

CHAPTER 3

DEFINITIONS

- 3.01 For the purpose of the Zoning Code 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.
- 3.02 Accessory Building, Use or Structure: A building, use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principle building, use or structure.
- 3.03 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.
- 3.03.A. Amateur Radio: Amateur radio (also known as "ham" radio) consists of Federal Communications Commission (FCC) licensed operators (also called "hams") who communicate with other licensed operators for enjoyment, experimentation and for emergency purposes on radio frequencies set aside specifically for this purpose. The radio frequencies used by "hams" range from short wave frequencies which allow two-way communications for one state to another state (or foreign country) to VHF/UHF frequencies which provide reliable communications in a local city, township, county or multi-county area. Amateur radio operators are licensed by the FCC to utilize several different modes, including FM voice, digital, satellites, video or Morse code.
- 3.04 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.
- 3.05 Basement: A story or portion of a story having part, but not more than one-half (1/2) its height below average grade. A basement is counted as a story for the purpose of height regulation. See "Cellar."
- 3.06 Building: A structure designed or intended for the support, habitation, shelter and/or protection of persons, animals, chattels or property as applicable. The word "building" also further means any permanent fabrication or construction of a structure, attached or affixed to land, consisting of foundation walls, columns, girders, beams, floors and a roof or combination of any number of these elemental parts, with or without other parts or appurtenances and includes: industrialized units when affixed to a permanent foundation, as well as manufactured homes when permanently sited and mobile homes, provided such home is permanently sited on land owned by the home owner(s) and the certificate of title to such home has been surrendered to and inactivated by the clerk of the court of common pleas that issued it, so that the home may be taxed as real property. Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.
- 3.07 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.
- 3.08 Building Line: A line across the width of a lot or tract of ground, said line drawn concentric with, in the case of a curve, or parallel with the frontage line. It shall be set

back from the frontage line, the minimum distance required in the regulations pertaining to the zone in which the lot or tract is located.

- 3.09 Cellar: A story or portion of a story having more than one-half (1/2) of its height below average grade. A cellar is counted as a story for the purpose of regulating the number of stories only if used for dwelling purposes other than by a janitor employed on the premises. See “Basement”.
- 3.10 Club: Building and facilities owned or operated by a corporation, association, person or persons for social or recreation purposes, on a non-profit basis.
- 3.10.A Conditional Use: A use that may only be permitted after a hearing before the Board of Zoning Appeals.
- 3.10.B Deck: Any exterior floor system raised eighteen (18) inches above grade and supported on at least two opposing sides by an adjoining structure and/or posts, piers or other independent supports. All decks shall require a zoning certificate and shall conform to the setback requirements for the zone in which they are placed.
- 3.11 Development: Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.
- 3.12 Development Plan: A plan for the development and use of a specified parcel or tract of real estate, illustrated by a plat showing the boundaries of such parcel or tract, the location, size, height, and use of all structures, all vehicular and pedestrian ways and parking areas, all sewers and water mains, fire hydrants, both public and private, and all landscaped and recreation areas to be erected and maintained thereon; and further explained by such specifications, conditions and limitations as may be imprinted on the plat, or contained in the amendment or supplement to the Zoning Code, incorporating the development plan as an integral part of the zoning regulations applicable to that particular tract of land.
- 3.13 Dwelling: Any building or portion thereof designed or intended to be used exclusively for residence purposes, including a permanently sited manufactured home, but not a manufactured home in a manufactured home park, industrialized unit, mobile home, tent, cabin, trailer, travel trailer, trailer coach, camper on a truck or other recreational vehicle.
- 3:14 Dwelling, Single Family: a building designed, intended and/or used solely for lawful purposes of being occupied, operated and maintained as one household for a number of persons lawfully accommodated therein for such use per at least the Ohio Building Code required minimum square footage (70 square feet) and ceiling height requirements (7’ 6” in above ground space and 7’ 0” in a basement) for an interior space to be considered habitable as a bedroom space for any one person in a given residence, in addition to the 150 square foot requirement for at least one other room in a residence that is not a kitchen, as may be amended in the future.
- 3.15 Dwelling, Two Family: A building designed for or occupied exclusively by two non-transient families.
- 3.16 Dwelling, Multiple: A building or portion thereof designed for or occupied by more than two non-transient families.

