

Zoning Ordinance For the Village of Tuscarawas, Ohio

1999

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Zoning Ordinance for the Village of Tuscarawas

ARTICLE I. TITLE AND PURPOSE

Section 100. Title

This Ordinance shall be known and may be cited and referred to as the “Zoning Ordinance of the Village of Tuscarawas” or “Zoning Ordinance”.

Section 101. Purpose

The purpose of this Ordinance is:

- To promote and protect the public safety, convenience, comfort, prosperity and general welfare by regulating and limiting the use of land and building and the erection, restoration and condition of buildings and alterations thereto, and the use thereof for purposes such as agriculture, residences, business and industry;
- To regulate the area and dimensions of land, setbacks and yards so as to secure adequate light, pure air and safety from fire and other dangers;
- To facilitate safe and convenient traffic circulation;
- To protect the character and values of agricultural, residential, business, industrial, institutional and public areas and to assure their orderly and beneficial development, and
- To provide for the most advantageous use of public utilities, such as water, energy, telecommunications, sewerage collection and disposal and storm drainage.

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 in 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.

BZA: 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 internment 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 Cler-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 for which are acceptable with proper management; examples may include, but are not limited to, large volume of users, hours of operation, patterns or 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 the 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 arrangement 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 premise 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 one 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 Operatoin.

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 loading or unloading merchandise or materials.

Lot: A parcel of land, shown on a duly recorded plat, occupied or intended for occupancy by 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 mnedial 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 registe4red 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 HYome (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 Mobil 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 combined one or more material 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 or, 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.

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 services 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 included 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-of 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 sewage 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.

Boat 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-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 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, food 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 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 designed as “elementary”, “middle school”, or “junior high school” (approximately kindergarten to grade eight (8) or younger).

School, Secondary: A school designed as a “high school”, generally for students in grade nine (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 foods, 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 the Ordinance. Different types of signs are defined and regulated in Article 12 of the 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 each 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 Committee.

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 consideration.

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 extended 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 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

- a. S-1 Special Conservation District
- b. A-1 Agricultural District

(b) "R" Residential Districts

- a. R-1 Suburban Residential District
- b. R-2 Low Density Residential District
- c. R-3 Moderate Density Residential District
- d. R-4 High Density Residential

(c) "B" Business Districts

- a. B-1 Local Business District
- b. B-2 General and Major Street Business District
- c. B-3 Central Business District

(d) "M" Manufacturing Districts

- a. M-1 Restricted Industrial District
- b. 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.

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 the regulations herein specified for the district in which it is located.

303.2 Alterations of Structures Shall Comply With Zoning Ordinances. 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 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 provision 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 structure 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.

ARTICLE 4. USE REGULATIONS

Section 400. Use Regulations

400.1 Permitted Uses: Permitted uses are permitted in districts as listed in Article 4 with a Zoning Certificate issued by the Zoning Inspector.

400.2 Conditional Use: A conditional use is subject to approval by the Planning Commission prior to the issuance of a Zoning Certificate, in accordance with Article 13 of this Ordinance.

400.3 Interpretation of Similar Uses: Upon application for a Zoning Certificate for a use that is not specifically permitted in a district, or upon its own initiation, the Planning Commission may make additions or clarifications based on the following standards:

(a) **Use is Appropriate to the District.** Such a use is appropriate to and conforms closely to the purpose and basic characteristics of the district to which it is added:

(b) **Use Creates No Danger.** Such a use does not create dangers to the health and safety, and does not create objectionable influences to an extent greater than other uses permitted in the district to which the use is to be added.

(c) **Use Does Not Generate Excessive Traffic.** Such a use does not generate traffic to an extent greater than other uses permitted in the district to which the use is to be added.

Section 401. Permitted and Conditionally Permitted Uses by District

The interpretation of uses given in categorial terms shall be defined in Article 3. Uses not specifically listed or interpreted to be included categorically under this Article shall not be permitted except by amendment to the Ordinance.

401.1 "S-1" Special Conservation District. The purpose of this district is to provide large areas for recreation and conservation purposes, and to limit development in areas subject to periodic flooding.

"S-1" Permitted Uses	Conditional Uses Requiring Approval By Planning Commission
Accessory Use Agriculture Essential Service Forestry Park Plant Cultivation Recreation Facility	Campground Cemetery Mineral Extraction, Storage and Processing Public Service Facility

401.2 “A-1” Agriculture District. The purpose of this district is to provide areas which are best reserved for outdoor uses, such as agriculture, forestry, mineral extraction and other similar purposes.

“A-1” Permitted Uses	Conditional Uses Requiring Approval By Planning Commission
Accessory Use Agriculture Essential Service Forestry Hobby Vehicle and Machinery Repair Homemade Sales Limited Home Occupation Park Plant Cultivation Single-family Dwelling	Bed and Breakfast Inn Campground Cemetery Church, Place of Worship Cultural Facility Expanded Home Occupation Mineral Extraction, Storage and Processing Oil and Gas Extraction Recreation Facility School Specialized Animal Raising and Care

Note: Hobby Vehicle and Machinery Repair and Homemade Sales are permitted as accessory uses only. See Article 3 Article 7.

401.3 “R-1” Suburban Residential District. The purpose of this district is to provide areas for low density residential development with larger yards, which may or may not have group water and sewerage facilities, and compatible uses which attract limited traffic and activity.

“R-1” Permitted Uses	Conditional Uses Requiring Approval By Planning Commission
Accessory Use Essential Service Hobby Vehicle and Machinery Repair Limited Home Occupation Plant Cultivation Single-family Dwelling	Bed and Breakfast Inn Cemetery Church, Place of Worship Expanded Home Occupation Oil and Gas Extraction Park Public Service Facility Recreation Facility School Two-family Dwelling

Note: Hobby Vehicle and Machinery Repair and Homemade Sales are permitted as accessory uses only. See Article 3 Article 7.

401.4 “R-2” Low Density Residential District. The purpose of this district is to provide areas for medium density residential development which is served by group water and sewerage facilities, residential institutions, and compatible uses which attract limited traffic and activity.

“R-2” Permitted Uses	Conditional Uses Requiring Approval By Planning Commission
Accessory Use Essential Service	Bed and Breakfast Inn Cultural Facility

Limited Home Occupation Plant Cultivation Single-family Dwelling Two-family Dwelling	Multiple-family Dwelling Professional Office Recreation Facility Nursing Home Oil and Gas Extraction Park Public Service Facility School
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401.5 “R-3” Moderate Density Residential District. The purpose of this district is to provide areas for relatively higher density residential development, including multiple dwellings, which are served by group water and sewerage facilities, residential institutions, and some nonresidential activities which are convenience to locate near residential areas.

“R-3” Permitted Uses	Conditional Uses Requiring Approval By Planning Commission
Accessory Use Essential Service Limited Home Occupation Multiple-family Dwelling Single-family Dwelling Two-family Dwelling	Boarding or Rooming House Church, Place of Worship Cultural Facility Nursing Home Residential Design Manufactured Home (RDMH) Subdivision Park Public Service Facility School

Note: RDMH Subdivisions 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.

401.6 “R-4” High Density Residential District. The purpose of this district is to provide areas for highest density residential development and residential institutions served by group water and sewerage facilities, and some nonresidential activities which are convenience to locate in residential areas.

“R-4” Permitted Uses	Conditional Uses Requiring Approval By Planning Commission
Accessory Use Essential Service Limited Home Occupation Multiple-family Dwelling Single-family Dwelling Two-family Dwelling	Boarding or Rooming House Child Care Facility Church, Place of Worship Cultural Facility Nursing Home Park Public Service Facility Residential Design Manufactured Housing (RDMH) Subdivision School

	Standard Design Manufactured Housing (SDMH) Mobile Home Park
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Note: RDMH Subdivisions and 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.

401.7 “B-1” Local Business District. The purpose of this district is to provide areas for small retail and service establishments in residential districts, when traffic related to businesses will not create undue conflicts with other traffic.

B-1 Permitted uses	Conditional Uses Requiring Approval By Planning Commission
Accessory Use Assembly Hall Church, Place of Worship Clinic Cultural Facility Essential Services Park Personal Service Professional Office Public and Community Office Restaurant Retail Business School Seasonal Sales	Gasoline Service Station Public Service Facility

Note: See Article 5 for floor area standards.

Note: Seasonal Sales require approval by the Zoning Inspector. See Section 1106.

401.8 “B-2” General and Major Street Business District: The purpose of this district is to provide areas for sales and services along major streets with relatively high volumes of traffic.

B-2 General and Major Street Business	Conditional Uses Requiring Approval By Planning Commission
Accessory Use Assembly Hall Automobile, Recreational Vehicle, Trailer Sales Automotive Repair Business Service Church, Place of Worship Clinic Essential Service Farm Implement Sales and Service Hospital Gasoline Service Station	Animal Hospital Clinic Drive-in Use Drive-through Use Mortuary or Funeral Home Outdoor Sales Outdoor Storage Recreation Facility Transport and Trucking Terminal Truck Stop Wholesale Business

Motel or Hotel Personal Service Professional Office Public Service Facility Restaurant Retail Business Seasonal Sales Tavern	
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Note: Seasonal Sales require approval by the Zoning Inspector. See Section 1106.

401.9 “B-3” Central Business District. The purpose of this district is to maintain compact areas where pedestrian circulation is encouraged, and for retail and service establishments at the traditional commercial core of the Village.

B-3 Central Business	Conditional Uses Requiring Approval By Planning Commission
Accessory Use Assembly Hall Business Service Church, Place of Worship Clinic Cultural Facility Essential Service Hospital Motel or Hotel Restaurant Tavern Park Personal Service Professional Office Public and Community Office Retail Business School Seasonal Sales	Drive-in Use Drive-through Use Entertainment Facility Gasoline Service Station Public Service Facility

Note: Seasonal Sales require approval by the Zoning Inspector. See Section 1106.

401.10 “M-1” Restricted Industrial and Manufacturing District: The purpose of this district is to provide areas for manufacturing, industrial, and related uses which do not create traffic, noise, dust, odor, light or similar impacts which may be disruptive to neighbors, and where there is access to streets.

M-1 Permitted Uses	Conditional Uses Requiring Approval By Planning Commission
Accessory Use Essential Service Food Processing	Oil and Gas Extraction Outdoor Sales Outdoor Storage

Professional Office Public Service Facility Research and Testing Facility Restaurant Restricted Manufacturing Storage Unit Warehouse Wholesale Business	Transport and Trucking Terminal Truck Stop
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401.11 “M-2” General Industrial and Manufacturing District: The purpose of this district is to provide areas for manufacturing, industrial, and related uses, and which are isolated from neighboring uses which may be disrupted by traffic, noise, dust, odor, light or similar impacts, and where there is access to intercommunity streets.

M-2 Permitted Uses	Conditional Uses Requiring Approval By Planning Commission
Accessory Use Essential Service Food Processing General Manufacturing Grain Elevator and Feed Mill Public Service Facility Restaurant Restricted Manufacturing Storage Unit Transport and Trucking Terminal Warehouse Wholesale Business	Auto Wrecking, Salvage and Storage Mineral Extraction, Storage and Processing Oil and Gas Extraction Outdoor Sales Outdoor Storage Recycling Center or Salvage Operation

ARTICLE 5. REQUIREMENTS FOR LOTS, STRUCTURES AND SETBACKS

Section 500. Basic Setback, Area and Height Requirements for Dwellings (Tuscarawas)

The following table establishes setback, area and height requirements for dwellings and structures accessory to 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.”)

Note that “Minimum Lot Area” and “Minimum Lot area per Dwelling” are two different measures. The effect is that Minimum Lot Area for an SFR is higher than the minimum area for 2FRs, MFRs, Efficiencies, etc.

District	Density DU/Ac	Minimum Lot Area (feet)	Minimum Lot Width (feet)	Minimum Lot Area per Dwelling (square feet)	Minimum Setbacks (feet)				Minimum Height of Buildings	
					Front	Rear	Either Side	Sum of Side Setbacks	Stories	Feet

A-1: w/o S&W	1.4	30,000	100	30,000	60	60	25	60	2-1/2	35
A-1: w/S&W	2.1	20,000	100	20,000	60	60	25	60	2-1/2	35
R-1: w/o S&W	2.1	20,000	90	20,000	50	40	12	30	2-1/2	35
R-1: w/S&W	2.9	15,000	90	15,000	50	40	12	30	2-1/2	35
R-2	7.9	10,500	90	5,500	35	40	10	25	2-1/2	35
R-3	8.7	9,000	90	5,000	30	30	6	15	3	40
R-4	8.7	9,000	90	5,000	30	30	6	15	3	40

Section 501. Residential Floor Area Requirements (Tuscarawas)

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.

Districts	SFR	2FR	Multiple Family Dwellings				Average of all units in project
			Efficiency	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

Section 502. Dimensional Standards for SDMH Mobile Home Parks (Tuscarawas)

The following table contains standards for Standard Design Manufactured Housing 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 Area (square feet)	Minimum Lot Width (feet)	Minimum Floor area (square feet)	Minimum Clearance Between SDMH's (feet)	Minimum Setback from Property Boundaries of Mobile Home Park	Minimum Recreation Area (whichever is least)
5 acres	4,500	45	400	20	50	20% gross park area, or 3 acres

Section 503. Basic Setback, Area, Lot Coverage and Height Requirements For All Buildings Other Than Dwellings (Tuscarawas)

The following table establishes the setback, area, lot coverage and height requirements for all buildings except dwellings and structures accessory to dwellings by districts. (“w/o S7W” means “individual water and individual sewage disposal system”; “w/S&W” means “municipal water and group sewage disposal system.”)

District	Minimum Lot area (sq ft)	Minimum Lot Width (feet)	Front Setback (feet)	Minimum Rear Setback	Minimum Setback Each Side Setback	Maximum Percentage of Lot Coverage	Maximum Height of Buildings
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			Min	Max				Stories	Feet
S-1	3 acres	250	60	None	60	30	15	3	45
A-1: w/o S&W	30,000	100	60	None	60	30	15	3	45
A-1: w/S&W	20,000	100	60	None	60	15	15	2-1/2	35
R-1: w/o S&W	20,000	90	50	None	40	15	35	2-1/2	35
R-1: w/S&W	15,000	90	50	None	40	15	35	2-1/2	35
R-2	10,500	90	35	None	40	15	35	2-1/2	35
R-3	9,000	90	30	None	30	7.5	15	3	40
R-4	9,000	90	30	None	30	7.5	30	3	410
B-1	10,0000	90	0	5	20	0	80	2	35
B-2	20,000	120	0	60	40	30	35	3	45
B-3	20,000	120	0	5	20	0	80	3	45
M-1	1 acre	200	0	None	40	30	35	3	45
M-2	1 acre	200	0	None	40	30	35	3	45

503.1 B-1 Uses Limited to 10,000 Square Feet in 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 504. Setback of Buildings on Specified Streets

No building or accessory structure shall be located within fifty (50) feet from the right-of-way of any designated state highway or any proposed right-of-way for such state highway as shown on the Thoroughfare Plan adopted by the Village of Tuscarawas. Where there is no officially established right-of-way for a street, all buildings and structures shall be set back at least eighty (80) feet from the centerline of the street.

Section 505. Special Setback Requirements in All Districts

505.1 No Accessory Buildings or Uses in Front or Side Setbacks. No accessory buildings or uses shall be located in any front ore side setback. Off-street parking spaces may be located in the rear setback provided such building is set back at least three (3) feet from the side lot lines and six (6) feet from the rear lot lines.

505.2 No Parking or Storage in Front Setbacks. No accessory uses or structures, off-street parking spaces or material or equipment storage shall be located in any front setback.

505.3 Traffic Visibility Across Center Lots

In any district on any corner lot, no fence, structure or planting shall be erected or maintained within thirty (30) feet of the street corner at height above two and one-half (2 ½) above curb or street grade, or so as to interfere with traffic visibility across the street corner.

505.4 Interpretation of Required, Permitted or Prohibited Uses or Structures in Required Setbacks. For the purposes of this Ordinance, regulations for areas of overlapping setbacks shall be interpreted as stated below. Any exceptions to this section are specifically stated in this Ordinance.

- Where a use, structure landscaping or similar feature is required to be located in a specified setback, the entire setback shall be counted, including areas which overlap with required side, front or rear setbacks.
- Where a use, structure, landscaping or similar feature is permitted to be located in a specified setback, only that portion of the setback which does not overlap other required front, rear and side setbacks shall be counted.
- Where a use, structure landscaping or similar feature is prohibited to be located in a specified setback, the entire setback shall be counted, including areas which overlap with required side, front or rear setbacks.

Section 506. Side and Rear Setback Requirements for Nonresidential Uses Abutting “R” Districts

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 residential and nonresidential uses are located near one another.

