

ORDINANCE NO. 716

AN ORDINANCE AMENDING ARTICLE FIVE OF THE VILLAGE ZONING CODE

WHEREAS, the Council for the Village of Tuscarawas, Tuscarawas County, Ohio has determined that it is in the interest of the community and for reasons of safety and welfare of its residents that an ordinance be passed amending Article Five of the Village Zoning Code currently in place within the Village;

THEREFORE, be it ordained by the Council of the Village of Tuscarawas as follows:

SECTION 1. The Zoning Code currently in place within the Village of Tuscarawas shall be amended.

SECTION 2. Article Five of the Village Zoning Code shall be repealed in its entirety and replaced by the new Article Five which is attached to this Ordinance hereto.

Read this 26th day of Oct., 2006.

Read this 9th day of November, 2006.

Passed this 30th day of November, 2006.

Approved:

MAYOR RICK SPAAR

Attest:

Approved as to Form:

**KIM LYONS, FISCAL OFFICER
VILLAGE OF TUSCARAWAS**

**JASON L. JACKSON, SOLICITOR
VILLAGE OF TUSCARAWAS**

ARTICLE 5. REQUIREMENTS FOR LOTS, STRUCTURES AND SETBACKS

Section 500. Setback, Lot Width, Lot Area and Height Requirements for Dwellings

The following table establishes setback, lot width, lot area and height requirements for dwellings by district. ("w/o S&W" means "individual water and individual sewage disposal system;" "w/S&W" means "municipal water and group sewage disposal system.")

District	Minimum Lot Width (feet)	Minimum Lot Area per Dwelling Unit (square feet)	Minimum Setbacks (feet)			Maximum Height of Buildings	
			Front	Rear	Each Side	Stories	Feet
A-1: w/o S&W	100	30,000	60	60	25	2½	35
A-1: w/ S&W	100	20,000	60	60	25	2½	35
R-1: w/o S&W	90	20,000	50	40	12	2½	35
R-1: w/ S&W	90	15,000	50	40	12	2½	35
R-2	90	5,500	35	40	10	2½	35
R-3	90	4,500	30	30	6	3	40
R-4	90	2,000	30	30	6	3	40
B-1	90	5,500	30	30	6	2½	35
B-2	90	5,500	30	30	6	3	40
B-3	90	5,500	30	30	6	3	40

(Refer to Section 505 for additional side and rear setback requirements for non-residential uses abutting property in an "S" or "R" district.)

Section 501. Residential Floor Area Requirements

The residential floor area per unit in dwellings erected on any lot shall not be less square feet than that established by the following table. ("SFD" means "Single Family Dwelling;" "2FD" means "2-Family Dwelling.")

Districts	SFD	2FD	Efficiency	Multiple Family Dwellings			Average of all units in project
				1 bedroom	2 bedroom	3 or more bedrooms	
A-1	1,000	1,000	--	--	--	--	--
R-1	1,200	1,000	--	--	--	--	--
R-2	1,100	900	400	540	700	900	750
R-3	1,000	800	320	480	600	720	650
R-4	840	800	320	480	600	720	650
B-1	1,100	900	400	540	700	900	750
B-2	1,000	800	320	480	600	720	650
B-3	840	800	320	480	600	720	650

(Floor areas are in square feet.)

Section 502. Dimensional Standards for SDMH Mobile Home Parks

The following table contains standards for Standard Design Manufactured Housing (SDMH) in Mobile Home Parks. (See Article 8.)

SDMH Mobile Home Parks 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.

Minimum Project Area	Minimum Lot Width (feet)	Minimum Lot Area (square ft.)	Minimum Floor Area (square ft.)	Minimum Clearance Between SDMH's (feet)	Minimum Setback from Property Boundaries of Mobile Home Park (feet)	Minimum Recreation Area (whichever is less)
5 acres	≥ 45	4,500	400	20	20	20% gross park area, or 3 acres

Section 503. Setbacks, Lot Coverage, and Height Requirement for an Accessory Building or Accessory Structure

This section covers setbacks, lot coverage and height requirements for an accessory building or accessory structure, except as provided in Section 505 where a non-residential use abuts a property in an “S” or “R” district.

- 503.1 Minimum setbacks for an accessory building or accessory structure, excluding a fence, in all districts shall be six (6) feet from the rear lot line and three (3) feet from any side lot line.
- 503.2 The maximum height of an accessory building or accessory structure in a “B” or “R” district shall be twenty-four (24) feet.
- 503.3 The maximum height of an accessory building or accessory structure in an “S”, “A”, or “M” district shall be forty-five (45) feet.
- 503.4 The maximum percentage of lot coverage shall be 35% in any district.
- 503.5 An accessory building or accessory structure shall be located only in a rear yard.

Section 504. Basic Setback, Area and Height Requirements for Main Use Buildings Other Than Dwellings

The following table establishes setback, area and height requirements for main use buildings (other than dwellings) by district. (“w/o S&W” means “individual water and individual sewage disposal system;” “w/S&W” means “municipal water and group sewage disposal system.”)