- 3.17 Family: A person or a group of persons no more than four of whom are unrelated, occupying a single dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a hotel or motel as herein defined.
- 3.18 Flood: A general and temporary condition of partial or complete inundation of normally dry land areas.
- 3.19 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.
- 3.20 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.
- 3.21 Floodway Fringe: The area within the 100 year flood plain that is outside the floodway.
- 3.22 Frontage: The common boundary between the public street or road right-of-way as established on the Warren County Thoroughfare Plan and the abutting property.
- 3.23 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.
- 3.24 Garage, Public: Any building other than a private garage used for parking or repairing motor vehicles for profit.
- 3.25 Highway, Major or Secondary: An officially designated state or federal numbered highway or other road designated as a major street on the Official Thoroughfare Plan of Warren County.
- 3.26 Home Occupation: Any occupation or profession carried on in a residential zone in the main 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, or no display that will indicate from the exterior that the building is being used for any purpose other than a dwelling; 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, and the operation of a beauty shop, real estate office, insurance sales office are typical permitted uses. For any such home occupations, enough off-street parking spaces shall be provided on the premises to accommodate all persons stopping to do business. See Section 27.03 re. antique shops.
- 3.27 Hotel or Motel: A building in which lodging is provided for transient guests and operated for profit.
- 3.27.A Industrialized Unit: A building unit or assembly of closed construction fabrication in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure and that requires transportation to the site of intended use. "Industrialized Unit" includes units installed on the site as independent units, as part of a group of units or incorporated with standard construction methods to form a completed structural entity. "Industrialized Unit" does not include a manufactured home or a mobile home.

- 3.28 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.
- 3.29 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.
- 3.30 Lot: A parcel of land having its frontage upon a public street or road.
- 3.30.A Manufactured Home: A building or 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 “Manufacturing Housing Construction Safety Act of 1974”, 88 stat. 700, 42 U.S.C.A. 5401, 5403 and that includes a permanent label or tag affixed to it, as specified in U.S.C.A. 42 and 5415 certifying compliance with all applicable federal construction and safety standards.
- 3.30.B Manufactured Home Park: as defined in this Code, is 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 part of the facilities of the park. “Manufactured Home Park” does not include any of the following:
1. Any tract of land used solely for the storage or display for sale of manufactured or mobile homes or solely as a temporary park-camp.
 2. 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.
 3. 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.
- 3.31 Mobile Home: as defined in this Code, is any non-propelled vehicle transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) feet or more in length or when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems therein. Calculations used to determine the number of square feet in a structure are based on the structure’s exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets and other projections containing interior space, but does not include bay windows.
- 3.32 Motel: See “Hotel”.
- 3.33 Non-conforming Use: Any building or land being used in a manner contrary to the zoning code, such use having begun and having been a legal use prior to the effective date of said code.