506.1 Minimum Setback Requirements for Non-Residential Uses: Non-residential structures or uses shall not be located nor conducted closer to any lot line of an “R” District than the distance specified below. Where different setbacks are required in other sections of this Ordinance, the greater distance shall apply.

(a) Open area and Business Uses: Uses in all “OA” and “B” districts which are located adjacent to property “R” districts shall be setback a minimum of 30 feet from the residentially zoned property. The area in the setback shall be buffered in accordance with the requirements of this Article.

(b) Manufacturing Uses: Uses in all “M” districts which are located adjacent to property in “R” districts shall be set back a minimum of 40 feet from the adjacent residential property line. The area in the setback shall be buffered in accordance with the requirements of this Article.

(c) Storage and Accessory Uses: The required setback may not be used for storage or other operations associated with the use.

EXHIBIT “A”

505.1 No accessory buildings shall be located in any front or side yard except under unusual circumstances where such activity shall not conflict with the intent and purpose of this Ordinance; or, where enforcement shall result in extreme hardship. Either exception shall require approval of the Board. Accessory buildings such as garages may be located in the yard provided such buildings are set back at least three (3) feet from the side lot line and six (6) feet from the rear lot lines.

- (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.

506.2 Landscaping or Screening Provisions for Nonresidential Uses Near “S” and “R” Districts: For non-residential uses abutting “S” and “R” Districts, landscaping or screening shall be installed as follows:

- (a) **Screening**, when used to buffer adjacent residential property shall consist of any combination of landscaping, mounding, and/or fencing. Screening shall be maintained in good condition. Plant material shall be replaced when necessary to maintain the minimum requirements of screening.
- (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.
- (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 a masonry or solid fence between four (4) and six (6) feet in height, maintained in good condition and free of all advertising or other signs.
- (e) **Zoning Compliance Inspection:** No Zoning Compliance Inspection shall be issued until the landscaping or screening is installed.

Section 507. 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, 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 Administrator may, under advisement by the Fire Chief, Police Chief, or other public safety official, require additional fire lands or setbacks to facilitate public safety and emergency access.

Section 508. 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 of an established airport.

Section 509. 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 510. Existing Lots of Record:

Any lot record forty-nine and one-half (49 ½) feet or wider 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. 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 setback shall be met.

Section 511. 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. Lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by the Ordinance.

Section 512. Restriction on Dividing A Residential Structure Into More Dwelling Units

No existing residential structure existing at the effective date of this Ordinance shall be subdivided to create additional dwelling units or boarder suites which do not conform to the minimum requirements herein. Dwelling units and boarder suites created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

ARTICLE 6. OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 600. Off-Street Parking Requirements

The purpose of this section are as follows:

- To encourage sufficient off-street parking for the convenience of property owners, occupants and visitors;
- To provide sufficient off-street parking for peak times, peak seasons, etc.;
- To minimize conflicts between on-street parking and traffic;
- To discourage unauthorized parking on nearby private property or use of parking spaces intended for other establishments, and
- To provide visual buffers between parking areas and nearby residential uses.

It is not the intention of the section to require more parking than is necessary, which could use land inefficiently and create an undesirable appearance of excessive parking areas.

600.1 General Requirements for Off-Street Parking: In all districts; and in connection with every industrial, business, manufacturing, recreational, residential or other use; and at any time, any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces shall be provided in accordance with the following requirements:

(a) Dimensions of Parking Spaces. Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet and a minimum width of nine (9) feet. Such area shall be exclusive of access drives or aisles, and shall be of usable shape and condition.

(b) Access to Parking Spaces. There shall be adequate provision for ingress and egress to all parking spaces. Where a lot abuts on a public or private alley or easement of access, there shall be provided an access drive not less than eight (8) feet in width in the case of a dwelling, and not less than twenty (20) feet in width in all other cases, leading to the parking or storage or loading or unloading spaces required hereunder.

(c) Locatoin of Access Drives. Access drives shall be located such that they are the maximum distance possible from all street intersections.

(d) Access Drives Near Residential Districts. Access to property zoned in “OA”, “B” or “M” districts shall not be located in any residential zoning district.

600.2 Number of Parking Spaces Required for Each Use: The number of off-street parking spaces to be provided shall not be less than the following (“sq ft” means “square feet”).

USE	REQUIRED NUMBER OF OFF-STREET PARKING SPACES
INSTITUTIONAL-TYPE USES	
Assembly hall, meeting room, classroom (not in a school)	1 space for each 4 seats in each assembly room, meeting room or classroom with fixed seats, or 1 space per each 100 sq ft in each such room without fixed seats
Child care facility	1 space per each 300 square feet
Church, place of worship	1 space per each 5 seats in main auditorium
Clinic	1 space per each 200 sq ft of floor area
Cultural facility	1 space per each 300 sq ft of floor area
Hospital	1 space per each 3 in-patient beds, plus 1 space per each 200 sq ft of outpatient treatment areas. Plus, 1 space per each 400 sq ft of administrative office space
Nursing home	1 space per each 3 beds
School, primary	1 space per each 5 seats in auditorium or main assembly room, or 1.5 seats for each classroom, whichever is greater. Plus, 1 space per each 400 sq ft of administrative office space.
School, secondary or adult	1 space per each 5 seats or bench seats in main auditorium, or 4 spaces per each classroom, whichever is greater. Plus, 1 space per each 400 sq ft of administrative office space.
OFFICE-TYPE USES	
Medical, dental offices	1 space per each 200 sq ft of floor area
Public and community office	1 space per each 200 sq ft of floor area
All other professional offices	1 space per each 300 sq ft of floor area
BUSINESS-TYPE USES	
Animal hospital or clinic	1 space per each 200 square feet of floor area, excluding kennel area.
Automotive repair	2 spaces per each service bay
Business service, personal service, retail business, over 10,000 sq ft	1 space per each 250 sq ft of floor area
Business service, personal service, retail business, over 10,000 sq ft	1 space per each 500 sq ft of floor area. Plus, 100 percent of spaces required for other uses associated with the establishment.
Drive-through use	1 space per 300 sq ft of floor area. Plus, 100 percent of spaces required for other uses associated with the establishment. No drive-through traffic shall be permitted to queue off the premises or in any street

USE	REQUIRED NUMBER OF OFF-STREET PARKING SPACES
Gasoline service station	1 space per each gasoline pump plus 2 spaces per each service bay. Plus, spaces required for other uses associated with the establishment.
Mortuary or funeral home	1 space per each 50 sq ft of floor space in public rooms
Motel, hotel	5 spaces. Plus, 1 space per each guest suite. Plus, 50 percent of spaces otherwise required for other uses associated with the establishment.
Restaurant, tavern	1 space per each 100 sq ft of floor area
MANUFACTURING -TYPE USES	
Food processing, general manufacturing, research and testing facility, restricted manufacturing, wholesale business	1 space per each 500 sq ft of floor area
Warehouse	2 spaces, plus 1 space per each 2, 000 sq ft of floor area
RECREATION-TYPE USES	
Auditorium (not on the same site as a school), theater, arena, stadium	1 space per each 5 seats or bench seats
Bowling alley	5 spaces per each alley. Plus, 50 percent of spaces required for other uses associated with the establishment
Golf course	4 spaces per each green. Plus, 50 percent of the spaces otherwise required for other uses associated with the establishment
Other entertainment facilities	1 space per each 150 sq ft of floor area. Plus, 50 percent of the spaces otherwise required for other uses associated with the establishment
RESIDENTIAL-TYPE USES	
Dwelling unit, all types (Excludes "Manufactured Home Parks" as defined in the Ohio Revised Code. For more information, contact the Tuscarawas County General Health District.)	2 spaces per unit
Boarding or Rooming House	2 spaces per principal dwelling, plus 1 space per each boarder suite. In all cases, all vehicles parked by residents of the boarding house shall be parked on the premises.
Expanded Home Occupation	2 spaces per dwelling, plus spaces required for the type of accessory use in the Expanded Home Occupation (example, office, personal service, etc.), including 1 space for an employee
Bed and Breakfast Inn	2 spaces per dwelling, plus 1 space per each guest suite
LARGE AREA-TYPE USES	
Agriculture, airport, automotive/recreational vehicle/trailer sales, campground, cemetery, farm implement sales and service, forestry, grain elevators and feed mill, homemade sales, mineral extraction-storage processing, oil and gas extraction, park, plant cultivation, recreation facility, recycling center or salvage operation, seasonal sales,	Because such uses generally involve large areas of land which is physically suitable for parking, all vehicles associated with the establishment must be parked on-site at all times.

specialized animal raising and care, transportation and trucking terminal, truck stop, and similar uses.	
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600.3 Interpretation of Off-Street Parking Requirements: The following rules shall govern the determination of spaces required:

(a) Determining Parking Requirement Based on Floor Area. “Floor Area” shall mean the gross floor area of the specified use, including outdoor areas where the use is conducted, and all buildings.

(b) Determining Required Parking for Fractions. Fractional numbers of the total number of required parking spaces shall be increased to the next whole number.

(c) Calculating Parking Required for Multiple Uses. Unless described differently in this Article, where more than one use is present in one establishment, and the floor area devoted to each use may be separately determined, the total number of spaces requires shall be the sum of the individual requirements. Where multiple uses are combined in an establishment in such a way that separate floor areas cannot be calculated, the standard for the use requiring a greater number of spaces shall apply. See Modification of Parking Requirements in this Article.

(d) Calculating Parking Required for Bench Seating. The number of seats on benches shall be calculated as one (1) seat per each 30 inches of bench length for purposes of calculating required off-street parking.

(e) Calculating Parking Required Per Bed. The number of beds shall be the maximum number of beds for which a facility is licensed for purposes of calculating required off-street parking. Documentation of the number of licensed beds shall be submitted with the application for Zoning Certificate and with the application for the Zoning Compliance Inspection.

(f) Calculating Parking Required for Outdoor Sales and Outdoor Storage. Areas for Outdoor Sales and Outdoor Storage shall be counted in total floor area and for purpose of determining required off-street parking.

(g) Determining Parking Required for Uses Not Specifically Mentioned. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the Zoning Inspector.

Section 601. Special Parking Provisions

Every parcel of land hereafter used as a public or private parking lot shall be developed and maintained in accordance with the following requirements.

601.1 Screening and Landscaping for Off-Street Parking: Off-street parking areas for more than ten (10) vehicles shall be effectively screened on each side which adjoins or faces premises situation in any “R” District by a fence. Such fence shall not be less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. The space between such wall or fence and the lot line of the adjoining

premises in any “R” District shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height may be substituted.

601.2 Setbacks for Off-Street Parking: Off-street parking areas shall be subject to the following distance and setback requirements:

(a) Buffers Between Parking and Dwellings or Other Uses: No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling, school, hospital or other establishment for human care, unless screened in accordance with the provisions of this Article.

(b) Parking Setback From Street. In no case shall any part of a parking area be closer than five (5) feet to any established street or alley right-of-way.

601.3 Surfacing For Off-Street Parking: Any off-street parking area for more than ten (10) vehicles shall be so graded for proper drainage, and drained as to dispose of all surface water accumulated within the area, and surfaced so as to provide a durable and dustless surface, and shall be so arranged and marked as to provide for orderly and safe loading, unloading, parking and storage of vehicles.

601.4 Lighting for Off-Street Parking: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect deflect the light away from adjoining premises and the public right-of-way.

601.5 Parking Disabled Vehicles: The parking of an unlicensed or disabled vehicle within any district of a period of more than two (2) weeks shall be prohibited, except that such vehicle may be stored in an enclosed building, or out-of-doors on a premises operated by a licensed vehicle dealer.

601.6 Commercial Vehicles Parked in Residential Districts. Not more than one (1) commercial vehicle may be parked by the occupants of each dwelling unit in any “R” district. The commercial vehicle shall not exceed two (2) ton capacity.

Section 602. Handicapped Parking Regulations Enforced by Zoning Inspector

Handicapped parking spaces shall be provided as required by the American With Disabilities Act. Such requirements shall be enforced on behalf of the Village by the Zoning Inspector. In no case may federal requirements for handicapped parking facilities be decreased by an official of the Village of Tuscarawas. However, in some cases in which the Planning Commission or Board of Zoning Appeals has authority, the Planning Commission or BZA may determine that more handicapped parking facilities are required to fulfill handicapped parking needs generated by a specific use.

Sectoin 603. Parking or Storage of Recreational Vehicles and Trailers

The parking of recreational vehicles or recreational trailers shall be prohibited in any residential district for forty-eight (48) hours or a longer period of time except that such vehicles, trailers and boats may be stored in an enclosed garage or other accessory building or parked in the rear yard of a residential property, provided:

- (a) **Use for Living or Business During Storage Prohibited.** That in all cases, no living quarters shall be maintained or any business conducted within while the vehicle, trailer or boat is stored or parked.
- (b) **Used by Resident Occupants Only.** The recreational vehicle or trailer is owned by and used for the sole benefit and enjoyment of the resident occupants of the property on which it is stored or parked. Parking and storage of such vehicle or trailer belonging to a non-resident of the premises is prohibited. Rental of such vehicle or trailer to a non-resident of the premises on which it is parked or stored is prohibited.
- (c) **Setbacks of Storage Area.** The vehicle, trailer or boat shall not be parked closer than five (5) feet to the side or rear lot lines of the property on which it is stored or parked.

Section 604. Off-Street Loading Requirements

604.1 Uses Requiring Loading Spaces. In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of ten thousand (10,000) square feet or less, which is to be occupied by uses including a Clinic, Hospital, Mortuary or Funeral Home, Research and Testing Facility, Restaurant, Retail Business, School, Tavern, Warehouse Business, Wholesale Business or other use requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained on the same lot with such building at least one (1) loading space, plus one (1) additional such loading space for each additional twenty thousand (20,000) square feet or major fraction thereof of gross floor area.

604.2 Dimension of Loading Spaces. Each loading space shall be not less than twelve (12) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height.

604.3 Loading Spaces in Side and Rear Setbacks. Loading spaces may occupy any required side or rear setback, excluding any areas which overlap the front setback, except as required by this Article.

604.4 Loading Spaces Near Residential Districts. No loading space shall be located closer than fifty (50) feet to any other lot in any "R" District, unless wholly within a completely enclosed building or unless enclosed on all sides facing lots in any "R" District by a wall or fence not less than six (6) feet in height.

Section 605. Modifications of Parting Requirements.

The BZA may permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification shall not be inconsistent with the purpose and intent of such requirements. See Board of Zoning Appeals. Article 18.

605.1 Off-Site Parking for a Dwelling. The BZA may permit the waiver of the requirement that off-street parking spaces be provided on the same lot with a dwelling, if other suitable and convenient off-street parking space is available within a structure or outdoors.

605.2 Providing Off-Street Parking for a Non-Residential Use on Another Site: Parking spaces may be located on a lot within three hundred (300) feet from the one containing the principal non-residential use. Such parking provision shall be required which is agreed to by the operator and owner of such property where the principal use is located, and the operator and owner of the property where parking is to be provided. Such agreement is subject to approval by the BZA and the Village Solicitor.

605.3 Joint Use of Off-Street Parking (Joint Parking Agreement): The BZA may permit two or more nonresidential uses which are not located on the same premises to jointly provide and use off-street parking spaces (for example, by stores during the day and theaters during the evening) provided there is no overlapping of use and the parking space requirements for each use are complied with during each period. A joint parking agreement shall be required which is agreed to by the operators and owners of such properties where the uses are located, and the operator and owner of the property where parking is to be provided. Such agreement is subject to approval by the BZA and the Village Solicitor.

605.4 No Decrease in Handicapped Parking Requirements. Under no circumstance shall the BZA authorize the decrease in handicapped parking facilities as required by the Americans With Disabilities act. However, in some cases, the BZA may find that additional facilities are required to meet the need for handicapped parking generated by a specific use.

605.5 Avoid Creating Insufficient Parking for Future Uses. The BZA shall consider the future potential use of structures in reviewing applications to modify parking requirements. The intent of this provision is to avoid restricting the future use of a structure or premises for similar, and reasonably foreseeable, uses which require more parking. For example, a modification to reduce parking requirements for a senior housing project might create a future problem if the project is eventually occupied by a mix of seniors and other people who generate more need for parking, if there is no space available to provide additional parking.

605.6 Expiration of Parking Modification

A modification of parking requirements approved by the BZA shall expire if the parking plan has been conducted, and subsequently discontinued for six (6) months.

ARTICLE 7. REQUIREMENTS FOR RESIDENTIAL USES

Section 700. Restrictions on Hobby Vehicle and Machinery Repair

Hobby Vehicle and Machinery Repair is permitted as an accessory use to a dwelling, according to the restrictions in this section, and in districts as described in Article 4. Such use is restricted to a vehicle, machine or object which is owned by a resident of the dwelling. Repair work may be conducted on not more than one (1) vehicle, machine or object at a time. Repair work may not be conducted in the front setback, and may not be conducted out of doors for more than two (2) days in a thirty (30) day period. At other times, repair work may be conducted within an enclosed structure. See Article 3. Definitions and Article 6, Parking Disabled Vehicles.

