

ORDINANCE NO. 01-2024

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES, CHAPTER 1137, DEFINITIONS, OF PART ELEVEN OF THE PLANNING AND ZONING CODE

WHEREAS, the Village of Plain City Codified Ordinances Chapter 1137 sets forth definitions related to the Zoning Administration section of the Planning and Zoning Code of the Village of Plain City; and

WHEREAS, updates to the defined terms in Chapter 1137 have been proposed by staff to accompany the revisions made to the Codified Ordinances through the passage of Ordinance 29-2023 which enacted Chapter 1181, Planned Unit Development; and

WHEREAS, the Village Council has determined the need to amend Chapter 1137, in accordance with Exhibit A, which is attached hereto and incorporated herein.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Plain City, Ohio, a majority of the members elected or appointed thereto concurring, as follows:

Section 1. Council hereby amends Codified Ordinances Chapter 1137, as presented, which said amendment is attached hereto and incorporated herein as Exhibit A; the language being added is in red and underlined.

Section 2. It is found that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance shall be effective from and after the earliest period provided by law.

Passed: January 22, 2024

Attest: Justin Dvoicik
Clerk of Council

Jody Carney
Mayor

First reading: January 8, 2024

Vote: ___ yea ___ nay ___ abstain

Second reading: January 22, 2024

Vote: 5 yea ___ nay ___ abstain

Certificate of Publication

The undersigned, being Clerk of Council of the Village of Plain City, hereby certifies that the foregoing was published by posting for 15 days as required by law and in accordance with Section 4.15 of the Codified Ordinances. The posting was done from January 23, 2024 to February 8, 2024 at the Office of the Clerk of Council located at 800 Village Boulevard; all being in the Village of Plain City, Ohio and the Village of Plain City Website at www.plain-city.com.

Date: January 23, 2024

Austin Ancier
Clerk of Council

EXHIBIT A

CHAPTER 1137

Definitions

1137.01 Interpretation

1137.02 Definitions

CROSS REFERENCES

Subdivision regulations definitions – see P. & Z. Ch. 1105

Site development plans definitions – see P. & Z. 1140.03

Home occupation defined – see P. & Z. 1183.13

Accessory use and structure defined – see P. & Z. 1183.05

Landscaping definitions – see P. & Z. 1187.09

Tree preservation definitions – see P. & Z. 1189.03

Soil erosion, sedimentation and stormwater control definitions – see P. & Z. 1191.04

Off street parking and loading definitions – see P. & Z. 1193.01

Telecommunications definitions – see P. & Z. 1195.03

Lighting definitions – see P. & Z. 1197.03

Sign definitions – see P. & Z. 1199.02

1137.01 INTERPRETATION.

Except where specifically defined herein all words used in the Zoning Ordinance shall carry the meanings contained in a dictionary of common usages. Words used in the present tense include the future tense, the singular number includes the plural, the word "structure" includes the word "building", the word "lot" includes the word "plot" or "parcel", the term "shall" is always mandatory, the words "used" or "occupied", as applied to any land or structure shall be construed to include the words "intended, arranged or designed to be used or occupied".

(Ord. 13-11. Passed 10-24-11.)

1137.02 DEFINITIONS.

The following listed words are specifically defined for use in the Zoning Ordinance:

(1) "Acre" means a measure of land equating to 43,560 square feet.

(2) "Accessory building" means a subordinate building, the use of which is incidental to and customary in connection with the main building or use and which is located on the same lot with such main building or use.

(3) "Accessory Dwelling Unit" means a dwelling unit that has been added onto, or created within, a single-family house, that separate kitchen, bathing, and sleeping areas.

(4) "Accessory use" means a subordinate use which is incidental to and customary in connection with the main building or use and which is located on the same lot with such main building or use.

(5) "Agent" means the representative of the applicant. The authority of the representative shall be established to the satisfaction of the Zoning Inspector.