- 3.34 One-Hundred (100) Year Flood: A flood that, on the average is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).
- 3.35 Parking Lot: A parcel of land devoted to unenclosed parking spaces.
- 3.36.A 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.
- 3.36.B Patio: Any exterior floor system up to eighteen (18) inches from grade, which may or may not be supported to an adjoining structure. A zoning certificate shall not be required for a patio and may project into the side or rear yard setback.
- 3.36.C Permanent Foundation: As defined in this Code, a standard design of continuous reinforced concrete or masonry materials, in the form of a wall beneath the exterior perimeter walls of a building and connected to, or resting on, a concrete footer and as necessary for support of other structural members located under or outside a building they are part of, and/or, as required for permitting by the Warren County Building Department or appropriate permitting organization.
- 3.36.D Permanently Sited Manufactured Home: Permanently Sited Manufactured Housing is that which meets all of the following requirements:
1. Be manufactured pursuant to the HUD Code (Manufactured Home Construction and Safety Standards Act, 42 U.S.C. section 5401), after January 1, 1995.
 2. Be attached to a frost free permanent foundation as approved by the Warren County Building Department and defined herein.
 3. Be connected to appropriate facilities.
 4. Have a length of at least twenty-two (22) feet and a width of at least twenty-two (22) feet.
 5. Have at least nine-hundred-sixty (960) square feet of living area.
 6. Have a conventional residential siding (i.e. lap, clapboard, shake, masonry, vertical natural materials), at least a six (6) inch minimum eave overhang and a minimum "A" roof pitch of 3:12.
 7. Have removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation.
 8. The title, if applicable, must be intended to be assessed and taxed as permanent real estate, not personal property. The title for such structure as a mobile home shall be surrendered to the county auditor when such is permitted for attachment onto its permanent foundation and such surrender shall be notice to the auditor to tax the structure as real property from that day forward.
 9. Meet all applicable zoning requirements in regard to lot size and setbacks for the zone in which it is located.
- 3.37 Plat: A map or other scale drawing of a lot, or other parcel of ground, showing shape and dimensions.
- 3.38 Public Street or Road: One that has been dedicated whether or not it has been constructed to county standards as approved by the County Engineer and accepted by the County Commissioners.
- 3.38.A Recreational Camp: A tract of land upon which five (5) or more portable camping units are placed and includes any roadway, building, structure, vehicle or enclosure used or intended for use as part to the facilities of the camp. A tract of land that is subdivided for

lease or other contract of the individual lots is a recreational camp if five (5) or more portable camping units are placed on it for recreation, vacation or business purposes.

- 3.38.B Recreational Vehicle Park: A tract of land used for parking five (5) or more self-contained recreational vehicles and includes any roadway, building, structure, vehicle or enclosure used or intended for use as part of the park facilities and any tract of land that is subdivided for lease or other contract of the individual lots for the express implied purpose of placing self-contained recreational vehicles for vacation, or business purposes.
- 3.38.C Recreational Vehicle: A vehicular portable structure that is designed and constructed to be used as a temporary dwelling for travel, recreation and vacation uses and is classified as follows:
1. "Travel Trailer" means a non-self propelled recreational vehicle that does not exceed the overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling and contains less than three-hundred-twenty (320) square feet of space when erected on site. "Travel Trailer" includes a tent-type fold out camping trailer;
 2. "Motor Home" means a self propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping;
 3. "Truck Camper" means a non-self propelled vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck Camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling;
 4. "Fifth Wheel Trailer" means a vehicle that is of such size and weight as to be moveable without a special highway permit, that has a gross trailer area of four-hundred (400) square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch originally installed in the bed of a truck; and
 5. "Park Trailer" means a vehicle that is commonly known as a park model recreational vehicle, meets the American National Standards Institute A119.5 (1988) for park trailers, is built on a single chassis, has a gross area of four-hundred (400) square feet or less when set up, is designed for seasonal or temporary quarters and may be connected to facilities necessary for the operation of installed features and appliances.
- 3.38.D Recreational Vehicle; Dependent: as defined in this Code, is a recreational vehicle other than a self-contained recreational vehicle, as defined in this Zoning Code.
- 3.38.E Recreational Vehicle; Self Contained: as defined by this Code, is a recreational vehicle that can operate independent of connections to sewer and water and has plumbing fixtures or appliances, all of which are connected to central holding tanks located within the vehicle.
- 3.38.F Recreational Vehicle Park: as defined by this Code, is any tract of land used for parking five (5) or more self-contained recreational vehicles and includes any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the park facilities. Any tract of land that is subdivided for lease or other contract of the individual lots for the express or implied purpose of placing self-contained recreational vehicles for recreation, vacation or business purposes. "Recreational Vehicle Park" as defined does not include any tract of land used solely for storage or display for sale of self-contained recreational vehicles or solely as a temporary park-camp.

