which, in the opinion of the Board are pertinent to such completion, restoration, reconstruction, extension, or substitution. See Chapter 25 (Nonconforming Uses).
- (D) **Conditional Uses:** The Board shall have the power to hear and determine Conditional Use cases for use of land, buildings, or other structures. See Sec. 26.05.

26.03 Administrative Appeals

- (A) **Purpose:** This Section sets out the procedure to follow when a person claims to have been aggrieved or affected by an administrative decision of the Zoning Inspector, other administrative official, or administrative decisions of a board of the Village.
- (B) **Initiation:** Administrative appeals shall be initiated by the person aggrieved or affected by any order, decision, determination, or interpretation made by the Zoning Inspector,

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other administrative official, or administrative decision of a board of the Village charged with the administration or enforcement of this Zoning Ordinance.

(C) Application Requirements

- (1) Name, address, fax number, e-mail address, and phone number of the owner/agent of the property;
- (2) Date submitted to, and accepted complete, for processing by the Zoning Inspector;
- (3) The identification number of the parcel(s) of the appeal submitted; the name of the zoning district and the applicable Section, Town, and Range or Military Survey number(s) in which the site is located; the road address of the site, if issued; and, if applicable, the name of the subdivision and the lot number(s) of the site and other identifying references provided, if necessary, to accurately establish the location of the appeal site;
- (4) Statement of the grounds as reason(s) for submitting the application for administrative appeal;
- (5) Signature of the applicant on the application form attesting to the truth and correctness of all information provided on the application form and in any other accompanying information; and
- (6) The applicable submittal fee established by Village Council.

(D) Review Procedure: The review procedure for an administrative appeal shall be as follows unless otherwise specified in this Zoning Ordinance:

- (1) **Step 1 – Submission of Appeal (Application):** An appeal pursuant to this Section shall be initiated by filing a written appeal of the administrative decision or determination within thirty (30) days of the date of the order, decision, determination, or interpretation.
- (2) **Step 2 – Forwarding of the Record to the BZA:** The Zoning Inspector shall forthwith transmit to the BZA all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings.
- (3) **Step 3 – BZA Hearing and Decision on Appeal**
 - (a) The BZA shall hold a public hearing for the appeal within sixty (60) days of the application and give public notice.
 - (b) The affected party may appear at the hearing in person or by attorney.
 - (c) The BZA shall make a decision on the appeal within sixty (60) days of the date of the hearing.

(E) Review Criteria: An order, decision, determination, or interpretation shall not be reversed or modified unless there is competent material and substantial evidence in the record that the order, decision, determination, or interpretation fails to comply with

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either the procedural or substantive requirements of this Zoning Ordinance, state law, or the federal or state constitutions.

- (F) **Conditions:** The BZA may impose conditions upon an affirmative decision to ensure that the requirements and purposes of this Zoning Ordinance are followed in the order, decision, determination, or interpretation.
- (G) **Stay:** A properly submitted appeal shall stay all administrative proceedings by the Village in furtherance of the action appealed, unless the Zoning Inspector or other administrative official from whom the appeal is taken certifies to the BZA that a stay would cause imminent peril to life or property, in which case the administrative proceedings shall not be stayed unless a restraining order is granted by the BZA for good cause shown.
- (H) **Appeal:** The decision of the BZA may be reviewed by the Court of Common Pleas as provided in Chapter 2505 and 2506 of the Ohio Revised Code.

26.04 Variances

- (A) **Purpose:** Variance is provided as a type of application for appeal to the Board of Zoning Appeals (BZA) by which a property owner may be granted relief or release from a dimensional and/or numeric requirement of this Zoning Code.
- (B) **Appropriateness:** Applying for a variance is inappropriate for any of the following:
 - (1) Use variances;
 - (2) Development within a Planned Unit Development District;
 - (3) Changes which would increase the allowable density of a property; and
 - (4) Before a zoning permit has been denied by the Zoning Inspector.
- (C) **Application Requirements:** The required application form and information to accompany the request for variance shall be to the satisfaction of the Zoning Inspector. The following information should be provided to the greatest extent possible:
 - (1) The specific variance requested;
 - (2) The special conditions supporting the request;
 - (3) Why a variance is not contrary to the public interest;
 - (4) Setting forth demonstrable facts showing that special conditions exist; and
 - (5) Describing the unnecessary hardship that would result if the variance were not granted.
- (D) **Review Procedure**
 - (1) **Step 1 – Consultation with Zoning Inspector**

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- (a) Prior to submitting a variance application, the applicant or property owner shall first consult with the Zoning Inspector.
- (b) The purpose of this informal consultation is to:
 - (i) Discuss applicable standards and technical issues pertinent to the proposal;
 - (ii) Comment on whether or not the variance application is the necessary and appropriate process.

(2) Step 2 – Formal Submittal and Processing

- (a) The applicant shall formally submit the required application to the Zoning Inspector.
- (b) The Zoning Inspector has the duty to determine whether such application is complete within ten (10) working days of receipt of the application. If the Zoning Inspector believes that legally adequate grounds for the variance have not been properly stated in the application, then he or she may refer the matter to the Village Law Director for an opinion.
- (c) If the Zoning Inspector determines that the application is not complete, the applicant shall be notified, in writing, of the specific deficiencies of the application including any additional information that must be supplied. The applicant shall be informed that no further action will be taken by the Village on the application until the deficiencies are corrected.
- (d) Upon receipt of a complete application, the Zoning Inspector shall notify the applicant of completeness. The Zoning Inspector shall then provide the accepted application to applicable authorities and departments involved for review of the plan and allow fifteen (15) days to respond and receive comments before the Zoning Staff Report is sent to the Board of Zoning Appeals (BZA).

(3) Step 3 – Review and Action

- (a) The BZA shall hold a quasi-judicial hearing to hear sworn testimony and consider evidence regarding the proposed variance.
- (b) Upon closing the quasi-judicial hearing, the BZA shall adopt a resolution to approve or deny the variance as submitted. Appeal of the BZA's decision is to the Court of Common Pleas.

(E) **Review Criteria:** The BZA shall not authorize approval of variance(s) unless the Board documents Findings of Fact based on the evidence presented upon appeal. The standards for granting such variance from the terms of the Zoning Ordinance to be considered are as follows:

- (1) That granting a variance will not be contrary to the public interest;

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- (2) Where, owing to special conditions, a literal enforcement of the Zoning Ordinance will result in an unnecessary hardship;
- (3) That the spirit of the Zoning Ordinance will be observed if a variance is granted; and
- (4) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are:
 - (a) Exceptional irregularity
 - (b) Narrowness
 - (c) Shallowness
 - (d) Steepness of Lot
 - (e) Adjacency to non-conforming and inharmonious uses, structures, or conditions.

(F) Restrictions on Board Action: No variance in the application of the provisions of this Zoning Code shall be made by the BZA relating to buildings, land or premises now existing or to be constructed, unless, after a public hearing, the BZA shall find that such variance will not:

- (1) Alter the land use characteristics of the district, except as otherwise provided in this Zoning Code.
- (2) Impair the adequate supply of light and air to adjacent property.
- (3) Increase the hazard of fire, flood and other dangers on the property.
- (4) Diminish the marketable value of adjacent lands and buildings.
- (5) Increase the congestion in the public streets.
- (6) Otherwise impair the public health, safety, convenience, comfort and general welfare.

(G) Applicable Requirements and Provisions Following Variance Approval

- (1) **Permits or Approvals from Other Involved Authorities:** The applicant is responsible for obtaining all necessary permits.
- (2) **Development and Maintenance Per the Approved Variance(s):** It is the responsibility of the property owner to develop, improve, operate, and maintain the site, including the buildings, structures, and all elements in accordance with the approved conditions and restrictions.
- (3) **Modification of the Approved Variance:** Modification of the approved variance(s) requires re-application to the BZA.

(H) Case File Record

- (1) Application files maintained by the Zoning Inspector shall contain all written information submitted. The application file is numbered by the year in which the application was reviewed and consecutive to other applications within the same year.
- (2) Written meeting minutes and audio recording(s) of the proceedings of a hearing may be referenced at the offices of the Village.
- (3) The letter or resolution of the BZA in decision on the variance is placed in the case file and provided to the applicant.

26.05 Conditional Uses

(A) Purpose and Approval

- (1) Conditional use is provided as a category and means of permitting certain uses listed in Tables 5.2, 5.3, 23.1, or anywhere else in the Zoning Ordinance as potentially acceptable.
- (2) Allowance of a conditional use is contingent on the Board of Zoning Appeals (BZA) granting approval in request for such use.
- (3) A conditional use may only be approved if the BZA finds that the proposal is in accordance with this Section and meets applicable use-specific requirements, or any additional conditions specified by the BZA.
- (4) A conditional use application shall be accompanied by a site plan review application; the site plan review shall be consistent with the requirements of Chapter 30 (Site Plan Review), unless otherwise amended by this Section. Site plan approval by the BZA shall be considered a separate decision item from conditional use approval. Conditional use approval shall be considered a prerequisite to site plan approval. Conditional use and site plan review applications pertaining to the same site may be reviewed consecutively by the BZA on the same published date and time.

(B) Application Requirements: The applicant shall submit the required application form and fee. The information to accompany the application for conditional use shall be the same as the information required for site plan review as specified in Chapter 30 (Site Plan Review).

(C) Review Procedure

(1) Step 1 – Consultation with Zoning Inspector

- (a) Prior to submitting a conditional use application, the applicant or property owner shall first consult with the Zoning Inspector.
- (b) The purpose of this informal consultation is to:

- (i) Discuss applicable standards and technical issues pertinent to the proposal;
- (ii) Comment on whether or not the conditional use application is the necessary and appropriate process.

(2) Step 2 – Formal Submittal and Processing

- (a) The applicant shall formally submit the required application to the Zoning Inspector.
- (b) The Zoning Inspector has the duty to determine whether such application is complete within ten (10) working days of receipt of the application.
- (c) If the Zoning Inspector determines that the application is not complete, the applicant shall be notified, in writing, of the specific deficiencies of the application including any additional information that must be supplied. The applicant shall be informed that no further action will be taken by the Village on the application until the deficiencies are corrected.
- (d) Upon receipt of a complete application, the Zoning Inspector shall notify the applicant of completeness. The Zoning Inspector shall provide the accepted application to applicable authorities and departments involved for review of the plan and allow fifteen (15) days to respond and receive comments before the Zoning Staff Report is sent to the Board of Zoning Appeals (BZA).

(3) Step 3 – Review and Action

- (a) The BZA shall hold a quasi-judicial hearing to hear sworn testimony and consider evidence regarding the proposed conditional use.
- (b) Upon closing the quasi-judicial hearing, the BZA shall adopt a resolution to approve or deny the conditional use application as submitted, or to approve with conditions. Conditions may include plan revisions and safeguards to be performed by the applicant. Appeal of the BZA decision is to the Court of Common Pleas.

(D) Review Criteria

- (1) In reviewing conditional uses, the BZA shall consider the following in the interest of public health and safety, public convenience, comfort, prosperity, or general welfare:
 - (a) The use is a conditional use, permitted with approval by the BZA, in the district in which the subject lot is located (except as provided in Chapter 25 Nonconforming Uses);
 - (b) Whether the use deviates from the suggestions of the Comprehensive Plan; and

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- (c) The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.
- (2) In order to approve a conditional use, the BZA shall consider the following review criteria:
 - (a) The use will be harmonious with, and in accordance with, the purpose of this Zoning Ordinance;
 - (b) The use will conform to the general character of the neighborhood in which it will be located;
 - (c) Imposing special conditions or requirements that would mitigate the special characteristics which are inherent to the use and enable compatibility with the existing neighborhood;
 - (d) The use complies with all applicable provisions of this Zoning Ordinance, including any use specific standards;
 - (e) The use be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and the use will not change the essential character of the area;
 - (f) The use will not create excessive additional requirements, at public cost, for public facilities and services and will not be detrimental to the economic welfare of the community;
 - (g) That the proposed use at a particular location shall be shown as necessary or desirable in providing a service or facility that will not be detrimental to the general well being of the surrounding area.
 - (h) That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
 - (i) Only one (1) conditional use is allowed on a parcel of property.

(E) **Applicable Requirements and Provisions Following Use Approval**

- (1) **Permits or Approvals from Other Involved Authorities:** The applicant is responsible for obtaining all necessary permits or approvals from other approving authorities before issuance of the zoning permit.
- (2) **Development and Maintenance in Compliance with Approved Plan:** It is the responsibility of the owner of the property for which the conditional use approval has been granted, or of their duly authorized agent(s) acting in their behalf, to develop, improve, operate, and maintain the site, including the buildings, structures, and all development component elements of the use, in accordance with the approved plan and all conditions of approval.

(F) **Case File Record**

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- (1) Application files maintained by the Zoning Inspector shall contain all written information submitted. The application file is numbered by the year in which the application was reviewed and consecutive to other applications within the same year.
- (2) Written meeting minutes and audio recording(s) of the proceedings of a hearing may be referenced at the offices of the Village.
- (3) The decision resolution on the amendment is placed in the case file. A copy of the decision resolution is provided to the applicant.

CHAPTER 28: LIGHTING REQUIREMENTS

28.01 Purpose

Subject to the provisions set forth herein, all parking areas, walkways, driveways, building entryways, off-street parking and loading areas, and building complexes with common areas shall be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas.

28.02 Requirements in Special Zoning Districts

- (A) Downtown Core (B-1) District – See Section 12.03 (G), Lighting.
- (B) Downtown Support (B-2) District – See Section 13.03 (D), Lighting.
- (C) Planned Unit Developments – See Section 14.03 (G), Lighting.

28.03 Permitted Lighting

Only non-glare, color-corrected lighting shall be permitted. Lighting shall be placed and shielded so as to direct the light onto the site and away from adjoining properties. The lighting source shall not be directly visible from adjoining properties. Lighting shall be shielded so that it does not cause glare for motorists.

28.04 Intensity

In parking areas, the light intensity shall average a minimum of one (1.0) foot candle, measured five (5) feet above the surface. In pedestrian areas, the light intensity shall average a minimum of two (2.0) foot candles, measured five (5) feet above surface. Light intensity at the property lines shall not exceed one-half ($\frac{1}{2}$) foot candle.

28.05 Height

Except as noted below, lighting fixtures shall not exceed a height of twenty-five (25) feet measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of approximately seven (7) feet above ground level.

The Planning Commission may modify these height standards in commercial and industrial districts, based on consideration of the following: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of the proposed use; and, the character of surrounding land use. In no case shall the lighting exceed the maximum building height in the district in which it is located.

28.06 Sign Lighting

Signs shall be illuminated in accordance with the regulations set forth in this Ordinance.

28.07 Site Plan Requirements

All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objective of these specifications is to minimize undesirable off-site effects.

