

ARTICLE II

DEFINITIONS

SECTION 200

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200 Purpose.

For the purpose of this Resolution, certain terms are hereby-defined words used in the present tense shall include the future; the singular number shall include the plural; the plural number shall include the singular; the word shall is mandatory and not discretionary. The word "building" shall include the word structure" and the word "used" shall include the words "arranged", "designed "constructed", "altered", "convened", or "intended to be used". A "person" shall mean, in addition to an individual, a firm, corporation, association, or any legal entity which may own and/or use land or buildings. Any word or term not defined herein shall be given a meaning found in the Webster's Dictionary.

Accessory Building: A detached subordinate building customarily incident to and located upon the same lot occupied by the main building and shall include detached garages.

Accessory Use: A subordinate use of a building, other structure, tract of land, or a subordinate building or other structure, the use of which is located on the same lot and is clearly incidental to the use of the principal building or other structure or use of land, or is customary in connection with the principal building or other structures or use of land.

Abutting: Property adjacent adjoining, or contiguous, including property separated by an alley. Lots touching at corners only shall not be deemed abutting.

Agriculture: The use or land for agricultural purposes, including farming, dairying, pasturage; apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

Alley: A public or private right of-way less than forty (40) feet wide which affords a mean of vehicular access to the side or rear of street properties abutting a street or road.

Alterations: See Structural Alterations.

Auto Graveyard or Wrecking Yards: See Junk Yard

Auto Wash or Laundry: A building or a portion thereof containing facilities for washing more than two (2) automobiles using production-line methods including, but not limited to, a chain conveyer, blower, steam cleaning device, or other mechanical devices. It also may include, on the same site, the fueling of automobiles, when such fueling is ancillary and preliminary to the principal function of washing vehicles.

Awning: Any structure made of plastic, cloth or metal with a frame attached to a building and projecting over a sidewalk, when the same is so erected as to permit being raised to a position flat against the building when not in use.

Billboard: Same as Sign, Outdoor Advertising.

Board: The Dover Township Board of Appeals.

Boarding House: A building other than a hotel, motel, or group home where for compensation, meals, or lodging and meals are provided for at least three (3) but not more than twenty (20) persons, in contradiction to hotels, open to transients, and group homes.

Borrow Pit: Same as Quarry.

Broadcast Tower: A structure for the transmission or broadcast of radio, television, radar, or microwaves which exceeds the maximum height permitted in the district in which it is located

Buffer Strip: The extra space required for the front yard depth, side yard width, or rear yard depth for an Industrial or Commercial use which abuts a Residential District

Building, Enclosed: A building enclosed on all sides.

Building, Height: The vertical distance from the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge of gable, hip or gambrel roof

Building Line: The line defining the minimum front side and rear yard requirements outside of which no building or structure may be located, except as otherwise provided herein.

Building, Principle: The building on a lot used to accommodate the primary use to which the premises is devoted.

Building Signs: A sign which identifies the business or profession conducted the principal products sold upon the premises.

Campsite: Campsite or camp grounds shall mean a parcel of land intended for temporary occupancy by tent, tent trailer, or recreation vehicle.

Canopy: Any structure, other than an awning, made of cloth or metal, with frame attached to a building and projecting over a sidewalk.

Car Port: A covered automobile parking space not completely surrounded by walls or doors. A carport shall be subject to all the regulations prescribed in this Resolution for a private garage.

Church: A permanently located building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body to sustain public worship and church related uses.

Clinic: Any building or other structure devoted to the diagnosis, treatment, and care of human outpatients.

Club: A building or facility owned or operated by persons who are associated for a social, educational, or recreational purpose. Such a building or facility is not operated primarily for profit, not to render a service which is customarily carried on as a business, and which is generally restricted to members and their guests using the facility for the purpose for which they have associated. This shall not include a church building or to the occasional accessory use of a private residence as a meeting place.

Commission: The Dover Township Zoning Commission

Conditional Zoning Certificate: A certificate issued by the Zoning Inspector upon approval by the Board to allow a use other than a principally permitted use to be established within the district.

Condominium: Joint ownership of real estate, including land, structure, improvements.

Contiguous: In contact with.

Convalescent Home: A "rest home" or "boarding home" is any abode, building, institutional residence, or home that is used for the reception and care, for a consideration, of three (3) or more persons, by reason of age or mental or physical infirmities, who are not capable of properly caring for themselves or who are 65 years of age or older, and for which a license has been issued by the State.