- 3.39 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.
- 3.40 Recreation Area, Charitable: A recreation area owned or maintained by a philanthropic organization.
- 3.41 Recreation Area, Commercial: A recreation area privately owned and operated for profit.
- 3.42 Recreation area, Public: A recreation area dedicated to public use and maintained by a public authority.
- 3.42.A Sexually Oriented Businesses are those businesses defined as:
1. 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.”
 2. 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:
 - a. 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”.
 - b. Instruments, devices, or paraphernalia designed for use or marketed primarily for stimulation of human genital organs, or for sadomasochistic use or abuse.
 3. 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:
 - a. Persons who appear nude, or in the state of nudity, or semi-nudity;
 - b. Live performances characterized by the exposure of “Specified Anatomical Areas” or by “Specified Sexual Activities”;
 - c. Films, motion pictures, video cassettes, slides, or other photographic reproductions, characterized by the depiction or description of “Specified Sexual Activities” or “Specified Anatomical Areas”.
 4. Adult Motel is a motel, hotel or similar commercial Establishment which:
 - a. 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

- b. Offers a sleeping room for rent for a period of time less than ten (10) hours; or
 - c. Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.
5. Adult Motion Picture Theater means a commercial Establishment where films, motion pictures, video cassettes, 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.
 6. 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".
 7. 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 perform a striptease for another person.
 8. 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.
 9. 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.
 10. 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.
 11. 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.

3.42.B

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.

- 3.42.C Establishment means the opening or commencement of any business as a new business, or the conversion of an existing business.
- 3.42.D Nudity or State of Nudity means:
1. The appearance of human bare buttocks, anus, male or female pubic region or genitals, or the areolae or nipple of the female breast; or
 2. A state of dress which fails to opaquely and fully cover human buttocks, anus, male or female pubic region or genitals, or the areolae or nipple of the female breast.
- 3.42.E Operator means and includes the owner, permit or license holder, custodian, manager, operator or person in charge of any business premises.
- 3.42.F Permitted or Licensed Premises means any premises that requires a license and/or permit under Chapter 33 of the Zoning Code.
- 3.42.G 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.
- 3.42.H Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- 3.42.I Protected Uses are those uses listed below and defined as:
1. Public building means 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, which building is used for government purposes.
 2. 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. 3.39), Charitable (Sec. 3.40), Public (Sec. 3.42) or Commercial (Sec. 3.41); or similar land.
 3. Quasi-public facility means any building or improved property customarily open to the public for non-commercial purposes, but which is not under government ownership or control.
 4. Religious institution means any church, synagogue, mosque, temple or building used primarily for religious worship and related religious activities.
 5. Residential district or use means Zones R-1, R-2, R-3, R-4, MH, H, TC, TT, as set forth in this Zoning Code.
 6. School means 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, 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.

- 3.42.J Semi-nude means a state of dress in which clothing covers no more than the genitals, pubic region and areolae of the female breast, as well as portions of the body covered by supporting straps or devices, as applicable.
- 3.42.K Specified Anatomical Areas, as used in the Zoning Code for the regulation of sexually oriented businesses, means and includes any of the following:
1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areolae; or
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- 3.42.L Specified Sexual Activities, as used in the Zoning Code for the regulation of sexually oriented businesses, means and includes any of the following:
1. The fondling, intentional touching of human genitals, pubic region, buttocks, anus, or female breast; or
 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
 3. Masturbation, actual or simulation; or
 4. Human genitals in a state of sexually stimulation, arousal, or tumescence; or
 5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this subsection.
- 3.42.M 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, township/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.
- 3.42N Substantial enlargement of a Sexually Oriented Business means an increase in the original floor area occupied by the business by more than fifteen (15) percent.
- 3.42.O Transfer of control of a business means and includes any of the following:
1. The sale, lease, or sublease of the business; or
 2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means, voluntary or otherwise; or
 3. 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.
- 3.42P Zoning Code means the Hamilton Township Zoning Resolution and as the same, may, from time to time, be amended.
- 3.43 Sign: Any single or multi-faced fabricated sign including its structure, consisting of any letter, graphic logo, figure, character, mark, point, plane, marquee sign, design, poster, pictorial stroke, stripe line, trademark, reading matter, or illuminating device, constructed, attached, erected, fastened, painted, engraved or manufactured in any manner so as to advertise, promote, identify, or locate any place, subject, person, firm,

