

ARTICLE 2. DEFINITIONS

Section 200. General Provisions

200.1 General Terminology. For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows: The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular. The word "~~shall~~" is mandatory, the word "~~may~~" is permissive. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied." The word "lot" includes the words "plot" or "parcel".

200.2 Interpretation of Words and Phrases. The definitions herein are established to promote consistency and precision in the interpretation of zoning regulations. Interpretation shall be guided by the following:

(a) **Zoning Inspector Interprets Definitions.** In order to fulfill the intent and purpose of this code, the Zoning Inspector shall have the authority to define any word or interpret any definition contained herein.

(b) **Definitions Apply Throughout the Zoning Ordinance.** The meaning and construction of words and phrases defined in this Article shall apply throughout this Ordinance, except where the context of such words or phrases clearly indicates a different meaning. Additional terms which are applicable to a particular Article are defined in that Article.

(c) **Terms Not Defined in the Ordinance.** ~~When words are not defined, the generally accepted dictionary definitions shall prevail.~~ If a term or word causes difficulties in interpretation and is not properly described, the Planning Commission shall define the term and recommend to Council its inclusion in this code as an appropriate definition.

Section 201. Definitions

Access Drive: A driveway that provides access to, for example, parking spaces, parking lots, garages, loading spaces, or similar areas.

Accessory Structure: A separate structure which is used for purposes which are incidental and subordinate to the main use of the land and on the same premises as the main use or building. Examples include, but are not limited to, garages, barns, gardening sheds, gazebos, storage buildings, swimming pools and landscaping structures.

Accessory Use: A use customarily incidental and subordinate to the main use of the land or building and on the same premises as the main use or building.

Agriculture: Agriculture shall include farming, dairying, pasturage, horticulture, viticulture, animal and poultry husbandry, and the processing and sale of agricultural products.

Animal Hospital or Clinic: Establishment for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical treatment, 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.

Apartment: See Dwelling, Multiple-family and Dwelling, Efficiency.

Assembly Hall: A facility used for group activities such as meetings and parties, which may or may not have fixed seating. Examples include, but are not limited to, a community center, clubhouse, or a meeting room or classroom which is accessory to another use. May or may not include facilities for service of food and beverages.

Automobile, Recreational Vehicle and Trailer Sales: Display and sale of new and/or used automobiles, recreational vehicles and trailers in an enclosed building and/or out of doors, and where no repair work is done except minor incidental repair of automobiles, recreational vehicles or trailers to be displayed and offered for sale on the premises. See Recreational Vehicles and Trailers.

Automotive Repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles in an enclosed building. See Hobby Vehicle or Machinery Repair.

Automotive Wrecking, Salvage and Storage: The dismantling or disassembling of used motor vehicles or trailers or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.

Bar: See Tavern.

Basement: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground.

Bed and Breakfast Inn: A building or portion thereof, other than a hotel, which is accessory to a dwelling occupied by the owner or main leaseholder, where temporary lodging for persons are provided by the owner or main leaseholder for compensation. The total number of persons occupying the premises shall not exceed five (5).

Board, Board of Zoning Appeals, "BZA": The Board of Zoning Appeals of the Village of Tuscarawas, Ohio.
Boarder Suite: See Suite, Boarder.

Boarding or Rooming House: A building or portion thereof, other than a hotel, which is accessory to a dwelling occupied by the owner or main leaseholder, where lodging for residents is provided for compensation. The facility shall

maintain a kitchen for the use of residents, and/or service of meals to residents. The total number of persons occupying the premises shall not exceed five (5).

Building: An enclosed structure designed or built for the shelter of persons, animals, chattel or property of any kind.

Building, Front Line of: The line of that face of the building nearest the front line of the lot. This face includes porches whether enclosed or unenclosed, and does not include steps.

Building, Height of: The vertical distance measured from the established grade opposite the middle of the front of the building to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the mean height level between eaves and ridges for gable, hip and gambrel roofs.

Building, Portable: See Structure, Portable

Building, Principal or Main: A building in which is conducted the main or principal use of the premises on which said building is situated.

