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## ARTICLE 3. DISTRICTS AND GENERAL PROVISIONS

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### 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

**303.1 Structures and Uses of Land Shall Comply with Zoning Ordinance.** No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformance with all of the regulations herein specified for the district in which it is located.

**303.2 Alterations of Structures Shall Comply With Zoning Ordinance.** No building or other structure shall hereafter be erected or altered:

- to exceed the height;
- to fail to meet standards for minimum floor area;
- to accommodate or house a greater number of households;
- to occupy a greater percentage of lot area;
- to have narrower or smaller rear setbacks, front setbacks, side setbacks or other spaces; than herein required;
- or in any other manner contrary to the provisions of this Ordinance.

**303.3 Setbacks Shall Conform to Zoning Ordinance.** No setback, yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards, setbacks or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

**303.4 Exceptions May Be Authorized by Board of Zoning Appeals.** Exceptions to these regulations in specific cases may be authorized by the Board of Zoning Appeals of the Village of Tuscarawas where, due to physical characteristics of the land, there are practical difficulties or unnecessary physical hardships in carrying out the strict letter of this Ordinance, providing such exception is in harmony with the general purpose and intent of the Ordinance and in accordance with the procedures and provisions specified in Article 18.

#### **Section 304. Interpretation and Conflict**

In interpreting and applying the provisions of this Zoning Ordinance, the provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. Nothing in this Ordinance shall be interpreted to repeal, amend, modify, alter, or change any other Ordinance, resolution, rule, regulation or permit previously adopted or issued by the Village of Tuscarawas. In any case in which the Zoning Ordinance addresses the same matter which is addressed in another Ordinance of the Village of Tuscarawas, the more restrictive regulations shall apply.

#### **Section 305. Separability Clause**

If any section, subsection, paragraph, sentence or phrase of this Zoning Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

#### **Section 306. Uses Exempted from Provisions of Ordinance**

**306.1 Agricultural Structure/Use Exemption.** Nothing contained in this Ordinance shall prohibit the use of any land for agriculture, forestry or plant cultivation, or the construction or use of buildings or structures incident to the use for such purposes of the land upon which said buildings or structures are located. Such exemption shall be recognized by the Village if an Agricultural Structure/Use Exemption Certificate has been filed by the property owner or occupant, and inspected and accepted by the Village as provided in this Ordinance. Nothing in this provisions shall be interpreted to exempt structures from such requirements as lot size, setbacks, yards, height, parking and other requirements not specifically confined to the use of land or a structure for an agricultural purpose. The intent of this provision is to recognize structures and uses that are entitled to this exemption, and to exclude structures and uses which are not entitled to this exemption. It is not the intent of this provision to interfere with the use of any land or structures for agricultural purposes. See Article 3, Definitions, Agriculture and Article 16, Agricultural Structure/Use Exemption Certificate.

**306.2 Public and Private Utilities.** The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business or the use of land for essential services as herein defined shall be permitted in all districts established by this Ordinance and no Zoning Certificate shall be required for any building or structure or for the use of any land essential to the operations of a public utility or railroad.