corporation, public performance, article, or machine whatsoever, and displayed in any manner in view of the general public.

Functional Types of Signs

Abandoned Sign: A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and /or for which no legal owner can be found.

Action Sign: A sign that has operating parts or moves in such a way that the parts operate.

Advertising Sign: A sign other than an off-site sign, that directs attention to a business, commodity or service or entertainment conducted, sold or offered at a location other than the premises where the sign is located. This term shall include signs, other than the customary identification lettering and advertising posters on buses and taxicabs, attached to parked or moving vehicles.

Arial Sign: A sign that is projected into the air or displayed from the air.

Animated Sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene. Excluded from electronic message sign.

Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

Bill Board: A sign which directs attention to a business, use, service, activity, commodity, or profession which is not conducted, sold, or offered upon the same lot where such sign is located.

Blinking: A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. "Blinking Sign" does not include changeable copy signs or animated signs.

Bulletin Board Sign: Any sign or structure located on the property of a public, institutional, religious or charitable organization which is used to identify the name of the institution or organization and to announce their activities.

Changeable Copy Sign: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for the purpose of this Zoning Resolution.

Commercial Message Sign: Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, service or other commercial activity.

Construction Sign: A sign representing a construction company on the site of a project. This includes signs representing plumbers, electricians, carpenters, heavy equipment or other companies in the construction or restoring business, on any property where their services are being rendered.

Development Sign: A sign which, by symbol or name, identifies a subdivision or residential development, a shopping center, or retail and industrial developments.

Directional or Informational Sign: Any sign which serves solely to provide special information such as direction, entrance/exit, parking, and which does not include business names, brand names or information regarding product lines or service.

Electronic Message Board: Any sign that incorporates the use of lights, neon, liquid crystal display, TV screen, or other lighting devices that displays a message or pattern to be viewed by groups of people.

Exempt Signs: Signs which do not require a zoning certificate.

Flashing Sign: Any sign which contains an intermittent or flashing light source, or which includes the illusion of flashing or intermittent light by means of animation or an externally-mounted intermittent light source.

Government Sign: A sign posted by a Federal, State or Local Government Agency.

Identification Sign: A sign indicating the name and/or address of a building, institution, or person and/or the activity or occupation being identified.

Illegal Sign: A sign which does not meet the requirements of this Resolution and which has not received legal non-conforming status.

Illuminated Sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Incidental Sign: A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, a credit card sign, or a sign indicating hours of business or other similar directives.

Informational Sign: See “Directional Sign.”

Institutional: An established organization or foundation dedicated to public service.

Internal: A sign displayed on the inside of a building, stadium or residence that is not visible from the right-of-way.

Model Home: A design or style of a particular type of home that is to be sold inside the development.

Menu Board: Any sign used to aid a patron in ordering services from a business from the outside.

Name Plate: Sign used to identify a person’s residence, and/or the name, address and/or title of the owner, renter or lessee of the premises on which the sign is located.

Non-conforming Sign: 1) A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations. 2) A sign which does not conform to the sign requirements but for which a special permit has been issued.

Off-Site Sign: Means a sign structure advertising an establishment, merchandise, organization, service or entertainment, which is not sold, produced, manufactured or furnished at the property on which sign is located, e.g. billboards or advertising signs.