Building Site: That contiguous portion of the lot or parcel of land or multiple lots upon which the principal and accessory uses are conducted, and a structure and appurtenance may exist or are to be placed, or are already existing, including adequate areas for sewage disposal, clearance, proper drainage, appropriate easements, parking, required setbacks and yards, and all other facilities required by the Zoning Ordinance and all other regulations of the Village. Also called 'premises'.

Business Service: Any activity conducted for gain which renders services to other commercial or industrial enterprises, or which services and repairs appliances and machines used in residences or businesses.

~~VIA: see Board of Zoning Appeals~~

Campground: Recreation-type uses and facilities which include areas for temporary overnight accommodations, and which may include picnicking and sports areas, fishing waters, walking trails, hunting areas and hunting preserves. Temporary facilities may include tents, recreational vehicles or recreational trailer whether parked or supported by foundations. Such facility may include permanent structures for, for example, office, maintenance, manager quarters, toilets, showers, picnic shelters, and similar accessory uses. Excludes motel and hotel.

Cemetery: Land used for or intended to be used for the burial or permanent interment of human dead.

Child Care Facility: A facility where care, protection and supervision are provided to children on a regular basis for a fee and in accordance with applicable state laws pertaining to licensing and regulation.

Church, Place of Worship: A facility for worship such as a church, temple, mosque, and similar establishments, which has a main hall for services. May include meeting rooms, offices, and facilities for serving food, and similar facilities.

Clerk, Clerk-Treasurer: The Clerk-Treasurer of the Village of Tuscarawas, Ohio.

Clinic: An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians practicing medicine together.

Commercial Entertainment Facility: See Entertainment Facility

Commission: The Planning Commission of the Village of Tuscarawas, Ohio.

Conditional Use, Conditionally Permitted Use: A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval by the Planning Commission, and further subject to special requirements, and in addition to those usual requirements for the district in which the conditional use may be located. 'Special characteristics' are uses which generate impacts on the community which are acceptable with proper management; examples may include, but are not limited to, large volume of users, hours of operation, patterns of pedestrian or vehicular traffic, parking patterns, potential impacts of noise or lighting, and similar effects. A conditional use may be granted by the Planning Commission only when there is a specified provision in this Ordinance. A conditional use is not considered to be a nonconforming use.

Controlled Access Highway: A street as designated in the Village of Tuscarawas Thoroughfare Plan.

Corner: See Street Corner, Corner Lot.

Council: The Council of the Village of Tuscarawas, Ohio.

Cultural Facility: Museum, art gallery, library or similar facility.

District, Zoning District: Any designated area of the municipality for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards and setbacks, and the intensity of use are uniform. Boundaries of the districts are shown on the Zoning District Map which is a part of this Ordinance.

Drive-in Use: Any use that by design of physical facilities encourages or permits customers to receive a service, obtain a product, or be entertained while remaining in a parked motor vehicle, such as drive-in restaurants, motion picture theaters, and similar uses. Such drive-in areas are parking areas. See Drive-through Use.

Drive-through Use: Any use that by design of physical facilities encourages or permits customers to receive a service or pick up a product while remaining in a motor vehicle, such as drive-through restaurants, auto washes, bank tellers, pharmacies, dairies and similar uses. Such drive-through areas are intended for brief use by customers, and are distinct from parking areas. See Drive-in Use.

Dwelling: A building or portion of a building designed exclusively for residential occupancy but not including motels.

Dwelling, Efficiency: A dwelling unit in which the sleeping area is not a room separate from the main living area. Also commonly known as a 'studio'-type dwelling unit. Abbreviated in this Ordinance as 'Efficiency'.

Dwelling, Multiple-family: A building consisting of three or more dwelling units. Abbreviated in this Ordinance as "MFR".

Dwelling, Single-family: A building consisting of one dwelling unit. Abbreviated in this Ordinance as "SFR".

Dwelling, Two-family: A building consisting of two dwelling units. Abbreviated in this Ordinance as "2FR".

Dwelling Unit: One or more rooms designed to create an independent housekeeping establishment with each unit having sleeping, cooking, and toilet facilities. Abbreviated in this Ordinance as "DU".

Efficiency, Efficiency Dwelling: See Dwelling, Efficiency.