Section 701. Fences and Planting Screens in "R" Districts

For residential uses in any "R" district, fences, plant material and similar screening devices up to three (3) feet in height are permitted in yards fronting on a street. These same screening devices up to six (6) feet in height are permitted in the remaining yards.

ARTICLE 8. REQUIREMENTS FOR MANUFACTURED HOMES

Note: Manufactured Housing Developments, RDMH Subdivision and SDMH Mobile Home Parks do not include “Manufactured Home Parks” as defined in the Ohio Revised Code. The ORC imposes special requirements on sites for certain types of manufactured housing in which three or more units are placed on a single lot, and other criteria. In general, Manufactured Home Parks are more similar to SDMH Mobile Home Parks. The Village Zoning Regulations will probably apply to parks in which the owners of individual homes also own the property on which the unit is located, and the County Health District would regulate parks where the lots are rented or leased. This paragraph is intended to encourage further study of the laws, and not to be a definitive explanation. For more information about requirements and permits, it is recommended that applicants contact both the Village Zoning Inspector and the Tuscarawas County General Health District.

Section 800. Planning, Commission Approval Required for All Manufactured Homes

All Manufactured Homes, RDMH Subdivisions and SDMH Mobile Home Parks shall require approval by the Planning Commission prior to the issuance of a Zoning Certificate, subject to the provisions of this Article. (Note: Contact the Tuscarawas County General Health District for further information about “Manufactured Home Parks”.)

Section 801. Design Standards for Residential Design Manufactured Homes (RDMH) and RDMH Subdivisions

Manufactured home approved as Residential design Manufactured Homes (RDMH), shall be permitted subject to requirements and limitations applying generally to such residential use in the districts, including, for example, minimum lot, setback and building spacing, percentage of lot coverage, off-street parking requirements and approved foundations as described in this Ordinance. The following standards shall be used in determinations of similarity in appearance between RDMH homes and site built housing which has been constructed in adjacent or nearby locations. (Note: Contact the Tuscarawas County General Health District for further information about “Manufactured Home Parks”.)

- (a) Minimum Width of Main Body.** Minimum width of the main body of the EDMH as located on the site shall not be less than twenty feet, as measured across the narrowest portion, excluding any offsetting of portions of the home.
- (b) Minimum Roof Pitch, Minimum Roof Overhang; Roofing Materials.** Minimum pitch of the main roof shall be not less than one foot to rise for each four (4) feet of horizontal run and minimum roof overhang shall be one foot. In cases where site built housing generally has been constructed in adjacent or nearby locations with roof pitches less than 1:4 and/or roof overhangs are less than one foot, then the EDMH may have less roof pitch and overhang similar to the site built houses. Roofing material may be used which is generally used for the site built houses in adjacent or nearby locations.
- (c) Exterior Finish; Light Reflection.** Any material may be used for exterior finish which is generally acceptable for site built housing which has been constructed in adjacent or nearby locations, provided however that reflection for such exterior shall not be greater than from siding coated with clean white gloss exterior enamel.
- (d) Approved Foundations Required.** No RDMHY shall be placed on a site until foundation plans have been approved by the Zoning Inspector as to the appearance and durability of the proposed foundation and being acceptable, similar, or compatible in appearance to foundations of residences built on adjacent or nearby sites. No RDMHY shall be occupied until the Zoning

Inspector has verified that the unit has been installed in conformance to the approved foundation plan.

- (e) **Site Orientation of The Manufactured Home.** RDMH shall be placed on lots in such a manner as to be compatible with and reasonably similar in orientation to the site built housing which has been constructed in adjacent or nearby locations.
- (f) **Garages, Carports.** In residential neighborhoods where adjacent or nearby to site-built homes includes garages and/or carports, a RDMH shall be required to be provided with a garage and/or carport compatible with the RDMH and the site built garages and/or carports constructed in adjacent or nearby locations.

Section 802. Site Design for Standard Design Manufactured Homes (SDMH) Mobile Home Parks

Standard Design Manufactured Homes (SDMH) shall be permitted only in a SDMYH Mobile Home Parks.

Such parks shall be constructed to meet the minimum requirements of the Subdivision Regulations of the Village of Tuscarawas, Article of the Zoning Ordinance, and shall conform to the following requirements:

(Note: Contact the Tuscarawas County General Health District for further information about “Manufactured Home Parks”.)

- (a) **Group Water and Sewers.** Such mobile home parks shall be served by group water and group sewage disposal facilities.
- (b) **Minimum Number of Units.** Mobile home parks shall provide for a minimum of ten (10) lots developed at time of first occupancy.
- (c) **Vehicular Access.** Mobile home parks shall provide direct vehicular access to the development by means of an abutting improved public street. Each development shall be provided with streets for complete and uninterrupted traffic circulation within its boundaries.
- (d) **Parking.** Mobile home parks shall provide off-street parking spaces for each manufactured home as required in Article 6 of this Ordinance. In addition, one such parking space shall be provided at each site. The second space may be located in parking areas located on the site so as to be no more than 150 feet from the unit for which the space is designated.
- (e) **Recreation and Open Space.** Mobile home parks shall provide for not less than ten (10) percent of the gross site area shall be used for open space, excluding space for community buildings and community use facilities, adult recreation and child play areas and swimming pools. Where practical, recreational facilities shall be centrally located. Land set aside for such open space or recreation purposes shall be subject to legally enforceable reservations and restrictions which shall ensure the preservation of the land in perpetuity and absolutely prohibit development of such land except for permitted recreational use by the owners and residents without profit. No area to be computed as recreation space shall have a dimension less than 20 feet, measured in any direction. Such space shall not be used for parking.
- (f) **Health Department Regulations.** Mobile home parks shall conform to all County and State Health Department requirements. (Note: Contact the Tuscarawas County General Health District for further information about “Manufactured Home Parks.”)
- (g) **Skirting.** Each unit shall have a screen over the space beneath it such as skirting or other appropriate means.
- (h) **Landscaping.** Mobile home parks shall be landscaped with lawns and plantings, including appropriate trees.
- (i) **Buffers Between Neighboring Uses.** Mobile home parks shall provide for effective screening of the premises on all sides by means of walls, fences or plantings. Walls or fences shall be a

minimum of three (3) feet and a maximum of six (6) feet in height without advertising thereon. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height may be substituted.

Section 803. Replacement of Manufactured Homes

Manufactured homes and similar structures, and mobile home parks and similar developments which were approved prior to the adoption of this Ordinance may be modified or replaced with a Replacement Manufactured Home Permit authorized by the Planning Commission prior to the issuance of Zoning Certificates, and shall be subject to certain requirements as follows: (Note: Contact the Tuscarawas County General Health District for further information about “Manufactured Home Parks”.)

803.1 Replacement of Units in Legal, Non-Conforming Mobile Home Parks. All mobile home parks or similar developments approved prior to the adoption of this Ordinance shall be legal non-conforming developments and shall be exempt from these regulations for minimum lot size, both area and width and minimum setbacks when permits are required for replacement of existing manufactured home or older units, provided, however, that the replacement units are RDMH or SDMH as defined in this ordinance.

803.2 Replacement of Legal, Non-Conforming Units Not Located in Mobile Home Parks. All mobile homes, trailers, or similar portable residential structures approved prior to the adoption of this Ordinance, and not located in a mobile home park or similar development, shall be legal non-conforming structures. In the event that an existing unit is to be replaced, the replacement unit must be an RDMH as defined in this Ordinance.

(a) Legal, Non-Conforming Unit Removed for 3 Months Shall Not be Replaced with an SDMH. A mobile home, trailer or similar portable structure which is a legal, nonconforming structure which is removed for a period of six (6) month shall not be used for an SDMH (Standard Design Mobile Home).

803.3 Expiration of a Replacement Manufactured Home Permit. A Replacement Manufactured Home Permit shall expire after six (6) months if a replacement home is not placed on the site.

ARTICLE 9. REQUIREMENTS FOR HOME OCCUPATIONS

Section 900. Limited Home Occupations

The following regulations shall apply to Limited Home Occupations. Limited Homes Occupations are a permitted use as provided in Article 4, and require a Zoning Certificate and Zoning Compliance Inspection as provide in Article 16. See Article 3, Definitions.

- (a) Limited to Residents Only.** No person other than residents of the dwelling unit shall be engaged in the Limited Home Occupation;
- (b) Home Occupation Conducted Within the Dwelling Only.** The Limited Home Occupation shall be conducted wholly within the dwelling, and not within any accessory structure or out-of-doors. Such home occupation shall be clearly incidental and subordinate to the use for residential

purposes by the dwelling unit occupants, and not more than twenty-five percent (25%) of floor area of the dwelling shall be used in the conduct of the home occupation.

- (c) **Equipment.** No mechanical or other equipment is to be utilized in the Limited Home Occupation except that which is necessarily, customarily, or ordinarily used for household purposes.
- (d) **No Change in Residential Appearance.** There shall be no change in the outside appearance of the building or premises, or other evidence of the conduct of a Limited Home Occupation, including, for example, noise and additional parking.
- (e) **No Storage or Sale of Goods.** There shall be no keeping of stock in trade, or sale of goods in connection with the Limited Home Occupation.
- (f) **No Additional Traffic or Parking Need.** No traffic or need for parking shall be generated by the Limited Home Occupation in greater volume than would normally be expected in residential neighborhoods.
- (g) **Sign.** Signs announcing the Limited Home Occupation shall be permitted as provided in Article 12

Section 901. Expanded Home Occupations

The following regulations shall apply to Expanded Home Occupations. Such uses are a conditionally permitted use as provided in Article 4, and are subject to Planning Commission approval prior to the issuance of Zoning Certificates, as provided in Articles 13 and 17. See Definitions, Article 3.

- (a) **Limited to Residents and One Employee.** The home occupation must be conducted by at least one resident of the dwelling. In addition, not more than one person who is not a resident of the dwelling may be employed in the Expanded Home Occupation.
- (b) **Expanded Home Occupation Shall Be Conducted Within Dwelling or Accessory Buildings Only.** The Expanded Home Occupation shall be conducted within the dwelling and or an accessory building, and shall be clearly incidental and subordinate to the use of the dwelling and premises for residential purposes by the residents of the dwelling unit. Not more than twenty-five percent (25%) of floor area of the dwelling and accessory buildings shall be used in the conduct of the Expanded Home Operation.
- (c) **Equipment.** No mechanical or other equipment is to be utilized in the Expanded Home Occupation except that which is necessarily, customarily, or ordinarily used for household or leisure purposes.
- (d) **No Change in Residential Appearance.** There shall be no change in the outside appearance of the building or premises, or other evidence of the conduct of the Expanded Home Occupation, other than a sign as provided in Article 12.
- (e) **Sign.** Signs shall be permitted as provided in Article 12.
- (f) **No Storage or Sale of Goods.** There shall be no keeping of stock in trade, or sale of goods in conduction with the Expanded Home Occupation.
- (g) **No Additional Traffic Generation.** No traffic shall be generated by the Expanded Home Occupation in greater volume than would normally be expected in the residential neighborhood.
- (h) **Parking Requirements.** The Expanded Home Occupation shall meet the off-street parking requirements of this Ordinance, and parking shall not be located in a required front yard.

ARTICLE 10. REQUIREMENTS FOR BUSINESS AND MANUFACTURING USES

SECTION 1000. Screening of Areas for Outdoor sales and Outdoor Storage

Areas for Outdoor Sales and Outdoor Storage require approval by the Planning Commission prior to the issuance of Zoning Certificates. Such areas shall be effectively screened from all adjoining properties in any "R" District by means of walls, fences, or plantings. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted. Outdoor Sales and Outdoor Storage areas are not intended for display of merchandise toward the street or elsewhere off the premises. See Use Regulations, Article 4, conditional Uses, Article 13 and Planning Commission, Article 17.

Section 1001. Regulations for Automobile Wrecking and Salvaging, Sales and Storage, and for Recycling Centers and Salvage Operations

Automobile Wrecking and Salvaging, Sales and Storage, and Recycling Centers and Salvage Operations require approval by the Planning Commission prior to the issuance of Zoning Certificates. See Use Regulations, Article 4, Conditional Uses, Article 13 and Planning Commission, Article 17.

1001.1 Screening and Buffers for Automobile Wrecking, Salvage and Storage and Recycling Centers or Salvage Operations shall be effectively screened on all sides by means of walls, fences or plantings. Walls or fences shall be a minimum of eight (8) feet in height with no advertising thereon. In lieu of such wall or fence, or strip of land no less than fifteen (15) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six (6) feet in height may be substituted. Storage of materials shall not exceed the height of the screening.

Section 1002. Mineral Extractions, Storage and Processing, and Oil and Gas Extraction

Mineral Extraction, Storage and Processing, and Oil and Gas Extraction require approval by the Planning Commission prior to the issuance of Zoning Certificates. See Use Regulations, Article 4, Conditional Uses, Article 13, and Planning Commission, Article 17.

1002.1 Setbacks for Mineral Extraction. Mineral Extraction, Storage or Processing, and Oil and Gas Extraction shall not be conducted closer than five hundred (500) feet from any "R" District, nor closer than two hundred (200) feet from any structure used for human occupancy in any other district.

1002.2 Fencing For Mineral Extraction, Storage and Processing, and Oil and Gas Extraction. When determined to be necessary for the protection of public safety, the Planning Commission may require fencing to be erected and maintained around the entire site or portions thereof where Mineral Extraction, Storage and Processing, and Oil and Gas Extraction are conducted.

1002.3 Site and Restoration Plan for Mineral Extraction, Storage and Processing, and Oil and Gas Extraction. The operator of the proposed use shall submit with the application for a Conditional Use Permit a plan providing the items required by Article 13 and the provisions of this section:

- (a) Site Plan.** A site plan which clearly shows areas where materials are to be extracted, stored and processed, and the location of adjacent properties, streets and natural features.
- (b) Topographical Map of Excavation.** The anticipated depth of excavations and the location and probable effect on the existing water table, public utilities, streets and surface drainage.

(c) Restoration Plan. A detailed plan for the restoration of the area where materials are to be extracted, stored and processed, which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet, the type and number per acre of trees or shrubs to be planted, and the location of future streets, drivers, draining courses, or other improvements.

1002.4 Performance Bond For Mineral Extraction, Storage and Processing, and Oil and Gas

Extraction. The operator shall file with the Council a bond payable to the municipality and conditions on the faithful performance of all requirements contained in the approved restoration plan. The rate, per acre of property where materials are to be extracted, stored and processed, of the required bond shall be as fixed by Ordinance of the Council. The bond shall be released upon written certification by the Council that the restoration is complete and in compliance with the restoration plan. It shall be the responsibility of the applicant to submit a written request to the Zoning Inspector for release of the bond.

(a) Application for Release of Performance Bond for Mineral Extraction, Storage, and Processing, and Oil and Gas Extraction. An application for a Zoning Certificate shall contain two (2) collated sets of the information listed below. Applicants are encouraged, but not required, to contact the Zoning Inspector to review the requirements for applications prior to submittal.

- An application form, available from the Zoning Inspector, to be completed and signed by the applicant and property owner(s).
- A site and building plan as described in this section.
- A fee as required in this Ordinance.

(b) Process for Review of Release of Performance Bond for Mineral Extraction, Storage and Processing, and Oil and Gas Extraction. Applications for release of bonds shall be processed as follows:

- The applicant shall submit the application to the Zoning Inspector. The Zoning Inspector shall determine whether the application is complete within seven (7) business days.
- If the application is determined to be complete, the Council shall schedule a hearing and shall give at least ten (10) days public notice thereof in a newspaper of general circulation in the municipality and at least ten (10) days' notice to property owners and occupants of land within two hundred (200) feet of the premises in the application.
- If the application is deemed to be incomplete, it shall be the responsibility of the applicant to request a refund of the application fee from the Zoning Inspector.
- The Council shall decide to approve or disapprove the application. As part of the review process, the Council may require additional information, and/or submit the application to the Tuscarawas Regional County Planning Commission for recommendation.
- The Council shall decide to approve or disapprove the application within sixty (60) days of the date of determination that the application is complete.

- If the proposed application is approved by the Council, the Zoning Inspector shall release the bond. If the application is denied by the Council, the Zoning Inspector shall inform the applicant in writing of the refusal and the reasons for the determination.
- The Zoning Inspector shall mark all sets of the application and attachments as “approved” or “disapproved” and shall sign the documents. The Zoning Inspector shall maintain one set of the approved or disapproved application, and the determination of the Council on file in the Village offices. One set of approved documents shall be transmitted to the applicant.

