

## Chapter 28

### DEFINITIONS

Words in this Zoning ordinance are normally used in their ordinary English usage. Certain terms, are, however, defined in this Chapter and whenever used in this Zoning Ordinance, they shall have the meaning set forth in the Section and Subsections of this chapter, except where the context clearly indicates a different meaning. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; word "building" shall include the word "structure" and the word "shall" is mandatory not directory.

**ACCESSORY BUILDING:** A subordinate building or a portion of the main building; the use of which is incidental to that of the main building or to the use of the premises.

**AGRICULTURE:** The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and the necessary accessory uses for 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 agriculture activities, and provided further, that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

**ALLEY:** A public way which affords only a secondary means of access to abutting property.

**APARTMENT:** A room or suite of rooms in a multiple dwelling intended or designed for use as a residence by a single family.

**APARTMENT HOUSE:** See Dwelling, Multiple.

**ARTERIAL STREET:** Roadways intended to serve as primary connectors between residential and other types of development. Generally, these are state and county roadways.

**BASEMENT:** A story having part but not more than one-half (1/2) height below grade. A basement is counted as a story for purpose of height regulations.

**BOARD:** Township Board of Zoning Appeals as created by this Resolution.

**BOARDING HOUSE:** A building other than a hotel where, for compensation, meals or lodging and means, are provided for three but not more than 20 persons.

**BUFFER YARD:** An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building, paving or recreational use.

**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 grade 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 MATERIALS SALES BUSINESS:** A business or organization that provides materials, supplies or parts to construct buildings, structures or surfaces. The materials, supplies and parts shall be new, or refurbished ready to install, or raw materials in ready to use form.

**BUILDING MATERIALS SALES STORAGE YARDS:** Interior or exterior storage areas for the equipment, materials, supplies and parts utilized by building materials sales businesses. Used or raw materials that are transformed on-site into a salable product or used by the business in a salable product may be stockpiled in sufficient quantities only to the extent to serve the business's active need for the salable product and must be regularly rotated.

**CELLAR:** A story having more than one-half (1/2) of its height below grade. A cellar is counted as a story for the purpose of height regulations only if used for dwelling purposes other than by a janitor employed on the premises.

**CELLULAR OR WIRELESS TELECOMMUNICATION TOWER** - any freestanding structure used to support cellular, PCS or wireless communication antennas.

**CHILD DAY-CARE:** Administering to the need of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than the child's own home. The following are child day-care facilities:

1. Child Day Care Center, means any place in which child day-care is provided, with or without compensation, for 13 or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for 7 to 12 children at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.
2. Type A Family Day Care Home, means a permanent residence of the administrator in which child day-care is provided for 4 to 12 children at any one time, if 4 or more children are under 2 years of age. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.
3. Type B Family Day Care Home, means a permanent residence of the provider in which child day-care or child day-care services are provided for 1 to 6 children at one time and in which no more than 3 children may be under 2 years of age at any one time. In counting children for the purposes of this definition, any children

under 6 years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

**COLLECTOR STREET:** Roadways intended to collect traffic generated in major residential areas and carry it to one of the roads in the arterial network. Generally, the existing primary collectors are portions of county roads originally built to accommodate through traffic. Residential development tributary to these roads, however, has or will create a situation where the arterial function is subordinate to the collector function.

**CONSTRUCTION WASTE:** Building materials and other wastes associated with construction or demolition projects including but not limited to such materials as wood, concrete, drywall, masonry, roofing, siding, steel, metal, wire, insulation, plastics, styrofoam, fiberglass, strapping materials, cans, buckets, packaging materials, and containers.

**CONTRACTOR BUSINESS:** A business or organization that provides services, skills or trades to construct or maintain buildings, structures, grounds or facilities. Non-exclusive examples may include a general building contractor, a subcontractor such as an electrician or plumber, a company that builds/repairs public utility infrastructure, a landscaping company, a fence building company, or a business that builds/repairs specialty structural items like cellular communication towers.