Entertainment Facility: Any activity conducted for gain which is generally related to entertainment, such as motion picture or other theaters; live performances of music, dancing and/or plays; billiard or pool room; bowling alley; video and games arcade; indoor skating rink; and similar types of entertainment. All activities shall be conducted indoors. Food and beverages may be served.

Essential Service: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies of underground gas, electrical or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, traffic signals hydrants or other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health or safety or general welfare, but not including buildings.

Excavation of Fill for Street Construction: The removal, addition, or similar rearrangement of earth for purposes of street construction.

Expanded Home Occupation: See Home Occupation, Expanded.

Farm Implement Sales and Service: A use in which equipment and supplies for agriculture, horticulture and landscaping is offered for retail and or wholesale sales. Includes equipment rental. Excludes Grain Elevators and Feed Mills.

Farm Vacation Enterprise: See Campground.

Fire Chief: The chief official responsible for fire safety for the Village of Tuscarawas.

Food Processing: The wholesale processing or other preparation of food for humans and animals which is not consumed on the premises. Excludes killing of animals, fish, birds, or other creatures for food or non-food products, such as slaughterhouses.

Forestry: The growing and care of trees for commercial purposes, including the cutting and marketing of timber.

Frontage, Lot Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating), measured at the setback line of the street or, if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

Garage: A detached accessory building or portion of a main building for the parking or storage of motor vehicles, recreational vehicles, trailers, commercial vehicles and similar vehicles by the occupants of the premises, See Article 6, Off-street Parking and Loading Requirements, and Parking and Storage of Recreational Vehicles and Trailers.

Garage Sale: See Rummage Sale.

Gas and Oil Extraction: See Oil and Gas Extraction.

Gasoline Service Station: A premises where automobile fuels and other petroleum products are offered for retail sale, and where limited maintenance and minor repairs are may be conducted on automobiles. Excludes engine overhauls, body work and painting. Sales of beverages, packaged foods, and similar convenience goods may also be included as incidental to the principal use. See Automotive Repair.

Grain Elevator and Feed Mill: Facilities for the bulk storage of agricultural products such as grains and animal feeds.

Guest Suite: See Suite, Guest.

Height of Building: See Building, Height of.

Highway: A street as designated in the Village of Tuscarawas Thoroughfare Plan.

Hobby Vehicle or Machinery Repair: The repair of one vehicle, large machine or similar object as an accessory use to a dwelling. Such vehicle, machine or object must be owned by a resident of the dwelling, and must weigh less than 1 ton. Examples include, but are not limited to, an automobile, truck, trailer, boat, motor, tool or similar machine. The term 'hobby' is not intended to imply anything about the use of the vehicle, machine or object for recreation, regular transportation, business, etc.

Homemade Sales: The offer for sale of agricultural or handmade goods which are produced on the premises, as an accessory use to a residential or agricultural use, and which is intended to attract customers who are driving or walking by. Examples of goods include grain, fruits and vegetables, eggs and dairy products, baked goods, pets, woodwork, arts and crafts, and similar items. See Rummage Sale.

Home Occupation: A conditionally permitted, secondary use of a service or professional character conducted entirely within a dwelling and its premises, and only by the residents thereof, which is clearly incidental to the use of the dwelling for living purposes.

Home Occupation, Limited: A home occupation of a professional character, conducted only by residents of the dwelling, which does not change the character thereof, or have exterior evidence of such secondary use such as, for example, additional parking, or additional traffic generation. Such uses may include, for example, attorneys and engineers. See Signs, Article 6.

Home Occupation, Expanded: A home occupation of a professional or service character conducted within a dwelling or in an accessory structure to a dwelling, conducted by the residents thereof and not more than one (1) employee who is not a resident of the dwelling, which may have a sign as permitted in Article 12 and which shall provide parking as required in Article 6. Such use may include, for example, lawyer, architect, or beauty parlor.

Hospital: A facility where patients are lodged overnight, and admitted for medical examination and treatment. (See Clinic.)

Hotel: See Motel.

Household: One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

Intersection: The intersection of one or more streets. Refer to the official Thoroughfare Plan of the Village.

Junkyard: See Recycling Center or Salvage Operation.

Legal, Nonconforming Structure: See Structure, Legal, Nonconforming.