Section 1003. Excavation of Fill for Street Construction

Excavation of fill for street construction outside of rights-of-way shall be permitted only with approval of a Site Plan Review by the Planning Commission prior to the issuance of a Zoning Certificate. The construction contractor shall provide proof that the source of community water supply shall not be adversely affected due to lowering the water table or contaminating the supply before permission for excavation is granted. The contractor shall also submit a plan and description as to the manner in which public utilities, streets, and surface drainage are to be restored in those instances where such facilities are to be disturbed by the excavation.

Section 1004. Site Plan Review for Developments in “B” and “M” Districts

Certain projects in “B” and “M” districts shall be submitted to the Planning Commission for review and approval prior to the issuance of a Zoning Certificate, as provided in this section. See Planning Commission, Article 17.

1004.1 Projects Required for Site Plan Review: Site Plan Review is required for the development of projects in “B” and “M” districts which consist of more than one building, and/or are located on sites of three or more acres which are under unified ownership or development.

1004.2 Approval Criteria for Site Plan Review for Non-Residential Developments: The Planning Commission shall use the following standards when reviewing the site plan:

(a) Non-Residential Uses Near Property Zoned for Residential Use: Sites for non-residential uses shall be designed to minimize hazard, nuisance and inconvenience to nearby property zones for residential use as follows:

- Locate drive-up windows, loading docks and overhead doors away from property zones for residential use.
- Locate driveways and parking facilities away from property zones for residential use.
- Locate trash bins, dumpsters and storage areas away from property zones for residential use.
- Locate office portions of a facility nearest to property zones for residential use.

(b) Setbacks Reviewed on Site Plan: Required setbacks shall be maintained around the perimeter of the group of main buildings and the boundary of the parcel. No minimum distance between the group of main buildings is required; however, such intervening space shall allow for adequate circulation and emergency access around each building.

(c) **Safe Vehicular Access Reviewed on Site Plan:** Points of access or other means of vehicle ingress and egress shall be situated to provide safe and convenience access, and to maintain adequate sight distances.

ARTICLE 11. REQUIREMENTS IN ALL DISTRICTS

Section 1100. Requirements for Environmental Impacts

All uses in all districts are subject to the requirements for environmental impacts. Certain projects in “B” and “M” Districts are required to have an approved Environmental Impact Certification prepared by a professional engineer, as described in this Article.

1100.1 Requirements to Control Environmental Impacts: No proposed use in any district shall be permitted that will create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely effect the surrounding area or adjoining premises. The following environmental impact requirements shall apply to all uses:

(a) **Fire Hazards:** Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material, as determined by the Fire Chief. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

(b) **Radioactivity or Electrical Disturbance:** No activity shall emit dangerous radioactivity at any point or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

(c) **Noise and Vibration:** No activity shall emit noise or vibration which is objectionable because of intermittence, beat, frequency or shrillness. Noise or vibration may equal but shall not exceed average street traffic noise or vibration on the nearest street bordering a non-commercial or non-industrial use. Noise or vibration resulting from temporary construction activity that occurs between 7 a.m. and 7 p.m. shall be exempt from the requirements of the section.

(d) **Smoke and Air Pollution:** No establishment shall be permitted to emit into the air smoke, fly ash, dust, fumes, vapors, gases and other forms of air pollution except as permitted and approved by the Ohio Environmental Protection Agency Division of Air Pollution Control.

(e) **Odors:** No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.

(f) **Glare:** No direct or reflected glare shall be permitted which is visible from any other property or from any public or private street.

(g) **Erosion:** No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

(h) **Water Pollution:** Pollution of water shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency, Division of Water Pollution Control.

(i) **Other Hazards:** Other hazards not specifically addressed by the performance standards established herein shall be made known to the Zoning Inspector for any proposed use in any district. Regulations for such hazards shall be as determined by the Planning Commission.

1100.2 Environmental Impact Certification

See Planning Commission, Article 17 and Board of Zoning Appeals, Article 18.

- (a) Environmental Impact Certification Prepared by Engineer in “B” and “M” Districts.** All applications for Zoning Certificates for non-residential uses shall be accompanied by an Environmental Impact Certification from a professional engineer registered in the State of Ohio. The certification shall describe the anticipated impacts relative to the requirements of this Article, state whether the proposed use will meet such requirements, and shall state, in list form, the measures to be taken to meet all requirements of this Article. Such certification shall be determined to be acceptable or unacceptable by the Zoning Inspector. The Zoning Inspector may waive all or part of this requirement when it is determined that the proposed use is not relevant to the requirements for environmental impacts.
- (b) Referral of Environmental Impact Certification to Planning Commission.** In certain instances where the determination of compliance with the requirements for environmental impacts, in the opinion of the Zoning Inspector, is not possible without additional expertise and analysis, such determination shall be made by the Planning Commission prior to the issuance of a Zoning Certificate. The applicant shall make application to the Planning Commission for determination that the proposed use will operate in compliance with the requirements for environmental impacts sets forth in this Article. The cost of additional expertise and analysis on behalf of the Village shall be borne by the applicant.
- (c) Investigating Violations.** The Zoning Inspector shall investigate any reported violation of the requirements for environmental impacts as provided in this Ordinance. If the Zoning Inspector finds that a professional determination of the existence and nature of the violation is necessary, the services of an engineer or qualified professional may be requested. The cost of such services shall be incurred by the violator if such violation is established. The cost of such services may be incurred by the complainant if there is determined to be no violation.

Section 1101. Planning Commission Approval Required for Portable Structures

Portable structures shall be permitted only with the approval of the Planning Commission prior to the issuance of Zoning Certificates. Such buildings shall conform to all requirements which apply to permanent buildings, such as height, setbacks and floor area, parking and other dimensions. The Planning Commission may place special conditions on the placement, operation, and other features of a portable structure so that such building shall not create an inconvenience or hazard to neighbors, the community and the public.

Section 1102. Planning Commission Approval Required for Temporary Structures

Temporary structures shall be permitted only with the approval of the Planning Commission, prior to the issuance of Zoning Certificates, for a period of up to twelve (12) months. The Commission may determine that requirements for such features as height, setbacks, floor area and other dimensions may be adjusted if it determines that the unique character or construction of such building, or the nature of its use, will not create an inconvenience or hazard to neighbors, the community and the public. The Commission may place special conditions on the placement, operation, and other features in granting approval for a temporary structure.

The Planning Commission shall specify the date on which construction may begin or the structure may be placed on the site, and the date for completion of its removal, not to exceed twelve (12) months.

Section 1103. Storage of Materials During Construction

The temporary open storage of contractor's equipment and material shall be permitted on the site upon which buildings or structures are being erected or installed for the duration of the construction period. Storage of all materials shall be controlled at all times to prevent hazard or inconvenience to neighbors, the community and the public. All such materials shall be removed prior to the issuance of the Zoning Compliance Inspection.

Section 1104. Restrictions on Rummage Sales

Rummage Sales are permitted as an accessory use to an assembly hall, dwelling, church, place of worship, or school only. Rummage sales are permitted for not more than four (4) days per sale, and not more than four (4) times per year for each dwelling unit or non-residential premises. See Section 1105, Restrictions on Homemade Sales, Section 1106, Zoning Inspector Approval Required for Seasonal Sales, Article 6, Parking Regulations, and Article 12, Sign Regulations.

Section 1105. Restrictions on Homemade Sales

Homemade Sales are permitted as an accessory use to a residential or agricultural use only. Such sales may be conducted in a structure and/or out-of-doors. See Section 1104, Restrictions on Rummage Sales, Section 1106, Zoning Inspector Approval Required for Seasonal Sales, Article 6, Parking Regulations, and Article 12, Sign Regulations.

Section 1106. Zoning Inspector Approval Required for Seasonal Sales

Seasonal sales shall conform to the requirements of this section, and shall be permitted only if it is the determination of the Zoning Inspector that the seasonal sale conforms to the requirements of this Ordinance and will not cause any hazard, interference or inconvenience to the community or neighboring properties. See Section 1104, Restrictions on Rummage Sales, Section 1105, Restrictions on Homemade Sales, Article 6, Parking Regulations, and Article 12, Sign Regulations.

- Seasonal sales may be conducted as an accessory use to a non-residential use.
- Merchandise shall be displayed out-of-doors only, and shall conform to all setback requirements.
- Only one (1) operator may attend the seasonal sale at a time.
- Seasonal sales are permitted for not more than thirty (30) consecutive days per sale, and not more than sixty (60) days per year at a premises.
- A site for a proposed seasonal sale shall be suitable to provide on-site parking for all vehicles associated with the sale.
- Seasonal sales shall not create noise, light, glare, traffic and/or parking interference or other impact which disrupts the permitted use on the premises or activities and/or occupants of neighboring premises.
- Seasonal sales shall not be situated so as to impede, slow, or otherwise interfere with traffic on any street.

1106.1 Seasonal Sale Permit. A Seasonal Sale Permit is issued by the Zoning Inspector as provided in this Ordinance.

(a) Separate Permits for Different Sales. A separate permit shall be required each seasonal sale, and for each premises as regulated in this Ordinance.

(b) Contents of Application for Seasonal Sales Permit. A seasonal sale permit application shall be submitted by the seasonal sale operator and the operator of the permitted non-residential use to the Zoning Inspector, who shall review the application for completeness. The application shall contain the following:

- An application form, available from the Zoning Inspector, to be completed and signed by the operator of the seasonal sale, operator of the permitted use, and property owner(s).
- A statement of the type of goods to be offered for sale,
- A sketch map, using the parcel map as the base, showing the location of the sales area, structures, parking, setbacks and signs. The scale of drawings submitted with the application shall be sufficient to adequately evaluate whether the proposed seasonal sales comply with the regulations of this Ordinance.
- A fee as determined by the Village.

(c) Seasonal Sale Permit Expiration

A Seasonal Sale Permit shall be valid for a period of up to thirty (30) consecutive days according to the determination of the Zoning Inspector, and approved dates shall be specified on the permit.

1106.2 Violation of the Seasonal Sales Regulations. Violation of any of the provisions of this Ordinance pertaining to a Seasonal Sale shall be subject to the actions of the Village and penalties are provided in Article 16. Penalties for violations of these regulations shall be imposed against both the operator of the permitted non-residential use, the operator of the seasonal sale, and the property owner.

Section 1107. Swimming Pools

Swimming pools shall be allowed in the rear yard of any “B” or “R” District as an accessory use and shall comply with the following conditions and requirements:

- (a) Swimming Pool to be Used by Occupants of Principal Use Only.** The pool is intended and is to be used solely by the occupants of the principal use of the property on which it is located.
- (b) Setbacks of Swimming Pool.** The pool or any accessory structure shall be located no closer than ten (10) feet to any property line of the property on which it is located.
- (c) Covers Over, and Walls and Fences Around Swimming Pool.** The swimming pool shall be covered with a locked device that prevents access when the pool area is unattended. Alternatively, the swimming pool or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access from the street or from adjacent properties. Said fence or wall shall not be less than five (5) feet in height and maintained in good condition with a gate and lock.

ARTICLE 12. SIGN REGULATIONS

Section 1200. Signs

No sign shall be constructed, erected, moved, enlarged, illuminated, substantially altered or permitted in any district except as provided in this Ordinance.

Section 1201. Purposes of Sign Regulations

The purpose of these sign regulations are:

- To effectively communicate information while maintaining pedestrian and traffic safety;
- To protect and enhance the unique character of the community by encouraging signs to be compatible with their surroundings.
- To maintain the community's ability to attract sources of economic development and growth;
- To minimize the possible adverse effect of signs on adjoining properties;

Section 1202. Types and Standards of Signs Allowed With Sign Permit

The types of signs described below are allowed with a Sign Permit, subject to the regulations of this Ordinance.

1202.1 Billboard Sign: A free-standing sign located adjacent to the intersection of a controlled access highway as designated in the Thoroughfare Plan, primarily designed to convey information which is not related to the principal use of the land on which such sign is located to vehicular traffic traveling on such controlled access highway. Such signs shall conform to the following:

- No billboard shall be located within one thousand (1,000) feet of another billboard abutting either side of the same street;
- The height of such signs shall not exceed fifty (50) feet;
- The maximum area of any face of such signs shall not exceed two hundred (200) square feet;
- Such signs shall be unmovable and, if illuminated, must maintain constant illumination and not flash;
- A billboard with a sign area of one hundred (100) square feet or less shall be located not closer than ten (10) feet to any street right-of-way line. For every square foot by which such sign exceeds one hundred (100) square feet, such setback shall be increased by one-half (1/2) foot;

1202.2 Bulletin Board Sign: A sign erected by a school, church or similar community institution for purposes of providing general information or announcing events which are held on the premises. Bulletin board shall be permitted provided the area of the sign shall not exceed fifteen (15) square feet in the area. Such signs may be erected not less than ten (10) feet from the established right-of-way line of any street. Bulletin board signs are not permitted for dwellings.

1202.3 Canopy Sign: A sign that is displayed and affixed flat on the surface of a canopy and does not extend beyond the limits of the canopy. Such sign is permitted as part of an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance or window are permitted. The lowest point of a canopy shall be at least eight (8) feet above a sidewalk or other walkway and at least seventeen (17) feet above a driveway or road. One (1) such sign is permitted on a premises, and conveying information about activities conducted on the premises.

1202.4 Home Occupation Sign: A sign on the premises of a Limited Home Occupation or Expanded Home Occupation. Only one (1) such sign is permitted, which shall be no more than four (4) square feet in size and shall be limited to a wall sign or monument sign. Illumination of such signs is prohibited. (See Wall Sign or Monument sign, below.)

1202.5 Monument Sign: A sign mounted on a base which is set firmly in the ground, of which the top of the sign is not more than four and a half (4 ½) feet high. Such sign shall not exceed thirty (30) square feet

in area. Such signs may be erected not less than ten (10) feet from the established right-of-way line of any street.

1202.6 Pole Sign: A sign which is attached to or a part of a self-supporting structure. A free-standing sign may be erected to serve a business or a group of business establishments. Such sign shall be a maximum of thirty (30) feet in height, having a maximum total sign area of twenty-five (25) square feet and located not closer than ten (10) feet to any street right-of-way line. The supporting structure of a pole sign shall be set firmly in or below the ground. There shall be only one (1) pole sign for each building, regardless of the number of businesses conducted in said building. No part of such sign shall project into the right-of-way of any street. In the case of a lot occupied or intended to be occupied by a group of businesses, the sign permit shall be issued in the name of the lot owner or agent rather than in the name of individual businesses. The municipality shall not be responsible for enforcing the provisions of any allocation formula, lease or other private restriction. Each individual business may also have one (1) wall sign, not to exceed three (3) square feet in size. See Wall or Projecting sign, below.

(a) Pole Sign May Be Substituted With a Billboard Sign. A pole sign may be substituted with a billboard sign where both types are permitted. Such sign shall convey information about the principal use of the premises, where the premises is located in an eligible district and adjacent to the intersection of any street, and such sign is oriented to vehicular traffic traveling on such street. However, in no case may both a pole sign and a billboard sign be located on the same premises.

1202.7 Projecting Sign: A sign attached at an angle or perpendicularly to a wall of a building or structure. Such signs shall not project further than four (4) feet measured from the face of the main wall of the building provided that no part of the projecting sign shall extend nearer than one (1) foot to a curb line. The lower point of a projecting sign or any part thereof shall be at least eight (8) feet above a sidewalk or other walkway and at least seventeen (17) feet above a driveway. No part of such sign shall project over a street.

1202.8 Roof Sign: A sign erected or constructed as an integral part of a normal roof structure. Such signs may be erected provided that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches. There shall be no more than one (1) roof sign on a premises. A roof sign is not permitted on a flat roof.

1202.9 Sidewalk Sign: A free-standing sign which is not fixed to the sidewalk, which is placed on the sidewalk within five (5) feet of the public entrance of a business. Examples include, but are not limited to, messages about special sales, daily menus, or regular merchandise. A sidewalk sign may be designed as, for example, a small pole-type sign or A-frame sign. Such signs shall have no illumination, and no elements which more or give the illusion of movement. The height of such sign shall be a minimum of three (3) feet and a maximum of four (4) feet. The maximum width shall be thirty (20) inches. The base of such sign shall not exceed 7.5 square feet. The purpose of these requirements is to provide safety for pedestrians, including ability for more people to see over the sign, sturdiness so that signs are not easily moved or tipped over, and to maintain space for pedestrian traffic. Not more than one (1) sidewalk sign is permitted per establishment. The owner shall accept all liability for such sign.

1202.10 Street Banner Sign: A temporary banner suspended across a street, which is related to special events, and which is intended for a limited period of display. The [maximum, minimum width and length] shall be 3 feet x 10 feet. The minimum clearance beneath the banner shall be 16 feet. Banners

shall not be affixed to the traffic lights. Street banners may advertise only non-profit, community-type events which are open to the public.