County: County of Tuscarawas, Ohio.

Court: An open, unoccupied space, other than a yard on the same lot with a building or group of buildings which is bounded on two (2) or more sides by such building or buildings, every part of which is clear and unobstructed from its lowest point to the sky.

Day Care Center: The keeping of five or more children other than your own, with or without compensation, shall constitute a day care center.

Density: The number of families residing on, or dwelling units to be developed on, a gross acre of land.

Detached Garage: See Accessory Building.

Discarded Motor Vehicles: Any inoperable motor propelled vehicle or accessory to same, outside a building, which is in the process of being dismantled or stored and not used, or which does not have a license thereon which is valid during some part of the preceding thirty (30) day period.

District: A section or sections of unincorporated territory of Dover Township, Tuscarawas County, Ohio for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.

Domestic Animal: An animal which is commonly maintained in residence with people.

Dumps: Any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration, or any other means and for whatever purpose of garbage, sewage, trash, refuse, waste material of any kind, junk, discarded machinery, vehicles or parts thereof, offal, or dead animals, toxic chemicals and radioactive waste.

Dwelling: Any building residential or portion thereof; which is designed or used primarily for one-family residence, but not including hotels, motels, boarding houses, lodging houses, and tourist dwellings.

Dwelling, Two Family: A building, arranged, intended, or designed to be occupied as the residence of two families living independently of each other.

Easement: A right to use a portion or all land of another for another special purpose, such as public utilities, streets, highways, etc.

Efficiency Unit: A dwelling unit consisting of one (1) or more rooms, exclusive or bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room.

Excavation or Cut: The removal, stripping or disturbance of soil, earth, sand, rock, gravel or other similar substances from the ground.

Family: Any number of individuals living together who are interrelated by bonds of blood, marriage, or legal adoption, on a premise as a single housekeeping unit with a common and single set of culinary facilities. This is distinguished from a group occupying a boarding house, lodging house) hotel) tourist home) sorority, or fraternity. The persons thus constituting a family may also include temporary non-paying guests and domestic servants. The following persons shall be considered related for the purpose of this title:

1. A person residing with a family for the purpose of adoption.
2. Not more than six (6) persons under nineteen years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State or its delegate.
3. Any person who is living with a family at the direction of a court

Fence: A barrier constructed so as to contain or enclose an area as either a protective measure or screening device.

Fence, Open: A fence including gates) which has for each one foot wide segment extending over the entire length and height of the fence, fifty (50) percent or more of the surface area in open spaces which affords a direct view through the fence.

Fence, Solid: A fence, including gates, which has for each one foot wide segment extending over the entire length and height of the fence, five (5) percent or less of the surface area in open spaces which affords a direct view through the fence.

Filling: The depositing or dumping of any matter on or into the ground, except the deposits resulting from common household gardening or deposits on farm for agricultural use.

Flood Plain: Those lands which are subject to a one (1) percent or greater chance of flooding in any given year.

Floor Area: The sum of the gross horizontal areas of several floors of a building, measured from the exterior faces of exterior walls or from the center line of common walls separating two (2) buildings. Floor area for the purpose of these regulations shall not include basement, garage, elevator, stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps.

Floor Area Ratio: A mathematical expression determined by dividing the total floor area of a building by the area of the lot on which it is located.

Frontage: Frontage shall mean the length of the property on one side of a street between two street intersections (crossing or terminating) measured along the property line at the street, or if the street is dead ended, the length of the property abutting on one side between an intersecting street and the dead end of the street

Front Lot Line: The dividing line between the road, street or highway and the lot.

Garage, Auto Service: See Service Station.

Garage, Auto Service Shop: A building or portion of a building, in which repairs are made to motor vehicles, and in which there is no painting of cars or body and fender work done.

Garage, Private: An accessory building or an accessory portion of the main building, enclosed on all sides and designed or used for the shelter or storage of motor vehicles owned and used by the occupants of the building to which it is an accessory. The garage shall be located on the same lot or contiguous lot to the dwelling to which it is an accessory.

Garage, Public: A building or portion of a building, in which more than four (4) motor vehicles are, or are intended to be, housed under arrangements;made with patrons for renting or leasing such space and accommodation and in which no repair work is carried on.

Garden Center: A building or premises used partially for the rental or sale of items useful in the culture, display, or decoration of lawns, gardens, or indoor plants, including books, appliances, and tools, but not including power tools or tractors.