Legal, Nonconforming Use: See Use, Legal, Nonconforming.

Limited Home Occupation: See Home Occupation, Limited.

Loading Space: An off-street space, in addition to required off-street parking spaces, for the temporary parking of a vehicle while loading or unloading merchandise or materials,

Lot: A parcel of land, shown on a duly recorded plat, occupied or intended for occupancy by a use as permitted in this Ordinance, and having its principal frontage upon a street or upon an officially approved place.

Lot Area: The total horizontal area within the lot lines of a lot exclusive of right-of-way of any public or private street.

Lot, Corner: A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees.

Lot Coverage: The ratio of enclosed ground floor area of all buildings to the horizontally projected area of the lot, expressed as a percentage.

Lot Depth: The horizontal distance between the front and the rear lot lines measured along the median between the two side lot lines.

Lot Frontage: See Frontage, Lot Frontage.

Lot Line: The boundaries of a lot.

Lot of Record: A lot whose existence, location and dimensions have been legally recorded or registered in a deed or on a plat, either individually or as part of a subdivision.

Lot, Through: An interior lot having frontage on two (2) or more streets. See Corner Lot.

Lot Width: The width of a lot at the building setback line measured at right angles to its depth. The width of lots fronting on a cul-de-sac shall be the chord distance between side lot lines for the curve coinciding with the required depth of the front setback.

Manufactured Home: A single-family dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code. The term single-family dwelling shall include manufactured homes when placed on permanent foundations. Manufactured homes are distinguished by two types described below. See Recreational Vehicles and Trailers.

Residential Design Manufactured Home (RDMH), is a manufactured, single-family dwelling meeting residential design standards contained in this Ordinance. An RDMH is similar in appearance to site-built housing.

Standard Design Manufactured Home (SDMH), is a manufactured, single-family dwelling certified as meeting HUD code or certified as meeting the standards of prior construction codes, and found to be in excellent condition and safe for continued residential occupancy, but in both cases not meeting residential design standards contained in this Ordinance. An SDMH is commonly referred to as a 'mobile home'.

Manufactured Housing Development: A land area planned and improved for the placement of manufactured homes, and which are not otherwise regulated by state law. ('Manufactured Housing Developments' do not include 'Manufactured Home Parks' as defined in the Ohio Revised Code. For information about requirements and permits for Manufactured Home Parks, contact the Tuscarawas County General Health Department.) Manufactured housing developments include the following:

RDMH Subdivision. A parcel of land improved for the siting of Residential Design Manufactured Homes for use as single family residences on lots as defined herein, platted and all applicable improvements provided according to the Subdivision Regulations, offered for sale. (Does not include 'Manufactured Home Parks' as defined in the Ohio Revised Code. For information about requirements and permits for Manufactured Home Parks, contact the Tuscarawas County General Health Department.)

SDMH Mobile Home Park: A parcel of land under unified ownership or management utilized for the siting of Standard Design Manufactured Homes for use as single family residences, including any land, buildings or facilities used by residential occupants. (Does not include 'Manufactured Home Parks' as defined in the Ohio

Revised Code. For information about requirements and permits for Manufactured Home Parks, contact the Tuscarawas County General Health Department.)

Manufacturing: Any production or industrial process, including food processing, which combines one or more materials or components into a product, or which changes the nature of the materials entering the process.

Manufacturing, General: The basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes that potentially involve hazardous or commonly offensive conditions.

Manufacturing, Restricted: Any manufacturing or industrial production from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding General Manufacturing.

Mineral Extraction, Storage, and Processing: The removal of sand, gravel, topsoil, earth, rock, stone, mineral bearing substance or similar natural material from the ground for the purpose of obtaining any mineral therefrom, storage of materials extracted from the site, and the processing of the materials extracted from the site. Excludes oil and gas extraction. See Oil and Gas Extraction.

Mobile Home: See Manufactured Home; Recreational Vehicles and Trailers.

Mobile Home Park: See Manufactured Housing Development

Mortuary or Funeral Home: An establishment where dead bodies are prepared and kept before burial, including public rooms for funeral activities. Excludes crematorium. See Cemetery.

