

## CHAPTER 32: DEFINITIONS

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

### **Accessory Building, Use or Structure**

Accessory Use means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure.

### **Agriculture**

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

### **Apartment**

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

### **Building**

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

### **Building, Height of**

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

### **Building Line**

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

### **Club**

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

### **Commercial Vehicle**

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

### **Comprehensive Development Plan**

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

### **Conditional Use**

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

### **Covenant**

A written pledge or promise.

### **Development**

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

### **Developer**

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

### **Development Plan**

See Comprehensive Development Plan

### **District**

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

### **Dwelling**

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

### **Dwelling Units**

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

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

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**(D)** Multi-family: A dwelling unit that shares the same physical structure and the same exterior entrances with other dwelling units.

### **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.

### **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.

### **Fences**

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

### **Flood**

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

### **Flood Plain**

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

### **Floodway**

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

### **Floodway Fringe**

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

### **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.

### **Frontage**

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

### **Garage, Private**

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

### **Garage, Public**

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

### **Highway, Major or Secondary**

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

### **Home Occupation and Professional Activities**

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

### **Hotel or Motel**

A building in which lodging is provided for transient guests and operated for profit.

### **Institution**

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

### **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.

### **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.

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**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.

**~~Mobile Home Park~~**

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

**Non-conforming Use**

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

**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.

**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.

**Parking Lot**

A parcel of land devoted to unenclosed parking spaces.

**Parking Space**

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

**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.

**Plat**

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

**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.

### **Recreation Area, Private**

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

### **Recreation Area, Charitable**

A recreation area owned or maintained by a philanthropic organization.

### **Recreation Area, Commercial**

A recreation area privately owned and operated for profit.

### **Recreation area, Public**

A recreation area dedicated to public use and maintained by a public authority.

### **Recreational Vehicle(s)**

shall include the following:

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

### **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.

### **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;**
  - (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

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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.

### **Signs**

See Chapter 21 for Definitions.

### **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

### **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 Tower**

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

### **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.

### **Variance**

A variance is a modification of the standards or requirements of these regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

### **Village of Maineville Comprehensive Plan**

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

### **Village of Maineville Unified Development Manual**

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

### **Yard**

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



## VILLAGE OF MAINEVILLE ZONING ORDINANCE

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- (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.