On-Site Sign: Means a sign which pertains to the use of the premises on which it is located.

Personal Property Sale Sign: A temporary sign used in connection with the sale of personal property from the residential location of the seller.

Political Sign: A sign which announces the candidacy of a person or slate of persons running for elective office, or a political party or issue.

Professional Sign: A non-advertising sign used to identify an individual's profession or occupation (Engineer, Notary, Doctor, etc.).

Pylon/Pole Sign: Any elevated sign that is supported by one or more poles or pylons placed in or anchored in the ground independent of any other structure.

Real Estate Sign, Residential: Any sign located in a district zoned for residential uses that has the sole purpose of advertising the sale of a lot or home. These are considered temporary signs.

Real Estate Sign, Commercial: Any sign located in a district zoned for nonresidential uses that has the sole purpose of advertising the sale of a lot or nonresidential building. These are considered temporary signs.

Real Estate Sign, Open House: A sign located in a district zoned for residential uses that has the sole purpose of advertising hours that the house is open for public viewing.

Real Estate Sign, Special: A sign meeting the requirements of a commercial real estate sign, except the maximum sign area may be increased to thirty-two (32) square feet per side, with a maximum of two sides. Special real estate signs may not be used in residential areas.

Special Message Sign: A sign advertising a particular activity, event or occasion.

Subdivision Sign: A free-standing or wall sign identifying a recognized subdivision, condominium, complex, or residential development.

Structural Types of Signs

Awning Sign: A sign that is mounted or attached to an awning. No such sign shall project above, below or beyond the physical dimensions of the awning.

Banner: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National, State or Township flags shall not be considered banners. All banners shall be considered temporary signage.

Bracketed Sign: A sign other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designated to support the sign.

Building Marker: Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or similar permanent material.

Canopy Sign: Any sign that is a 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. A marquee is not a canopy.

Canvas Sign: A sign made of a heavy, coarse, closely woven fabric of cotton, hemp or flax.

Double Faced Sign: A sign with two faces.

Free-Standing Sign: A sign which is supported by one or more columns, or other type base, in or upon the ground.

1. Ground-Mounted Free-Standing Sign: Any free-standing sign, other than a pole mounted sign, independently supported by the ground or mounted on a decorative wall or fence.
2. Pole/Pylon-Mounted Free Standing Sign: A sign mounted on a free standing pole, pylon or other similar support.

Mansard Sign: See Roof Sign, Integral.

Marquee Sign: Any sign attached to, in any manner, or made part of a marquee, defined as: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Monument: A sign designed or established to preserve the memory of a person or event.

Moving Sign: A sign than can change or is able to change position.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind. A pennant is a temporary sign.

Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T- frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Projecting Sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Roof Sign: 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.

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.

Suspended Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary Sign: Any sign that is used for a period of less that one year and is not permanently mounted. Temporary Signs may be renewed upon application to the Zoning Officer.

Wall Sign: Any sign attached to or erected against the wall of a building or structure, and having the exposed face of the sign in a plane parallel to the plane of such wall.

Window Sign: Any sign, pictures, symbols, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Regulatory Terms:

Area: Sign Area shall consist of the following:

1. In the case of free-standing or projecting signs, the sign area consists of the entire surface area of the sign on which copy could be placed including the surrounding frame structure. The supporting structure or bracing of a sign shall not be counted as a part of sign face area, unless such structure or bracing is made a part of the sign's message by inclusion of a symbol, logo or other three-dimensional figure, in which case the smallest rectangle which can encompass the area of said symbol or figure shall be included as part of the total message area calculations.
2. In the case of a wall sign whose message is fabricated together with the background which borders or frames that message, the sign area shall be the total area of any symbols, figures or logos as described in subsection (1) above.
3. In the case of a wall or facia sign whose message is applied to a background which provides no border or frame, the sign area shall be the area of the smallest combination of rectangles which can encompass all words, letters, figures, emblems, and other elements of the sign message.