(6) "Alley" means a public or private right-of-way twenty (20) feet or less in width which affords only a secondary means of access to property abutting thereon..

(7) "ANSI" means the American National Standards Institute.

(8) "Applicant" means the owner or authorized representative of the land in questions before the Planning and Zoning Commission. The authority of the representative shall be established to the satisfaction of the Zoning Inspector.

(9) "Apartment". See "Dwelling Unit".

(10) "Architect" means an architect registered by the State of Ohio.

(11) "Arterial street". See "Streets."

(12) "As-built plans" means plans that have been revised to incorporate all changes that occurred during construction of the project, on matte mylar material.

(13) "ASTM" means American Society for Testing and Materials

(14) "Average daily traffic (ADT)" means the total traffic volume during a given time period in whole days greater than 1 day and less than 1 year divided by the number of days in that time period.

(15) "AWWA" means the American Water Works Association.

(16) "Basement" means that portion of a building which is partly or completely below grade such that it does not meet the definition of a story above grade.

(Ord. 05-08. Passed 2-25-08.)

(16.1) "Blighting influence" means that a building or other structure is so poorly maintained that its condition, directly or indirectly, represents a threat to the health or safety of the general public or to persons living on adjoining property or in the area; constitutes an unsanitary condition; lends itself to habitation or infestation by rodents, termites or other vermin; represents a threat to property values or to the residential or commercial desirability of adjoining property or other property within the area; or unreasonably interferes with the reasonable and lawful use and enjoyment of other premises within the area.

(Ord. 1-16. Passed 3-28-16.)

(17) "Block" means all that part of one side of a street between two intersecting streets.

(18) "Board" means the Board of Zoning Appeals established in Section 1138.01 .

(19) "Bond" means any form of security including cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Village Council.

(20) "Buffer" means an undeveloped or relatively undeveloped land area that lies between two areas, which contain or may contain conflicting land uses (i.e. residential adjacent to industrial uses; stream adjacent to residential uses, etc.) It is intended for the purpose of reducing or eliminating harmful conflicts and screening one use from another. The buffer may include open space areas, trees and other plants, or other devices (i.e. berms, walls, etc.) to further shield one use from another.

(21) "Building" means any structure with substantial walls and roof securely affixed to land and entirely separated on all sides from any similar structure by space or by walls in

which there are no communicating doors, windows, or similar openings. Where roofed structures are separated from each other by party walls having no openings for passage, each portion so separated shall be considered a separate building.

(22) "Building, main" means a building in which is conducted the main or principal use of the lot on which the building is situated.

(23) "Building setback line" means the minimum horizontal distance between the street right-of-way line and the front foundation line of a building.

(24) "Caliper" means a horticultural method of measuring the diameter of nursery stock. For trees less than four inches in diameter, the measurement should be taken at six inches above ground level. For trees greater than four inches in diameter up to and including twelve inches, the caliper measurement must be taken at twelve inches above the ground level. For trees greater than twelve inches in diameter, the trunk is measured at breast height (diameter at breast height, "DBH"), which is 4.5 feet above the ground.

(25) "Certificate of Zoning Compliance" means the document issued by the Zoning Inspector authorizing the occupancy and use of the land or buildings. (Ord. 05-08. Passed 2-25-08.)

(26) "Child care and child day care services" means any place, home or institution which cares for young children apart from their parents when received for regular periods of time for compensation such as kindergarten, nursery school or class for young children that develops basic skills and social behavior by games, exercises, toys and simple handicraft. (Ord. 21-12. Passed 10-8-12.)

(27) "Collector street". See "Streets."

(28) "Commercial Vehicle" means a vehicle designed and used to carry property and having a gross weight of more than 10,000 lbs.

(29) "Commission" means the Planning and Zoning Commission of Plain City.