CHAPTER 29: LANDSCAPING AND SCREENING

29.01 Purpose

Landscaping and screening buffers are necessary for the protection and enhancement of the environment, and to ensure reasonable compatibility between land uses of differing intensity or impacts. Screening elements enhance the visual environment; protect property values; alleviate the impact of noise, traffic, and more intensive land uses; and minimize visual impacts of parking lots, loading areas and storage areas. Provisions for necessary screening and buffering contribute to a healthy development pattern, and increase the level of privacy for residential uses in the Village.

The purposes of this Chapter are to establish minimum standards for the design, installation, and maintenance of screening elements and plant materials; to establish reasonable standards for the screening of uses of a significantly different scale or character, buffering of parking lots, storage areas, mechanical equipment, and similar activities from road rights-of-way and adjacent lots; and protection of residential uses that abut non-residential zoning districts.

It is the intent of this Chapter that required landscaping and screening elements shall be immediately effective in achieving the purpose of this Chapter, and shall maintain that effectiveness as the plant materials mature. Where existing sites have been developed without adequate landscaping and screening, the purpose of this Chapter shall be achieved through improvements that are in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other site improvements.

29.02 Minimum Requirements

The requirements in this Chapter are minimum requirements, and under no circumstances shall they preclude the developer and the Village from agreeing to more extensive landscaping or screening.

29.03 General Standards

(A) Plant Material Standards: All plant material shall conform to size and description set forth in the current edition of "American Standard for Nursery Stock" published by AmericanHort and approved by the American National Standards Institute, Inc. (ANSI Z60.1, 2014).

- (1) All plant material shall be true to name in conformance to the current edition of Standardized Plant Names established by the American Joint Committee on Horticultural Nomenclature, or other source accepted by the Village.
- (2) All plant material shall be nursery grown; hardy to the climate of southwest Ohio; appropriate for the soil, climatic and environmental conditions; and resistant to disease and insect attack.

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- (3) Artificial plant material shall be prohibited within required landscaping and screening areas.
- (4) Groundcovers: The following shall apply to all groundcover materials:
 - (a) Lawn areas shall be planted in species of grass normally grown as permanent lawns in Ohio. Grass may be sodded or hydro-seeded, provided that adequate measures are taken to minimize soil erosion. Sod or seed shall be clean and free of weeds and noxious pests or disease.
 - (b) The creative use of groundcover alternatives is encouraged. Groundcover used in lieu of grass shall be planted to present a finished appearance after one (1) complete growing season. Prairie grass and natural wildflower and grass mix may be used where appropriate.
 - (c) Synthetic materials shall not be used as a permitted groundcover. Use of stone and gravel as a groundcover shall be limited to decorative accents within a planting bed, subject to Planning Commission approval.
- (5) Mulch: Planting beds shall present a finished appearance; with shredded hardwood bark mulch or similar natural material at a minimum depth of three (3) inches. Mulch used around trees and shrubs shall be a minimum of four (4) inches deep, and shall be pulled one (1) inch away from tree trunks. An effective edge treatment shall be provided to contain and prevent migration of the mulch.
- (6) Topsoil: A minimum four (4) inches of topsoil shall be provided for all lawn areas, ground covers and planting beds.

(B) Landscaping Adjacent to Road: Where required, landscaping adjacent to roads shall comply with the planting requirements in Table 29.1.

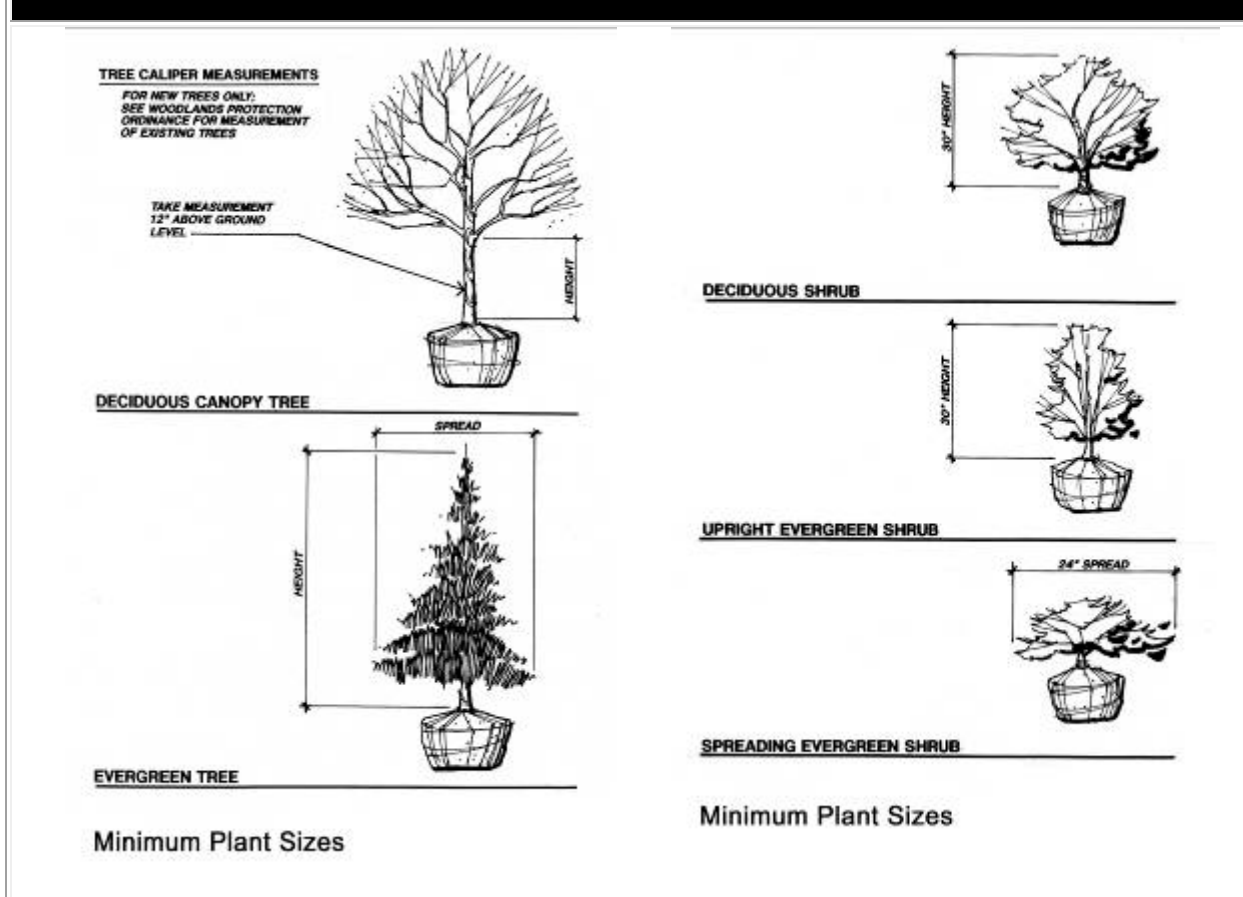
TABLE 29.1: LANDSCAPING ADJACENT TO ROAD	
Type	Requirements
Deciduous or Evergreen Trees	1 per 30 ft of road frontage
Ornamental Trees	1 per 40 ft of road frontage
Shrubs	8 per 30 ft of road frontage

For the purpose of computing road frontage, openings for driveways shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.

- (C) **Standards for Size and Variety of Plant Materials:** To ensure adequate variety, and to avoid monotony and uniformity within a site, required plant materials shall not include more than 30 percent of any single plant species, and shall comply with the schedule for minimum sizes at planting in Tables 29.2 and 29.3:

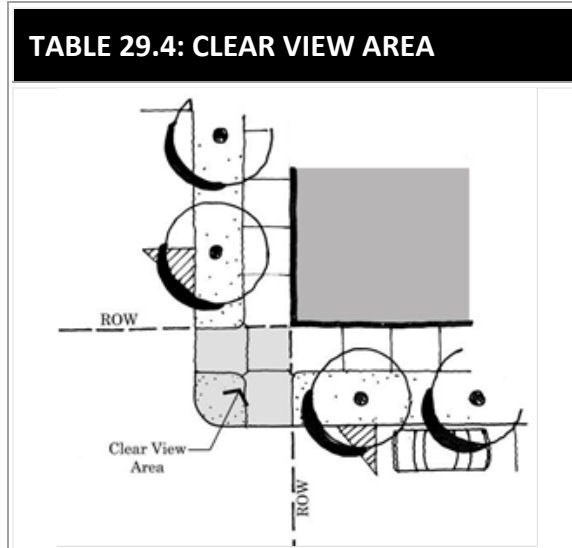
TABLE 29.2: SIZE AND VARIETY OF PLANT MATERIALS	
Screening Materials	Minimum Size at Installation
Deciduous Shade Trees	2 ½ caliper-inches diameter
Evergreen Trees	6.0 feet overall height
Deciduous Ornamental Trees	2.0 caliper-inches diameter or 6 feet overall height
Shrubs	30 inches in height or 24 inches in spread

TABLE 29.3: MINIMUM PLANT SIZES



- (D) **Irrigation:** The site plan shall indicate the proposed method of watering all landscaped areas. Although, not required, installation of an in-ground irrigation sprinkler system is encouraged, especially in front yards.

- (E) Clear View Area: A clear vision area shall be maintained at all street intersections. The clear vision area shall be kept free of any objects or structures located between a height of 2 and 8 feet. The clear vision area is defined as any area that is located in the right-of-way or road easement area of more than one interior street.

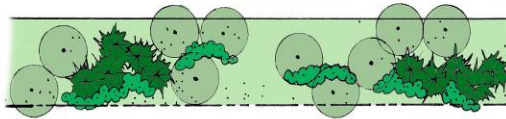


29.04 Methods of Screening

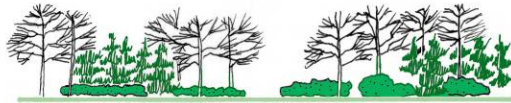
Screening and buffering elements shall satisfy the purpose and objectives of this Chapter, and shall be accomplished by the following methods, or any combination of these methods that the Planning Commission determines to be best suited for the existing conditions.

- (A) **Greenbelt Buffer:** The purpose of this method is to establish a buffer between adjacent land uses, or between uses and adjacent road rights-of-way. This method is intended to provide a partial visual screen, particularly where the adjacent uses (including uses that are adjacent across a road right-of-way) are less intense than the use of the subject site. Greenbelt buffers shall consist of the following (Table 29.5):
- (1) Greenbelts shall have a minimum width of 10 feet.
 - (2) Greenbelts shall be sodded, hydro-seeded, or planted with appropriate groundcovers. Planting beds for perennial flowers may be incorporated into the greenbelt.
 - (3) A mixture of deciduous shade trees, ornamental trees, evergreen trees, and shrubs shall be planted along the greenbelt buffer per the requirements of Section 29.03(C) along a property line or road frontage.

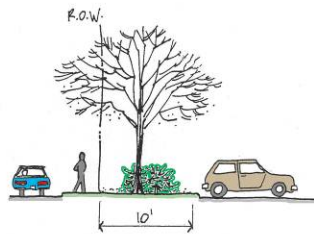
TABLE 29.5: SCREENING METHODS



PLAN



ELEVATION

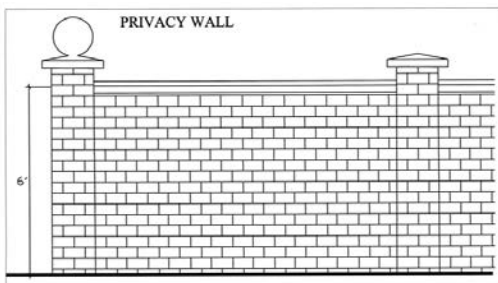


SECTION

Greenbelt Buffer

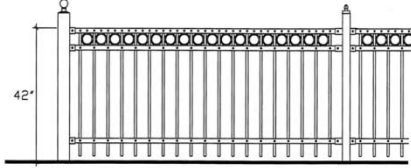
- (B) **Fencing:** The purpose of this method is to visually screen parking lots, outdoor storage areas, and similar uses where the predominant impacts are at or below eye level. This method shall consist of an ornamental or privacy fence constructed along the lot or zoning district boundary, or around the perimeter of the area to be screened, subject to regulations of Chapter 22, Fences and Walls.

TABLE 29.6: FENCING EXAMPLES



VILLAGE OF MAINEVILLE ZONING ORDINANCE

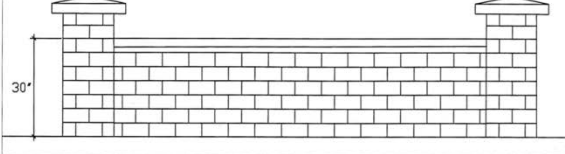
ORNAMENTAL FENCE (WROUGHT IRON OR TUBULAR ALUMINUM)



LOCATIONS: PLAZAS, COURTYARDS, MUNICIPAL FACILITIES, PARKS, PARKING LOTS, ETC.



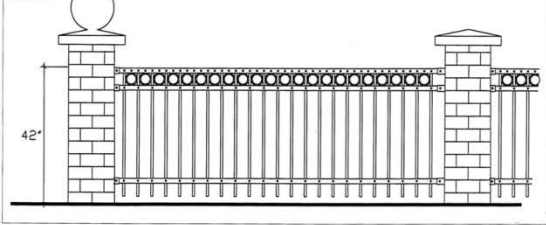
DECORATIVE MASONRY KNEE WALL



LOCATIONS: PARKING LOTS, COURTYARDS, ETC.



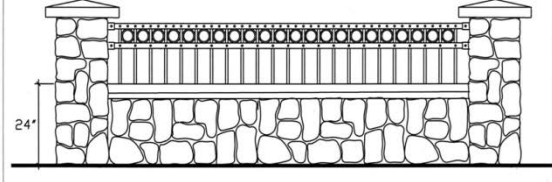
CIVIC



LOCATIONS: INSTITUTIONS, PARKING LOTS PARKS, ETC.