1202.11 Subdivision or Multi-Family Development Signs: A sign located at the entrance of a unified residential development for identification purposes. Such signs may be erected at any entrance to a residential subdivision or multi-family development, provided that there may be not more than two (2) signs identifying such subdivision or development. The total surface area of all such signs located at a single entrance may not exceed forty (40) square feet.

1202.12 Temporary Sign: A sign, or other advertising device, with or without a structural frame, and which are related to special events, and intended for a limited period of display. Such sign shall not be posted closer than ten (10) feet to a public-right of way or property line. Such sign may be posted only with the permission of each property owner. Such signs may be erected for a period of a maximum of thirty (30) days per event. There is no limit on the total number of signs permitted, but the total area of the signs shall not exceed a combined total of fifty (50) square feet. See Homemade Sales Sign, Rummage Sale Sign.

1202.13 Temporary Construction Sign: A temporary sign placed upon property for the purpose of advertising the sale or development of said property, and/or to identify the sponsors and agencies involved in the development. A temporary construction sign may not be illuminated, shall be erected only on the property for sale or being developed, and shall not be in excess of fifty (50) square feet. Such sign may be erected for the period of sixty (60) days, plus the construction period. Additional signs may be requested or required by the Village to direct construction traffic.

1202.14 Wall Sign: A sign attached parallel to, or painted on the wall or window surface, that is confined within the limits of an outside wall and displays only one sign surface. Such signs shall be attached directly to a wall, or painted on the wall or window surface, with the face of the sign parallel to the building wall. No building wall shall be used for display of advertising except that pertaining to the use carried on within such building.

Section 1203. Types and Standards of Signs Which Do Not Require A Sign Permit

A Sign Permit is not required for the types of signs listed in this section. Such signs are permitted to be located only as described in this section. Such signs shall conform to all provisions of this Ordinance.

1203.1 Artwork. A work of art which is not an explicit logo, advertisement, or identifier of a business is not considered to be a sign. Examples include, but are not limited to, a mural, sculpture, and landscaping.

1203.2 Customary Residential Signs. Non-illuminated signs not exceeding a total of four (4) square feet in area that are customarily associated with residential use and that are not of a commercial nature, including, but not limited to:

- Signs giving property identification names or numbers or names of occupants;
- Signs on mailboxes or newspaper tubes;
- Signs posted on private property warning the public against trespassing or danger from animals or other similar message.

1203.3 Homemade Sales Sign. A temporary or permanent sign advertising Homemade Sales. Such signs shall not exceed four (4) square feet in size. Only one sign per dwelling is permitted. Signs for

Homemade Sales may be posted only on the private property where such sales are offered, and shall not be posted in the public right-of-way, and shall not be affixed to any publicly-owned sign. (Note: “Homemade Sales Sign” does not mean any hand-printed sign. “Homemade Sales” is a specific type of use. See Definitions, Article 3. See Temporary Signs.)

1203.4 Integral Decorative or Architectural Features of buildings or works of art.

1203.5 Incidental Signs Guiding Traffic on Private Property that do not exceed four (4) square feet and contain no advertising matter. Not more than one (1) such sign shall be erected in each two hundred (200) feet of street frontage.

1203.6 Public Signs. Notices by government agencies, including traffic control signs and other official signs and notices. Excludes signs posted by private individuals and organizations and which are intended to be seen by the public. (Note: “Public sign” does not imply “any sign posted by a member of the public”.)

1203.7 Rummage Sale Sign: A temporary-type sign advertising a “garage sale”, “yard sale”, “attic sale”, “rummage sale”, or other similar event. Such signs shall not be displayed for more than seven (7) consecutive days per sale, and for not more than four (4) sales per year per dwelling or nonresidential premises. Rummage sale signs shall not be posted in the public right-of-way, and shall not be affixed to any publicly-owned sign. Such signs shall not exceed eight (8) square feet in size. Signs posted off-premises from the sale location are permitted with the permission of the property owner or resident of the property where such sign is to be placed and having a limit of one (1) sign per property up to a maximum of four (4) separate properties. See Temporary Signs.

1203.8 Seasonal Sale Sign. A temporary-type sign advertising the seasonal sale for which a Seasonal Sales Permit has been issued. Seasonal sales signs shall be displayed only on the days when sales are conducted. A maximum of two (2) signs are permitted, and each sign shall not exceed eight (8) square feet in size. Such signs shall be displayed only on the premises where the seasonal sale is conducted, and shall conform to setback requirements. Seasonal sale signs shall not be posted in the public right-of-way, and shall not be affixed to any publicly-owned sign. See Temporary Signs, Rummage Sale Signs.

1203.9 Sales or Rental of Premises. Signs not exceeding eight (8) square feet in area, and advertising the sale, rental, lease or auction of the premises on which the sign is located.

Section 1204. Prohibited Signs: The following signs are prohibited in all districts:

1204.1 Signs Imitating Warning Signals: No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, nor shall any sign use the words “stop”, “danger”, or any other word, phrase, symbol, or character in a manner that might mislead or confuse an automobile or other vehicle driver.

1204.2 Illegal Signs: No sign is permitted which does not meet the requirements of this Ordinance and which cannot be demonstrated by the owner to have legal nonconforming status to the satisfaction of the Village.

1204.3 Signs Within Street Rights-of-Way: Except as herein provided, no sign shall be placed in any right-of-way except publicly-owned signs, including but not limited to traffic control signs and directional signs.

Section 1205. Permitted Signs by Type and Zoning District.

Signs are permitted in accordance with all requirements of this Ordinance and the table set forth below. Signs not exempt or specifically permitted in a particular district are expressly prohibited. “P” means “as permitted by this Ordinance”.

Sign Type	Open Area Districts		Residential Districts				Business Districts			Manufacturing Districts	
	A-1	S-1	R-1	R-2	R-3	R-4	B-1	B-2	B-3	M-1	M-2
Billboard								P		P	P
Bulletin Board	P	P	P	P	P	P	P	P	P	P	P
Canopy							P	P	P	P	P
Homemade Sales	P										
Home Occupations	P		P	P	P	P					
Monument	P	P					P	P	P	P	P
Pole								P	P	P	P
Projecting							P	P	P	P	P
Roof								P	P	P	P
Seasonal Sales	P	P	P	P	P	P	P	P	P	P	P
Street Banners									P		
Subdivision	P		P	P	P	P					
Rummage Sales	P		P	P	P	P	P	P	P		
Temporary	P	P	P	P	P	P	P	P	P	P	P
Temporary Construction	P	P	P	P	P	P	P	P	P	P	P
Wall	P	P	P	P	P	P	P	P	P	P	P

Section 1206. General Provisions for All Types of Signs

1206.1 Maximum Allowable Sign Area: The area of all permanent advertising signs for business enterprise may have an area equivalent to one and one-half (1 ½) square feet of sign area for each lineal foot of width of a building, or part of a building, occupied by such enterprise, but shall not exceed a maximum area of one hundred (100) square feet. Includes the area of billboards of advertising the principal use of the property on which it is located. For the purposes of this Ordinance, width shall be measured along the building face nearest parallel to the street line. In the case of a corner lot, either frontage, but only one frontage, may be used in determining maximum area of the sign.

1206.2 Determination of Sign Surface Area: The area of a sign shall be measured by the following method:

(a) **Areas Excluded From Calculation:** Sign area shall not include foundations, supports or a base which contains no sign-related elements.

(b) **Frame or Cabinet:** The area of a sign faces enclosed in frames or cabinets shall be based on the outer dimensions of the frame or cabinet surrounding the sign face.

(c) **Base Material:** When a sign is on a base material, such as a wood board or plexiglass panel, and attached without a frame, the sign area shall be the dimensions of the base material.

(d) Faces Containing Advertising: In computing the area of the signs, all faces on which advertising is displayed are considered sign area.

(e) Area Within a Rectangle: When signs consist of individual elements attached or painted on a wall, window or canopy, the sign area is determined by a rectangle drawn around all the elements.

1206.3 Illumination of Signs: The following provisions shall be observed in the illumination of signs and advertising structures:

(a) Internal or Reflected Light Permitted: All signs and advertising structures, except as otherwise restricted, may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged as to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights.

(b) No Appearance of Flashing Lights: No illumination involving flashing, movement or causing the illusion of movement by reason of the lighting arrangement or other devices shall be permitted except that portion of a sign indicating the time, date or weather conditions.

1206.4 Setbacks for Signs. Except as provided elsewhere in this Ordinance, signs shall conform to setbacks requirements as follows:

(a) Near Intersections. At intersection of any streets, the setback of any billboard shall not be less than one hundred (100) feet from the established right-of-way of each street;

(b) Front Setback. Signs shall be setback from the established right-of-way line of any street at least as far as the required front setback depth for a principal use in the district where it is located.

(c) Signs Facing an "R" District. No sign shall be permitted which faces the front lot line of any lot in any "R" District within one hundred (100) feet of such lot line,

(d) Side and Rear Setbacks. Signs shall be erected or placed in conformity with the side and rear setback requirements of the district in which located, except no sign shall be erected or placed closer than within fifty (50) feet to a side or rear lot line in a "B" or "M" district which is adjacent to an "R" District.

(e) Maintain Traffic Visibility: No sign shall be erected which obstructs existing traffic visibility on any public right-of-way, public property or private property.

1206.5 Durability of Sign Materials and Anchors. All signs, whether permanent or temporary, shall be of a sufficiently durable material that will not deteriorate in wind, moisture and other elements, and shall be sufficiently anchored so as not to create litter or other nuisance.

Section 1207. Abandoned Signs

In the event a business ceases operation for a period of time in excess of ninety (90) days, any associated signs shall be considered abandoned. An abandoned sign shall be removed within thirty (30) days of becoming abandoned (that is, it shall be removed within one hundred-twenty (120) days of the date that the business ceases operation.) For the purpose of this Ordinance, removal of the sign shall mean the sign face and any associated supporting structures, or, the painting over of any wall sign in such a manner to completely cover the sign and restore the wall appearance to match the existing façade.

Section 1208. Maximum of two Signs Permitted Per Establishment

A maximum of two (2) signs are permitted for the same establishment, unless otherwise provided in this section.

Section 1209. Legal, Nonconforming Sign

A Legal, Nonconforming Sign must be maintained and repaired to ensure safe and attractive conditions. A Legal Nonconforming Sign shall not be otherwise altered or moved unless made to comply with the regulations of this section. Further, any such sign or parts thereof which is removed or requires repairs which exceed sixty percent (60%) of its reproduction value, shall not be rebuilt or relocated unless made to comply with all regulations of this section. The message of a Legal Nonconforming Sign may be changes to a Legal Nonconforming Sign. In the event that the owner and the Municipality do not concur on the reproduction value, a determination of reproduction value shall be made by a practicing sign builder selected by the mutual consent of the Zoning Inspector and the applicant.

Section 1210. Sign Permits

Sign Permits are issued by the Zoning Inspector as provided in this Ordinance. Approval of a Sign Permit also requires a Zoning Compliance Inspection.

1210.1 Separate Permits for Different Signs. A separate sign permit shall be required for the erection or substantial alteration of each sign regulated in this Ordinance. Repainting or changing the message of a sign (excluding Legal, Nonconforming Signs) shall not, in and of itself, be considered a substantial alteration.

1210.2 Contents of Application for Sign Permit. A sign permit application shall be submitted by the applicant to the Zoning Inspector who shall review the application for completeness. The application shall contain the following:

- An application form, available from the Zoning Inspector, to be completed and signed by the applicant and property owners).
- Drawings to scale of the sign, including the maximums ign area, height, color scheme, lettering or graphic style, lighting, and materials;
- A statement of the type of sign proposed, calculation of maximum allowable sign area for the premises, calculation of the size of proposed sign, and types and sizes of all other signs.
- A plot plan of the proposed site showing the location of the proposed sign, notes on the setback distances, location of buildings, parking lots, driveways, existing signs and landscaped areas on and adjacent to the proposed site; and zoning of adjacent properties;
- A fee as determined by the Village.
- The scale of drawings submitted with the application shall be sufficient to adequately evaluate whether the proposed signs comply with the regulations of this Ordinance.

1210.3 Zoning Compliance Inspection for Sign.

Approval of a Sign Permit, for signs listed below, shall not be final until the premises have been inspected by the Zoning Inspector and issued a Zoning Compliance Inspection. A Zoning Compliance Inspection shall be issued if the Zoning Inspector determines that the sign has been constructed and displayed in compliance with the Zoning Certificate. See Article 16, Zoning Compliance Inspection. Signs requiring a Zoning Compliance Inspection are:

* Billboard	* Home Occupations	* Roof
* Bulletin Board	* Monument	* Subdivision
* Canopy	* Pole	* Wall
* Homemade Sales	* Projecting	

1210.4 Sign Permit Expiration

- Permits for Street Banner Signs shall be valid for a period of display up to sixty (60) consecutive days, and according to the approved dates stated on the permit.
- Permits for Temporary Signs shall expire one (1) year after the date of approval.
- Permits for the erection, construction or alteration of all other signs shall expire one (1) year after the date of approval, if a Zoning Compliance Inspection is not complete.

Section 1211. Violation of the Sign Regulations

Violation of any of the provisions of this Ordinance pertaining to a sign shall be subject to the actions of the Village and penalties are provided in Article 16.

ARTICLE 13. CONDITIONAL USES

Section 1300. Conditional Use Requires Planning Commission Approval

Confidential use approval from the Planning Commission shall be required prior to the issuance of Zoning Certificates for certain types of uses, so classified because of their uncommon or unique characteristics, infrequency of occurrence, large area requirements or special nature relative to size, design, location and mode of operation that each use be considered individually. Such use shall not be permitted by right. Uses which are conditionally permitted in Article 4 must conform to all requirements of the zoning district, and use may be permitted only if they conform to standards provided in this Article. See Article 17 for application requirements and procedures.

Section 1301. Criteria for Conditional Use

The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use at the proposed location shall conform to the following standards:

- (a) **Harmony With Neighborhood Character.** Will be in harmony with the existing or intended character of the neighborhood and that such use will not change the essential character of the area; and
- (b) **No Adverse Impacts on Neighbors.** Will not adversely affect the use of the adjacent property; and
- (c) **No Hazard to Health, Safety and Welfare.** Will not adversely affect the health, safety, or welfare of persons residing or working in the neighborhood; and
- (d) **Adequate Public Facilities.** Will be served adequately by public facilities and services such as, but not limited to, streets, police and fire protection, draining facilities, water, sewer or schools; and
- (e) **Conforms with Intent of Zoning Ordinance.** Will be in accordance with the general or specific objectives, and the purpose and intent of the Zoning Ordinance.

Section 1302. Action by the Planning Commission

If, after review of the information available, the Commission finds that in its opinion, a request does not meet the above criteria, the request shall be denied. In granting any conditional use permit, the Planning Commission may impose such conditions in connection therewith as it may deem necessary to protect the public welfare and convenience, preserve the purpose and intent of this Article, and protect the character of the neighboring properties. Such conditions may include, but shall not be limited to, the regulation of:

- | | | |
|-------------------------|-------------|-----------------------|
| * Setbacks | * Parking | * Smoke |
| * Screening and buffers | * Glare | * Hazardous materials |
| * Noise | * Vibration | * Waste disposal |
| * Hours of operation | * odors | |
| * Access and traffic | * Dust | |

Section 1303. Terms and Approval of Conditional Uses

1303.1 Conditional Use Permit Runs With the Land, Not the Owner or Tenant. If a Conditional Use approved by the Commission is sold, leased or transferred, the successor or assigns shall be operated in the same manner as described in the original application, and shall be bound by the same conditions as approved by the Planning Commission. Any alteration of the conditionally permitted use by the successor or assign shall require approval by the Planning Commission of a new, separate conditional use permit.

1303. Expiration of Conditional Use Approval. Conditional use approval shall expire if the use shall cease for a period of six (6) months after it has been established.

ARTICLE 14. LEGAL, NONCONFORMING USES AND STRUCTURES

See Article 3, Definitions and Article 8, Replacement of Manufactured Homes and Legal, Non-conforming Manufactured Homes.

Section 1400. Intent

It is the intent of this Article to accomplish the following:

- To protect the legal status of uses and structures that were legal and conforming to laws that were in effect prior to the adoption of this Ordinance and subsequent amendments.
- To permit the reasonable replacement of a legal, nonconforming use or structure which is destroyed by a catastrophe.
- To encourage the reasonable and eventual conversion of a legal, nonconforming use or structure to conformance with the standards of this Ordinance.

Section 1401. General Restrictions for Legal, Nonconforming Uses and Structures

All alterations, reconstruction and similar changes in legal, nonconforming uses and structures require the approval of the Planning Commission prior to the issuance of a Zoning Certificate, subject to the requirements of this Ordinance.