(30) "Comprehensive Plan" means the central organizing document for laying out the long range plan for the desirable use of land in this area as adopted by the Planning and Zoning Commission. The purpose of the plan is, among other purposes, to serve as a guide in future development and zoning for the community. It consists of the Village's policies regarding long-term development, and land use maps, which indicate the types and densities of uses allowed at the block level. The Village requires that the zoning ordinances and other Village standards follow the policy direction set by the Comprehensive Plan.

(31) "Conditional use or special exception" means a use which is subject to conditional approval by the Board of Zoning Appeals. A conditional use may be granted by the Board of Zoning Appeals only when there is a specified provision for such conditional use or special exception made in this Zoning Ordinance. A conditional use is not considered to be a nonconforming use.

(32) "Condominium" means a multiple dwelling unit or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the Ohio Revised Code Chapter 5311.

(33) "Connections" means streets, sidewalks, and/or bike paths that interlink neighborhoods, and that link neighborhoods with schools, parks, shopping, and businesses.

(34) "Conservation area" means an area designated by the Planning and Zoning Commission, Comprehensive Plan, or other officially adopted planning document, as an area where development should not occur due to the area's environmental, aesthetic, social, or cultural significance to the Village.

(35) "Conservation easement" means the grant of a property right carrying the stipulation that the described land will remain in its natural state and precluding future or additional development.

(Ord. 05-08. Passed 2-25-08.)

(35.1) "Construction dumpster" means a container, collection bin, collection box, tub, roll-off box, roll-off container, or any other receptacle used to store construction, remodeling or demolition debris or any goods or materials being temporarily or permanently stored.

(Ord. 1-16. Passed 3-28-16.)

(36) "Council" means the Council of the Village of Plain City.

(37) "Cul-de-Sac" means a street with only a single means of ingress and egress and having a circular turnaround at the end.

(38) "County" means Madison or Union County, Ohio, as applicable.

(39) "Deck" means a flat, open, roofless extension from the back or side of a house or structure, typically made of planks of wood or recycled plastics and raised above ground level.

(40) "Density, gross" means the density of a development using the entire site acreage.

(41) "Density, net" means the density of a development using the entire site minus the following: areas designated for public and private streets and alleys, open bodies of water excluding streams, creeks, and ditches, other dedicated right of ways or land required to meet the dedication requirements of the zoning and subdivision regulations.

(42) "Density" means the amount of development area located on a tract of land. For residential development, density is measured by the number of housing units per acre. For non-residential development, density is measured as the gross square footage of a building per acre, which can be a number or floor area ratio. The calculation of residential density shall be determined by dividing the total number of dwelling units by the net residential area. Net residential area shall be that area remaining after the following areas have been deducted from the gross project area. Churches; schools; major utility easements which do not serve individual dwellings; other non-residential uses; and an area equal to twenty percent (20%) of the gross development area representing that portion of the area devoted to streets, regardless of the amount of land actually required for streets.

(43) "Developer". See "Applicant."

(44) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

(45) "Dish antenna" means an outside accessory antenna that is linked to a receiver and used for the reception of signals transmitted by stations licensed by the Federal Communications Commission in the Radio Broadcast Services including AM, FM and TV.

(46) "District" means a part of the Village wherein regulations of the Zoning Ordinance are uniform.

(47) "Districts, Zoning" means administrative tracts designating the uses to which land can legally be utilized. Boundaries of the districts are shown on the district map which is part of this Zoning Ordinance.

(48) "Dwelling" means any building or structure (except a mobile home as defined elsewhere in this ordinance) which is wholly or partly used or intended to be used for living or sleeping quarters by one or more human occupants.

(49) "Dwelling, apartment" means a building arranged or intended for three or more families living independently of each other in separate dwelling units and all dwelling units intended to be maintained under single ownership or owned under condominium.

(50) "Dwelling, industrialized unit" means a building unit or assembly of closed construction fabricated 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 or mobile home as defined herein.

(51) "Dwelling, manufactured home" means a non-self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the Federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable Federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or forty feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the numbers of square feet in a structure's exterior dimensions are measured at the largest horizontal projection when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows."(ORC 4501.01) For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.