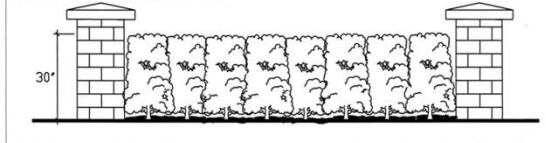
INSTITUTIONAL



LOCATIONS: PARKS, COURTYARDS, PARKING LOTS, MUNICIPAL FACILITIES



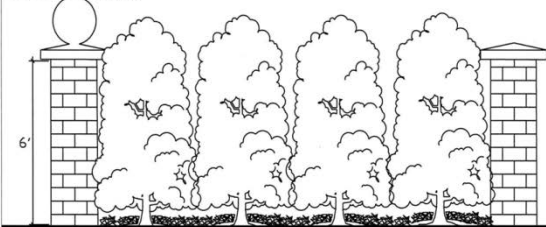
LIVING KNEE WALL SCREEN



LOCATIONS: PARKS, COURTYARDS, PARKING LOTS, MUNICIPAL FACILITIES



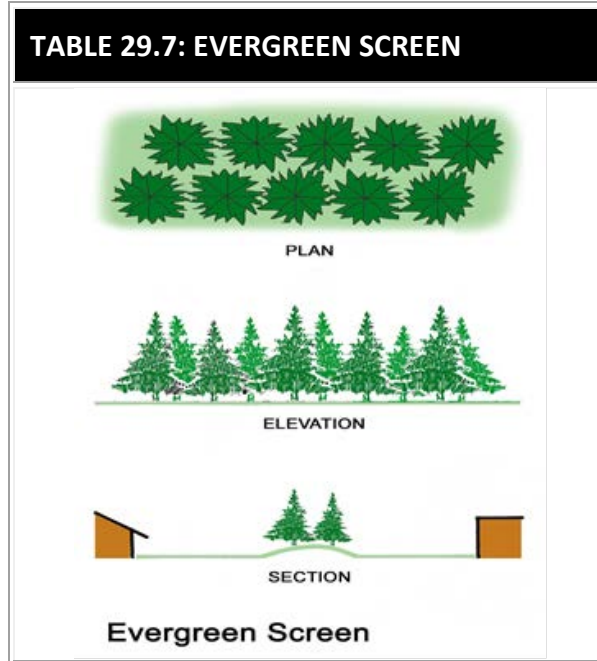
PRIVACY SCREEN



LOCATIONS: REAR YARDS, BETWEEN COMMERCIAL & RESIDENTIAL LAND USES, SCREENING



- (C) **Evergreen Screen:** The purpose of this method is to create a dense obscuring screen that meets the objectives of this Chapter. This method is intended to establish a year-round screening barrier between land uses of differing intensities, to effectively block noise and light, or to completely separate developed and undeveloped portions of a site.



This method shall consist of closely spaced evergreen trees with year-round screening characteristics. Such trees shall be planted a maximum of fifteen (15) feet apart in at least two (2) staggered rows (see Table 29.7).

29.05 Standards for Specific Areas

The following standards are intended to address the specific screening and buffering needs of particular areas or portions of a site, in accordance with the purpose and objectives of this Chapter:

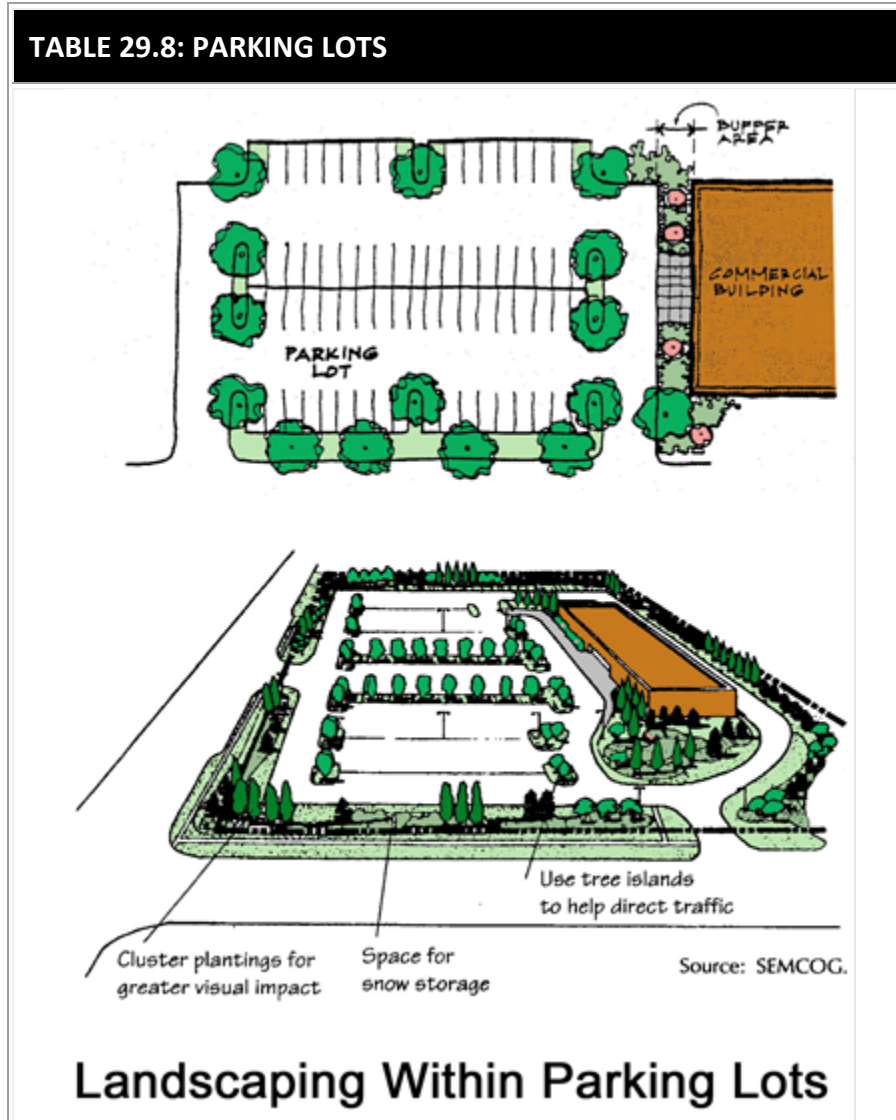
- (A) **Parking Lot Screening:** Screening for off-street parking lots shall be subject to the following:
- (1) **Perimeter Screening:** Parking lots shall be screened from all abutting residential districts and road rights-of-way in accordance with Section 29.04, Methods of Screening.
 - (2) **Snow Storage Area:** An adequate snow storage area shall be provided within the site. Plant materials within the snow storage area shall be hardy, salt-tolerant species characterized by low maintenance requirements.
 - (3) **Landscaping within Parking Lots:** Five (5) percent of the parking lot after shall be landscaped for parking lots that exceed twenty (20) parking spaces or six thousand (6,000) square feet of paved surface area to define egress/ingress

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points, interior circulation system, and fire lanes. Such planting islands shall be subject to the following (see Table 29.8):

- (a) Planting islands shall have a minimum width of ten (10) feet, and a minimum area of one hundred sixty (160) square feet.
- (b) A minimum of one (1) deciduous shade tree or ornamental tree and two (2) shrubs shall be provided for each planting island. Live groundcover plantings shall be used to cover all unplanted areas of the island.
- (c) Planting islands shall be located at the ends of each parking row, unless otherwise approved by the Planning Commission.
- (d) Landscaping shall not obscure traffic signs, street lighting, or be planted within three (3) feet of fire hydrants.

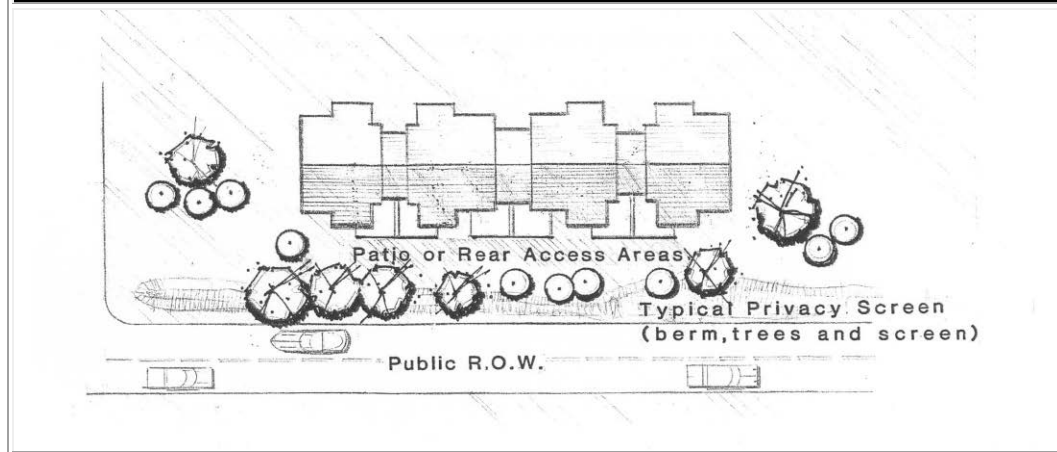
TABLE 29.8: PARKING LOTS



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- (B) **Storage and Service Area Screening:** Loading areas, storage areas and service areas, outdoor trash storage areas, public utility and essential service uses and structures, ground equipment shelters, ground-mounted transformers and HVAC units, electric substations, gas regulator stations, and similar facilities shall be screened from road rights-of-way and adjacent uses in accordance with Section 29.04, Methods of Screening.
- (C) **Trees in Residential Districts:** A minimum of one (1) deciduous tree per forty (40) linear feet, exclusive of driveways, shall be planted on each parcel or lot on which a new dwelling unit is proposed.
- (D) **Residential Developments:**
- (1) All residential developments shall comply with the requirements for landscaping adjacent to the road in Section 29.03(B) for all proposed side and rear property lines that abut an existing road.
 - (2) In all Residential Districts, so called entranceway structures, including but not limited to walls, columns, gates, and landscaping that mark entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard. Entranceway landscape areas shall be located in established landscape easements and may not be part of any individual lot.

TABLE 29.9: RESIDENTIAL LANDSCAPING



- (3) Where multiple family dwellings are designed so that rear open areas or patio areas front onto a public street, a landscaped privacy screen shall be provided. The screen may consist of a combination of trees, shrubs, and berms, in addition to the plantings required adjacent to a road subject to review by the Planning Commission.
- (4) **Boulevard Median and Cul-De-Sac Island Landscaping:** Landscaped planting strips and islands shall be provided within boulevard medians and cul-de-sac islands to create shade and direct traffic flow, subject to the following:
 - (a) Landscaped areas shall be protected with concrete curbing to prevent vehicle encroachment.

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- (b) Adequate snow storage area shall be provided within the site, and plant materials shall be hardy, salt-tolerant species characterized by low maintenance requirements.
- (c) Landscaping shall not obscure traffic signs, street lighting, or be planted within three feet of fire hydrants.
- (d) Landscaping shall not obscure motorist sight-distance between the heights of thirty (30) inches and six (6) feet above the existing street grade. Trees and foliage shall be trimmed to maintain a clear visibility area between these heights.
- (e) A minimum of one (1) deciduous shade tree shall be provided for each three hundred (300) square feet of planting area within the island.
- (f) Shrubs, groundcover plantings, or mulch shall cover all unplanted areas of the island.

(E) Fire Hydrants:

- (a) **Obstruction.** Post, fences, vehicles, growth, trash, storage, and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.
- (b) **Clear space around hydrants.** A three (3) foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.

29.06 Buffering Between Uses

The following standards apply to abutting uses and will be incorporated Village wide.

TABLE 29.10: BUFFERING BETWEEN USES			
Use	Abutting	Buffer Zone	Plant Materials
Office, assembly or cultural/civic use	Single-Family detached residential use	20 feet wide	1 tree and 8 shrubs per 15 lineal feet
Retail Service, restaurant or hotel use	Single-Family detached residential use	20 feet wide or continuous 6 foot high hedge, evergreen planting, earth mound, screen wall, or combination thereof	1 tree and 8 shrubs per 15 lineal feet
Multi-family residential use or townhomes	Single-Family detached residential use	20 feet wide	1 tree and 5 shrubs per 20 lineal feet
Parking lot	Adjacent residential area	10 foot wide with a continuous 4 to 6 foot hedge, evergreen planting, earth mound, 6 foot high decorative screen wall or fence, or combination thereof; does not apply to shared parking with a residential use	1 tree per 30 lineal feet
Parking lot	Public street or when visible from a public street	A continuous 30 inch high masonry wall, ornamental fence, hedge or combination thereof	Minimum 24 inch perennials or shrubs
Loading area	Another property, public street or parking lot	No minimum width. A continuous 6 foot in height hedge, screen wall, evergreen planting, earth mound or combination thereof	No additional requirements

29.07 Prohibited Plant Materials

The following trees and shrubs are not considered desirable plant materials because of various problems, and shall not be used in required screening or as required landscaping except where removal of existing trees and/or shrubs would result in a loss of screening or buffering, or where noted in Table 29.11:

TABLE 29.11: PROHIBITED PLANT MATERIALS	
Species	Common Name
Acer negundo	Box Elder
Ulmus spp.	Elm varieties; except disease-resistant cultivars, such as 'Regal', 'Pioneer', 'Homestead', 'Jacan', 'Accolade', 'Independence', and 'Cathedral'
Populus spp.	Poplar varieties
Elaeagnus spp.	Autumn and Russian Olive
Salix spp.	Willow varieties; except in appropriate wetland ecosystems
Catalpa spp.	Catalpa varieties
Ailanthus altissima	Tree of Heaven
Ginkgo biloba	Ginkgo (female); male trees are acceptable
Robinia pseudoacacia	Black locust
Morus alba	Mulberry (white)
Acer saccharinum	Silver Maple
Fraxinus spp.	Ash except varieties that are resistant to Ash Borer infestation
Pyrus calleryana	Bradford Pear
Coronilla varia L.	Crown Vetch
Lonicera spp.	Amur, Morrow, and Tartarian Honeysuckle
Polygonum cuspidatum	Japanese Knotweed
Rhamnus spp.	Glossy and Common Buckthorn
Rosa multiflora	Multi-flora Rose

29.08 Installation

All screening shall be installed in a manner consistent with the standards of the American Association of Nurserymen ANSI Z60.1, the approved site plan, and the following:

- (1) Deadline for installation: Installation of required screening elements and plant materials shall be completed within one hundred eighty (180) calendar days from the date of construction permit issuance for the project.

- (2) Extension: The Zoning Inspector may extend the deadline to allow installation of required plant materials by the end of the next planting season, upon determination that weather conditions, development phasing, or other factors would jeopardize required plant materials and prevent their installation by the deadline specified in this Chapter.

29.09 Maintenance

All screening elements and plant materials shall be maintained in accordance with the approved site plan, and the following:

- (A) Maintenance procedures and frequencies to be followed shall be specified on the site plan, along with the manner in which the effectiveness, health, and intended functions of the screening elements and plant materials on the site will be ensured.
- (B) Plant materials shall be kept in a neat, orderly and healthy growing condition, free from weeds, debris and refuse. Tree stakes, guy wires and tree wrap shall be removed after one (1) year.
- (C) Pruning of plant materials shall be limited to the minimum necessary to ensure proper maturation of plants to achieve their intended purpose.
- (D) All required screening elements and plant materials shall be planted and maintained in accordance with an approved site plan. Failure to maintain required screening, including the removal and replacement of dead or diseased plant materials, shall be a violation of this Ordinance.
- (E) The replacement or removal of plant materials in a manner not consistent with an approved site plan shall be a violation of this Ordinance.
- (F) Dead or diseased plant materials shall be replaced annually or in the next appropriate planting season.
- (G) Adequate provisions shall be made to supply water (i.e. irrigation) to all required plant materials as necessary to ensure proper growth and development.