**CONTRACTOR STORAGE YARDS:** Interior or exterior storage areas for equipment, materials or supplies that are used by Contractor businesses. Used or raw materials that are transformed on-site into a usable product by the business may be stockpiled in sufficient quantities only to the extent to serve the business's active need for the usable product and must be regularly rotated.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, or the subdividing of land into two or more parcels. For the purposes of this Resolution, the following activities or uses shall be considered "development:"

1. Any change in a structure including the reconstruction, or alteration of its size, or change in its external appearance.
2. A change in the intensity of use of land, such as an increase in the number of dwellings in a structure or on land or an increase in the number of businesses, manufacturing establishments, offices, or dwellings in a structure or on land.
3. Clearing of land, including clearing or removal of vegetation other than customary yard and/or grounds maintenance and including any significant disturbance of vegetation or soil manipulations.
4. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

"Development" includes all other activity customarily associated with it. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity is not

development. Reference to particular types of operations is not intended to limit the scope of this definition.

**DISTRICT:** A section or sections for the unincorporated territory of Miami Township, Clermont County, for which the regulations governing the use of buildings and premises, the height of buildings, size of yards and the area lots are uniform.

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

**DWELLING, SINGLE-FAMILY:** A building designed or occupied exclusively by one family.

**DWELLING, TWO-FAMILY:** A building designed or occupied exclusively by two families.

**DWELLING, MULTIPLE:** A building or portion thereof designed for or occupied by more than two families.

**FAMILY:** A person or a group of persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined. The term "Family" shall include household pets other than large animals which are the property of the family and which are not for the purpose of consumption or for the purpose of commerce.

**FRONTAGE:** All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all of the property abutting on one between an intersecting street and the head end of the street.

**GARAGE, STORAGE:** Any building or premises used for housing only, of motor-driven vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

**GRADE:** For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the streets. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street.

**GROUP RESIDENTIAL FACILITY:** A community residential facility, licenses and/or approved and regulated by the State of Ohio, which provides rehabilitative or rehabilitative services. There are two classes of group residential facilities:

1. Class I, means any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains

exclusive of staff. A Class I facility contains five or staff. A class I Type B group residential facility contains five or less residents, exclusive of staff.

2. Class II, means any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six or more residents, exclusive of staff. A Class II Type B group residential facility contains five or less residents, exclusive of staff.

**HOME OCCUPATION:** Any activity conducted in a residential district for compensation, such as an occupation or profession, which is carried on by a member of the immediate family who resides at the premises.

**HOTEL OR MOTEL:** A building in which lodging is provided offered to the public for compensation and which is open transient guests, in contradistinction to a boarding house lodging house.

**INSTITUTION:** A building occupied by a non-profit corporation or a non-profit establishment for public use.

**LODGING HOUSE:** A building where lodging only is provided for compensation to three or more but not more than 20 persons.

**LOT:** A parcel of land occupied or intended for occupancy by a use permitted in this Resolution and the open spaces required by this Resolution and having its principal frontage upon a street or place.

**LOT, CORNER:** A lot abutting upon two or more streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of less than 135 degrees.

**LOT, DEPTH OF:** Horizontal distance between the front and rear lot lines.

**LOT, DOUBLE FRONTAGE:** A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

**LOT OF RECORD:** A lot which is a part of a subdivision, the map of which has been recorded in the office of the Recorder of Clermont County; or a parcel of land, the deed to which was of record on or prior to the effective date of this Resolution.

**MASSAGE ESTABLISHMENT:** Massage Establishment means any fixed place of business where a person offers massages:

1. In exchange for anything of value; or
2. In connection with the provision of another legitimate service.

**MINERALS.-** Minerals are any naturally occurring, homogenous inorganic substances having a definite chemical composition and characteristic crystalline structure,. color, and hardness. Minerals also include elements such as gold or silver; mixtures of inorganic compounds, such as hornblende or granite; ores; organic derivatives such as coal or petroleum; and/or any other substance which is neither animal or vegetable, such as gravel or clay.

**NON-CONFORMING USE:** Any building or land lawfully occupied by a use on the effective date of this Resolution or any amendment or supplement thereto, which does not conform with the Use Regulations of the District in which it is situated.

