

Article 9

DEFINITIONS

A. Interpretation of Terms or Words

For the purpose of these Regulations, certain terms or words used herein shall be interpreted as follows:

- a. The word “person” includes a firm, association, developer, subdivider, organization, partnership, trust, company, or corporation as well as an individual.
- b. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- c. The word “shall” is a mandatory requirement, the word “should” is a preferred requirement, and the word “may” is a permissive requirement.
- d. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.”
- e. The word “lot” includes the words “plot or parcel.”
- f. The word “County” where used shall mean Belmont County adopting these Regulations and its legal entities.

B. Glossary

Alley: See *Thoroughfare*.

Block: That property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river, or live stream, or between any of the foregoing and any other barrier to the continuity of development.

Board of County Commissioners: The Belmont County Board of County Commissioners.

Building: A structure designed to be used as a place of occupancy, storage, or shelter.

Building Site: A parcel or lot with road frontage under separate deed or description.

Comprehensive Land Use Plan: A plan or any portion, thereof, adopted by the Planning Commission and the Board of County Commissioners showing the general location and extent of present and proposed physical facilities, including housing, industrial, and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the County.

Condominium: Condominium means and includes the land, together with all buildings, improvements, and structures thereon, all easements, rights and appurtenances belonging thereto, and all articles of personal property which have been submitted to the provisions of Chapter 5311 of the Ohio Revised Code and which is subject to said Chapter 5311.

Corner Lot: See *Lot Types*.

Covenant: A written promise or pledge.

Cul-de-sac: See *Thoroughfare*.

Culvert: A transverse drain that channels under a bridge, street, or driveway.

Curb Cut: A street or road access point location to a lot or site that achieves compliance with County engineering standards that shall be reviewed and approved by the Belmont County Engineer.

Dead-end Street: See *Thoroughfare*.

Density: A unit of measurement; the number of dwelling units per acre of land.

Development Agreement: A contract between Belmont County and the developer who owns or controls the property within unincorporated Belmont County, detailing the obligations of both parties specifying the standards and conditions that will govern land development of the subject the property. A development agreement may have to be approved by the Planning Commission and/or Board of County Commissioners depending on the specific situation at the discretion of the County.

Density (Gross): the number of dwelling units per acre of the total land to be developed.

Density (Net): the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses (excluding public right-of-way and the like).

Density, Low Residential: Land to be utilized for residential purposes, including public housing, and industrialized units, which does not exceed two (2) dwelling units per gross acres.

Density, Medium-Low Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed four (4) dwelling units per gross acre. For the purpose of street design requirements, the medium-low density residential classification shall be considered as medium density.

Density, Medium Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed eight (8) dwelling units per gross acre.

Density, Medium-High Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed sixteen (16) dwelling units per gross acre. For the purposes of street design requirements, the medium-high density residential classification shall be considered as high density.

Density, High Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed thirty-two (32) dwelling units per gross acre.

Develop: To make a development; also to do any grading or filling of land, whether undeveloped or already subdivided, so as to change the drainage or the flow of water; or to do any work upon the land that is capable of serving as a subdivision or development of building sites in the future.

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

Driveway: A vehicular travel way used to provide access from a street to dwelling units or commercial or industrial activities. Driveways are designed for low travel speeds and are often used as, or are integral with, parking areas for vehicles. A driveway shall not access more than two (2) residential dwelling units nor more than one (1) commercial or industrial use unless approved by the County Engineer and/or Planning Commission.

Dwelling Unit: Space within a building comprising living, dining, sleeping, and storage rooms as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one (1) family and its household employees.

Easement: A grant by the property owner of the use of a strip of land by the public, a corporation, or other persons, for specified purposes.

Engineer: Any person registered to practice professional engineering by the State Board of Registration as specified in Section 4733.14, Ohio Revised Code.

Environmental Protection Agency: Ohio Environmental Protection Agency (E.P.A.)

Erosion: The wearing away of the earth's soil surface by water, wind, gravity, or any other natural process.

FEMA: The Federal Emergency Management Agency.

Final Plat: A revised version of the preliminary plan showing exact locations of lot lines, rights-of-way, easements, dedicated areas, etc. The final plat (post-development) is recorded in the office of the County Recorder. No buildings shall be constructed, nor shall any lots be sold until the final plat (post-development) receives conditional acceptance of public improvements by the Board of County Commissioners and is recorded by the County Recorder. A pre-development final plat refers to the final plat during the approval and construction process while the post development final plat refers to the final plat after construction and conditional acceptance by the Board of County Commissioners.

Flood: An overflowing of water, from watercourses, onto land which is normally dry.

Flood, 100-Year: The temporary inundation of normally dry land areas by a flood that is likely to occur once every 100 years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year.)