Motel or Hotel: A building or group of buildings offering transient lodging accommodation for compensation to the general public, and may provide meeting rooms and food service.

Municipality: The Village of Tuscarawas, Ohio

Nonconforming Structure, Legal: See Structure, Legal, Nonconforming.

Nonconforming Use, Legal: Use, Legal, Nonconforming

Nursing Home: A convalescent or extended care facility which specializes in providing necessary services to people unable to care for themselves, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured, and not including correctional facilities. Such facilities shall meet all federal, state, and other standards.

Office: See Professional Office, Public and Community Office.

Off-street Loading Space: See Loading Space.

Off-street Parking Space: See Parking Space, Off-street.

Oil and Gas Extraction: The removal of gas and oil from the ground for the purpose of obtaining any material therefrom. Excludes processing of the extracted materials. See Mineral Extraction, Storage and Processing.

Open Space: Areas intended for use as recreation, scenic view, or resource protection. Such areas contain natural vegetation and/or landscaping. Structures as may be permitted according to the provisions of this Ordinance.

Outdoor Sales: An outdoor area of a premises which is used for sale and display of goods. Includes, for example, plant nurseries, large equipment sales and rentals, and similar goods. Excludes Homemade Sales, Rummage Sales, Seasonal Sales, Sidewalk Sales. See Automotive, Recreational Vehicle and Trailer Sales.

Outdoor Storage: An outdoor area where material and equipment incidental to a nonresidential use is stored.

Park: A public facility for passive or active outdoor recreation, and where there is no overnight accommodation. See Campground.

Parking Area, Parking Lot: An open area, other than a street, containing off-street parking spaces available to the public, or as an accommodation to residents, members, employees, or customers. Excludes the storing of abandoned, impounded or wrecked vehicles. Excludes loading spaces.

Parking Space, Off-Street: Any parking space located wholly off any street, alley, sidewalk, in an enclosed building, covered structure or out of doors, and where each parking space has an area as required in Article 6. See Loading Space.

Personal Service: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shop, beauty parlor, dry cleaning service and/or self-service laundry and similar activities.

Plant Cultivation: The cultivation of crops, fruit trees, nursery stock, truck garden products and similar plant materials outside of structures, such as greenhouses, but not including such plant cultivation as is conducted on residential properties for the primary benefit of the resident family.

Police Chief: The Chief of Police of the Village of Tuscarawas.

Pool: See Swimming Pool.

Portable Structure: See Structure, Portable.

Premises: See Building Site.

Principal Use: See Use, Principal.

Professional Office: The use of a premises and related spaces for such professional services as are provided by accountants, doctors, dentists, lawyers, architects, engineers, realtors and other similar professional services. Excludes banks. See Clinic, Public and Community Office, Retail Business.

Public and Community Office: Offices of public and quasi-public agencies for public services, social services, and similar functions where the public and clients tend to do business in person, or organization that serve similar functions.

Public Right-or-Way: See Right-of-Way.

Public Service Facility: The erection, construction, alteration, operation or maintenance of facilities such as power plants or substations, water treatment plants, sewage disposal or pumping plants, and other similar facilities by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewerage services.

RDMH: See Manufactured Home, Residential Design Manufactured Home.

Recreation Facility: Outdoor facilities for active recreation such as riding, golf, skiing, hunting, racing, camping, fishing, boating, swimming, skating and similar activities. See Entertainment Facilities.

Recreational Vehicle or Trailer: A vehicle or portable structure designed and constructed to be used as a temporary dwelling for travel, recreational and vacation uses, or moving equipment and belongings. Includes but not limited to the terms listed below. Excludes manufactured homes, mobile homes, construction office trailers, and portable classrooms. See Manufactured Homes, Temporary Structures, and Portable Structures.

Boats and Boat Trailers - includes boats, floats, rafts, and equipment to transport same.

Motorized Home, Motor Home - portable unit for sleeping, designed and constructed as an integral part of a self-propelled vehicle.

Pick-up Camper - a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling;

Utility Trailer: A trailer drawn by passenger automobile and used for the occasional transport of personal belongings.

Travel trailer - a vehicular portable structure built on a chassis as a non-self propelled vehicle, including tent-type fold-out trailer and designed to be used as a temporary dwelling.