(52) "Dwelling, mobile home" means a non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is 8 feet or more in width and more than 35 feet in length, which when erected on site is 320 or more square feet, that is transportable in one or more sections and which does not qualify as a manufactured home or industrialized unit as defined herein.

(53) "Dwelling, modular home" means factory built housing certified as meeting the local or state building codes as applicable to modular housing. Once certified by the State,

modular homes shall be subject to the same standards as site built homes. Modular homes are required to be placed upon a solid masonry foundation.

(54) "Dwelling, multiple-family" means a dwelling or group of dwellings on one lot, containing separate living units for three or more families, having separate or joint entrances, and including apartments, group homes, row houses, and condominiums.

(55) "Dwelling, rooming house (boarding house, lodging house, dormitory)" means a dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

(56) "Dwelling, single family" means detached residential dwelling or housing unit other than a mobile home, designed for and occupied by one family only, including permanently-sited manufactured housing, modular homes, and industrialized units.

(57) "Dwelling structure, height of" means the vertical distance measured from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

(58) "Dwelling, two-family" means a dwelling, except manufactured housing, designed exclusively for occupancy by two (2) families living independently of each other, including a duplex (one dwelling unit above the other), or a semi-detached (one dwelling unit beside the other).

(59) "Dwelling unit" means space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

(60) "Easement" means the right to use the real property of another for a specific purpose. The easement is itself a real property interest, but legal title to the underlying land is retained by the original owner for all other purposes.

(61) "Easement, conservation" means a nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting agricultural, natural, scenic, or open space values of real property; protecting natural resources; or maintaining air or water quality.

(62) "Engineer, registered" means an engineer registered by the State of Ohio.

(63) "Engineer, project". See "Engineer, Registered."

(64) "Engineer, Village" means the Village Engineer of the Village of Plain City.

(65) "Environmental Impact Statement (EIS)" means a detailed analysis of the environmental consequences of a project or proposed action, including long-term adverse impacts, any irreversible commitments of resources, and various alternative courses of action.

(66) "Ephemeral stream" means a watercourse having a source and terminus, banks, and channel through which waters flow only during and immediately after precipitation. Flow is not caused by groundwater sources.

(67) "Erosion" means the wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep and/or detachment and movement of soil or rock fragments by wind, water, ice, or gravity.

(68) "Family" means one or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises as distinguished from a group occupying a boarding house or hotel, as herein defined.

(69) "Fence" means an artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas, excluding agricultural fences.

(70) "Fire Chief" means the Fire Chief of the Pleasant Valley Fire District.

(71) "Fiscal Officer" means the Fiscal Officer of the Village of Plain City.

(72) "Floodplain" means the areas adjoining a water course which are expected to be flooded as a result of a severe combination of meteorological and hydrological conditions, as identified by Ordinance 9-88 or its successor.

(73) "Floodway" means the channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the 100 year flood, as identified by Ordinance 9-88 or its successor.

(74) "Floodway fringe" means that portion of the floodplain outside of the floodway, as identified by Ordinance 9-88 or its successor.

(75) "Floor space" means the total number of square feet of floor area within the outside line of walls and includes the total of all space on all floors of a building, but not including porches, garages or space in a basement or cellar when the basement or cellar space is used only for storage or incidental uses.

(76) "Frontage" means all of the property on one side of a street between two intersecting streets, crossing or terminating, measured at the setback building line. If the street is a dead end, this term refers to all of the property abutting one side between an intersection street and the dead end of the street.

(77) "Gasoline service station" means any building, structure, or land used for the dispensing and sale at retail of any automobile fuels, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories, but not including major repair work.

(78) "Greenway" means corridors of protected open space managed for conservation and/or recreation purposes. Greenways may follow natural land or water features, and may link nature reserves, parks, cultural features, and historic sites with each other and with populated areas.