Building Face: Means the entire building front, including the parapet.

Building Frontage: The common boundary between the public street or road right-of-way as established on the Warren County Thoroughfare Plan and the abutting property.

Clear View Area: A triangular area of clear vision free of any obstructions where two driveways, alleys and/or streets intersect. Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of three (3) feet and eight (8) feet above the ground surface of the driveway, alley and/or street included within this triangular area as defined in this Article.

Conditional Sign: A sign which is permitted only by a hearing and approval before the Board of Zoning Appeals.

Copy: A reproduction or imitation of an original.

Erect: To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs directly upon wall surfaces.

Event: A significant occurrence.

Face: Any visible side of a sign. One sign can have multiple faces.

Farm: Land that is cultivated for agricultural production.

Flag: Any fabric, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of government, or political subdivision.

Large Development: Any shopping center (five or more stores), or other developments with a minimum site area of fifty thousand (50,000) square feet or more.

Maintenance: For the purposes of this Chapter, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Mobile: Capable of moving or of being moved from one place to another.

Multiple-Occupancy Building: A building consisting of more than one separate, individual business or industry.

Occupancy: The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

Owner: A person recorded as such on official records. For the purposes of this Chapter, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Zoning Officer, e.g., a sign leased from a sign company.

Parapet: The extension of a false front or wall above a roofline.

Permanent: A sign constructed or intended for long-term use and is permanently mounted.

Permitted: A sign may be approved by the Zoning Officer, providing the sign meets the requirements of the Hamilton Township Zoning Code.

Prohibited: A sign that is not allowed under the provisions of the Hamilton Township Zoning Code.

Residence: A place where one lives.

Roofline: The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Seasonal: Word used to describe the amount of time to distinguish between the four seasons or holidays associated with certain times of the year associated with holidays.

Service Station: A business where the primary function is to provide fuel for automobiles and commercial vehicles.

Setback: The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicular to the property line.

Sign Structure: Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

Single-Occupancy Building: A building consisting of one individual, separate business or industry.

Streamer: A ribbon shaped or cord rope which may have pennants and/or banners attached which is stretched or hung between two or more supports.

- 3.43.A Stable, Private: A building for beasts to lodge and feed in, especially having stalls for horses.
- 3.44 Stable, Public: A building for beasts to lodge and feed in, especially having stalls for horses, operated for remuneration.
- 3.45 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.
- 3.46 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.
- 3.47 Structure: Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something having a fixed location on the ground, including buildings, signs, outdoor advertising signs, billboards, back stops for tennis courts, pergolas, swimming pools and telecommunication towers.
- 3.48 Subdivision as used in this code means:
- a. Subdivision: The splitting of any parcel of land into two (2) or more parcels, at least one (1) of which is less than five (5) acres, per Ohio Revised Code Sec. 711.001 A and 711.131.
 - b. Platted Subdivision: A parcel of land that has been divided, the resulting lots have been numbered and an approved plat of the entire parcel has been recorded at the Warren County Recorder's Office.
- 3.49 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.
- 3.50 Tenant, Farm: A person who resides on a tract of land for agricultural purposes as defined in Section 3.03 and who works thereon, as an agricultural worker an average of thirty (30) hours per week, or more.
- 3.51 Trailer: A trailer is a vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle and includes any such vehicle that is formed and operated as a combination of a semi-trailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm, when drawn or towed on a public road or highway at a speed greater than twenty-five (25) miles an hour and a vehicle that is designed and used exclusively to transport a boat between a place of storage and a marina or in and around a marina, when drawn or towed on a public road or

highway for a distance of more than ten (10) miles or at a speed of more than twenty-five (25) miles per hour. "Trailer" does not include a manufactured home or travel trailer as defined in this Zoning Code and is not considered a building, structure or dwelling outside of a manufactured home park for the purposes of this Code.