1401.1 Legal, Nonconforming Uses and Structures May Continue After Adoption of This Ordinance.

Any lawful uses of buildings or land existing at the effective date of this Ordinance may be continued,

even though such use or structure does not conform to the provisions hereof, subject to the provisions of this Ordinance.

1401.2 Legal, Nonconforming Use or Structure May Continue After Amendments of This Ordinance.

Whenever the use of a building or land becomes nonconforming through a change in the amended zoning Ordinance or in the district boundaries, such use may be continued, or structure may continue to be used, subject to the provision in the amended Ordinance.

1401.3 Legal, Nonconforming Uses or Structures Partially Destroyed by Catastrophe. A legal, nonconforming use or structure which has been damaged by fire, explosion, act of nature or the public enemy to the extent of sixty (60) percent of its restoration value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than sixty (60) percent of its restoration value, a nonconforming use or structure may be replaced, repaired or reconstructed, and used only as before the time of damage, provided such repairs or reconstruction are started within six (6) months of the date of such damage, and provided that public health, safety and welfare are not jeopardized. The Zoning Inspector may require the property owner to remedy any public nuisance or safety hazard resulting from the damage to the structure. Such remedies shall be subject to review and approval by the Fire Chief and Police Chief, prior to consideration by the Planning Commission, who shall enforce all provisions of the Ohio Revised Code relative to public health, safety and welfare. Such remedies shall be subject to the review and approval of the Planning Commission prior to the issuance of a Zoning Certificate for conformance with all provisions of the Zoning Ordinance. If as Zoning Compliance Inspection is not approved within two (2) years of such damage, the property and any structures shall not be used except in conformance with the current standards in this Ordinance. In the event that the owner and the Municipality do not concur on the reproduction value, a determination of reproduction value shall be made by three (3) practicing building construction contractors, one to be appointed by the owner, one to be appointed by the Municipality, and the third selected by the mutual consent of the two parties. Costs for the services of the building construction contractors shall be borne by the applicant.

1401.4 Conditional Uses Are Not Made Legal, Nonconforming Uses By This Ordinance. It is not the intention herein to classify as nonconforming a use or building allowed in a district as a conditional use under the regulations of this Ordinance.

1401.5 Legal, Nonconforming Uses and Structures Approved But Not Yet Existing. Any building arranged, intended or designed for a nonconforming use, or which would be a nonconforming structure, and which has been granted final approval of a Zoning Certificate, conditional use permit, variance, and all other permits or approvals, excluding the Zoning Compliance Inspection, prior to the adoption of this Ordinance may be completed as a legal, nonconforming use or structure and/or used for such legal, nonconforming use.

1401.6 Determination of Legal, Nonconforming Use. A determination of the legal and conforming status of an existing use or structure shall be made by the Planning Commission according to the provisions of the Ordinance (see Article 17).

- (a) Application for Determination of Legal, Nonconforming Use Only.** Any property owner, tenant or lessee may apply to the Planning Commission for a determination of the legal,

conforming status of an existing structure or use. Such application may be made even if there is no proposed alteration of such structure or use.

Section 1402. Restrictions on Legal, Nonconforming Uses

A use of a structure existing lawfully at the time of the effective date of this Ordinance, but which does not conform to the use regulations of the district in which it is located, may be continued so long as it remains otherwise lawful, subject to the provisions of this section:

1402.1 No Legal, Nonconforming Use May be Extended in a Structure. The Legal, Nonconforming Use of a building may not be extended throughout those existing parts of the building which were arranged or designed for such use.

1402.2 No Legal, Nonconforming Use May Occupy More Land. No Legal, Nonconforming Use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

1402.3 No Legal, Nonconforming Use May be Moved. No Legal, Nonconforming Use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.

1402.4 No Expansion or Addition of a Nonconforming Structure for a Legal, Nonconforming Use. No expansion of an existing structure, and no additional structure not conforming to the requirements of this Ordinance shall be erected in connection with a Legal, Nonconforming Use.

1402.5 No Other Nonconforming Use May Replace a Legal, Nonconforming Use. When any Legal, Nonconforming Use is replaced by a permitted use, the use shall thereafter conform to the regulations for the district, and no nonconforming use shall thereafter be resumed. No Legal, Nonconforming Use shall be changed to another nonconforming use.

1402.6 Legal, Nonconforming Use May Not Be Resumed If Discontinued For Three Months. A nonconforming use which is discontinued for a period of three (3) months shall not again be used except in conformity with the regulations of the district in which it is located.

Section 1403. Restrictions for Legal, Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on size, height, yards, setbacks, or other requirements concerning the structure, such structure may continue to remain so long as it remains otherwise lawful, subject to the provisions of this section.

1403.1 No Changes Permitted in Legal, Nonconforming Structures. No nonconforming building or structure shall be moved, extended, enlarged, or altered in any way which increases its nonconformity, but any such structure may be altered to decrease its nonconformity, as provided by this Ordinance.

1403.2 Dilapidated Legal, Nonconforming Structures May Only Be Altered To Conform To This Ordinance. If a nonconforming structure becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Section 1404. Expiration of Approval of Changes in Legal, Nonconforming Uses and Structures

Any approval by the Planning Commission of a change in a legal, nonconforming use and/or structure shall expire if the use is not conducted as approved, or construction of approved changes is not constructed within

six (6) months of the date of approval. Note: This provision applies to uses and structures which, with the approved changes, will continue to be legal, nonconforming uses and/or structures.

ARTICLE 15. VARIANCES

Section 1500. Variances

Variances to this Zoning Ordinances must be reviewed and approved by the Board of Zoning Appeals prior to the issuance of Zoning Certificates. See Article 18.

1500.1 Variances Must Meet All Criteria. The BZA shall have the power to hear and decide appeals and authorized such variances from the provisions or requirements of this Ordinance as will not be contrary to the public interest. In authorizing a variance, the BZA may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of this Ordinance. On appeal, and where there is unnecessary physical hardship, the BZA may grant a variance in the application of the provisions of this zoning Ordinance only if all of the following findings are made:

- (a) **Physical Characteristics Unique to the Property.** That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions of the property generally created by the provisions of the zoning Ordinance in the neighborhood or district in which the property is located, and
- (b) **Physical Characteristics Unique to the Property Prevent Conformance with Regulations.** That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property, and
- (c) **Hardship Is Not Created By The Applicant.** That such unnecessary hardship has not been created by the applicant, and
- (d) **Variance Will Not Adversely Impact Neighboring Properties.** That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare, and
- (e) **Minimum Variance Of The Regulations.** That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

1500.2 Invalid Reasons for Variance. Factors which are not strictly related to the physical characteristics of land, such as physical limitations of a structure or economic hardship, shall not be considered as valid reasons to grant a variance from the provisions of this Zoning Ordinance.

1500.3 BZA May Recommend Zone Change. The BZA may determine that the requested use or structure is not eligible for a variance, but may form the opinion that the proposed project is otherwise acceptable. The BZA may make a recommendation to the Council for an amendment to the Zoning Ordinance. Notwithstanding the action of the BZA, the applicant may apply for a zone change according to the Ordinances of the Village.

ARTICLE 16. ZONING INSPECTOR, ZONING CERTIFICATE, ZONING COMPLIANCE INSPECTION

Section 1600. Zoning Inspector

- 1600.1 Zoning Inspector Enforces the Zoning Ordinance.** It shall be the duty of the Zoning Inspector who shall be appointed by the Council, to enforce this Ordinance. It shall be the duty of all officials and employees of the municipality to assist the Zoning Inspector in the administration of the Zoning Ordinance by, for example, reporting to him/her or her upon new construction, reconstruction, or land uses or upon seeming violations, and by reviewing applications for Zoning Certificates, Zoning Compliance Inspection and Sign Permits as needed. The Zoning Inspector shall make no change in this Ordinance nor vary the terms of this Ordinance in carrying out the duties of the position of Zoning Inspector.
- 1600.2 Appeal Decisions of Zoning Inspector To The BZA.** Appeal from the decision of the Zoning Inspector may be made to the Board of Zoning Appeals, as provided in Article 18. An appeal may be made of a case in which the Zoning Inspector has issued a final, official determination, such as a Zoning Certificate, Zoning Compliance Inspection, sign permit, etc.
- 1600.3 Zoning Inspector Maintains Records.** The Zoning Inspector shall maintain records of applications for action by the Zoning Inspector, Planning Commission and Board of Zoning Appeals, all actions of Council pertaining to this Ordinance, all Zoning Certificates and Zoning Compliance Inspections, and all approved and rejected applications. Copies shall be furnished upon request to any person having proprietary or tenancy interest in the building or land affected. A fee for copies may be charged as determined by Council.

Section 1601. Zoning Permission For a Structure or Use

- 1601.1 New or Altered Use or Structure Requires A Separate Zoning Certificate.** It shall be unlawful for an owner to construct, create, erect, change, convert, enlarge or otherwise alter any structure, building or land, or part thereof, until a Zoning Certificate shall have been issued by the Zoning Inspector.
- 1601.2 New or Altered Use Or Structure May Not Be Occupied Without Zoning Compliance Inspection.** It shall be unlawful for an owner to use or permit use of any structure, building or land, or part thereof, hereafter constructed, created, erected, changed, converted or enlarged, wholly or partially, until a Zoning Compliance Inspection shall have been issued by the Zoning Inspector.
- 1601.3 Zoning Certificate and Zoning Compliance Inspection Are Issued By Zoning Inspector.** It shall be the duty of the Zoning Inspector to issue the Zoning Certificate and Zoning Compliance Inspection, provided he/she is satisfied that the structure, building or premises and the proposed use thereof conform with all the requirements of this Ordinance. No such permits shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Ordinance.
- 1601.4 Zoning Inspector Issues Zoning Compliance Inspection for an Existing Use and Structure.** A property owner, tenant or lessee may make application to the Zoning Inspector for a determination of the legal and conforming status of a structure or use. After reviewing the application and inspecting the premises, the Zoning Inspector shall document the extent and

kind of use made of the building or premises and issue a written determination. If the use or structure is determined to be legal, the Zoning Inspector shall issue a Zoning Compliance Inspection.

- (a) **Illegal Use or Structure Must Be Corrected.** If the structure or use is determined to be illegal, the Zoning Inspector shall inform the applicant that, if the use of structure is not brought into conformance with this Ordinance within six (6) months after the determination, the Zoning Inspector shall issue a Notice of Violation.

1601.5 Projects Requiring a Zoning Certificate

A Zoning Certificate shall be required for any of the following, except as provided in this Ordinance:

- (a) **Construction or Alteration of any Structure.** Construction or structural alteration of any building or structure,
- (b) **Construction or Alteration of any Accessory Structure.** Construction or structural alteration of accessory structures, including (for example) garages, barns, gardening sheds, gazebos, storage buildings, swimming pools and landscaping structures. (See Definitions, Article 3.)
- (c) **Change in Use of a Structure.** Change in use of an existing structure or accessory structure to a use of a different classification, as defined in Article 3.
- (d) **Change in Use of Vacant Land.** Occupancy and use of vacant land.
- (e) **Change in Use of Land.** Change in the use of land to a use of a different classification, as defined in Article 3.
- (f) **Change in a Nonconforming Use.** Any change in the use of a legal, nonconforming use.
- (g) **Change in a Nonconforming Structure.** Any change in use of a legal, nonconforming structure, as defined in Article 3.
- (h) **Restoration of a Nonconforming Use or Structure After Catastrophe.** Restoration of a legal, nonconforming use or structure to repair damage done by a catastrophe as described in Article 14.

1601.6 Projects Requiring Approval by the Council, Commission or BZA Prior to Issuance of Zoning Certificate:

The Zoning Inspector shall not issue a Zoning Certificate for any application requiring review an approval by the Village Council, Planning Commission or Board of Zoning Appeals unless the proposed project has been approved by such authority.

Section 1602. Application for Zoning Certificate

An application for a Zoning Certificate shall contain two (2) collated sets of the information listed below. Applicants are encouraged, but not required, to contact the Zoning Inspector to review the requirements for applications prior to submittal.

- An application form, available from the Zoning Inspector, to be completed and signed by the applicant and property owner(s).
- A site and building plan as described in this section.
- A fee as required in this Ordinance.

1602.1 Contents of Site and Building Plan in Zoning Certificate Applications. The site and building plan shall show the information listed below. The scale of plans shall be sufficient to adequately evaluate whether the proposed site and building plan complies with the regulations of this Ordinance. All plans shall be of a sufficient scale to determine compliance with the provisions of this Ordinance.

- Project name, location and address, if available.
- Applicant's name.
- Scale and north arrow.
- Map showing the general location of the project.
- Location and names of street(s) providing access to the project, and exact location of the project in relation to the nearest cross street.
- Lot and parcel numbers of the project and all adjacent properties, including across streets.
- Dimensions of the lot(s), and location and use of existing structures (including ponds).
- Required setback lines.
- Location, height, size and use of proposed and existing structures and yards, according to all dimensions that are regulated in this Ordinance.
- Plan of structures and/r portions thereof where the proposed use will be conducted, or alterations will be constructed, including entrances, exits, and other details which are relevant to the application.
- Foundation plan for manufactured homes.
- Zoning district of project and adjacent properties, including across streets.
- Location, width and names of existing streets, railroad rights-of-way, and easements.
- Existing sewers, water lines, culverts and other underground structures, and power transmission poles and lines, within and adjacent to the site.
- Location and sites of proposed easements and municipal utilities.
- Location and dimensions of all vehicular and pedestrian facilities within and without the site.
- Location and dimensions of all off-street parking areas, including entrance driveways, maneuvering lanes, service lanes, loading areas, and similar areas.
- Location, dimensions and proposed uses of all on-site recreation areas.
- Location of fire lanes.
- Location of refuse disposal, storage and removal areas.
- Location, type and size of plant material or fences for any required buffers.
- Statement that no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.
- Statistical data on all relevant characteristics of the proposed development, including number and size of dwelling units, percentage of lot coverage, total gross and net acreage, numbers and dimensions of parking spaces including handicapped accessible spaces.
- Survey by a registered engineer or surveyor.

Any other information which in the judgment of the Zoning Inspector may be necessary to provide of the enforcement of this Ordinance.

1602.2 Zoning Inspector May Require Additional Data or Waive Some Data for the Application.

The Zoning Inspector shall have the authority to require additional data in an application if he/she determines that it is necessary to determine if the proposed project conforms to the requirements of this Ordinance. The cost of additional information shall be borne by the applicant. Additionally, the Zoning Inspector shall have the authority to waive some data required in the application if he/she determines that it is not needed to evaluate whether the application complies with the provisions of this Ordinance. The intent of this provision is to provide sufficient data and to avoid unnecessary delay or expense to the applicant and Village in the preparation and review of applications for Zoning

Certificates. It is not the intent of this section to waive all requirements for a site and building plan, because such documentation is necessary to verify conformance with, for example, setbacks, buffers, use of primary and accessory structures, and parking requirements.

Section 1603. Process for Review of Application for a Zoning Certificate, Sign Permit or Seasonal Sales Permit

An application for a Zoning Certificate, Sign Permit, or Seasonal Sales Permit shall be processed as follows:

- The applicant shall submit the application for a Zoning Certificate or Permit to the Zoning inspector. The Zoning Inspector shall determine whether the application is complete within three (3) business days.
- If the application is determined to be complete, the Zoning Inspector shall determine if the proposed project is in conformance with the Ordinance within seven (7) business days. If the application is deemed to be incomplete, it shall be the responsibility of the applicant to request a refund of the application fee from the Zoning Inspector.
- If the proposed project is determined to be in conformance, the Zoning Inspector shall issue a Zoning Certificate or Permit. If the proposed project is determined to be not in conformance with this Ordinance, the Zoning Inspector shall inform the applicant in writing of the refusal and the reasons for the determination.
- The Zoning Inspector shall mark all sets of the application and plans as “approved” or “disapproved” and shall sign the documents. The Zoning Inspector shall maintain one set of the approved or disapproved application, and the approved Zoning Certificate or Permit if applicable, on file in the Village offices. One sets of approved documents shall be transmitted to the applicant.

1603.1 Zoning Certificate is Issued After Project Receives All Approvals. The Zoning Inspector shall not issue a Zoning Certificate for any application requiring a determination by the Village Council, Planning Commission or Board of Zoning Appeals unless the proposed project has been granted all final approvals by all such authorities.