(79) "Growth management" means the conscious public decision to restrain, accommodate or induce development in any geographic setting and at any governmental level. Growth management systems provide a means for governments to establish comprehensive goals and objectives designed to address the problems of growth through an integrated system of administrative, financial and regulatory programs.

(80) "Home occupation", means an occupation or profession that is carried on in a residential neighborhood and that meets the standards and restrictions of Section 1183.13.

(81) "Hydric soils" means soils which are saturated long enough to develop an anaerobic (i.e. living or active in the absence of free oxygen) condition in the upper soils so that only certain plants can live in it. Hydric soils are one indicator of the presence of wetlands.

(82) "Impact fees" means any charges levied by local governments on new development to generate revenue for infrastructure necessitated by the new development.

(83) "In-lieu fees" means fees paid by a private individual or party to the Village of Plain City to compensate for the mandatory dedication provisions of the Plain City Subdivision Regulations when said land dedication is waived by Village Council.

(84) "Infrastructure" means the underlying foundation or basic framework of a political jurisdiction, including streets, parks, bridges, sewers, streetlights, and other utilities.

(85) "Intermittent stream" means a watercourse having a source and terminus, banks, and channel through which waters flow only part of the year when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

(86) "Junk" means old scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, junked, dismantled or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous materials.

(87) "Junk yard" means an establishment or place of business, which is maintained or operated for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. It shall also include scrap metal processing facilities which are located within one thousand feet of the nearest edge of right-of-way of a highway or street, and any site, location, or premises on which are kept two or more junk motor vehicles as defined in Section 4513.63 of the Ohio Revised Code, whether or not for commercial purposes.

(88) "Kennels" means any lot or premise on which dogs, cats or other household pets are boarded, bred or exchanged for monetary compensation.

(89) "Landscape(d) area" means an area that is permanently devoted and maintained to the growing of shrubbery, grass and other plant material.

(90) "Landscaping" means the improvement of a lot with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may also include pedestrian walks, flowerbeds, ornamental objects such as fountains, statues and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

(91) "Land trust" means a private, nonprofit conservation organization formed to protect natural resources, open space and/or agricultural land.

(92) "Loading space, off-street" means a space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

(93) "Lot" means a parcel of land occupied or intended for occupancy by a use permitted in the Zoning Ordinance, including one main building together with its accessory buildings, open spaces and parking spaces required by the Zoning Ordinance and having its principal frontage upon a road or street.

(94) "Lot area, minimum" means the area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

(95) "Lot, corner" means a lot abutting upon two or more streets at their intersections.

(96) "Lot coverage". The percentage of lot coverage shall be the ratio of enclosed ground floor area of all buildings to the horizontally projected area of the lot, expressed as a percentage.

(97) "Lot, double frontage" means a lot, other than a corner lot, with frontage on more than one street.

(98) "Lot improvement" means any building, structure, place, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

(99) "Lot, interior" means a lot with only one frontage on a street.

(100) "Lot size, minimum" means a parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as are required by the Zoning Ordinance, and having not less than the minimum required frontage upon a street, either shown and identified by lot number on a plat of record, or considered as a unit of property and described by metes and bounds.

(101) "Lot width" means the width of a lot at the building setback line measured at right angles to its depth.

(102) "Mandatory land dedication" means the required dedication of private land to the Village of Plain City for the purpose of providing space for park, recreation, open space, and other public uses.

(103) "Mayor" means the Mayor of the Village of Plain City, Ohio

(104) "Mobile home park" means any site, or tract of land under single ownership, upon which three or more mobile homes or manufactured buildings used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structures, vehicle or enclosure used or intended for use as part of the facilities of such park.

(105) "MORPC" means Mid-Ohio Regional Planning Commission.

(106) "Municipality" means the municipal corporation of Plain City, Ohio.

(107) "Natural buffer areas" means areas where stream valleys, vegetation and/or grade changes are naturally occurring and not the result of planting or earth moving. These areas provide separation between land uses, particularly between land uses of differing intensity, such as residential and nonresidential uses.