29.10 Treatment of Existing Plant Material

The following regulations shall apply to existing plant material:

- (A) **Consideration of Existing Elements in the Landscape Design:** In instances where healthy plant material exists on a site prior to its development, the Planning Commission may permit substitution of such plant material in place of the requirements set forth previously in this Section, provided such substitution is in keeping with the spirit and intent of this Chapter and the Ordinance in general. Existing hedges, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that such existing elements are in conformance with the requirements of this chapter.
- (B) **Preservation of Existing Plant Material:** Site plans shall show all existing trees which are located in the portions of the site that will be built upon or otherwise altered, and

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are five (5) inches or greater in caliper, measured twelve (12) inches above grade. Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. If existing plant material is labeled "To Be Saved" on the site plan, protective measures should be implemented, such as the placement of fencing or stakes at the drip line around each tree. No vehicle or other construction equipment shall be parked or stored within the drip line of any tree or other plant material intended to be saved.

Trees at least six (6) inches in caliper must be preserved unless:

- (1) They are located within public rights-of-way, utility easements, or temporary construction; or
- (2) They are within the building footprint of the proposed structure, or within twelve (12) feet of the perimeter of such structure; or
- (3) Are damaged, diseased, or overgrown, and that interfere with utility lines or are an inappropriate species; or
- (4) Must be removed for necessary drainage purposes; or
- (5) Are within required vehicular use areas.

Preserved trees located within required buffer areas may be credited toward required landscaping as provided in Table 29.12:

TABLE 29.12: PRESERVATION OF TREES	
Caliper	Replacement Ratio
6-8 inches	1 tree
8-12 inches	2 trees
12-18 inches	3 trees
19-24 inches	4 trees
25 plus inches	5 trees

In the event that healthy plant materials which are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, said plant material shall be replaced in accordance with the following schedule, unless otherwise approved by the Planning Commission on consideration of the site and building configuration, available planting space, and similar considerations:

TABLE 29.13: REMOVAL OF HEALTHY PLANT MATERIALS Caliper measured 12 inches above Grade		
Damaged Tree	Replacement Tree	Replacement Ratio
Less than 6 inches	2 ½ to 3 inches	1 for 1
More than 6 inches	2 ½ to 3 inches	1 replacement tree for each 6 inches in caliper or fraction thereof of damaged tree

29.11 Exceptions

In consideration of the overall design and impact of a specific landscape plan, and in consideration of the amount of existing plant material to be retained on the site, the Planning Commission may modify the specific requirements outlined herein, provided that any such adjustment is in keeping with the intent of this Chapter and Ordinance in general. In determining whether a modification is appropriate, the Planning Commission shall consider whether the following conditions exist:

- (1) Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design.
- (2) Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.
- (3) The public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of the Ordinance.

CHAPTER 30: SITE PLAN REVIEW

30.01 Procedures

- (A) The site plan approval procedures of this Chapter are instituted to provide an opportunity for the Village of Maineville's Planning Commission to review the proposed development, alteration, and use of a site in relation to drainage, pedestrian and vehicular circulation, parking, structural relationships, utilities, screening, accessibility, and other site design elements. The purpose of this Chapter is to establish procedures and standards that provide a consistent method of review of site plans, and to ensure full compliance with the standards contained in this Ordinance and other applicable Ordinances.
- (B) Flexible review standards have been established to ensure that the type of review and amount of required information is proportional to the project's scale and use intensity. It is the further purpose of this Chapter to protect natural resources, minimize adverse impacts on adjoining or nearby uses and land, encourage cooperation and consultation between the Village and the applicant, and facilitate development in accordance with the Village's Comprehensive Plan.
- (C) All development shall conform to the Village of Maineville Unified Development Manual.

30.02 Applicability

- (A) Site Plan Review is not required for the following:
 - (1) Single-family and two-family dwellings;
 - (2) Change in the ownership of any land or structure;
 - (3) Exterior or interior maintenance and repair of any existing use structure;
 - (4) Re-occupancy of any building or re-use of any structure with a previously permitted use;
 - (5) Interior alteration of a building used for an approved principal or accessory use;
 - (6) Exterior alteration of a building used for an approved principal or accessory use which does not expand the building footprint by more than twenty-five (25) percent compared to the building footprint within the past five (5) years; and
 - (7) A change of occupancy within the same use category, provided no modification of the site is proposed or required by the standards of this Code, such as an increase in the number of required parking spaces or sufficient landscape

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buffering, and that such change maintains compliance with all applicable requirements of this Code.

- (B) An additional building may be constructed if that building:
 - (1) Will not expand the total footprint of all existing buildings by more than ten (10) percent compared to the building footprint within the past five (5) years;
 - (2) Will not increase a parcel's acreage;
 - (3) Will not produce concerns regarding the environment or traffic;
 - (4) Has access from a public road; and
 - (5) Meets approval from the Zoning Inspector.

30.03 Site Plan Review Procedure

Site plans shall be reviewed in accordance with the following:

- (A) **Application.** The owner of an interest in land for which site plan approval is sought or the owner's designated agent shall submit a completed application form and sufficient copies of a site plan to the Village, along with appropriate review fees, as determined by Village Council. Any application or site plan that does not satisfy the information requirements of this Section shall be considered incomplete, and shall be returned to the applicant.
- (B) **Technical Review:** Prior to Planning Commission consideration, the Zoning Inspector shall distribute copies of the site plan and application to designated Village officials and the Village consultants for review and comment. The Zoning Inspector or Planning Commission may also distribute copies of the site plan and application to other local agencies or departments with jurisdiction for comment.
- (C) **Planning Commission Consideration of the Site Plan:** The Planning Commission shall review the site plan, together with any reports and recommendations from Village officials and consultants, and other reviewing agencies. The Planning Commission shall make a determination based on the requirements of this Ordinance and the standards of Section 30.011, Standards for Site Plan Approval. The Planning Commission is authorized to table, approve, approve subject to conditions or, deny the site plan as follows:
 - (1) **Tabling:** Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 - (2) **Denial:** Upon determination that a site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied.

- (3) **Approval:** Upon determination that a site plan is in compliance with the standards of this Ordinance, the site plan shall be approved.
 - (4) **Approval Subject to Conditions:** The Planning Commission may approve a site plan, subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances, or approvals from other agencies.
- (D) **Recording of Site Plan Action:** Planning Commission action on the site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, most recent plan revision date, and conditions or grounds for the Planning Commission's action.
- (1) After the Planning Commission has taken final action on a site plan, the Zoning Inspector shall clearly mark three (3) copies of the site plans APPROVED or DENIED, as appropriate, with the date that action was taken and any conditions of approval.
 - (2) One (1) marked copy will be returned to the applicant, the second copy will be given to the Zoning Inspector, and the third copy shall remain on file at the Village offices.

30.04 Outside Agency Permits or Approvals

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to the start of development or construction on the site.

30.05 Construction Plans

Where detailed construction or engineering plans are required by the Village, Warren County or another agency with jurisdiction, the applicant shall submit a copy of such plans to the Zoning Inspector for review. The Zoning Inspector or designated Village consultants shall verify that the site design and improvements shown on the construction or engineering plans are consistent with the approved site plan, except for changes that do not materially alter the approved site design, or that address any conditions of site plan approval. Construction or engineering plans that are not consistent with the approved site plan shall be subject to review and approval by the Planning Commission as an amended site plan, prior to the start of development or construction on the site.

30.06 Approval of Phased Developments

The Planning Commission may grant approval for site plans with multiple phases, subject to the following:

- (A) The site design and layout for all phases and outlots shall be shown on the site plan to ensure proper development of the overall site.

- (B) Improvements associated with each phase shall be clearly identified on the site plan, along with a timetable for development. Development phases shall be designed so that each phase will function independently of any improvements planned for later phases.
- (C) Each future phase shall be subject to a separate site plan review by the Planning Commission, and shall be required to meet all applicable Ordinance standards effective at the time of such review.

30.07 Site Plan Resubmission

A site plan that has been denied may be revised by the applicant to address the reasons for the denial and then resubmitted for further consideration. The resubmitted site plan shall be subject to the same requirements, review fees, and approval procedures as a new application for site plan approval.

30.08 Expiration of Site Plan Approval

Site plans shall expire three hundred sixty five (365) days after the date of approval. Upon written request received by the Village prior to the expiration date, the Planning Commission may grant one (1) extension of final approval for up to one (1) year, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan remains in conformance with all applicable provisions of this Ordinance.

30.09 Rescinding Site Plan Approval

Site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan approval. Such action shall be subject to the following:

- (A) **Public Hearing:** Such action may be taken only after a public hearing has been held in accordance with the Ohio Revised Code, at which time the owner of an interest in land for which site plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
- (B) **Determination:** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner or designated agent.

30.10 Revisions to Approved Site Plans

- (A) **Minor Modifications:** The following are considered minor modifications allowable for approval by the Zoning Inspector:
 - (1) Changes made during development to improve safety, protect natural features, and/or accommodate unanticipated site constraints or to comply with further requirements of other authorities. These changes should not affect surrounding property or the approved plan layout.
 - (2) Changes in landscaping species that is consistent with the standards of this Code and that do not reduce the total amount of landscaping or buffering required.

- (3) Change in the boundary or arrangement of a structure that does not violate minimum zoning required setbacks nor affect locations of other components of the approved site plan requirements or conditions.
- (4) Adjustments in the alignment of vehicular and pedestrian access and circulation components for purposes of improved safety or to eliminate conflict with other components in the site which will not create off-site conflicts.
- (5) Reduction in signage or changes in lighting which will not negatively affect off-site properties.

(B) Major Modifications: Any proposed change to a site plan that does not meet the minor modification qualification criteria specified above in subsection (A) shall be considered a major modification and is subject to approval of a revised site plan by the Planning Commission.

30.11 Compliance with an Approved Site Plan

- (A) It shall be the responsibility of the landowner, and the owner or operator of the use(s) for whom site plan approval has been granted, to develop, improve and maintain the site, including the use, structures, and all site elements in accordance with the approved site plan and all conditions of approval, until a new site plan is approved. Failure to comply with the provisions of this Section shall be considered a violation of this Ordinance.
- (B) The Zoning Inspector or designee shall make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall be considered a violation of this Ordinance, and shall constitute grounds for the Planning Commission to rescind site plan approval.

30.12 Standards for Site Plan Approval

The following criteria shall be used as a basis upon which site plans will be reviewed and approved, approved with conditions, or denied:

- (A) Adequacy of Information:** The site plan includes all required information in a complete and understandable form, provides an accurate description of the proposed uses, and complies with all applicable Ordinance requirements.
- (B) Site Appearance and Coordination:** The site is designed in a manner that promotes the normal and orderly development of surrounding lands, and all site design elements are harmoniously organized in relation to topography, adjacent facilities, traffic circulation, building orientation, and pedestrian access.
- (C) Preservation of Site Features:** The site design conserves natural features to the extent feasible. Such features may include wetlands, topography, tree rows and hedgerows, wooded areas, and significant individual trees.
- (D) Access and Circulation:** Drives, streets, parking, site access and other vehicle-related elements are designed to minimize traffic conflicts on adjacent streets and promote safe

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and efficient traffic circulation within the site. In addition, adequate pedestrian access has been provided, which is in compliance with barrier-free access standards.

- (E) **Parking and Loading:** Off-street parking lots and loading areas are arranged and located to accommodate the intensity of proposed uses, minimize conflicts with adjacent uses, and promote shared-use of common facilities where feasible.
- (F) **Landscaping and Screening:** Landscaping and screening are provided in a manner that adequately buffers adjacent land uses and screen off-street parking, mechanical appurtenances, loading and unloading areas and storage areas from adjacent residential uses and public rights-of-way.
- (G) **Exterior Lighting:** All exterior lighting fixtures are designed, arranged and shielded to minimize glare and light trespass, prevent night blindness and vision impairments, and maximize security.
- (H) **Impact upon Public Services:** The impact upon public services (including utilities, streets, police and fire protection, public schools and public sidewalks/pathways) will not exceed the existing or planned capacity of such services.
- (I) **Drainage and Soil Erosion:** Adjoining lakes, rivers, streams, lots, and road rights-of-way will not be adversely impacted by stormwater runoff and sedimentation.
- (J) **Emergency Access and Vulnerability to Hazards:** All sites and buildings are designed to allow convenient and direct emergency access and the level of vulnerability to injury or loss from incidents involving hazardous materials or processes will not exceed existing or planned emergency response capabilities.

30.13 Required Information for Site Plans

The following information in Table 30.1 shall be included with all site plan review applications, except where the Planning Commission determines that certain information is not necessary or applicable to the review:

TABLE 30.1: MINIMUM REQUIRED SITE PLAN INFORMATION	
SITE PLAN DESCRIPTIVE INFORMATION	
Name, address, telephone and facsimile numbers of the applicant (and landowner, if different from applicant) and firm or individual preparing the site plan; and the property location (address, lot number, tax identification number). Plans must be signed and sealed.	<input type="checkbox"/>
Existing and proposed use(s) and existing zoning of the land and surrounding parcels (including across road rights-of-way).	<input type="checkbox"/>
Location, dimension of buildings and structures within 100 feet of the property lines.	<input type="checkbox"/>
Address, legal description, and tax identification number of the parcel, with the gross and net land area.	<input type="checkbox"/>
SITE PLAN DATA AND NOTES	
Site plans shall be drawn to an engineer’s scale appropriate for a sheet size of at least 30 by 36 inches. If a large development is shown in sections on multiple sheets, then one overall composite	<input type="checkbox"/>