District	Maximum Percentage of Lot Coverage	Minimum Lot Width (feet)	Minimum Lot Area per Unit (square feet)	Minimum Setbacks (feet)			Maximum Height of Buildings	
				Front	Rear	Each Side	Stories	Feet
S-1	15	250	3 acres	60	60	30	3	45
A-1: w/o S&W	15	100	30,000	60	60	30	3	45
A-1: w/ S&W	15	100	20,000	60	60	15	3	45
B-1	35	90	10,000	30	20	10	2	35
B-2	35	120	20,000	30	20	10	3	45
B-3	80	120	20,000	30	20	10	3	45
M-1	50	200	1 acre	50	40	30	3	45
M-2	50	200	1 acre	50	40	30	3	45

(Refer to Section 505 for additional side and rear setback requirements for non-residential uses abutting property in an “S” or “R” district.)

504.1 Uses Limited to 10,000 square feet in a B-1 District

All uses in the B-1 district are limited to 10,000 square feet of floor area, including the area of all buildings, and including the area where permitted uses are conducted outdoors.

Section 505. Additional Side and Rear Setback Requirements for Non-residential Uses Abutting Property in an “S” or “R” District

The purpose of this section is to provide sufficient separation between uses on different properties to provide emergency access, and to minimize conflicts in appearance, traffic, noise and other impacts, where non-residential uses are located next to a property in an “S” or “R” district. This section will not apply where the properties are separated by a public street.

505.1 Minimum Setback Requirements for Non-residential Uses

Non-residential structures or uses shall not be located or conducted closer to any lot line of an “S” or “R” district than the distance specified below. Where different setbacks are required in other sections of this Ordinance, the greater distance shall apply.

(a) Agriculture, Special Conservation and Business Uses

Uses in all "A", "S" and "B" districts which are located adjacent to property in an "S" or "R" district shall be set back a minimum of thirty (30) feet from the "S" or "R" property line. The area in the setback shall be buffered in accordance with Section 505.2.

(b) Manufacturing Uses

Uses in all "M" districts which are located adjacent to property in an "S" or "R" district shall be set back a minimum of forty (40) feet from the adjacent "S" or "R" property line. The area in the setback shall be buffered in accordance with Section 505.2.

(c) Storage and Accessory Uses

The required setbacks of this section may not be used for storage or other operations associated with the use.

(d) Areas for Outdoor Sales and Outdoor Storage

Outdoor Sales and Outdoor Storage shall conform to all setback requirements. No Outdoor Sales or Outdoor Storage shall be conducted in the setback.

505.2 Buffer Provisions for Non-residential Uses Abutting Property in an "S" or "R" District

One or more of the following methods shall be used to buffer the adjacent "S" or "R" property. All buffer strips and materials shall be maintained in good condition.

- (a) Screening** shall consist of any combination of landscaping, mounding, and/or fencing that provides an opaque appearance.
- (b) Landscaping** shall consist of a strip of land no less than fifteen (15) feet in width planted with evergreen material which shall provide a minimum four (4) foot-high opaque appearance. The evergreen material may be supplemented by deciduous plants and trees. Plant material shall be replaced when necessary to maintain the minimum requirements.
- (c) Mounding** shall be a minimum of four (4) feet in height and graded at a slope that can be maintained. All mounds shall be planted to prevent erosion.
- (d) Fencing** shall consist of any solid material that provides an opaque appearance between four (4) and six (6) feet in height and is free of all advertising or other signs.

505.3 Zoning Compliance Inspection: No Zoning Compliance Inspection shall be issued until the buffer provisions of 505.2 have been met.

Section 506. Side Setback Requirements to Provide Emergency Access in "B" Districts

In the "B-1", "B-2", and "B-3" districts, when there is no vehicular access to the rear setback from a public street or alley, or from an adjacent lot with such access, at least one side setback no less than twelve (12) feet shall be required. Landscaping, mounding, fencing and other features shall not impede emergency vehicle access. The Zoning Inspector may, under written advisement by the Fire Chief, Police Chief or other public safety official, require additional fire lanes or setbacks to facilitate public safety and emergency access.

Section 507. Structures Exempt from Height Restrictions

The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, storage towers or scenery lofts in theaters, cooling towers, ornamental towers and spires, chimneys, silos and similar structures, elevator bulkheads, smokestacks, conveyors and flagpoles, except where the height of such structures shall constitute a hazard to the safe landing and take-off at an established airport or landing strip.

Section 508. Architectural Projections into Setbacks

Open structures such as porches, balconies, platforms, carports, and covered patios and similar architectural projections shall not project into the required minimum front, side and rear setback. Ordinary projections of sills, belt courses, roof eaves, cornices, and similar structural and ornamental features may extend to a distance not to exceed eighteen (18) inches into a required setback..

Section 509. Existing Lots of Record

509.1 Any lot of record less than fifty (50) feet wide existing at the effective date of this Ordinance in any "R" district may be used for the erection of a single-family dwelling, even though its area and width are less than the minimum requirements set forth herein. Each side setback shall be a minimum of five (5) feet.

509.2 Where two adjacent lots of record with less than the required area and width are held by one owner, the lot shall be combined and used for one (1) main building. In either case, the prevailing front and rear setbacks shall be met.

Section 510. Lot Size Reduction Prohibited

No lot existing at the effective date of this Ordinance shall be reduced in dimension or area below the minimum requirements herein unless authorized by Village Council. Lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.