Recycling Center or Salvage Operation: Any lot, land or structure, or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal, machinery, vehicles or similar discarded material. Commonly called a 'junkyard'. See Automotive Wrecking, Salvage and Storage.

Research and Testing Facility: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation which does not create traffic, noise, light, dust or other impacts which disturb neighbors.

Residential Design Manufactured Home (RDMH): See Manufactured Home.

Residential Floor Area: The interior floor area of a dwelling includes only areas used for living quarters, and including stairways, halls and closets. Utility rooms, breezeways, garages, carports, porches, laundry areas, heater-rooms and basements are excluded.

Restaurant: Establishments where food and beverages are prepared and served within the premises. Includes, for example, bakeries, coffee and juice bars, sandwich shops, cafes, fine dining and similar businesses which offer dine-in facilities. (See Drive-in Use, Drive-through Use, Entertainment Facility, Retail Business, Tavern. See Article 6, Parking Requirements. For purposes of determining requirements for parking spaces, dining room and carry-out services shall be considered separately.)

Retail Business: Premises where goods and merchandise are offered or kept for sale to the public, including storage of limited quantities of such goods and merchandise sufficient only to service such establishment. Includes banks, and stores which offer foods for carry-out only, such as bakeries, coffee and juice bars, sandwich shops and similar businesses. (See Business Services, Drive-in Uses, Drive-through Uses, Offices, Personal Services, Restaurants.)

Right-of-Way: A duly recorded easement for a street, sidewalk or similar public or private access.

Right-of-Way Line: See Street Line, Right of Way Line.

Rooming House: See Boarding or Rooming House.

Rummage Sale: An accessory use to an assembly hall, dwelling, church, place of worship, or school in which household and personal goods are offered for sale to the public and/or members. Rummage sales shall not be conducted in the public right-of-way. Rummage sales may be conducted in structures, in accessory structures, and/or outdoors. See Homemade Sales.

School: A public or private educational facility.

School, Adult: A school for adult students.

School, Primary: A school for students in grades designated as 'elementary', 'middle school', or 'junior high school' (approximately kindergarten to grade 8 or younger).

School, Secondary: A school designated as a 'high school', generally for students in grade 9 or higher.

SDMH: See Manufactured Home, Standard Design Manufactured Home.

Seasonal Sales: The offer for sale of agricultural or handmade goods as an accessory use to a permitted non-residential use, by one salesperson, and only out-of-doors. Examples of goods include fruits and vegetables, baked goods, woodwork, arts and crafts, and similar items. The sale of live animals and goods which require refrigeration are excluded. See Rummage Sales, Homemade Sales, Outdoor Sales.

Setback: The minimum horizontal distance by which any building or structure shall be separated from a lot line or right-of-way.

Setback Line: A line established by zoning, platting or other legal means on a lot a specified distance from and parallel to the lot line to restrict the encroachment of structures on the lot line. In measuring a required setback, the distance shall be measured from the lot line or right-of-way, whichever line creates the 'deeper' setback.

Sewage Disposal System, Group: An approved sewage disposal system which provides for the combined collection and disposal of sewage from a group of buildings or premises. Includes a municipal sewage disposal system.

Sewage Disposal System, Individual: A septic tank installation on an individual lot which utilizes an aerobic bacteriological process for the elimination of solid wastes and provides for the proper and safe disposal of the effluent, subject to the approval of appropriate health and sanitation officials.

Sign: An identification, description, illustration or device which is affixed to or integrated into a building, structure, or land, and which directs attention to a product, place, activity, person, institution or business. Signs are considered to be structures for the purposes of this Ordinance. Different types of signs are defined and regulated in Article 12 of this Ordinance.

Sign, Legal, Nonconforming: A sign which does not conform to the requirements of this Ordinance, but can be demonstrated to have been lawfully erected but made nonconforming by adoption of subsequent amendments of Village Ordinances.

Solicitor: The Solicitor of the Village of Tuscarawas, Ohio.

Specialized Animal Raising and Care: The use of land and structures for the raising and care of animals which are not specifically prohibited by other restrictions by the Village or other government agencies. Examples of activities, facilities and animals include, but are not limited to, domestic pets; stables and riding arenas for horses;

kennels for dogs or other animals; pigeon raising and raising of any other domestic animals or birds of a similar nature; birds, mammals, reptiles, and similar animals; boarding of animals.