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sheet shall be provided.	<input type="checkbox"/>
Location map with north-arrow.	<input type="checkbox"/>
Size and dimensions of proposed and existing structures, including gross and usable floor area, number of stories, and overall height.	<input type="checkbox"/>
Calculations for parking, residential density or similar Ordinance requirements.	<input type="checkbox"/>
EXISTING CONDITIONS	
Location of soil types and existing drainage courses, floodplains, lakes, streams, drains, and wetlands, with surface drainage flow directions, include significant trees and wooded areas.	<input type="checkbox"/>
Dimensions of all property lines, showing the relationship of the site to abutting properties. If the site is part of a larger parcel, the plan should indicate the boundaries of total land holding.	<input type="checkbox"/>
Existing site features, including significant natural and historical features, structures, driveways, fences, walls, signs, and other improvements with notes regarding their preservation or alteration.	<input type="checkbox"/>
SITE PLAN DETAILS	
Location, dimensions, setback distances, and use(s) of all proposed improvements.	<input type="checkbox"/>
Locations and descriptions of all existing and proposed easements and rights-of-way for utilities, access, and drainage.	<input type="checkbox"/>
Identification of areas involved in each separate phase, if applicable.	<input type="checkbox"/>
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamps types, and methods of shielding; a photometric plan that shows foot-candles at the lot lines may be requested by the Planning Commission or Zoning Inspector.	<input type="checkbox"/>
Locations and methods of screening for any waste receptacles; ground-mounted generators, transformers, and mechanical (HVAC) units; and similar devices.	<input type="checkbox"/>
Outdoor sales, display or storage locations and method of screening, if applicable.	<input type="checkbox"/>
BUILDING DETAILS	
Building façade elevations for any proposed principal building, drawn to an appropriate scale, dimensioned, and indicating height of building, type and color of building materials.	<input type="checkbox"/>
Building floor plans.	<input type="checkbox"/>
ACCESS AND CIRCULATION	
Dimensions and centerlines of existing and proposed rights-of-way, names of abutting streets, and the dimensions and type of paving materials for all roads, parking lots, curbs, sidewalks, and other paved surfaces.	<input type="checkbox"/>
Locations and dimensions of vehicle access points, and distances between adjacent or opposing driveways and street intersections.	<input type="checkbox"/>
Parking space and maneuvering aisle dimensions, pavement markings, traffic control signage, designation of fire lanes, and location and dimension of loading areas.	<input type="checkbox"/>
SCREENING AND LANDSCAPING	

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Landscape plan, including location, size, quantity and type of proposed shrubs, trees, ground cover (including grass) and other live plant materials, the location, size and type of any existing plant materials that will be preserved, and methods of irrigation with source of water.	<input type="checkbox"/>
Plant list for proposed landscape materials, with quantities, sizes, and heights of proposed plant materials; botanical and common names; and methods of installation.	<input type="checkbox"/>
Landscape maintenance plan, including notes regarding on-going replacement of dead or diseased plant materials.	<input type="checkbox"/>
Proposed fences, walls or other screening devices, including typical cross-section, materials and height above grade.	<input type="checkbox"/>
UTILITIES, DRAINAGE, AND ENVIRONMENTAL INFORMATION	
Grading plan, with existing and proposed topography at a minimum of two (2) foot contour levels, drainage patterns and a general description of grades within 100 feet of the site to indicate stormwater runoff.	<input type="checkbox"/>
ADDITIONAL REQUIRED INFORMATION	
Other information as requested by the Zoning Inspector or Planning Commission to verify that the site and use are in accordance with the purpose and intent of this Ordinance and the Village's Master Plan.	<input type="checkbox"/>

CHAPTER 31: REGULATIONS OF SEXUALLY ORIENTED BUSINESSES

31.01 Enforcement

Zoning Inspector means the Village of Maineville Zoning Inspector.

31.02 Regulations

The regulations set forth in this chapter, or set forth elsewhere in these regulations of the Zoning Ordinance, are the zoning regulations for the regulation of Sexually Oriented Businesses.

31.03 Establishment and Classification of Businesses

- (A) Sexually Oriented Businesses shall be permitted only in areas zoned in: Chapter 10, Neighborhood Business Zone NB; provided all other requirements of the Zoning Ordinance are met.
- (B) No Sexually Oriented Business shall be located adjacent to, across from, or closer than one hundred (100) feet to, any Protected Use.
- (C) In no case shall a Sexually Oriented Business engage in the outdoor exhibition of Specified Anatomical Areas or Specified Sexual Activities.
- (D) Sexually Oriented Businesses shall comply with the following:
 - (1) No sexually oriented business shall be established within one thousand (1,000) feet of any area zoned for residential use.
 - (2) No sexually oriented business shall be established within a radius of one thousand (1,000) feet of any school, library or educational facility, whether public or private, governmental or commercial, if attended by persons under the age of 18.
 - (3) No sexually oriented business shall be established within a radius of one thousand (1,000) feet of any religious place of worship attended by persons under the age of 18.
 - (4) All building openings, entries, windows, and the like for sexually oriented businesses shall be located or covered in such a manner as to prevent a view into the interior from any public area, sidewalk, or street.

31.04 Measurement of Distance

- (A) For the purposes of the regulation of Sexually Oriented Businesses, distance shall be measured in a straight, horizontal line, without regard to intervening structures.
- (B) The distance between any two (2) Sexually Oriented Businesses and the distance between any Sexually Oriented Business and any establishment where alcohol is served, shall not be less than one hundred (100) feet, and shall be measured from the closest exterior structural wall of each business. The distance between any sexually oriented business and any Protected Use, as defined, shall be measured from the closest exterior structural wall of the Sexually Oriented Business and the nearest property line of the Protected Use.

31.05 Non-Conformity

A Sexually Oriented Business lawfully operating as a conforming use is not rendered non-conforming by the subsequent location of a Protected Use which is adjacent to, across from, or closer than one hundred (100) feet to the Sexually Oriented Business.

31.06 Permit Required

- (A) No Sexually Oriented Business may operate without a valid Sexually Oriented Business permit issued by the Zoning Inspector.
- (B) The Zoning Inspector is responsible for granting, denying, revoking, renewing, suspending and/or canceling permits for existing or proposed Sexually Oriented Businesses. To be approved, applicants must comply with all applicable requirements of these regulations of the Zoning Ordinance, applicable Building Ordinance, Maineville Police Department, local Fire Department, and the Warren County Combined Health District.
- (C) The Maineville Police Department is responsible for obtaining information on whether an applicant has been convicted of a Specified Criminal Act, within the time set forth.
- (D) Applications must be made on a form provided by the Village of Maineville. Applicants must provide one (1) original and all necessary copies of a sworn application, which shall contain the following information and attached documentation:
 - (1) If the applicant is:
 - (a) An individual, the legal name, all aliases and proof that applicant is at least eighteen (18) years of age;
 - (b) A partnership, the complete name, all partners legal names and aliases, proof that each partner is at least eighteen (18) years of age and a copy of any partnership agreement;
 - (c) A corporation, its complete name, date of incorporation, legal names of all officers, directors and stockholders, proof that all officers, directors and stockholders are at least eighteen (18) years of age, legal name and address of its registered agent, a copy of articles of incorporation and evidence of good standing under Ohio Law.

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- (2) The proposed name of the Sexually Oriented Business, as well as any registration documentation.
- (3) Whether the applicant, or any other individual listed in the application, has been convicted of a Specified Criminal Act or a Sexually Oriented Act within either two (2) years for misdemeanor offenses, or five (5) years for felony offenses immediately preceding the application date and if so, the criminal act involved, date and place of the conviction(s).
- (4) Whether the applicant, a person with whom the applicant is residing, or any individual listed in the application, has had a Sexually Oriented Business permit revoked, suspended, canceled or denied, and, if so, the name of the business, the jurisdiction and the date of revocation, suspension, cancellation or denial.
- (5) Whether the applicant, a person of the applicant, is residing or any individual listed in the application, holds any other Sexually Oriented Business permits, as well as the names and locations of all such other businesses and whether the aforementioned are overdue on the payment of taxes, fees, fines, or penalties assessed or imposed in relation to a Sexually Oriented Business.
- (6) The proposed location of the business, including a legal description of the property, street address and telephone numbers.
- (7) The applicant's business and residential address and telephone numbers.
- (8) The applicant's drivers license number, tax identification number and recent photograph.
- (9) A sketch or diagram showing the configuration and total floor space of the premises upon which the Sexually Oriented Business will be conducted. The sketch need not be professional, but must be drawn to scale and accurate to within six (6) inches, plus or minus.
- (10) A current certificate and straight line drawing, prepared within thirty (30) calendar days prior to application by a registered land surveyor, depicting property lines, structures and the property lines of any existing Protected Use and other Sexually Oriented Businesses within five hundred (500) feet of the proposed Sexually Oriented Business. A Protected Use shall be considered established if it is in existence at the time the application is submitted.
- (11) The application must be signed:
 - (a) By the individual applicant if the applicant is an individual;
 - (b) By all partners if the applicant is a partnership;
 - (c) By an authorized officer and all shareholders if the applicant is a corporation; and:
 - (d) In addition to (a), (b) and (c) above, all persons having any ownership interest in the Sexually Oriented Business.

- (e) Applicants are under a continuing duty to promptly update their application information. Failure to do so within thirty (30) calendar days of the date of a change in application information shall be grounds for permit suspension.
- (f) If the Zoning Inspector determines that an applicant has provided incomplete or inaccurate information, have improperly completed the permit application, the applicant shall be notified and allowed ten (10) working days for corrections to be made. The time for application review shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.
- (g) A non-refundable application fee, as determined by the Village Council of Maineville, is due at the time the applicant files an application. Applications will not be accepted without the required filing fee.
- (h) The applicant must be qualified according to all provisions of these regulations and the premises must be inspected and found to be in compliance with all applicable health, fire, zoning, and building codes and laws.
- (i) The possession of other types of permits, including a liquor license, does not exempt an applicant from the requirement of obtaining a Sexually Oriented Business permit.
- (j) By making application for a Sexually Oriented Business permit, an applicant shall be deemed to have consented to the provisions of the Zoning Ordinance and to the appropriate investigation of said application.
- (k) The applicant is required to provide the Zoning Inspector with the names (including aliases) of all Employees required to be licensed under the Zoning Ordinance, before they commence employment. This obligation continues even after a permit is granted or renewed. Failure to comply with this requirement shall be grounds for permit suspension. No Employee may work in a Sexually Oriented Business without a valid Sexually Oriented Business Employee license.

31.07 Application Investigation

- (A) Upon receipt of a completed application and the required non-refundable application fee, the Zoning Inspector (or designee) shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to any agencies responsible for the enforcement of health, zoning, fire, law enforcement and building codes or laws. Each agency shall be requested to promptly investigate the application in accordance with its responsibilities under law and as set forth within the Zoning Ordinance. All investigations shall be completed within such time as to allow the Zoning Inspector to approve or deny a permit within forty-five (45) calendar days of the Zoning Inspector's receipt of the completed application.
- (B) At the conclusion of its investigation, each agency shall indicate on the photocopy of the application its approval or disapproval of the application, with date and signature and in

case of disapproval, state the reasons therefore. An agency shall disapprove any application which reveals that the proposed Sexually Oriented Business will be in violation of any provision of any statute, code, regulation, or other law in effect in Warren County. After its indication of approval or disapproval, each agency shall immediately return the photocopy of the application to the Zoning Inspector.

31.08 Approval or Denial of Permit

- (A) A Sexually Oriented Business permit shall be approved or denied by the Zoning Inspector within forty-five (45) calendar days of the receipt of a complete application.
- (B) The permit, if granted, shall state on its face the name of the person(s) to whom it is granted, the name of the business, the address of the business and the permit expiration date. The permit shall be posted in a conspicuous interior location, at or near the entrance to the Sexually Oriented Business, such that it may be easily read at any time.
- (C) A permit application shall be approved, unless one (1) or more of the following criteria are found to exist, in which case it shall be denied, or located at a distance in opposition to Section 31.03
 - (1) An applicant, partner of a partnership applicant, or officer, director or shareholder of a corporate applicant, is under eighteen (18) years of age;
 - (2) An applicant, or, if the applicant is an individual, an applicant's spouse, is overdue on the payment of taxes, fees, fines, or penalties assessed or imposed in relation to a Sexually Oriented Business;
 - (3) An applicant, if the applicant is an individual, who is residing with a person to whom a permit to operate a Sexually Oriented Business has been denied or revoked within the preceding twelve (12) months;
 - (4) An applicant, after the notice provided in Section 31.06, has failed to provide required information in the application, or has supplied false information;
 - (5) The premises to be used are not in compliance with applicable health, zoning, fire, and building codes, as determined by the agencies responsible for determining such compliance; or located at a distance in opposition to Section 31.03;
 - (6) The non-refundable permit application fee has not been paid;
 - (7) An applicant is in violation of, or not in compliance with, any of the provisions of the Zoning Ordinance;
 - (8) The issuance of the permit would violate a statute, resolution, or court order;
 - (9) The applicant held a Sexually Oriented Business permit under the provisions of the Zoning Ordinance which was subsequently revoked;
 - (10) The applicant has been convicted of a Specified Criminal Act within the time limits specified in Section 31.06(D)(3) of the Zoning Ordinance;

- (11) An applicant knowingly has in his/her employee an Employee without a valid Sexual Oriented Business Employee license, as required by the Zoning Ordinance.
- (12) Sexual Oriented Business is too close to an existing Protected Use.
- (D) No person may make application for a permit for a Sexually Oriented Business at a particular location if such person has had an application for a Sexually Oriented Business at the same location denied within twelve (12) months of the time application is made.

31.09 Annual Permit Fee

The annual fee for a Sexually Oriented Business permit, to be \$250.00 or as determined by the Village Council of Maineville, shall be payable upon the date of first permit issuance and upon each anniversary thereof, assuming renewal is granted by the Zoning Inspector.

31.10 Inspection

An applicant or Permittee shall permit representatives of the Warren County Building Department and Village of Maineville Zoning Department, Warren County Combined Health District, and the applicable fire department to inspect the premises of a Sexually Oriented Business for the purpose of insuring compliance with their respective regulations, at any time it is occupied or open for business.

31.11 Expiration and Renewal of Permit

No Sexually Oriented Business shall operate without a valid Sexually Oriented Business permit. Each Sexually Oriented Business permit shall expire one (1) year from date of issuance and may be renewed prior to expiration, subject to the following requirements. The permit holder shall request renewal in writing to the Zoning Inspector at least sixty (60) calendar days prior to permit expiration, accompanied by a non-refundable fee, as determined by the Village Council of Maineville. Renewal shall be subject to a finding that the permit holder remains in conformance with all applicable permit requirements. Making application less than sixty (60) calendar days before permit expiration shall not affect the current expiration date. An expired permit is not eligible for renewal, however re-application may be made.

31.12 Suspension of Permit

- (A) A permit to operate a Sexually Oriented Business shall be suspended by the Zoning Inspector for thirty (30) calendar days, or until the violation has been corrected. If it is determined that a Permittee, or the Employee of a Permittee, has:
 - (1) Violated, or is not in compliance with, any portion of the Zoning Ordinance; or:
 - (2) Been under the influence of alcoholic beverages or controlled substance while working on the Sexually Oriented Business premises; or:
 - (3) Refused to allow an inspection of the premises, as authorized by the Zoning Ordinance; or

- (4) Knowingly permitted gambling by any person on the premises; or:
- (5) Failed to correct a violation of a building, zoning, fire or health code within seven (7) calendar days of the notification of such violation; or:
- (6) Engaged in permit transfer in violation of the applicable provisions of the Zoning Ordinance; or:
- (7) Knowingly employed a person without a valid license, as required by the Zoning Ordinance.