- (a) **If No Revised Plans Are Required, Certificate is Issued Within Three (3) Days.** When such approvals are final, and the applicant has not been required to submit revised plans, the Zoning Inspector shall issue the Zoning Certificate within three (3) business days.
- (b) **Revised Plans Must Be Checked.** When all necessary approvals by the Council, Planning Commission or BZA are final, and the applicant has been required to submit revised plans, the Zoning Inspector shall determine whether the revised plans are in conformance with the approval by such authorities. If the Zoning Inspector determines that the revised plans are in conformance, he/she shall issue the Zoning Certificate within three (3) business days. If the Zoning Inspector determines that the revised plans are not in conformance, the Zoning Inspector shall notify the applicant in writing, and state the reasons for the refusal of the Zoning Certificate. Further revised plans may be submitted by the applicant for determination of compliance by the Zoning Inspector.
- (c) **If Applicant Fails to Submit Conforming Revised Plans in 60 Days, Planning Commission and/or Council Approval Expires.** If revised plans are a condition of approval of the Planning Commission and/or Council, the approval of the Village Council, Planning Commission or BZA

shall expire in sixty (60-) days after such final approval if the applicant fails to submit revised plans which are determined to be in conformance by the Zoning Inspector.

1603.2 Expiration of Zoning Certificate. The Zoning Certificate shall expire if the use, as approved, has not been conducted, or if the structure, as approved, has not been occupied after two (2) years of the date of approval.

Section 1604. Zoning Compliance Inspection

Approval of a Zoning Certificate shall not be final until the premises have been inspected by the Zoning Inspector and issued a Zoning Compliance Inspection. A Zoning Compliance Inspection shall be issued if the Zoning Inspector determines that the structure and/or use permitted in the Zoning Certificate has been constructed and/or operated in compliance with the Zoning Certificate.

1604.1 Application for Zoning Compliance Inspection

An application for a Zoning Compliance Inspection shall contain two (2) original sets of the information listed below. The applicant shall provide access to all areas of the property as needed to make a complete check of all features regulated by the provisions of this Zoning Ordinance. The applicant is encouraged, but not required, to contact the Zoning Inspector to review the requirements for application prior to submittal.

- An application form, available from the Zoning Inspector, to be completed and signed by the applicant and property owner(s).
- A fee as required in this Ordinance.

1604.2 Process for Review of Applications for a Zoning Compliance Inspection. An application for a Zoning Compliance Inspection shall be processed as follows:

- The applicant shall submit the application for a Zoning Compliance Inspection to the Zoning Inspector.
- Within three (3) business days of submittal of the application, the Zoning Inspector shall determine whether the application is complete, and shall contact the applicant. If the application is determined to be complete, the Zoning Inspector shall make an appointment for an inspection of the premises. The inspection shall be conducted within ten (10) business days of the determination of completeness. If the applicant declines to make the premises available for inspection according to the provisions of this section, the application shall be deemed incomplete.
- If the application is deemed to be incomplete, it shall be the responsibility of the applicant to request a refund of the application fee from the Zoning Inspector.
- The Zoning Inspector shall make a physical inspection of the premises. It is strongly recommended, but not required, that the applicant or the applicant's representative attend the inspection.
- The Zoning Inspector shall determine if the premises is in conformance with this Ordinance within three (3) business days of the inspection. If the premises is determined to be in conformance, the Zoning Inspector shall issue a Zoning Compliance Inspection document.
- The Zoning Inspector shall mark the application materials as "approved" or "disapproved" and shall sign the documents. The Zoning Inspector shall maintain one set of the approved or

disapproved application, and the approved Zoning Certificate if applicable, on file in the Village offices. One set of approved documents shall be transmitted to the applicant.

1604.3 Expiration of Zoning Compliance Inspection. The Zoning Compliance Inspection shall expire in sixty (60) days if the structure or use is not occupied or conducted as approved.

Section 1605. Contents of Zoning Certificates and Zoning Compliance Inspection. An approved Zoning Certificate shall state that the proposed structure of the proposed use of a structure or land complies with all provisions of this Ordinance. An approved Zoning Compliance Inspection shall state that the structure or premises have been inspected and found to be in compliance with all provisions of this Ordinance and conditions of approval. A record of all Zoning Certificates and zoning compliance inspections, including applications, plans, conditions of approval, approvals by Village authorities and all other pertinent information shall be kept on file in the office of the Zoning Inspector or his agent.

Section 1606. Agricultural Structure/Use Exemption Certificate

An Agricultural Structure/Use Exemption Certificate shall be filed by the property owner, tenant or lessee with the Zoning Inspector prior to the construction of any such buildings or structures, including two (2) copies with original signatures. The filing of such Certificate shall not require a fee. See Article 2, Agricultural Structure/Use Exemption and Article 3, Definitions, Agriculture.

1606.1 Inspection for Exemption Certificate. Within a ten (10) business days after the submittal of the certificate, the Zoning Inspector shall inspect the land or structure described in the certificate and determine whether it is eligible for the Agricultural Structure/Use Exemption according to the provisions of this Ordinance. If the premises is determined to be eligible, the Zoning Inspector shall grant an acceptance of the certificate within three (3) business days after the inspection. If the premises is determined to be ineligible, the Zoning Inspector shall notify the applicant in writing within three (3) business days and shall include the reason for the determination. The Zoning Inspector forward 1 (one) set of the determination to the applicant, and retain one (1) set in the Village files.

Section 1607. Permits, Certificates and Similar Documents Shall Immediately be Displayed on the Premises

All forms issued by the Village which confer permission according to this Ordinance shall be immediately and permanently displayed on the premises where they are visible to the public. Attachments such as application, forms, approved plans, etc., are not required to be displayed. If the document pertains to a temporary use, structure or other object, it must be displayed until such use, structure or object is discontinued or removed. It is acceptable to display either the original document or a legible copy thereof.

Section 1608. Violations and Penalties

1608.1 Fines for Violations It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any structure or land in violation of any regulation in or any provisions of this Ordinance or any amendment or supplement thereto adopted by the Council. Any person, firm or corporation violating any regulation thereto shall be fined not more than one hundred dollars (\$100.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

1608.2 Zoning Certificate or Zoning Compliance Inspection Based on False Statements are Void. Any Zoning Certificate or Zoning Compliance Inspection, including approvals and permissions by any authority of the Village, issued upon a false statement of fact by the applicant, property owner or their

representative, which is material to the issuance thereof, shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Council, the certificate shall be revoked.

1608.3 Filing A Complaint About a Violation. Any person may file a complaint in regard to an alleged violation of this Ordinance. All such complaints shall be in writing and shall be filed with the Zoning Inspector, who shall promptly record and investigate such complaint.

(a) **Costs of Investigation of Disproved Violations May be Charged to Complainant.** If the Village investigates an alleged violation, and the premises are found to be in compliance with the Zoning Ordinance, the Village Council may, but is not required to, charge reasonable costs of investigation to the complainant. Such charge may be made if, for example:

- An individual or entity makes repeated complaints of alleged and disproved violations of the same type, or against the same or different premises; or
- There is no obvious or reasonable observation of a violation; or
- Similar circumstances.

It is the intent of this provision that the cost of reasonable complaints shall be borne by the Village, whether or not a violation is found to exist. Further, the intent of this provision is to discourage harassment of occupants and property owners who are in compliance with the Zoning Ordinance, and abuse of Village resources.

1608.4 Notice of Violation. If the Zoning Inspector finds that any provisions of this Ordinance are being violated, he/she shall proceed as follows:

(a) **Notification to Property Owner.** The Zoning Inspector shall notify in writing the owner of record or authorized agent in violation. The notice shall indicate the nature of the violation, order the action necessary to correct the violation, and advise that the order may be appealed to the Board of Zoning Appeals.

(b) **Serving Notice of Violation.** Such notice shall be served by the Zoning Inspector to the property owner and the occupant of such premises by certified mail. Further, the Zoning Inspector shall post such notice in a conspicuous place upon the premises of the violation. Such notice shall remain as posted until removed by the Zoning Inspector who shall do so only when all corrections are complete.

(c) **No Further Work Shall be Done In Violation of the Ordinance.** After such an order is served or posted on the premises, no work, except to secure the property or correct such violation and comply with this Ordinance, shall be permitted on any building or tract of land included in the violation. Corrections shall be made after all necessary permits have been approved.

(d) **Failure to Comply With Order for Correction.** If the owner or authorized agent fails to comply with such order within sixty (60) days after notice has been served, the Village Solicitor may be authorized to institute appropriate action to prevent enjoin, abate or eliminate such violation.

1608.5 Legal Action Against Violators. In any case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, the Zoning Inspector, Solicitor, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute

injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

ARTICLE 17. PLANNING COMMISSION

Section 1700. Purpose of the Planning Commission

The purpose of the Planning Commission is to review and make recommendations regarding zoning-related matters such as regulations and polices, to review and authorize projects which conform to the provisions of this Ordinance, and to perform other duties as determined by the Village Council. The Planning Commission shall have the powers and duties as described in this Ordinance.

Section 1701. Organization and Procedure of the Planning Commission

1701.1 Appointment of Commission Members: The Planning Commission has been established by Council pursuant to Ohio Revised Code 713.01 and consists of five (5) voting members including the mayor, one (1) member of the legislative authority to be elected thereby for the remainder of his term as such member of the legislative authority, and three (3) citizens to be appointed by the mayor for terms of six (6) years each. The members of the Planning Commission may receive such compensation as the Council provides.

1701.2 Officers and Rules of the Commission: The Planning Commission shall organize annually and elect a President, Vice-President and Secretary. The Commission shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Ordinance, provided, however, that such rules are consistent with all other Ordinance of the municipality.

1701.3 Quorum of the Commission. A simple majority of the Planning Commission, if in attendance, shall constitute a quorum.

1701.4 Meetings of the Commission. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings of the Planning Commission shall be public. However, the Commission may go into executive session for discussion but not for vote on any case before it. The Commission shall hear testimony from any member of the public.

1701.5 Minutes and Records of the Commission: The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Clerk and shall be a public record.

1701.6 Commission Authority for Witnesses, Oaths, Etc.: The Planning Commission shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents under such regulations as it may establish.

1701.7 Officials and Employees Shall Assist Commission: The Planning Commission may call upon the various officials and employees of the municipality for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Planning Commission as may reasonably be required.

Section 1702. Applications to Planning Commission

Any person, firm, or corporation owning or leasing land and/or a structure or portion of a structure may submit an application to the Planning Commission.

1702.1 Contents of Application to Commission: An application to the Planning Commission, for all types of projects shall contain eight (8) collated sets of the information listed below, including two sets with original signatures. Applicants are encouraged, but not required, to contact the Zoning Inspector to review the requirements for applications prior to submittal.

- An application form, available from the Zoning Inspector, to be completed and signed by the applicant and property owner(s).
- A site plan and building plan as described in this section.
- Names and addresses of property owners and occupants of properties within two hundred (200) feet of the subject property.
- A fee as required in this Ordinance.

1702.2 Contents of Site and Building Plan. The site plan shall show the information listed below. The scale of plans shall be sufficient to adequately evaluate whether the proposed site and building plan complies with the regulations of this Ordinance. All plans shall be of a sufficient scale to determine compliance with the provisions of this Ordinance.

- Project name, location and address.
- Applicant's name.
- Scale and north arrow.
- Map showing the general location of the project.
- Location and names of street(s) providing access to the project, and exact location of the project in relation to the nearest cross street.
- Lot and parcel numbers of the project and all adjacent properties, including cross streets.
- Dimensions of the lot(s), and location and use of existing structures (including ponds and driveways).
- Required setback lines.
- Location, height, size and use of proposed and existing structures and yards, according to all dimensions that are regulated in the Ordinance.
- Plan of structures and/or portions thereof where the proposed use will be conducted, including entrances, exits, and other details which are relevant to the use.
- Foundation plan for manufactured homes.
- Zoning district or project and adjacent properties, including across streets.
- Location, width and names of existing streets, railroad rights-of-way, and easements.
- Existing sewers, water lines, culverts and other underground structures, and power transmission poles and lines, within and adjacent to the site.
- Location and sites of proposed easements and municipal utilities.
- Location and dimensions of all vehicular and pedestrian facilities within and without the site.
- Location and dimensions of all off-street parking areas, including entrance driveways, maneuvering lanes, service lanes, loading areas, and similar areas.
- Location, dimensions and proposed uses of all on-site recreation areas.
- Location of fire lanes.

- Location of refuse disposal, storage and removal areas.
- Location, type and size of plant material or fences for any required buffers.
- Statement that no part of the land involved in the application has been previously used to provide required setback space or lot area for another structure.
- Statistical data on all relevant characteristics of the proposed development, including number and size of dwelling units, percentage of lot coverage, total gross and net acreage, numbers and dimensions of parking spaces including handicapped accessible spaces.
- Survey by a registered engineer or surveyor.
- Any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this Ordinance.

1702.3 Zoning Inspector May Waive Some Data for the Site and Building Plan. The Zoning Inspector shall have the authority to require additional data in the application if he/she determines that it is necessary to determine if the proposed project conforms to the requirements of this Ordinance. The cost of additional information shall be borne by the applicant. Additionally, the Zoning Inspector shall have the authority to waive some data required in the application if he/she determines that it is not needed to evaluate whether the application complies with the provisions of this Ordinance. Such waivers and/or requirements shall be made in writing by the Zoning Inspector. The intent of this provision is to provide sufficient data and to avoid unnecessary delay or expense to the applicant and Village in the preparation and review of applications for Zoning Certificates. It is not the intent of this section to waive all requirements for a site and building plan, because such documentation is necessary to verify conformance with, for example, setbacks, buffers, use of primary and accessory structures, and parking requirements.

Section 1703. Process for Application Review.

Applications to the Planning Commission shall be processed as follows:

- The application shall be submitted to the Zoning Inspector. The Zoning Inspector shall determine whether the application is complete within three (3) business days.
- If the application is determined to be complete, the Planning Commission shall schedule the hearing and shall give at least ten (10) days public notice thereof in a newspaper of general circulation in the municipality and at least ten (10) days notice to property owners and occupants of land within two hundred (200) feet of the premises in the application.
- If the application is deemed to be incomplete, it shall be the responsibility of the applicant to request a refund of the application fee from the Zoning Inspector.
- The Planning Commission shall decide to approve or disapprove the application. As part of the review process, the Planning Commission may require modifications, request additional information, and/or submit the application to the Tuscarawas Regional County Planning Commission for recommendation. It is recommended but not required that modifications, revisions, and conditions should be recorded in the form of a list as a convenience in reviewing further submittals and inspections.
- The Planning Commission shall decide to approve or disapprove the application within sixty (60) days of the date of determination that the application is complete.
- Approval of the Application shall not be final until any revised plans required by Commission have been submitted by the applicant and approved by the Zoning Inspector for conformance with the approval by Commission.

- The Zoning Inspector shall issue a Zoning Certificate, as appropriate, for an application which has been approved. The Zoning Inspector shall transmit one copy of the approved application and Zoning Certificate to the applicant, and shall maintain one copy in the Village files. Alternatively, the Zoning Inspector shall transmit documentation of any application which is disapproved, along with the reasons for the disapproval, to the applicant and shall maintain one copy in the Village files.

Section 1704. Interpretation of Zoning District Map

Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the zoning map, the Planning Commission shall interpret the map in such a way as to carry out the intent and purpose of this Ordinance. In case of any questions as to the location of any boundary line between zoning districts, a request for interpretation of the zoning district map may be made to the BZA and a determination shall be made by the Planning Commission.

Section 1705. Planning Commission Decisions are Binding

Decisions of the Planning Commission shall be binding upon the Zoning Inspector and observed by him/her, and he/she shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Planning Commission.

Section 1706. Planning Commission Decisions May be Appealed to the Court of Common Pleas

The Planning Commission may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirements, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all powers of the Zoning Inspector from whom the appeal is taken. Any party adversely affected by a decision of the Planning Commission may appeal to the Court of Common Pleas of the county on the ground that the decision was unreasonable or unlawful.

ARTICLE 18. BOARD OF ZONING APPEALS (BZA)

Section 1800. Purpose of the Board of Zoning Appeals

The purpose of the Board of Zoning Appeals (BZA) is to hear appeals of decisions made by the Zoning Inspector; and to review and authorize projects where there are practical difficulties or unnecessary physical hardships in carrying out the strict interpretation 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 this Article; and to perform other duties as determined by the Village Council. The BZA shall have the powers and duties as described in this Ordinance.

Section 1801. Organization and Procedures of the BZA

1801.1 Appointment of BZA Members: There is hereby established a Board of Zoning Appeals (BZA) which shall consist of five (5) voting members appointed by the Council. The Council shall choose a successor to fill any vacancy. The five (5) voting members first appointment shall serve for terms of one (1), two (2), three (3), four (4), and five (5) years, respectively; thereafter appointments shall be for five (5) year terms, beginning January 1st. Each member shall serve until his successor is appointment and qualified. Vacancies shall be filled by the Council and shall be for the respective unexpired term. The members of the Board of Zoning Appeals may receive such compensation as the Council provides.

1801.2 Officers and Rules of the BZA: The BZA shall organize annually and elect a President, Vice-President and Secretary. The BZA shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Ordinance, provided, however, that such rules are not consistent with any other Ordinance of the municipality.