- 3.511 Telecommunication Tower: Any free-standing structure, or any structure to be attached to a building or other structure; proposed to be owned or principally used by a public utility or other person or entity engaged in the provision of telecommunication services; in the area zoned for residential use; proposed at a height greater than that permitted within the applicable zone; or an attached structure proposed at a height greater than either the height of the building or structure to which it is to be attached, or that permitted within the applicable zone; proposed to have attached to it radio frequency transmission or reception equipment.
- 3.512 Trailer; Non-commercial: is any trailer, except a travel trailer or a trailer that is used to transport a boat, in which such is stated as designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of no more than ten (10) miles at a speed of twenty-five (25) miles per hour or less, but where applicable, includes a vehicle that is used to transport a boat in excess of the above listed parameter, that has a gross weight of no more than three-thousand (3000) pounds and that is used exclusively for purposes other than engaging in business for profit.
- 3.513 Trailer; Semi: is any vehicle of the trailer type that does not have motive power and is so designed or used with another and separate motor vehicle, that is in operation, a part of its own weight or that of its own load, or both, rest upon and is carried by the other vehicle furnishing the motive power for propelling itself and the vehicle referred to in this division and includes, for the purpose only of registration and taxation under those chapters, any vehicle of the dolly type, such as a tractor dolly, this is designed or used for the conversion of a semi-trailer into a trailer.
- 3.52 Travel Trailer Camp: Land on which one (1) or more travel trailers and other recreational vehicles defined in this Zoning Code, including whether dependent or self-contained as to sewage disposal and otherwise portable camping units, such as tents, can be placed for a fee or for free, for use as temporary living quarters in accordance with regulations of the zone therefor, which is intended primarily for vacationing and recreational use purposes and secondarily for brief stays by motoring transients or otherwise mobile travelers.
- 3.53 Travel Trailer Overnight Port: Land on which three (3) or more self-contained recreational vehicles are parked, for a fee or for free, in accordance with the regulations of the zone therefor, which is intended solely for one or two night stays by vacationing or otherwise transient recreational vehicle travelers.
- 3.54 Yard: An open space in the same lot with a building, unoccupied and unobstructed by any portion of the building or any protuberances, structural (chimneys, bay windows, etc.) or mechanical (air conditioners, above ground LP tanks, etc., but excluding utility metering devices) attached to the building from the ground upward, except eaves and cantilevered balconies at least eight (8) feet above grade. Front, side and rear yard measurements shall be the minimum horizontal distance between the applicable property line and building or closet protuberance. In cases where the front property boundary extends into a right-of-way easement, the front yard setback shall be measured from the nearest edge of pavement to the building or closest protuberance.
- 3.55 Yard, Front: The open space extending across the front of a lot between the

side lot lines and being the minimum distance between the lot frontage and the principle building or any protuberances, structural or mechanical, attached to the building from the ground upward, except eaves at least eight (8) feet above the grade, entry steps and/or slabs. In determining the front yards for a lot fronting on more than one (1) street, the frontage on all streets shall be considered as front yards.

- 3.56 Yard, Rear: The open space extending across the rear of a lot between the side lot lines and being the minimum distance between the rear lot line and the building or any protuberances, structural or mechanical, attached to the principle building, except eaves and cantilevered balconies at least (8) feet above the grade, entry steps and/or slabs. On corner lots all yards not fronting on a street shall be considered side yards.
- 3.57 Yard, Side: The open space between the side lot line extending from the front yard to the rear yard and being the minimum distance between the side lot line and the principle building or any protuberances, structural or mechanical, attached to the building from the ground upward. Eaves and cantilevered balconies at least eight (8) feet above the grade may extend into side yard no more than one-half (1/2) of the required side yard width.
- 3.58 Zone: Any area or areas of the unincorporated territory of Hamilton Township in Warren County, Ohio 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 Zones, in which multi-use, non-conforming arrangements and lot sizes are permitted.
- General Change throughout Code: “residences” to “dwellings”.