31.13 Revocation of Permit

- (A) A permit to operate a Sexually Oriented Business shall be revoked by the Zoning Inspector upon a determination that either a permit is to be suspended for a second time within a twelve (12) month period, or that a Permittee or Employee of a Permittee has:
 - (1) Given false or misleading information in material submitted during the application or renewal process that tended to enhance the opportunity for obtaining such permit or renewal; or:
 - (2) Knowingly allowed the possession, use or sale of controlled substances on the permit premises; or:
 - (3) Knowingly allowed prostitution on the premises; or:
 - (4) Knowingly operated the Sexually Oriented Business while under permit suspension; or
 - (5) Been convicted of a Specified Criminal Act for which the time period specified in Section 31.06 (D)(3) of the Zoning Ordinance has not elapsed; or:
 - (6) Been convicted of tax violations for taxes or fees related to a Sexually Oriented Business; or:
 - (7) Knowingly allowed any Specified Sexual Activities, as defined, between patrons or between patrons and Employees to occur in or on the Permitted Premises or surrounding properties; or:
 - (8) Operate more than one (1) Sexually Oriented Business under a single roof.
- (B) Permit revocation is effective for one (1) year. The Permittee shall not be granted any other permits for any other Sexually Oriented Business during the effective revocation period.

31.14 Transfer of Permit

- (A) A Permittee shall not operate a Sexually Oriented Business at any location other than the address designated in the application for permit.

- (B) A Permittee shall not transfer a Sexually Oriented Business permit unless and until such other person satisfies the following requirements:
 - (1) Obtains an amendment to the permit from the Zoning Inspector, upon satisfactory completion of all permit application requirements;
 - (2) Pays a transfer fee of fifty (50) percent of the annual permit fee.
- (C) A permit shall not be transferred in the event that the Permittee has been notified that suspension or revocation proceedings have been or are being brought against the Permittee.
- (D) A permit shall not be transferred to another location.
- (E) Any attempt to transfer a permit in violation of these provisions is void and the Zoning Inspector shall revoke the subject permit.

31.15 Sexually Oriented Business Employee License

- (A) All prospective Employees of a Sexually Oriented Business shall obtain a Sexually Oriented Business Employee license. Each applicant shall pay a license fee, as determined by the Village Council of Maineville, to cover reasonable administrative cost. No application shall be accepted without the required fee.
- (B) On a form provided by the Village of Maineville, the applicant must provide one (1) original and two (2) copies of a sworn application, which shall contain the following information and attached documentation:
 - (1) Name, inclusive of stage names or aliases;
 - (2) Age, birth date and birthplace;
 - (3) Height, weight, hair and eye color;
 - (4) Current residence and business address and phone numbers;
 - (5) State driver's license or state identification and social security number;
 - (6) Acceptable written proof that the individual is at least eighteen (18) years of age;
 - (7) A color photograph of the applicant, clearly showing the applicant's face. The applicant's fingerprints on a form provided by the Maineville Police Department. Any fees for photos and fingerprints are the responsibility of the applicant;
 - (8) A statement detailing the Sexually Oriented Business license or permit history of the applicant for the previous five (5) years, including information whether a permit or license had been denied, revoked or suspended, the applicable reasons and dates for such actions, as well as the jurisdiction in which such actions occurred, as applicable;

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- (9) Information as to whether the applicant has been convicted of a Specified Criminal Act, as defined, as well as the date, place, jurisdiction and nature of each conviction.
- (C) By making application for a Sexually Oriented Business Employee license, an applicant shall be deemed to have consented to the provisions of the Zoning Ordinance and to the appropriate investigation of said application.
- (D) The Zoning Inspector shall refer a photocopy of the Sexually Oriented Business Employee license application to the Maineville Police Department for investigation. The Chief of Police or his designee shall report findings of the investigation on the photocopy, with date and signature and immediately return the photocopy of the application to the Zoning Inspector.
- (E) The initial application review shall be completed within fourteen (14) calendar days from the date a completed application is filed. A conditional license shall be issued upon the completion of the initial application review unless the investigation of the applicant finds one (1) or more of the following:
- (1) That the applicant knowingly made any false, misleading, or fraudulent statement of a material fact; or:
 - (2) That the applicant is under eighteen (18) years of age; or:
 - (3) That the license is to be used for employment in a business prohibited by these regulations, or other local, State, or Federal laws or:
 - (4) The applicant has had such license revoked within two (2) years of the date of the current application.
- (F) The conditional permit shall be valid for a period commencing on its issuance and ending on the date a final license is issued or the date license application is denied, whichever first occurs. A final license shall be issued to the applicant within sixty (60) calendar days of the application being filed unless it is found that the applicant has been convicted of a Specified Criminal Act for which the time period set forth in Section 31.06(D)(3) has not elapsed.
- (G) Each Sexually Oriented Business Employee license shall expire one (1) year from date of issuance and may be renewed prior to expiration, subject to the following requirements. The licensee shall request renewal in writing to the Zoning Inspector at least sixty (60) calendar days prior to license expiration, accompanied by a non-refundable license renewal fee, as determined by the Village Council of Maineville. Renewal shall be subject to a finding that the licensee remains in conformance with all applicable requirements. Failure to make application no less than sixty (60) calendar days before license expiration shall not effect expiration and no Employee shall work in a Sexually Oriented Business without a valid license. An expired license is not eligible for renewal; however re-application may be made, subject to all applicable requirements.

31.16 Hearing; Revocation, License Denial, Suspension; Appeal

- (A) If the Zoning Inspector determines that probable grounds exist for denial, non-renewal, suspension, or revocation of a Sexually Oriented Business Permit or Sexually Oriented

Business Employee License (hereinafter permit and license respectively) under this chapter, the Zoning Inspector shall notify the applicant or licensee (respondent) in writing of the intent to deny, non-renew, suspend or revoke the permit or license, including the grounds therefore, by personal delivery, or by certified mail. The notification shall be directed to the most current business address on file with the Zoning Inspector. Within ten (10) working days of receipt of such notice, the respondent may provide to the Village Council in writing a response which shall include a statement of reasons why the license or permit should not be denied, non-renewed, suspended, or revoked. Within ten (10) working days of the receipt of such written response, the Village Council shall conduct a hearing at which respondent shall have the opportunity to present evidence and witnesses on his or her behalf. The Village Council shall notify the respondent in writing of the hearing date within three (3) working days of the receipt of such written response. The Village Council based upon the standards for permit/license denial, non-renewal, suspension or revocation contained herein shall determine whether to deny, non-renew, suspend or revoke the permit/license. If a response is not received by the Village Council in the time stated, or, if after the hearing the Village Council finds that grounds exist for denial, non-renewal, suspension, or revocation, then such action shall become final and notice of such final action sent to the applicant or licensee. Such notice shall include a statement advising the applicant or licensee of the right to appeal such decision to a court of competent jurisdiction. If the Village Council finds that no grounds exist for denial, non-renewal, suspension, or revocation of a permit or license, then the Zoning Inspector shall withdraw the intent to deny, non-renew, suspend or revoke the permit or license and shall so notify the respondent in writing by personal delivery, or by certified mail of such action.

- (B) When a decision to deny, non-renew, suspend or revoke a permit or license becomes final, the applicant or licensee whose permit or license has been denied, non-renewed, suspended, or revoked shall have the right to appeal such action to a court of competent jurisdiction pursuant to Ohio Revised Code Section 2506. Any suspension, non-renewal or revocation of a permit or license for a Sexually Oriented Business does not take effect until a final decision is rendered in an appeal taken following this section.
- (C) Upon the filing of an appeal pursuant to this section by an applicant for a permit or license, said applicant shall be granted a temporary permit or license to operate said Sexually Oriented Business or be an employee of such Sexually Oriented Business pending a final decision on said appeal. Such temporary permit or license shall be subject to all provisions of this Chapter.

31.17 Regulation of Sexually Explicit Films or Videos

A person that operates or causes to be operated a Sexually Oriented Business, other than a Sexually Oriented Hotel/Motel and regardless of whether or not a Sexually Oriented Business permit has been issued to said business, which exhibits on the premises in a viewing room, computer software, compact discs, a film, video cassette or other video reproduction, which depicts Specified Sexual Activities or Specified Anatomical Areas shall comply with the following requirements:

- (A) Upon application for a Sexually Oriented Business permit, the application shall be accompanied by a sketch or diagram of the entire premises with a plan thereof, specifying the location of manager's stations, if any, the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted access. A professionally prepared drawing is not necessary; however each

diagram shall be oriented to north and the closest street(s) and be drawn to scale, with marked dimensions sufficient to show the internal features of all areas of the premises to an accuracy of plus or minus, six (6) inches. The Zoning Inspector may waive the foregoing diagram during permit renewal if the applicant certifies that the configuration of the premises has not been altered since the previous diagram was prepared.

- (B) No alteration in the configuration of the premises as set forth in the sketch or diagram of the premises may be made prior to the approval of the Zoning Inspector.
- (C) It is the duty of the owners and operator of the premises to ensure that such number of Employees are on duty and so situated that all patrons present inside the premises are subject to observation by an Employee or Employees.
- (D) The interior of the premises shall be configured in such a manner that every area of the premises to which any patron is permitted access for any purpose, including the interior of individual viewing booths, excluding Restrooms, is subject to an unobstructed view by the employer or Employees on duty. Restrooms shall not be equipped with video display equipment.
- (E) It is the duty of the owners, operator and Employees present on the premises to ensure that the aforementioned unobstructed view shall remain unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and to ensure that no patron is permitted access to any area designated for no access by patrons in the application of record.
- (F) No viewing room may be occupied by more than one (1) person at any given time. No peep holes, viewing holes or other holes which are or may be used by occupants of a viewing room for sexual gratification shall be permitted in the walls, floors, ceilings or partitions separating each viewing room from an adjoining viewing room or restroom. Doors, curtains or a maze of wall structures shall not enclose viewing rooms. No signs, lights, or other communicative devices shall be employed to create an expectation of privacy on the part of any patron at any location of the premises.
- (G) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination level of not less than two (2) foot candles, as measured at floor level. Said level of illumination shall be maintained at all times any patron is present on the premises.

31.18 Regulation of Adult Cabarets

Performers in Adult Cabarets must be located on stage, no less than eighteen (18) inches in height and at least six (6) feet from all patrons. There shall be absolutely no physical contact, tipping, or exchange of gratuities between patrons and performers.

31.19 Advertising and Lighting Regulations

No Sexually Oriented Business may be operated and:

- (A) Advertise the presentation of any activity prohibited by the Zoning Ordinance, or other local or State regulation; or:

- (B) Display or exhibit the materials and performances in advertising which is visible outside the premises, except advertising the existence or location of a Sexually Oriented Business; or:
- (C) Allow any portion of the interior premises to be visible from outside the Establishment; or:
- (D) Fail to illuminate the entries and off-street parking areas of the premises, from dusk until closing, with a lighting system which provides an average maintained horizontal illumination of one (1) foot candle on the parking surface and walkways. Said level of illumination is established in order to provide sufficient lighting for the personal safety of patrons and Employees, to reduce potential vandalism and criminal conduct and shall be shown on required permit application documentation.

31.20 Minors Prohibited

- (A) No person under eighteen (18) years of age may be admitted, remain, or purchase goods at a Sexually Oriented Business.
- (B) No person under eighteen (18) years of age may be employed at a Sexually Oriented Business.

31.21 Violation

- (A) It shall be unlawful and a violation of the Zoning Ordinance if:
 - (1) A Sexually Oriented Business is operated without a currently valid Sexually Oriented Business permit, or the business operates in violation of the terms of its permit or this chapter or has a permit which is under suspension, has been revoked, or has expired; or
 - (2) There is a failure to allow the inspection of a Sexually Oriented Business by the Warren County Building Department and the Zoning Inspector, Warren County Combined Health District, Maineville Police Department or the applicable fire department: or:
 - (3) Any person having a duty under Sec. 31.17, Regulation of Sexually Explicit Films or Videos, knowingly fails to fulfill said duty, or:
 - (4) A person operates, or causes to be operated, a Sexually Oriented Business in violation of the Section 31.19, Advertising and Lighting; or:
 - (5) A person operates, causes to be operated, a Sexually Oriented Business, regardless of whether or not a permit has been issued for said business and knowingly, or with reasonable cause to know, permits, suffers, or allows the violation of Section 31.20, Minors Prohibited; or:
 - (6) Any person willfully falsifies any material fact on any required application, or documentation attached thereto.
- (B) Nothing contained herein shall prevent or restrict the Village Council of Maineville from taking such other lawful action in any court of competent jurisdiction as is necessary to

prevent or remedy any violation or non-compliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.

- (C) All remedies and penalties provided for in this Chapter shall be cumulative and independently available to the Village Council of Maineville, which shall be authorized to pursue any and all remedies set forth to the full extent allowed by law.

31.22 Exemptions

It is a defense to prosecution for alleged violation or Sexually Oriented Business provisions of the Zoning Ordinance, that:

- (A) A person appearing in a state of nudity did so in a modeling class operated:
 - (1) By a college, junior college or university supported in whole or part by taxation; or
 - (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or:
- (B) In a structure:
 - (1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing: and
 - (2) Where in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
 - (3) Where no more than one (1) nude model is on the premises at any one time.
- (C) A person appearing in a state of nudity did so in a bona fide theatrical production.
- (D) An Employee of a Sexually Oriented Business exposed any specified anatomical area during the bona fide use of a restroom or dressing room accessible only to Employees.

31.23 Immunity from Prosecution

All Village of Maineville officers, agents and Employees charged with enforcement with State and local laws and codes shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon a Sexually Oriented Business while acting within the scope of authority conferred by this Chapter.

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.

Active Parks, Playgrounds, and Recreational Facilities

Any park or recreational facility that requires the grading of the land, construction of facilities, lighting, or is developed for ball fields, tennis courts, swimming pools, skate parks, disc golf, and other similar outdoor facilities.

Adult Family Home (or Small Residential Facility)

A residence or facility, as defined and regulated in Chapter 3722 of the Ohio Revised Code, which provides accommodations for three (3) to five (5) unrelated adults and provides supervision and personal care services to at least three (3) of the unrelated adults.

Adult Family Group Home (or Large Residential Facility)

A residence or facility, as defined and regulated in Chapter 3722 of the Ohio Revised Code, which provides accommodations for six (6) to sixteen (16) unrelated adults and provides supervision and personal care services to at least three (3) of the unrelated adults.

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.

Agriculture – Raising of Crops

The principal use of land for agricultural purposes. This includes necessary buildings and structure which shall be used for agriculture, including, but not limited to: raising of crops, horticulture, floriculture, and viticulture and the necessary accessory uses for parking, treating or sorting the products; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Buildings occupied as residences by persons engaged in agricultural operations shall not be considered to be used for agricultural purposes.

Agriculture – Raising of Livestock

The principal use of land for the raising and caring of livestock. This includes necessary buildings and structures

which shall be used for agriculture, raising and caring for livestock and animal and poultry husbandry including necessary accessory uses for parking, treating or sorting of products; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Buildings occupied as residences by persons engaged in agricultural operations shall not be considered to be used for agricultural purposes.