(108) "Natural material" means any product or physical matter that comes from plants, animals, or minerals and the metals that can be extracted from them (without further modification) used to make other objects or products.

(109) "No build zone" means an area or portion of a lot that is designated by deed or plat not to contain any buildings, structures, or other built improvement on a permanent basis.

(110) "Nonconforming use" means a legal use of a building and/or of land that antedates the adoption of the Zoning Ordinance and does not conform to the regulations for the zoning district in which it is located.

(111) "Nursing home" means a home licensed by the State of Ohio for the aged or chronically or incurably ill persons in which five or more such persons not of immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

(112) "Office" means an administrative, executive, professional, research, or similar organizations and laboratories having only limited contact with the public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use.

(113) "Opacity" means the degree to which a wall, fence, structure or landscaping is solid or impenetrable to light or vision in a generally uniform pattern over its surface.

(114) "Open space subdivision" means a clustered development in which significant amounts of open space are preserved. Typically the gross density is compatible with nearby traditional subdivisions, but the net density is higher because of the preserved open space. Such open space can be in a natural state or developed for recreational uses, such as a golf course.

(115) "Open space" means any area or parcel of land or water, mostly unimproved and reserved from development as a relief from the effects of urbanization. Open space may be for public or private use. It is often intended to be used for passive recreation purposes, but may also include pedestrian plazas or active recreation facilities such as swimming pools, play equipment, ball fields and picnic tables.

(116) "Park and Recreation Master Plan" means the plan of parks, playgrounds, or other open grounds adopted by the Village Council.

(117) "Pathway" or "Path" means a cleared way for pedestrian and/or bicycle use that may or may not be paved or otherwise improved.

(118) "Patio" means a level, landscaped, and/or surfaced area, also referred to as a terrace, directly adjacent to a principal building at or within three feet of the finished grade and not covered with a permanent roof.

(119) "Perennial stream" means a watercourse having a source and terminus, banks, and channel through which waters flow throughout the year.

(120) "Planned Zoning District" means the zoning designation of a lot or tract to permit that development as is specifically depicted on plans approved in the process of zoning that lot or tract. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design, principles, and landscaping plans.

(121) "Planning and Zoning Commission" means the Planning and Zoning Commission of the Village of Plain City, Ohio.

(122) "Porch" means a roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building
(Ord. 05-08. Passed 2-25-08.)

(122.1) "Portable storage" means any on-site storage container described as a steel portable container, dry van container, warehouse storage unit, semi-tractor cargo container, cargo trailer or any other similarly described unit.
(Ord. 1-16. Passed 3-28-16.)

(123) "Premises" means a lot together with all buildings and structures thereon.

(124) "Public uses" means public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

(125) "Recreational vehicles and equipment" means motorized homes, travel trailers, pick-up campers, folding tent trailers, boat and boat trailers, and utility trailers used for recreational and vacation purposes and defined as follows:

a. "Motorized home" means a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

b. "Travel trailer" means a vehicular portable structure built on a chassis, not exceeding a gross weight of 4,500 pounds when factory equipped for the road, nor exceeding 30 feet in length, designed to be used as a temporary dwelling for travel, recreation, and vacation uses, permanently identified as a travel trailer by the manufacturer.

c. "Pick-up camper" means a structure designed primarily to be mounted on a pick-up truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation, or vacation uses.

d. "Folding tent trailer" means a portable canvas, metal, or plastic folding structure mounted on wheels and designed for travel and vacation uses.

e. "Boat and boat trailers" means boats, floats, and rafts including equipment for their transport on the highway.

f. "Utility trailer" means a structure, not exceeding ten feet in length, built on a chassis on wheels for the purpose of hauling recreational goods and equipment.

(126) "Research activities" means research, development and testing related to such fields as chemicals, pharmaceutical, medical, electrical, transportation and engineering, all of which are conducted within entirely enclosed buildings.