Standard Design Manufactured Home (SDMH): See Manufactured Home.

Storage Unit: A facility for the rental or common ownership of individual storage facilities in one or more enclosed structures for any manner of goods including, but not limited to, personal and household goods, merchandise for sale elsewhere, business records, and similar large or small items. Such facility may include related uses such as a management office, maintenance area, and similar uses. No part of the storage area shall be used for human or animal occupation, for example, as a workshop, sales area, office, residence, or other uses that are not strictly related to storage.

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it. A basement shall be counted as a story if two-thirds of its volume is above the average level of the adjacent ground.

Street: A vehicular thoroughfare which may be owned by the public or by a private party, as designated on the official Thoroughfare Plan of the Village. See Right-of-Way.

Street Corner: The point of intersection of two or more rights of way.

Street Line, Right-of-Way Line: A dividing line between a lot, tract or parcel of land and the right-of-way.

Structural Alteration: Any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams or girders.

Structure: Anything constructed or erected with a fixed location on or in the ground or attached to something having a fixed location on or in the ground. Examples include, but are not limited to, a building, backstop, barn, deck, fence, garage, gazebo, landscaping wall, shed, porch, sign, storage building, swimming pool, tank, or tower. Excludes a sidewalk, steps, driveway, or similar paved area.

Structure, Legal, Nonconforming: A building or structure legally existing at the time of passage of this Ordinance, or subsequent amendments thereto, and which does not comply with the current dimensional or other building requirements of the district in which such structure is located.

Structure, Portable: A transportable structure which is moved onto a site as a temporary or permanent fixture. Such structure shall not be used as a dwelling or temporary sleeping accommodation. Examples of portable buildings include, but are not limited to, classrooms and offices. Excludes portable toilets. See Temporary Structure, Manufactured Housing.

Structure, Temporary: A structure which is erected or placed on a site, and completely removed, within a limited period of time. Excludes portable toilets.

Suite, Boarder: Each area that is occupied exclusively by individual boarders in a boarding house, as distinguished from common areas for use by all boarders. A Boarder Suite may be occupied by more than one person; for example, by a couple.

Suite, Guest: The room(s) occupied exclusively by a party of guests in a Motel, Hotel, or Bed and Breakfast Inn.

Swimming Pool: A permanent structure, above or in the ground, containing or capable of containing water for swimming, bathing and water play. Includes wading pools, hot tubs, Jacuzzis, and similar pools. Excludes landscaping features such as ponds, pools or fountains intended for decoration and not intended for swimming, as determined by the Planning Commission.

Tavern: An establishment which serves alcoholic beverages as its primary business, and where food may be served as a secondary business. Excludes live entertainment. (See Entertainment Facility, Restaurants.)

Temporary Structure: See Structure, Temporary

Thoroughfare Plan: The Official Thoroughfare Plan of the Village of Tuscarawas.

Tourist Camp: See Campground.

Transport and Trucking Terminal: The use of land, buildings, or structures for the purpose of storing, servicing, repairing, or loading trucks, transport trailers, and/or buses, but does not include Gasoline Service Station, Truck Stop.

Truck Stop: A premises where fuels and services for commercial trucks (generally over 1 ton) and truck drivers are provided. Facilities and services may include, but are not limited to, fuel pumps, limited maintenance and repair, food service, sales of convenience goods, and restrooms. Excludes engine overhauls, body work and painting.

Use: The purpose or activity for which land or structures are designed, arranged or intended or for which they are or may be occupied and maintained.

Use, Legal, Nonconforming: The use of land or a building, or a portion thereof, which existed legally at the time of passage of this Ordinance, or subsequent amendments thereto, and which does not conform with the current use regulations of the district in which it is situated.

Use, Principal: The permitted or conditionally permitted use or uses which are being, or are proposed to be, conducted on a premises, and excludes accessory uses.

Variance: A modification of the strict terms of the regulations where such modification will not be contrary to the public interest and where, owing to physical conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulation would result in unnecessary hardship and/or a practical difficulty. Hardship is based on physical limitations of the land and does not include financial considerations.