Flood Plain: Any land area susceptible to be inundated by water from the base flood. The term refers to that area designated as subject to flooding from the base flood (100-year flood) on the "Flood Boundary and Floodway Map" prepared by FEMA

Frontage (Street or Road): Property abutting a street or road (public right-of way). All lots shall have frontage on a public right-of-way unless a variance is approved by the Planning Commission.

Grade: The amount of rise or descent of a sloping land surface, usually measured as a percent where the numbered percent represents the amount of vertical rise or fall, in feet, for every 100 feet horizontally. For example, a one-foot vertical rise over one hundred horizontal feet represents a one percent slope.

Health Department: Belmont County General Health District

Highway Director: The Director of the Ohio Department of Transportation.

Improvements: Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, streetlights, flood control for drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

Land Contract: A legal agreement between a landowner and another person or persons interested in purchasing real property owned by the landowner, wherein the landowner agrees to receive regular payments, at specified intervals for a specified

period of time, from the purchaser and at the end of the specified time period agrees to transfer ownership of the property to the purchaser.

Letter of Credit: A written statement from a bank or loan company, written against the good standing of a developer, guaranteeing necessary funds, the amount to equal a professional engineer's cost estimate for subdivision improvements, to complete such improvements should the developer fail to complete them within the time frame and conditions as specified in the subdivision approval agreements. (See also, Maintenance Bond, Performance Bond or Surety Bond)

Location Map: See *Vicinity Map*.

Lot: For purposes of these regulations, a lot is a parcel of land that is:

- a. A single lot of record;
- b. A portion of a lot of record;
- c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

Lot Area: The area of a lot computed exclusive of any portion of the right(s) of way of any public or private street.

Lot Depth: The mean horizontal distance between the front and rear lines of a lot.

Lot Frontage: The front of a lot shall be constructed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

Lot Measurements: A lot shall be measured as follows:

- a. **Depth of a lot:** The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- b. **Width of a lot:** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line provided, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width.

Lot of Record: A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types: Terminology used in these regulations with reference to corner lots, interior lots and through lots is as follows:

- a. **Corner Lot:** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
- b. **Interior Lot:** A lot other than a corner lot with only one frontage on a street.
- c. **Through Lot:** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- d. **Reversed Frontage Lot:** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
- e. **Flag Lot:** A lot whose only frontage on a public street is through a narrow strip of land which is generally wide enough to accommodate a driveway, but too narrow to accommodate any structures. The narrow strip of land is referred to as the panhandle. Flag lots shall have a minimum lot width of 50 feet.

Lot Width: The horizontal distance between side lot lines measured along the required building setback line. When the street line is curved, the measurement shall be made on the arc, on or parallel to the curve of the street line.

Major Subdivision: A division of a parcel of land that requires a final plat approved by the Planning Commission per these Regulations (*See Section 307*).

Maintenance Bond: An agreement by a developer with Belmont County guaranteeing the maintenance of physical public improvements for a period of two (2) year after conditional acceptance of public improvements by the Board of County Commissioners (*See Section 703*).

Minor Subdivision (Lot Split): A division of a parcel of land that does not require a plat to be approved by the Planning Commission according to Section 711.131, Ohio Revised Code. Also known as Lot Split (*See Section 302*).

Monuments: Iron bases, or iron pipes, which will be set at all lot or parcel corners within the subdivision.

Open Space: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, and any other recreational facilities that the planning commission deems permissive. Streets, structures for habitation, and the like shall not be included.

Out Lot: Property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.

Owner: Any individual, developer, subdivider, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these Regulations.

Pad: A building site prepared by artificial means, including but not limited to grading, excavation, or filling, or any combination thereof.

Parcel: Any piece of land described by a current deed.

Parking Space, Off-Street: For the purpose of these Regulations, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley, and maneuvering room, but shall be located totally outside of any street or alley right-of-way (a typical parking space is 9' x 19').

Performance Bond or Surety Bond: An agreement by a developer with Belmont County for the amount of the estimated construction costs for minor public improvements (after almost all of the subdivision has been constructed) per the County Engineer to allow conditional acceptance of public improvements by the Board of County Commissioners (*See Section 703*).

Person: An individual, developer, subdivider, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

Planned Unit Development: An area of land in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot size and setbacks, than those restrictions that would normally apply under these Regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, landscaping plans, etc.

Plat: The map, drawing, or chart on which the developer's subdivision is presented to the Planning Commission for approval, then to the County Recorder for recording (*See Final Plat*).

Preliminary Plan: The initial proposal, including both narrative and site design information, intended to provide the Planning Commission with an understanding of the manner in which the site in question is to be developed.