**PARCEL:** Any quantity of land and/or water capable of being described with such definiteness that its location and boundaries may be established as distinct from other quantities of land and/or water.

**PARKING LOT:** A parcel of land devoted to unenclosed parking spaces.

**PARKING SPACE:** A permanently surfaced area of not less than one 160 square feet either within a structure or in the open, exclusive of driveways or access drives, for the parking of the motor vehicle.

**PLACE:** An open unoccupied space at least 30 feet wide, other than a street or alley permanently reserved as the principal means of access to abutting property.

**RECYCLING BUSINESS:** A business or organization that intakes used wood, glass, paper, plastic or metal materials and repurposes them, at the same location, into a new product or raw material for sale at the location, or which new product is packaged and shipped to final users. Said materials may be stockpiled in sufficient quantities only to the extent to serve the business's active recycling activity and must be regularly rotated.

**SHELTER SAFETY STATION:** A structure with at least three sides and a roof used to protect the public from the natural elements while awaiting pick up by a private or public conveyance.

**SIGN: GROUND:** Any structure or natural object such as a tree, 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, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement.

**SIGN, FREE STANDING:** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

**SIGN, ILLUMINATED:** Any Sign illuminated in any manner by artificial light source.

**SIGN, LIGHTING DEVICE:** Any light, string of lights, or group of lights located or arranged so as to cause illumination of a sign.

**SIGN, NON-CONFORMING:** Any sign which does not conform to the regulations of this resolution.

**SIGN, OFF-PREMISES:** Any sign that relates to a business, person, activity, goods, products or services not sold or offered on the premises, or that directs persons to a different location from where the sign is installed, also commonly known as a "billboard," "off-site," or "outdoor advertising sign."

**SIGN, ON-PREMISES:** Any sign that relates to a business, person, activity, goods, products, or services sold or offered on the premises where the sign is installed.

**SIGN, PROJECTING:** Any sign other than a wall sign affixed to any building or wall in which the leading edge extends beyond such building or wall.

**SIGN, TEMPORARY:** Any sign which is not permanently affixed to a structure or mounted in the ground and is of a temporary nature and which advertises and calls attention to community or civic projects or activities, charitable projects or activities, grand openings, special sales or other temporary business promotions including garage sales and flea markets.

**SIGN, WALL:** Any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the wall of any building and supported by such wall or building and which displays only one advertising surface.

**SMOKE SHOP:** Any business that derives fifty (50) percent or more of its revenue collectively from smoke, tobacco, electronic cigarettes, vaping products, CBD (or other marijuana derivatives), and/or similar items or paraphernalia.

**STORY:** That portion of a building, other than a cellar as defined herein, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

**STORY, HALF:** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

**STREET:** All property dedicated or intended for public or private street, highway, freeway, or roadway purposes or subject to public easements therefore.

**STREET LINE:** A dividing line between a lot, tract, or parcel of land and a contiguous street.

**STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, back stops for tennis courts, and pergolas.

**STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical content of the building.

**TRAILER:** The word "trailer" shall include trailer coach, house trailer, mobile home, automobile trailer, camper or any self-propelled or non-self-propelled vehicle constructed or added to by means of accessories in such a manner as will permit the use or 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 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 this Resolution.

**TRUSTEES:** The Board of Trustees of Miami Township Clermont County, Ohio.

**WASTE BUSINESS:** a business or organization, that is not a Recycling business, that at a central location within Miami Township accepts, collects, stores, buries, fills, processes or transfers any sort of waste product, including construction waste.

**YARD:** An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the mean horizontal distance between the lot line and the main building shall be used.

**YARD, FRONT:** A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entranceway.

**YARD, REAR:** A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the main building or any projection thereof, other than the steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be the opposite end of the lot from the front yard.

**YARD, SIDE:** A yard between the main building and the sideline of the lot. The side yard extends from the front line of the building to the rear line of the building or any projection thereof other than steps, unenclosed balconies or unenclosed porches.

**YARD, CORNER SIDE:** A yard between the closest point of the main building and the side line of the lot that abuts a street and extending from front line of the building to the rear lot line.

**TEMPORARY USE:** A prospective use, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Revised - January 29, 2018