Village: The Village of Tuscarawas, Ohio

Warehouse, Warehousing, Warehousing Business: A premises, lot, structure or portion thereof which is designed or appropriate for the storage of goods to be offered for wholesale, mail order sales, or reshipment.

Waste Disposal: Disposition of garbage, combustible and noncombustible waste material.

Water System, Group: An approved water system which provides for the combined distribution of water to a group of structures or premises. Includes a municipal water system.

Water System, Individual: A water well, cistern or similar installation on an individual lot, subject to the approval of appropriate health and sanitation officials.

Wholesale Business: An establishment primarily stocking and offering merchandise for sale to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to such individuals or companies.

Yard: An area of a premises at grade between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. A yard includes the area of all required setbacks.

Yard, Front: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street right of way and the main building or any projections thereof, other than the projections of uncovered steps. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension. Where a lot has frontage on more than one street right of way, or with street, the front yard shall be considered to be parallel to such street.

Yard, Rear: A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps.

Yard, Side: A yard between the main building and the side line of the lot and extending from the required front yard line to the required rear yard and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereto.

Yard Sale: See Rummage Sale.

Zoning Certificate: A permit, issued by the Zoning Inspector, authorizing the proposed use of land or structures. See Zoning Compliance Inspection.

Zoning Compliance Inspection: A permit, issued by the Zoning Inspector, which certifies that a proposed use or structure has been inspected and determined to be constructed and occupied in compliance with a previously issued Zoning Certificate. See Zoning Certificate.

Zoning District: See District, Zoning District.

Zoning District Map: The official zoning map of the Village of Tuscarawas which indicates the locations and extent of the districts as determined by Ordinances adopted by Council.

Zoning Inspector: The Zoning Inspector or his authorized representative appointed by the Council of the Village of Tuscarawas, Ohio.

ARTICLE 3. DISTRICTS AND GENERAL PROVISIONS

Section 300. Zoning Districts

In order to carry out the provisions of this Ordinance, the Village of Tuscarawas is divided into the following general categories of zoning districts (see Article 4):

- (a) **“OA” Open Area Districts**
 - S-1 Special Conservation District
 - A-1 Agriculture District
- (b) **“R” Residential Districts**
 - R-1 Suburban Residential District
 - R-2 Low Density Residential District
 - R-3 Moderate Density Residential District
 - R-4 High Density Residential
- (c) **“B” Business Districts**
 - B-1 Local Business District
 - B-2 General and Major Street Business District
 - B-3 Central Business District
- (d) **“M” Manufacturing Districts**
 - M-1 Restricted Industrial District
 - M-2 General Industrial District

Section 301. Zoning District Map

301.1 Zoning District Map is Part of the Zoning Ordinance. The boundaries of the districts are shown upon the map which is made part of this Zoning Ordinance, which map is designated as the “Zoning District Map”. This Zoning District Map, together with all the notations, references and other information shown thereon are a part of this Ordinance. The original Zoning District Map, or Official Map, is properly attested and is on file with the Clerk.

301.2 Amendments Are Effective When Noted on Zoning District Map. No amendment to this Ordinance which involves matters portrayed on the Zoning District Map shall become effective until after such change and entry has been made on said map. No changes of any nature shall be made on the Zoning District Map except in conformity with the procedures set forth in this Ordinance.

301.3 Zoning District Map is Final Authority on Zoning Status. The Zoning District Map shall be the final authority as to the current zoning status of land, buildings and other structures.

Section 302. Zoning District Boundaries

302.1 Boundary Lines Follow Centerlines and Lot Lines. The zoning district boundary lines on the Zoning District Map are intended to follow, as much as is practical, either centerlines of streets or railroads or lot lines. In the case of unsubdivided property, the District boundary lines shall be determined by the use of the scale appearing on the Zoning District Map or by dimensions stated on the map.

302.2 Zoning Districts and Vacated Streets. Whenever any street or other public right-of-way is vacated by an official action of Council, the zoning district adjoining each side of such street or right-of-way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district. Such amendment shall be noted on the official Zoning District Map.

Section 303. Compliance with Regulations