Private Street Maintenance Agreement: An agreement between the developer and future owner(s) of the subject minor subdivision that requires approval of the Planning Commission. The private street and infrastructure improvements shall meet the County requirements. The agreement shall include construction, maintenance access, and the like requirements of the private street, infrastructure, etc. After approval by the Planning Commission the subdivider shall record the document at the County Recorder's office prior to starting any construction.

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public entity have a right, or which are dedicated, whether improved or not (*See Right-of-Way*).

Replat: A subdivision or plat, the site of which has heretofore been platted or subdivided with lots or parcels of land. It may include all or any part of a previous subdivision or plat.

Reserve Strip: An area of land adjacent to a public right-of-way which is retained in ownership by the subdivider for the purpose of denying access to the adjacent land. A reserve strip (or devil strip) shall be prohibited unless a variance is approved by the Planning Commission.

Right-of-Way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography of treatment) such as grade separation, landscaped areas, viaducts, and bridges. (*See Public Way*)

Setback Line: A line established by the subdivision regulations generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure, other than an accessory building, may be located above ground.

Sewers, Central or Group: An approved sewage disposal system which provides a collection network, disposal system, and central sewage treatment facility for a single development, community, or region subject to approval of the County Water and Sewer District

Sewers, On-Site: A septic tank, or similar installation, on an individual lot which utilizes an aerobic bacteriological process, or an equally satisfactory process, for the elimination of sewage, and provides for the proper and safe disposal of the effluent, subject to the approval of the County General Health District and OEPA.

Sidewalk: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic (*See Walkway*).

Sketch Plan: An informal drawing which shows how a developer proposes to subdivide a property and which gives sufficient site information for the Planning Commission representatives to offer suggestions for site development.

Slippage Potential: The potential which land has to move, under the force of gravity, should it be disturbed during construction activity.

Stopping Sight Distance: The distance down a roadway for which a motorist is able to have unobstructed sight. Stopping sight distance is reduced by vertical and horizontal road curvature, fixed objects on the side of the road, and overhanging vegetation.

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

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 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 lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

Surveyor: Any person registered to practice surveying by the State Board of Registration as specified in Section 4733.02, of the Ohio Revised Code.

Tract: The term is used interchangeably with the term “lot,” particularly in the context of subdivisions, where one “tract” is subdivided into several “lots.”

Technical Review Committee: A committee of representatives including the County Engineer, County Water and Sewer District, County General Health District, County Planning Department, and all other pertinent departments and/or agencies shall meet with the developer(s) or property owner(s) proposing a major subdivision; a commercial or industrial subdivision; or a minor subdivision on which a technical review member requires additional information. The technical review committee shall offer advice and assistance to the Planning Commission.

Terrain Classification: Terrain within the entire area of the preliminary plan is classified as level, rolling, or hillside for street design purposes. The classifications are as follows:

- a. **Level:** Land which has a slope range of 0 to 5 percent
- b. **Rolling:** Land which has a slope range of 5 to 10 percent
- c. **Hillside:** Land which has a slope range of more than 10 percent

Thoroughfare Plan: The roadway network plan prepared by the County Engineer adopted by the County Planning Commission and Board of County Commissioners indicating the general location of existing and recommended arterial, collector, and local thoroughfares within the unincorporated area of Bemont County.

Thoroughfare, Street, or Road: The full width between property lines bounding every dedicated travel way, with a part thereof to be used for vehicular traffic and designated as follows:

- a. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street. Design speed is generally 10 miles per hour.
- b. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route. Design speed is generally 55 miles per hour.
- c. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions. Design speed is generally 35 miles per hour.
- d. **Cul-de-Sac:** A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround. Design speed is generally 25 miles per hour.
- e. **Dead-end Street:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- f. **Local Street:** A street primarily for providing access to residential, commercial, or other abutting property. Design speed is generally 25 miles per hour.
- g. **Loop Street:** A type of local street, each end of which is terminated at an intersection, with the same arterial or collector street, that achieves compliance with County engineering street requirements.

- h. **Backage or Frontage Access Street:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets.

i.

Through Lot: See *Lot Types*.

Variance: A modification of the strict terms of the relevant 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. Any variances of the subdivision regulations shall be approved by the Planning Commission.

Vicinity Map: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments, landmarks, and community facilities and services within the County in order to better locate and orient the area in question.

Watershed: The drainage basin in which the subdivision drains, or that land whose drainage is affected by the subdivision.

Wetland: An area of land, as defined by the federal definition at the time of preliminary plan submission, inundated by water for a portion of each year resulting in the land possessing unique soil and vegetative types.

Yard: A required open space unoccupied and unobstructed by any structure from the general ground level of the graded lot upward, provided accessory structures, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstructions of visibility.

- a. **Yard, 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. **Yard, 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. **Yard, 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.

Zoning Inspector: The zoning inspector of the County or Township, appointed by the Board of County Commissioners or the Board of Township Trustees.