(127) "Retail sales establishment" means a commercial enterprise that provides goods directly to the consumer where such goods are available for purchase and removal from the premises.

(128) "Retail services establishment" means an establishment providing services or entertainment, as opposed to products, to the general public or to other commercial or industrial enterprises. Such services may include, but not limited to, eating and drinking places, finance, real estate and insurance, personal service, amusement and recreation services, health, educational and social services, museums, theatres including motion picture, copy shops, printing services, package and postal services, photo processing, and similar operations.

(129) "Right-of-way" means a strip of land occupied or intended to be occupied by a street, crosswalk, walkway, bikeway, utilities, or other public improvement relating to public travel or access.

(130) "Self-service storage facility" means a building or group of buildings used for the storage of personal property where individuals rent or own individual storage spaces.

(131) "Setback, front" means the minimum distance between the right-of-way and a building facing said right-of-way, as required by the Zoning Code.

(132) "Setback, platted" means the minimum distance between the building and the right-of-way, rear lot line, and/or side lot line as required by the Zoning Code and shown on the recorded plat of the subdivision.

(133) "Setback, rear" means the minimum distance between the rear lot line and a building, as required by the Zoning Code.

(134) "Setback, side" means the minimum distance between the side lot line and a building, as required by the Zoning Code.

(135) "Sidewalk" means a Portland cement concrete paved area intended principally for use by pedestrians. While some previously constructed sidewalks in the Village may be less than five feet in width, all newly constructed sidewalks shall be at least five feet in width.

(136) "Solicitor" means the legal counsel of the Village.

(137) "Steps" or "Stairs" means one or more interior or exterior constructions made of wood, stone, brick, metal, concrete or other building material, providing a rest for the foot when ascending or descending from one level to another.

(138) "Story" means that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

(139) "Stream" means a natural course of running water usually flowing in a particular direction in a definite channel and discharging into some other stream or body of water.

(140) "Stream, ephemeral" means a watercourse having a source and terminus, banks and channel and that contains running water usually only sporadically such as during and after storm events. Flow is not caused by groundwater sources.

(141) "Stream, intermittent" means a watercourse having a source and terminus, banks, and channel and has flowing water during only part of the year, or certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

(142) "Stream, perennial" means a watercourse having a source and a terminus, banks and channel through which has running water on a year-round basis.

(143) "Street, arterial" means a street which accommodates traffic to and from the expressways or to or through major commercial districts. Traffic volumes are generally greater than 10,000 ADT.

(144) "Street, cul-de-sac" means a local street having only one outlet and a paved, circular turnaround.

(145) "Street, dead end" means a local street having only one outlet without a safe and convenient means for reversal of traffic.

(146) "Street, expressway" means a street entirely devoted to the movement of large volumes of traffic at relatively high speeds. Access is completely controlled, not intended to serve abutting property.

(147) "Street, industrial" means a street intended to provide access to other streets from industrial properties, generally being a volume of traffic that includes a relatively large number of vehicles other than passenger automobiles.

(148) "Street, local" means a street intended to provide access to other streets from individual properties, generally bearing a volume of traffic no greater than 800 ADT.

(149) "Street, major collector" means a street which carries traffic from the minor collector system to the arterial. Traffic usually has origin and destination within the community and does not exceed 10,000 ADT.

(150) "Street, minor collector" means a street which carries internal traffic within a given neighborhood, connecting local streets to the major collectors or to the arterial system and generally bearing volume of traffic no greater than 4,000 ADT.

(151) "Street, private" means a privately owned strip of land providing access to abutting properties.

(152) "Structure" means that which is constructed having a location on or in the ground or attached to that having a location on or in the ground; the term shall include buildings, outdoor seating facilities, outdoor theaters, swimming pools, platforms, decks, tents, towers, bridges, poles, and roadside signs.