1801.3 Quorum of the BZA. Three members of the BZA shall constitute a quorum. The concurring vote of three members of the BZA shall be necessary to reverse any order or determination of the Zoning Inspector, to decide in favor of an application in any matter in which the BZA has original jurisdiction under this zoning Ordinance, or to grant any variance from the requirements stipulated in this Ordinance.

1801.4 Meetings of the BZA: Meetings shall be held at the call of the chairman and at such other times as the BZA may determine. All meetings of the Board of Zoning Appeals shall be public. However, the BZA may go into executive session for discussion but not for vote on any case before it. The BZA shall hear testimony from any member of the public.

1801.5 Minutes and Records of the BZA: The BZA shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Clerk and shall be a public record.

1801.6 BZA Authority for Witnesses, Oaths, Etc.: The BZA shall have the power to subpoena witnesses, administer oaths, and punish for contempt and may require the production of documents under such regulations as it may establish.

1801.7 Officials and Employees Shall Assist the BZA: The BZA may call upon the various officials and employees of the municipality for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the BZA as may reasonably be required.

Section 1802. Appeal of Decision of the Zoning Inspector to the BZA

An appeal of a final, formal decision of the Zoning Inspector may be made to the Board of Zoning Appeals on the grounds that the decision is contrary to the laws and policies of the Village of Tuscarawas.

1802.1 Submittal of Appeal to BZA: An appeal to the BZA may be made by any person who is harmed or by an officer of the municipality affected by any formal decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision, by filing with the Zoning Inspector and with the BZA a notice of appeal specifying the grounds thereof. The Zoning Inspector shall transmit to the BZA all the papers constituting the record upon which the action appealed was taken. The appeal shall include:

- An application form, available from the Zoning Inspector, to be completed and signed by the applicant or appellant. It shall also be signed by the property owner(s) if the appeal is initiated by the lessee or tenant of the premises.
- Names and addresses of all property owners and occupants of properties within two hundred (200) feet of the subject property.
- A fee as stated in this Ordinance.

1802.2 Urgent Stays of Further Action on a Project. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector shall state in writing to the BZA after the notice of appeal shall have been filed with it that by reason of facts stated, a stay would, in his/her opinion,

cause imminent peril to life or property in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the BZA or by a court of equity after notice to the officer from whom the appeal is taken and on due cause shown. Documentation of the stay shall be transmitted to the applicant and owner of the property which is the subject of the appeal within one (1) business day.

1802.3 Process for Consideration of Appeal by BZA. An appeal shall be processed as follows:

- The appellant shall submit the appeal to the Zoning Inspector. The Zoning Inspector shall determine whether the appeal is complete within one (1) business day. If the application is deemed to be incomplete, it shall be the responsibility of the applicant to request a refund of the application fee from the Zoning Inspector.
- The BZA shall schedule the public hearing and shall give at least ten (10) days public notice thereof in a newspaper of general circulation in the municipality, and at least ten (10) days notice to property owners and occupants of land within two hundred (200) feet of the premises in the appeal, and at least ten (10) days notice to the appellant, and to the applicant and owner of the property which is the subject of the appeal.
- The BZA shall conduct a public hearing and decide to affirm or reverse the appeal within thirty (30) days of the determination that the appeal is complete.
- The Zoning Inspector shall transmit documentation of the BZA's affirmation or reversal to the appellant(s), and to the applicant and owner of the property which was the subject of the appeal.

1802.4 Appeal of Decision of Zoning Inspector Regarding Environmental Impact Certification. In such case that the Zoning Inspector issues a decision to refer an application for an Environmental Impact Certification to the Planning Commission, and the decision is appealed to the BZA, the BZA shall determine whether or not the application should be referred to the Planning Commission. It shall not be the responsibility of the BZA to review the application and determine whether to grant the Environmental Impact Certification.

Section 1803. Application for a Determination by the BZA

An application, in cases in which the BZA has original jurisdiction under the provisions of this Ordinance, may be submitted by the property owner, lessee or tenant of a premises.

1803.1 Contents of Application for BZA Determination. An application to the BZA shall contain eight (8) collated sets of the information listed below, including two (2) sets with original signatures. One additional copy shall be included if there is a parking agreement which is required to be reviewed by the Village Solicitor. Applicants are encouraged, but not required, to contact the Zoning Inspector to review the requirements for applications prior to submittal.

- An application form, available from the Zoning Inspector, to be completed and signed by the applicant and property owner(s).
- A site and building plan as described in this section.
- Names and addresses of property owners and occupants of properties within two hundred (200) feet of the subject property.
- A fee is required in this Ordinance.

1803.2 Contents of Site and Building Plan in Application to BZA. The site and building plan shall show the information listed below. The scale of plans shall be sufficient to adequately evaluate whether the proposed plan complies with the regulations of this Ordinance. All plans shall be of a sufficient scale to determine compliance with the provisions of this Ordinance.

- Project name, location and address.
- Applicant's name.
- Scale and north arrow.
- Map showing the general location of the project.
- Location and names of street(s) providing access to the project, and exact location of the project in relation to the nearest cross street.
- Lot and parcel numbers of the project and all adjacent properties, including across streets.
- Dimensions of the lot(s), and location and use of existing structures (including ponds).
- Required setback lines.
- Location, height, size and use of proposed and existing structures and yards, according to all dimensions that are regulated in this Ordinance.
- Foundation plan for manufactured homes.
- Zoning district of project and adjacent properties, including across streets.
- Location, width and names of existing streets, railroad rights-of-way, and easements.
- Existing sewers, water lines, culverts and other underground structures, and power transmission poles and lines, within an adjacent to the site.
- Location and sites of proposed easements and municipal utilities.
- Location and dimensions of all vehicular and pedestrian facilities within and without the site.
- Location and dimensions of all off-street parking areas, including entrance driveways, maneuvering lanes, service lanes, loading areas, and similar areas.
- Location, dimensions and proposed uses of all on-site recreation areas.
- Location of fire lanes.
- Location of refuse disposal, storage and removal areas.
- Location, type and size of plan material or fences for any required buffers.
- Statement that no part of the land involved in the application has been previously used to provide required setback space or lot area for another structure.
- Statistical data on all relevant characteristics of the proposed development, including number and size of dwelling units, percentage of lot coverage, total gross and net acreage, numbers and dimensions of parking spaces including handicapped accessible spaces.
- Survey by a registered engineer or surveyor.
- Any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this Ordinance.

1803.3 Zoning Inspector May Waive Data for the Site and Building Plan. The Zoning Inspector shall have the authority to require additional data in the application if he/she determines that it is necessary to determine if the proposed project conforms to the requirements of this Ordinance. The cost of additional information shall be borne by the applicant. Additionally, the Zoning Inspector shall have the authority to waive some data required in the application if he/she determines that it is not needed to evaluate whether the application complies with the provisions of this Ordinance. The intent of this provision is to provide sufficient data and to avoid unnecessary delay or expense to the applicant and

Village in the preparation and review of applications for Zoning Certificates. It is not the intent of this section to waive all requirements for a site and building plan, because such documentation is necessary to verify conformance with, for example, setbacks, buffers, use of primary and accessory structures, and parking requirements.

Section 1804. Process for BZA Application Review

Applications to the BZA shall be processed as follows:

- The application shall be submitted to the Zoning Inspector. The Zoning Inspector shall determine whether the application is complete within three (3) business days.
- The Zoning Inspector shall transmit the proposed.
- If the application is determined to be complete, the BZA shall schedule the hearing and shall give at least ten (10) days public notice thereof in a newspaper of general circulation in the municipality and at least ten (10) days notice to property owners and occupants of land within two hundred (200) feet of the premises in the application.
- The BZA shall conduct the public hearing and decide to approve or disapprove the application. As part of the review process, the BZA may require modifications, request additional information, and/or submit the application to the Tuscarawas County Regional Planning Commission for recommendation. It is recommended but not required that modifications, revisions, and conditions should be recorded in the form of a list as a convenience in reviewing further submittals and inspections.
- The BZA shall decide to approve or disapprove the application within sixty (60) days of the date of determination that the application is complete.
- Approval of the application shall not be final until any revised plans required by BZA have been submitted by the applicant and approved by the Zoning Inspector for conformance with the approval by BZA.
- The Zoning Inspector shall issue a Zoning Certificate, as appropriate, for an application which has been approved. The Zoning Inspector shall transmit one copy of the approved application and Zoning Certificate to the applicant and shall maintain one copy in the Village files. Alternatively, the Zoning Inspector shall transmit documentation of any application which is disapproved, along with the reasons for the disapproval, to the applicant and shall maintain one copy in the Village files.

Section 1805. BZA Decisions are Binding

Decisions of the BZA shall be binding upon the Zoning Inspector and observed by him/her, and he'/she shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the BZA.

Section 1806. BZA Decisions May be Appealed to the Court of Common Pleas

The BZA may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirements, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all powers of the Zoning Inspector from whom the appeal is taken. Any party adversely affected by a decision of the BZA may appeal to the Court of Common Pleas of the county on the ground that the decision was unreasonable or unlawful.

ARTICLE 19. AMENDMENTS TO THE ZONING ORDINANCE AND DISTRICT MAP

Section 1900. Council May Amend the Zoning Ordinance.

The Village Council may amend the Zoning Ordinance. Such change shall be in the interest of public necessity, convenience, general welfare and/or good zoning practice. Prior to such amendment, the Planning Commission shall make recommendations on all proposed amendments according to the provisions of this Ordinance and other applicable regulations of the Village. Such changes may include amendments, supplements, changes in regulations and/or district boundaries and/or classification of property as now or hereafter established by the Zoning Ordinance and amendments thereof.

Section 1901. Criteria For Amendments to the Zoning District Map

- The amendment is consistent with the purpose of the district.
- The property to be rezoned is similar in character to other areas of the community which are in the same zoning district.
- The amendment will not create a case of “spot zoning”; i.e., assign a property to a zoning district where it does not conform to the purpose.
- Will not change the legal, conforming status of uses and structures that are acceptable and appropriate in the community and in their present location.

Section 1902. Procedure for Change in Zoning Ordinance

1902.1 Initiation of Zoning Amendment: A proposed amendment to this Zoning Ordinance may be initiated in one of the following ways:

- By adoption of a motion of the Planning Commission;
- By passage of a motion or Ordinance by Council.
- By the filing of an application by at least one owner, agent, or lessee of property within the area proposed to be changed or affected by such amendment.

Additionally, any resident, property owner or official of the community may suggest an amendment to the Zoning Ordinance, which the Council and/or Planning Commission may decide to study.

1902.2 Application for Zoning Amendment: An application for a Zoning Amendment shall be submitted to this Zoning Inspector and shall contain eight (8) collated sets of the information listed below, including two (2) sets with original signatures. Applicants are encouraged, but not required, to contact the Zoning Inspector to review the requirements for applications prior to submittal.

- An application form, available from the Zoning Inspector, to be completed and signed by the applicant and property owner(s).
- A sketch map of the proposed zone change, if applicable, as described in this section.
- The text of the existing sections of the Ordinance, and the proposed new text, including section numbers, if applicable.
- Names and addresses of property owners and occupants of properties within two hundred (200) feet of the subject property.
- A fee is required in this Ordinance.

1902.3 Sketch Map of Zoning Amendment. The purpose of the sketch map is to illustrate the area of the proposed zoning amendment if the amendment involves an amendment of the map. The sketch map shall contain the following information:

- A copy of all or a portion of the Village Zoning District map, in the same scale as the official map and on a page of at least 8 ½" x 11" in size, including the subject area and surrounding areas, and with notations describing the proposed change.
- Present zoning district;
- Proposed use of the property;
- Proposed zoning district;
- A vicinity map showing property lines, thoroughfares, existing and proposed zoning of adjacent parcels and of those across the street.

1902.4 Action of the Commission. The proposed amendment shall be considered by the Planning Commission by the following process.

- The proposed amendment shall be submitted to the Zoning Inspector. In the case of an application, the Zoning Inspector shall determine whether the application is complete within three (3) business days. If the application is determined to be complete, the Planning Commission shall schedule the hearing as provided below.
- If the application is deemed to be incomplete, it shall be the responsibility of the applicant to request a refund of the application fee from the Zoning Inspector.
- The Planning Commission shall schedule the hearing and shall provide public notice as provided in this Article.
- The Commission shall make a recommendation on the proposed amendment to the Village Council. The Commission may recommend that the application be approved as requested, it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted.
- The Planning Commission shall make its recommendation within thirty (30) days of the date of adoption of the Planning Commission motion, or Village Council Ordinance, or determination of completeness of the application.

1902.5 Public Hearing by the Council: The proposed amendment shall be considered by the Village Council according to the following process:

- The recommendation of the Commission along with any necessary supporting documents shall be forwarded to City Council for their review.
- After receiving the recommendation of the Planning Commission and before the adoption of any such amendments, Council shall hold a public hearing thereon.
- The Village Clerk shall provide notices to the public and property owners as described in this Ordinance.
- The Council may decide to approve the proposed amendment as submitted, or with any further changes, or to reject the whole or any part of the amendment.
- The Council shall take action on the proposed amendment within sixty days of the date of adoption of the Planning Commission motion, or Village Council Ordinance, or determination of completeness of the application.

- If the Council approves an amendment of the Zoning District Map, the Zoning Inspector shall revise the map within ten (10) business days of the Council action.

1902.6 Notice to the Public and Property Owners: Public notice of public hearings related to proposed zoning amendments shall be published in a newspaper of general, local circulation at least ten (10) days beforehand. If the proposed amendment intends to rezone ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by first class mail at least ten days before the date of the public hearing, to all occupants and owners of property within, contiguous to and directly across the street from such area proposed to be rezoned. The notice shall state the place or places and times at which the proposed amendment to the Ordinance including text and maps may be examined and other notices as required by state statutes. The names and addresses shall be obtained from the county auditor's current tax list or the treasurer's mailing list and to such other list or lists that may be specified by the legislative authority. The failure to notify individual property owners and occupants as provided in this section shall not invalidate any recommendation adopted hereunder, it being the intent of this section to provide so far as is reasonably possible, due notice to the persons substantially interested in the proposed change that an application is pending.

1902.7 Resubmittal of Application for Amendment: In the event the proposed amendment has been disapproved by council, no application for a proposed identical amendment shall be resubmitted for a period of six (6) months following such disapproval.

Section 1903. Zoning Amendments Shall Not be Approved With Conditions

Zoning amendments shall not be approved with conditions and shall not be contingent, for example, upon the completion of a proposed structure or initiation of a proposed use.

ARTICLE 20. FEES

Section 2000. Fee For Applications and Services

A fee, in accordance with the following schedule, shall accompany each application for a permit, certificate, or other authorization as provided in this Ordinance. The Zoning Inspector shall transmit fees to the Village Treasurer, who will credit the fees to the Village General Fund. If an application is deemed to be incomplete, it shall be the responsibility of the applicant to request a refund. In all other cases, fees shall be nonrefundable.

Permission	Fee
* Zoning Certificate	\$100.00
* Dwelling, per unit, including RDMH, SDMH	\$100.00
* Nonresidential structure	\$100.00
* Accessory structure (garage, barn, shed, gazebo, storage building, swimming pool, fence, landscaping wall, etc.	\$25.00
* Residential addition or alteration	\$25.00
* Nonresidential addition or alteration	\$25.00
* Use of land, not involving structure, including changes in the use of land includes sidewalks and driveways	\$5.00
* Limited Home Occupation	\$15.00
* Sign Permit	\$15.00
* Zoning Compliance Inspection	\$10.00
* Agricultural Structure/Use Exemption Certificate	\$0
* Release of Bond for Mineral Extraction, Storage and Processing, and Oil and Gas Extraction	\$15.00
* Conditional Use Permit	\$25.00
* Determination of Status of Legal, Nonconforming Structure or Use	\$15.00
* Replacement Manufactured Home Permit	\$50.00
* Appeal to Board of Zoning Appeals	\$25.0
* Zoning Amendment (Text and/or Map)	\$10.00

ARTICLE 21. ADOPTION OF REVISED ZONING ORDINANCE

Section 2100. Effective Date

This ordinance shall become effective immediately from and after the date of its approval and adoption, as provided by law. This Ordinance was passed as an emergency Ordinance by the Council of the Village of Tuscarawas.

Section 2101. Repeal of Previous Zoning Ordinance

It is the intent of this Ordinance to repeal in its entirety the previously existing Zoning Ordinance known as Ordinance 559. Enactment of this Ordinance and repeal of Zoning Ordinance Number 559 will occur simultaneously. If it is found that this Ordinance is for any reason ineffective, then the previously existing Ordinance 559 shall remain in effect.

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

Passed (Date)

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Zoning Ordinance for the Village of Tuscarawas

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