Animal Shelter

A facility used to house or contain stray homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

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.

Assisted Living Facility

A home that provides either of the following:

- (A) Accommodations for seventeen (17) or more unrelated individuals and supervision and personal care services for three (3) or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment;
- (B) Accommodations for three (3) or more unrelated individuals, supervision, and personal care services for at least three (3) of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and, to at least one of those individuals, any of the skilled nursing care authorized by Section 3721.011 of the Ohio Revised Code.

Automobile Body Repair Shop

A facility that provides collision repair services, including body frame straightening and repair, replacement of damaged parts, and painting.

Automobile Fueling Station

An establishment that sells unleaded and diesel gasoline along with other automotive fuels, and may include a convenience store as an accessory use.

Automobile General Repair

A building, structure, or land used for the general repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including, but not limited to, muffler, oil change and lubrication, tire service and sales, installation of accessories, or engine repair.

Automobile Oil Change, Lube, or Light Service

A building, structure, or land used for light maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles. Light maintenance includes oil change and lubrication, changing and flushing of fluids, battery maintenance/replacement, and tire service/sales, but not engine repair.

Automobile Sales or Rental Establishment

A facility where new or used cars, motorcycles, and other light load vehicles are sold, leased, or rented.

Automobile Washing Facility

The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Banquet/Assembly Hall

A facility or building available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the public, and/or outdoor gardens, decks, or reception facilities.

Bar, Brewpub or Tavern

An establishment provided or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products, including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.

Bed and Breakfast

An owner occupied dwelling unit that contains no more than four guest rooms for lodging, with or without meals, provided for compensation.

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.

Building/Lumber Yard

Any land or buildings used primarily for the storage and sale of basic building materials and lumber that may be sold to the general public or contractors

Casino

The operation or conducting of any games played with cards, roulette wheels, dice, craps, slot machines, video lottery terminals, mechanical, electro-mechanical, or electronic amusement devices or machine for money, property, checks, credit, or any representative of value including, without limiting the generality of the foregoing, baccarat, faro, monte, poker, keno, black jack, bingo, fan-tan, twenty-one, seven-and-a-half, big injun, klondike, chuck-a-luck, wheel of fortune, chemin de fer, pai gow, beat the banker, and panguingui and similar games of chance for the return of money, cash, or prizes, or anything that could be redeemed for money, cash, or prizes.

Cemetery

Land used for the burial of the dead and dedicated for cemetery purposes, including columbiums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery

Church/Place of Worship

A place solely for the purpose of religious worship and related educational instruction and gatherings

Clinic

A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Club

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

Commercial Vehicle

Trucks, with or without a connector trailer, with a combined gross vehicle weight above 14,000 pounds

Community Garden

A single piece of land that is gardened collectively, as an accessory use, by a group of people that may include individual garden plots designated for individual gardens

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.

Contractor Yard

Any land or buildings used primarily for the storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft.

Convenience Store

Small-scale retail stores used for the sale of goods used on an everyday basis by consumers including, but not limited to, pre-packaged food products, household items, newspapers and magazines. Such use does not include gasoline or automotive fuel sale or fast food service.

Day Care Center

An establishment for the care, protection, and guidance of one (1) or more children or adults on a regular basis, for periods of less than 24 hours per day, in a place other than their own dwelling unit

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.

Distribution Center

A use where goods are received and/or stored for delivery to the ultimate customer at remote locations

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.

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.

Drive-Through

“Drive-Through” (sometimes stylized as “drive-thru”) means a commercial accessory use designed to service customers who stay in their vehicles

Drive-Through Facility

An establishment that encourages or permits customers to receive services, or obtain goods while remaining in their motor vehicles

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. Single family attached units may be located within a mixed use building also containing non-residential use(s).
- (C) Two family (i.e. duplexes): A dwelling unit that shares the same physical structure with another dwelling unit, where each unit has a separate exterior entrance.
- (D) Multi-family: A dwelling unit that shares the same physical structure and the same exterior entrances with other dwelling units.

Educational Institution

A public or private facility that provides a curriculum of primary, elementary, secondary or college preparatory academic instruction, including, but not limited to, kindergartens, elementary schools, junior high schools, and

high schools. This definition shall not be deemed to include colleges, trade or business schools, or other post-secondary education facilities.

Educational Institution, Higher

Any private or public secondary educational institution that includes, but is not limited to: secretarial schools, colleges and universities, business schools, seminaries, or any other institution providing collegiate level curriculum

Employee

Employee means a person who works or performs as a part of a business association or as a private contractor, regardless of whether or not said person is paid a salary, wage, or other compensation by the operator of said business, excluding a person exclusively on the premises for repair or maintenance of the premises or equipment thereon, or for the delivery of goods to the premises.

Equipment Sales and Leasing

Any building or land used for the display, sale, or rental of equipment in operable condition, such as farm equipment, utility trailers, and construction equipment

Establishment

Establishment means the opening or commencement of any business as a new business, or the conversion of an existing business.

Family

A group of persons who form a single household.

Family Day Care – Type A

A permanent residence of the administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which child care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this division, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. This definition does not include any child day camp.

Family Day Care – Type B

A permanent residence of the provider in which child care is provided for one to six (6) children at one time and in which no more than three (3) children who are under two (2) years of age at one time. In counting children for the purposes of this division, any children under six (6) years of age who are related to the provider and who are on the premises of the type B home shall be counted. This definition does not include any child day camp.

Fences

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

Financial Institution

Any building, property or activity the principal use or purpose of which is the provision of financial services including, but not limited to, banks, credit unions, financial advisor services, stock brokerages, savings and loan institutions and mortgage companies. The term financial institutions shall not include a short-term loan establishment.

Fire Station

A facility where fire engines and other equipment of a fire department are housed

Flea Market

Buildings or open areas in which sales areas or stalls are set aside or rented and which are intended for use by two or more individuals or by educational, religious or charitable organizations to sell articles that are homemade, homegrown, handcrafted, old, obsolete or antique

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

he 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.

Floor Area

The total of the finished interior floor area for each story in a dwelling unit for the purpose of living, sleeping, cooking, eating, bathing, washing, and sanitation use purposes and does not include an unfinished basement, attic, unenclosed porch, garage, carport, utility room, or storage room.

Floor Area, Gross

The total gross area of all the floors in a building, as measured from the exterior surface of the exterior walls of the building or from the centerline of common walls separating buildings or units within a building.

Fraternal Organization or Social Club

A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for a social, environmental, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business

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.

Funeral Home

Any dwelling or establishment used and occupied by a professional licensed mortician for human burial preparation and funeral services

Gaming Machine

Any mechanical or electronic device which is designed for individual play or use where the user pays consideration of any kind or nature for use of the machine; and

- (A) The owner of the machine and/or the machine's manufacturer asserts that the machine requires the individual user to employ any degree of skill to win or advance in play; and
- (B) That the machine, its owner, or the business where the machine is situated asserts, promises, holds out, advertises or otherwise relates to the user that upon playing the machine, that he or she will receive a pay-off, winnings or other return equal to or greater than the consideration paid by the user for a single play of the machine, or in total play by a user over multiple plays, or in combinations of play with other machines.

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.

Garden Center

A commercial establishment that sells gardening supplies, seeds, plants, fertilizer, gardening tools, and other related items. This definition includes greenhouses, but does not include nurseries.

General Industrial Service

An establishment primarily engaged in rendering services to office, business, or industrial establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; office equipment rental and leasing; commercial research; development and testing; photo finishing; machine repair, and personal supply services.

Government Facility

Any building or structure or portion thereof, used by a government agency for administrative or service purposes, but not including buildings devoted solely to the storage and maintenance of equipment and materials. This definition does not include fire or police stations.

Greenhouses and Nurseries

Establishments used for the growing, storage, and sale of legal garden plants, shrubs, trees, or vines for retail or wholesale sales.

Heavy Industrial Use

The manufacturing of products from raw or unprocessed materials. This category shall also include any establishment or facility using large unscreened outdoor structures or storage that cannot be integrated into the building design. Any industrial use that generates noise, odor, vibration, illumination, or particulate that may be offensive or obnoxious to adjacent land uses, or requires a significant amount of on-site hazardous chemical storage shall be classified under this land use. Examples include but are not limited to the production of the following: large-scale food and beverage operations; lumber, milling, and planing facilities; aggregate, concrete, and asphalt plants; foundries, forge shops, open air welding, and other intensive metal fabrication facilities; and chemical manufacturing.

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.

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.

Hospital

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, outpatient departments, training facilities, central service facilities and staff offices which are an integral part of the facility, provided such institution is operated by or treatment is given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer and the like.

Hotel

A facility offering transit lodging accommodations on a daily or other short term rate to the general public and providing additional services, such as restaurants, meeting rooms and recreational facilities.

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.

Junk

One or more objects, articles, or materials where such items are:

- (A) Poorly maintained, deteriorated, damaged, or in a destroyed condition; or,
- (B) Careless, haphazard, disorganized placement; or,
- (C) Lack of cover from sun and weather exposure.

Junk Vehicle

Any vehicle, whether motorized or otherwise made mobile for purposes of travel on or off roads, through air or on or under water and/or to transport a driver, passengers and/or materials of any kind, and can be described by one (1) or more of the following:

- (A) Inoperable in accordance with manufactured design and/or for safe and/or lawful use;
- (B) Damaged and/or dismantled so as to be unsafe or unlawful to operate and/or could not be restored to safe, lawful operation within seven (7) days;
- (C) Expired registration, if required to be registered; and,
- (D) Uninsured in required to be insured.

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.

Kennel

Any property on which four (4) or more dogs or other animals, at least four (4) months of age, are kept

Landscaping Service

A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds

Library or Cultural Center

A public or private facility used for display, performance, or enjoyment of heritage, history, or the arts. The use includes, but is not limited to, museums, libraries, art performance venues, cultural centers, and interpretative sites but does not include 'theaters.'

Light Industrial Use

Product assembling or mixing, where previously processed components or manufactured parts produced off-site are fitted together into a machine or blended or blown or extruded to form a non-combustible and non-explosive product. Product packaging includes bottling, canning, packing, wrapping, and boxing of products assembled. The assembling or packaging shall not produce noise, vibration, hazardous waste materials, or particulate that creates significant negative impacts to adjacent land uses. Odors produced on-site shall not negatively affect other businesses or properties in the area. Examples of assembling include but are not limited to the production of the following: clothes; furniture (where wood is milled off-site); pharmaceuticals; hardware; toys; mechanical components; electric or electronic components; small vehicle assembly; and computer software. Examples of packaging include facilities for bottling beverages, canning and wrapping foods, and boxing electronic components.

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.

Manufactured Home

A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A., 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42, U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

Manufactured Home, Permanently-Sited

Means a manufactured home that meets all of the following criteria:

- (A) The structure is affixed to a permanent foundation that is connected to appropriate facilities;
- (B) The structure, including any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred (900) square feet;
- (C) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering;

- (D) The structure was manufactured after January 1, 1995;
- (E) The structure is not located in a manufactured home park as defined by Section 4781.01(D) of the Ohio Revised Code.

Manufactured Home Park

Any tract of land upon which three (3) or more manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the park. "Manufactured home park" does not include any of the following:

- (A) A tract of land used solely for the storage or display for sale of manufactured or solely as a temporary park-camp as defined in Section 3729.01 of the Revised Code;
- (B) A tract of land that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes used for habitation and the roadways are dedicated to the local government authority;
- (C) A tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided, and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation.

Marijuana

All parts of the plant cannabis, whether growing or not.

Marijuana

All parts of the plant cannabis, whether growing or not.

Marijuana Concentrates

Products consisting wholly or in part of the resin extracted from any part of the plant cannabis and having a THC concentration greater than sixty (60) percent.

Marijuana Cultivation

The planting, growing, or harvesting of marijuana plants, or any part thereof.

Marijuana Dispensary

A properly licensed use where marijuana, marijuana-infused products, and/or marijuana concentrates are legally sold and/or distributed.

Marijuana-Infused Products

Products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include either usable marijuana or marijuana concentrates.

Marijuana Processing

Processing of marijuana by a marijuana processor into usable marijuana, marijuana-infused products, and marijuana concentrates, including the packaging and labeling of usable marijuana, marijuana-infused products, and marijuana concentrates.

Micro-Brewery

A limited-production brewery, typically producing specialty beers and often selling its products only locally

Micro-Distillery

A small, often boutique-style distillery established to produce beverage grade spirit alcohol in relatively small quantities, usually done in single batches

Micro-Winery

A small wine producer that does not have its own vineyard, and instead sources its grape product from outside suppliers, typically producing small batches of product and often selling its products only locally

Motel

A building or group of buildings containing apartments and/or rooming units, each of which maintains a separate outside entrance. Such building or group of buildings is designed, intended or used primarily for the accommodation of automobile travelers and provides automobile parking conveniently located on the premises.

Moving Truck and Trailer Rental

A commercial establishment which rents out vans, trucks, trailers, and other moving equipment for a fee, to be used on a temporary basis and then returned to the same establishment or to the location of another affiliated establishment.

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.

Nudity

Nudity or State of Nudity means:

- (A) The appearance of human bare buttocks, anus, male or female pubic region or genitals, or the areola or nipple of the female breast; or:
- (B) A state of dress which fails to opaquely and fully cover human buttocks, anus, male or female pubic region or genitals, or the areola or nipple of the female breast.

Nursing Home

A facility which provides nursing services on a continuing basis; admits the majority of the occupants upon the advice of physicians as ill or infirm persons requiring nursing services; provides for licensed physicians' services or supervision and maintains medical records. Such facilities may also provide other and similar medical or health services. Examples of nursing home facilities that provide health services may include, if they comply with all the above criteria, nursing homes, convalescent homes, maternity homes, rest homes, homes for the aged and the like.

Office

A building or portion of a building wherein services are performed involving predominately administrative, professional and clerical operations

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.

Operator

Operator means and includes the owner, permit or license holder, custodian, manager, operator or person in charge of any business premises.

Outdoor Sales or Display

An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product, or service and is open to the general public that is available for purchase inside the building and/or display area. For the purposes of this Zoning Code, such objects shall not be bulk objects as regulated and defined in "Outdoor Storage."

Outdoor Storage

The outdoor storage of bulk goods, raw materials, or products including seasonal items such as firewood and mulch. Bulk goods or products shall be defined as any products, goods, junk, material, merchandise, or vehicles associated with the principal land use.

Parking Lot

A portion of a parcel of land devoted to unenclosed parking spaces.

Parking Lots or Garages

A structure (e.g. parking garage) or surface level facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles.

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.

Passive Parks, Open Space, and Natural Areas

Any park or recreational facility where there is no grading of the land, the construction of facilities, lighting, or development of ball fields with the exception that passive parks, recreational facilities, and natural areas may include the development of trails and sidewalks

Permitted or Licensed Premises

Permitted or licensed premises mean any premises that require a license and/or permit under Chapter 31 of the Zoning Ordinance.