(153) "Structural repair/alteration" means any repair to, or change in, the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.

(154) "Structure, principal" means a structure in which is conducted the principal use of the lot on which it is situated.

(155) "Swimming Pool" means a pool or open tank containing at least 1.5 feet of water depth at any point and maintained by the owner or manager. Farm ponds are exempt from this definition.

a. Private. Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.

b. Community. Operated with a charge for admission; a primary use.

(156) "Telecommunication tower" means any structure with radio frequency transmission or reception equipment attached that is free standing or is to be connected to a building or other structure. A telecommunication tower shall meet all of the following conditions:

a. It is constructed on or after October 31, 1996;

b. It is owned or principally used by a public utility engaged in the provision of telecommunication services;

c. It is a freestanding structure or is attached to another building or structure and is higher than the maximum allowable height permitted in the zoning district in which it is located.

(157) "Temporary use or structure" means a transient, non-permanent use or structure permitted to exist for a designated period of time during periods of construction of the principal use or structure, or for special events. A temporary structure shall not be intended to be permanently affixed to the ground.

(158) "Tree" means a woody perennial plant having a distinct trunk a minimum 2 inches caliper as measured 4 feet from the ground with branches and foliage at some distance above the ground.

(159) "Tree Commission" means a group formally appointed by the Village Council to work with the Planning and Zoning Commission in the enforcement of a tree preservation ordinance.

(160) "Tree lawn" means the strip of land between the back of curb and sidewalks.

(161) "Tree, large" means any tree species having a trunk diameter of 6 inches or more as measured 4 feet from the ground.

(162) "Tree, significant" means any individual tree that is of cultural, historical, biological, or horticultural value as determined by the Village Council with the advice of the Planning and Zoning Commission.

(163) "Use" means the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

(164) "Variance or Area Variance" means 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 zoning code would result in unnecessary practical difficulties.

(165) "Veterinary animal hospital or clinic" means a place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation, and/or recuperation. It may also include boarding that is incidental to the primary activity.

(166) "Village" means a) the Village of Plain City, Ohio; b) a municipal corporation of less than five thousand citizens (Ohio Revised Code 703.1)

(167) "Walkway" means a dedicated public right-of-way limited to pedestrian traffic.

(168) "Wetlands" means lands that are wet for significant periods during the year that typically create anaerobic (i.e. low oxygen) conditions favoring the growth of hydrophytic plants and the formation of hydric soils. Wetlands are important natural resources providing numerous values to society, including fish and wildlife habitat, flood protection, erosion control, and water quality maintenance.

(169) "Wholesale and warehousing" means business establishments that generally store and sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

(170) "Yard" means an open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in these Regulations.

(171) "Yard, front" means a yard across the full width of the lot extending from the front line of the main building to the front line of the lot. On corner lots the front yard shall face the shortest street dimension of the lot except that if the lot is square or almost square, i.e., has dimensions in a ratio of from 3:2 to 3:3, then the front yard may face either street.

(172) "Yard, rear" means an open space between the rear line of the principal structure, exclusive of steps, and the rear line of the lot and extending the full width of the lot and may be used for accessory structures.

(173) "Yard, side" means an open, unoccupied space on the same lot with a structure between the side line of the structure, exclusive of steps, and the side line of the lot and extending from the front line to the rear line of the building.

(174) "Zero Lot Line Development" means the location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

(175) "Zoning District" means any section of the Municipality in which zoning regulations are uniform.

(176) "Zoning District Map" means the zoning district map or maps of the Municipality, together with all amendments subsequently adopted.

(177) "Zoning Inspector" means the official charged with the administration and enforcement of the Zoning Ordinance.

(178) "Zoning Ordinance" means Titles Three, Five and Seven of Part Eleven - Planning and Zoning Code.

(179) "Zoning Permit" means a permit issued by the Zoning Inspector prior to the construction, erection, or addition of a building within Plain City.
(Ord. 13-11. Passed 10-24-11.)