Permittee

Permittee and/or Licensee means a person or persons in whose name a permit and/or license to operate a business under these regulations has been issued, as well as the individual or other legal entity listed as an applicant on the application for a permit and/or license.

Person

Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

Personal Service Establishment

Establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

Plat

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

Police Station

The office or headquarters of a local police force

Protected Uses

Protected uses are those uses listed below and defined as:

- (A) Public buildings, meaning any building owned, leased, or held by the United States, the State of Ohio, Warren County, any City, Village or Township, any special district or school district, or any other agency or political subdivision; and is used for government purposes.
- (B) Land which has been designated for park or recreational activities, including but not limited to, a park; playground; nature trails; swimming pool; reservoir; athletic field; basketball or tennis courts; pedestrian or bicycle paths; open space; wilderness areas; Recreation Area: Private (Sec. 3.41), Charitable (Sec. 3.42), Public (Sec. 3.44) or Commercial (Sec. 3.43); or similar land.
- (C) Quasi-public facilities, meaning any building or improved property customarily open to the public for non-commercial purposes, but which is not under government ownership or control.
- (D) Religious institutions, meaning any church, synagogue; mosque, temple or building used primarily for religious worship and related religious activities.
- (E) Residential districts or uses, meaning Zones R-1, R-2, R-3, as set forth in this Zoning Ordinance.
- (F) Schools, meaning any public or private educational facility, including but not limited to child day care facilities, nursery schools, pre-schools, kindergartens, elementary, primary, intermediate, junior, middle, and secondary or high schools, vocational schools, continuation schools, special education schools, junior colleges, colleges and universities. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.

Public Infrastructure

The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement by public utilities, county, or other governmental agencies of streets, roads, underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories and the use of land in connection therewith, for the furnishing of adequate service by such utilities or governmental departments for the public health, safety and general welfare.

Public Utility

An infrastructure service providing regional or community-wide service that normally entails the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, and

electrical substations that are not defined more specifically elsewhere in this Code and which are not defined as “Public Infrastructure.” Public utilities are: owned or maintained by public utility companies or public agencies; located in public ways or in easements provided for the purpose, or on a customer’s premises and not requiring a private right-of-way; and reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication, or similar services to adjacent customers.

Recreational Facility (Indoor)

Land or facilities operated as a business and which are open to the general public for a fee including, but not limited to: billiard parlors, skating rinks, indoor swimming pools, bowling alleys, arcades or skill-based amusement machines, tennis courts and other similar businesses. Such facilities may also provide a snack bar, restaurant, retail sales of related sports, health, or fitness items, and other support facilities.

Recreational Facility (Outdoor)

Land or facilities operated as a business and which are open to the general public for a fee including, but not limited to: pay-to-play athletic fields, golf courses, outdoor swimming pools, amusement parks, racetracks (animal racing only) and other similar businesses. Such facilities may also provide a snack bar, restaurant, retail sales of related sports, health or fitness items, and other support facilities.

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.

Research and Development Facility

A building in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental to the main purpose of the laboratory

Restaurant

An establishment whose principal business is the selling of food to the public and beverages to the customer in a ready to consume state, in individual servings

Restaurant, Drive-In

An establishment whose primary business is serving food to the public for consumption on the premises by order from and service to vehicular passengers outside the principal building

Retail and Service Uses

Establishments primarily engaged in the sale of goods and materials to the general public. Retail uses may include, but are not limited to, bookstores, antique stores, bakeries, grocery stores, and other similar uses. Service uses are primarily engaged in rendering services to businesses including, but not limited to, printers, equipment rental, protective services, mailing, photo finishing, and other similar uses.

Semi-Nude

Semi-nude means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices, as applicable.

Self-Storage Facility

A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, or controlled-access stalls or lockers for the dead storage of a customer's goods or wares

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

Sexually Oriented Businesses are those businesses defined as:

- (A) **Adult Arcade** means a commercial Establishment where, for any form of consideration, one (1) or more still or motion pictures projectors, slide projectors, or similar machines, or other image-producing machine, for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or photographic reproductions characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas."
- (B) **Adult Bookstore, Adult Novelty or Adult Video Store** means a commercial Establishment which has as a significant or substantial portion of its stock-in-trade, or derives a significant or substantial portion of revenues, or devotes a significant or substantial portion of its interior business or advertising to the sale or rental for any form of consideration, of any one (1) or more of the following:
 - (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, computer software, compact discs, or other visual representations, characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas".
 - (2) Instruments, devices, or paraphernalia designed for use or marketed primarily for stimulation of human genital organs, or for sadomasochistic use or abuse.
- (C) **Adult Cabaret** means a nightclub, bar, restaurant, bottle club, car wash, or similar commercial Establishment, whether or not alcoholic beverages are served, which regularly features:
 - (1) Persons who appear nude, or in the state of nudity, or semi-nudity;

VILLAGE OF MAINEVILLE ZONING ORDINANCE

- (2) Live performances characterized by the exposure of “Specified Anatomical Areas” or by “Specified Sexual Activities”;
- (3) Films, motion pictures, videocassettes, slides, or other photographic reproductions characterized by the depiction or description of “Specified Sexual Activities” or “Specified Anatomical Areas”.
- (D) Adult Motel** is a motel, hotel or similar commercial Establishment which:
- (1) Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions, characterized by the depiction of “Specified Sexual Activities” or “Specified Anatomical Areas” and which advertises the availability of this sexually-oriented type of material by means of a sign. Visible from the public right-of-way, or by means of any off-premises advertising, Including but not limited to newspapers, magazines, pamphlets or leaflets, radio or Television; or:
- (2) Offers a sleeping room for rent for a period of time less than ten (10) hours; or:
- (3) Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.
- (E) Adult Motion Picture Theater** means a commercial Establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions characterized by the depiction or description of “Specified Sexual Activities” or “Specified Anatomical Areas” are regularly shown for any form of consideration.
- (F) Adult Theater** means a theater, concert hall, auditorium, or similar commercial Establishment which, for any form of consideration, regularly features persons who appear in a state of nudity, or performances characterized by exposure of “Specified Anatomical Areas” or by “Specified Sexual Activities”.
- (G) Escort** means a person who, for any form of consideration, agrees or offers to act as a companion, guide or date for another person, or agrees or offers to privately model lingerie or privately performs a striptease for another person.
- (H) Escort Agency** means a person or business association that, for any form of consideration, furnishes, or offers to furnish an Escort (s), for another person.
- (I) Massage Parlor** means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation’s, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as a part of, or in connection with “Specified Sexual Activities”, or where any person providing such treatment, manipulation, or service related thereto, expose his or her “Specified Anatomical Areas”. This definition shall not include the practice of massage in a licensed hospital, under the auspices of a licensed hospital, by a licensed physician, surgeon, chiropractor or osteopath, by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, or by trainers for any amateur, semi-professional or professional athlete, or athletic team, or school athletic program.
- (J) Nude Model Studio** means any place where a person, who regularly appears in a state of nudity, or displays “Specified Anatomical Areas”, is provided, for any form of consideration, to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.
- (K) Sexual Encounter Establishment** means a business or commercial Establishment, that as one (1) of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons

may congregate, associate, or consort, for the purpose of “Specified Sexual Activities”, or the exposure of “Specified Anatomical Areas”, or activities when one (1) or more of the persons is in a state of nudity or semi-nude. This definition shall not include an Establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed in the State of Ohio, engages in medically approved and recognized sexual therapy.

Shooting Range (Indoor)

An indoor establishment which is completely enclosed within a building where patrons are provided with targets for the controlled practice of shooting

Shooting Range (Outdoor)

An outdoor area provided with targets for the controlled practice of shooting

Sign (a.k.a. “Signage”)

Means any structure, or natural object such as a tree, rock, bush, and the ground itself, or part thereof, or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, word, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of, an announcement.

Sign Area

See Sec. 21.04 (Measurement of sign area)

Sign Face

The area of display surface used for the message; See Sec. 21.04 (Measurement of sign area) and Table 21.1 (Sign Area Measurement)

Sign Height

See Sec. 21.05 (Measurement of sign height)

Sign, Abandoned

A sign which no longer identifies a bona fide business, lessor, service, owner, product, or activity, time of event passed, and where any of the following applies:

- (A) No legal owner can be found; or,
- (B) The property owner has been given a written order to rehabilitate or demolish, and for which work has not commenced and the owner can not demonstrate a diligent and good faith effort to implement actions; or,
- (C) The property taxes are delinquent and the site is not actively offered for sale, lease, or rent.

Sign, Awning or Canopy

Any sign that is painted on, part of, or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area

Sign, Billboard

A permanent off-premise sign

Sign, Changeable Copy

A sign such as a bulletin board, announcement board, or electronic message sign, where the message or graphics is not permanently affixed to the structure, framing, or background and may be periodically replaced or covered over by electronic or mechanical devices

Sign, Channel Lettering

Fabricated or formed three-dimensional letter that may accommodate a light source or a sign where only the letters/logo is illuminated

Sign, Reverse Channel Lettering

A fabricated dimensional letter with opaque face and side walls with an internal light source to the rear of the letters used for “halo” or “silhouette” lighting

Sign, Electronic Message

A sign whose alphabetic, pictographic, or symbolic information content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments

Sign, Exempt

Signs exempted from certain normal requirements; See Sec. 21.02

Sign, Gateway

A permanent sign announcing a development or subdivision

Sign, Government

Signs erected and maintained pursuant to a government’s function, ordinances, or regulation. Government signs include, but are not limited to, signs required or installed by the City, the County, a public utility, a public transit entity, a state or federal statute, or by order of a court of competent jurisdiction.

Sign, Ground

A sign, either permanent or temporary, solely supported on and from the ground. This definition excludes portable signs.

Sign, Illegal

Any sign which is contrary to the requirements of this Code and which does not satisfy the non-conforming specifications in this Code

Sign, Menu Board

Any signage pertaining to items, goods, or services offered by a business serving a drive-through lane

Sign, Nonconforming

A sign legally existing on the effective date of this Code that does not conform to height, size, type, setback, or other provisions of this Code. For the purposes of this definition the term “sign” shall include the sign face and the structure on which the sign face is attached.

Sign, Roof

Any sign that is supported on a structure which is located wholly or partly on the roof or above the roof or partly on the roof or above the roof line of any building

Sign, Off-Premise

Any sign that advertises or otherwise directs attention to an activity not on the same lot where the sign is located

Sign, On-Premise

A sign which advertises or directs attention to an activity on the same lot where the sign is located

Sign, Outdoor Advertising

See “Sign, Billboard”

Sign, Permanent

A sign usually constructed of solid materials of a permanent nature known and used in the sign construction industry, that is permitted by this Code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground. All signs that are not temporary signs are permanent signs.

Sign, Pole

A permanent sign that is supported from the ground by one (1) or more poles or other types of individual supports, that is eight (8) feet or greater in height; See “Ground Sign” for signs less than eight (8) feet in height

Sign, Portable

A temporary sign not permanently affixed to the ground, building, or other structure, which may be moved from place to place, including, but not limited to, A-Frame signs, sandwich boards, signs designed to be transported by means of wheels, and other signs which can be easily removed from the ground by hand without the use of tools

Sign, Projecting

A sign attached to a building and extending perpendicular from the building wall

Sign, Promotional Balloon

An inflatable sign, which may or may not involve motion to draw attention

Sign, Temporary

A sign that is designed to be used only temporarily and is not permanently, or intended to be permanently, attached to a building, attached to a structure, or installed in the ground. Temporary signs shall conform to the time frame regulations as applicable to specific signage types specified in Chapter 21 (Signs). All signs that are not temporary signs are permanent signs.

Sign, Wall

A permanent sign painted on, attached to, or erected against an exterior wall of a building or other wall structure, with the display face of the sign parallel to the wall and which does not project above the roof line or beyond the corner of a building on which mounted

Sign, Window

A sign, either permanent or temporary, that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building

Skilled Gaming Facility

Any facility having a significant portion of its function in the use of Games of Skill, which includes the utilization of “Gaming Machines” as defined herein.

Specified Anatomical Areas

Specified Anatomical Areas, as used in the Zoning Ordinance for the regulation of sexually oriented businesses, means and includes any of the following:

- (A) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areola, or :
- (B) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Criminal Acts

Specified Criminal Acts are those offenses defined in Ohio Revised Code, Chapter 2907, and as the same, may, from time to time be amended and similar offenses pursuant to municipal ordinances, village/county resolutions of this or any other state, the statues and regulations of any other state or of the United States or tax violations in connection with Sexually Oriented Business.

Specified Sexual Activities

Specified Sexual Activities, as used in the Zoning Ordinance for the regulation of sexually oriented businesses, means and includes any of the following:

- (A) The fondling, intentional touching of human genitals, pubic region, buttocks, anus, or female breast; or
- (B) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or:
- (C) Masturbation, actual or simulation; or:
- (D) Human genitals in a state of sexually stimulation, arousal, or tumescence; or:
- (E) Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this subsection.

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.
- (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.

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 Co-Location

The installation of additional transmission equipment on an existing tower or other permitted support structure

Telecommunication Facility

An FCC permitted wireless telecommunications facility that exists on or after October 31, 1996

Telecommunication Facility (Small Cell Facility)

A “small cell facility” is defined as a wireless facility that meets both of the following requirements:

- (A) Each antenna is located inside an enclosed structure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six (6) cubic feet in volume.

- (B) All other wireless equipment associated with the facility is cumulatively not more than twenty eight (28) cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

Theater

Any building or part of a building used for the showing of motion pictures or for dramatic, dance, musical, live or pre-recorded performances. Such use may include a lobby area and refreshment stand for the patrons.

Transfer of Control

Regarding transfers of Sexually Oriented Business permits, transfer of control of a business means and includes any of the following:

- (A) The sale, lease, or sublease of the business; or:
- (B) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means, voluntary or otherwise; or:
- (C) The establishment of a trust, gift, or similar legal device, which transfers ownership or control of the business, except for transfer by bequest, or other operation of law upon the death of a person possessing the ownership or control.

Truck Stop

A use or establishment used for a business, service, or industry involving the maintenance, serving, storage or repair of commercial vehicles. Such uses may also include areas for a restaurant, lodging and trucking brokerages.

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.

Veterinary Clinic

An establishment where animals are admitted for observation, boarding and/or treatment by one or more licensed veterinarians

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.

Warehouse

A business establishment primarily engaged in the storage of merchandise, goods, and materials, not including

“Self-Storage Facilities.”

Wholesale Business

An establishment for the sale of merchandise to business establishments, institutional uses, or to other wholesalers. Wholesale business uses may also mean acting as an agent or broker in the buying or selling of merchandise; but not selling to the general public.

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.