Gasoline Service Station: See Service Station.

Grade, Elevation: Grade elevations are defined as follows:

1. For the building having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street
2. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.
3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building
4. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street and where no sidewalk exists, the sidewalk grade shall be established.

Grade, Natural: The elevation of the undisturbed natural surface of the ground prior to an excavation or fill

Gross Acre: Land area, assured on the horizontal plane, and occupied by all natural and man-made features of the landscape.

Group Home: A facility in which more than two (2) but less than ten (10) persons who are unrelated by blood, marriage, or adoption reside while receiving therapy or counseling, but not nursing care, for any of the purposes listed below. Such facility shall be licensed by the State.

1. Adaptation to living with, or rehabilitation from, the handicaps of physical disability.
2. Adaptation to living with, or rehabilitation from the handicaps of emotional or mental disorder, or mental retardation.
3. Rehabilitation from the effects of drug or alcohol abuse.
4. Supervision while under a program of alternatives to imprisonment, including but not limited to pre-release, work-release, or probationary programs.

Health Care Facilities: A building, or structure, licensed by the State and used as a hospital; convalescent or nursing home; a facility in which ten (10) or more people reside while receiving therapy, counseling, or rehabilitation for physical, emotional or mental disease or disability; a facility for out-patient physical, occupation, or vocational therapy or rehabilitation; or public health clinics and facilities.

Health care facilities does not include doctors' or dentists' professional offices and private clinics.

Home Occupation: Any use or profession customarily conducted entirely within a dwelling or accessory building and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

Hospital: Any building in which lodging is provided and offered to the public for compensation and which is open to transient guests, as distinguished from a boarding house or a lodging house.

Institution: A building occupied by a nonprofit corporation or a nonprofit-establishment for public use.

Junk Yard: The use of more than fifty (50) square feet of any land whether for private and/or commercial purposes, where waste, discarded or salvage materials, used lumber, used glass, discarded motor vehicles, paper; rags, rubber; cordage, barrels etc are sold, stored, bought, exchanged, baled, packed, sorted, disassembled, dismantled or handled. Two or more automobiles or trucks which are not in operating condition shall be deemed a junk yard Automobile dismantling shall not include the incidental storage of inoperable or disabled vehicles in connection with the legal operation of an auto repair garage and body and fender shop. No vehicles shall be stored on site more than sixty days.

Kennel: Any establishment at which dogs and cats, or other master animals are bred or raised for sale, or boarded, cared for commercially, exclusive of dental, medical, or surgical care.

Kitchen: An enclosed place equipped with cooking facilities.

Landscaping: An area devoted to and maintained for the growing of trees, shrubbery, lawns, and other plant materials.

Land Use and Thoroughfare Plan: The long range plan for the development of the Township and its environs as officially adopted and amended by the Board of Trustees.

Loading Space: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

Lodging Houses: See Boarding Houses.

Lot: A piece, parcel, or plot of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a: principal use and uses accessory thereto, together with such open Spaces and access to or frontage on a fifty (50) foot wide minimum public street, as required by these regulations.

Lot, Area of: The computed area contained within the lot line where the lot has been conveyed to the center of the street, the area of the lot lying within the established street right-of-way shall not be included as part of the lot area for the purpose of these regulations.

Lot, Corner: Any lot at the junction of and abutting on two (2) or more intersecting streets.

Lot Coverage: The portion of the lot area that is covered by any buildings.

Lot, Depth of: The mean horizontal distance from the right-of-way line of the street and the rear lot line.

Lot, Double Frontage: The portion of the lot area that is covered by an buildings, or a lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Lot Line: The lines defining the limits of a lot.

Lot Line, Front: The line separating a lot from the street on which the lot fronts.

Lot Line, Interior: A lot other than a corner lot.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line; a side lot line separating a lot from a street is called a side street lot line; a side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot, Record of: A lot which is a part of a subdivision, a map of which has been recorded in the office of the Recorder of County of Tuscarawas, or a parcel of land, the deed to which was of record on or prior to the effective date of this Resolution

Lot, Platted: A lot which is a part of a subdivision the plat of which, or the appropriate permit for which, has been legally approved and recorded in the office of the Recorder of County of Tuscarawas.

Lot, Width of: The width measured along the building line.

Magazine: Any building or other structure used for the storage of explosives or materials used in the manufacture of fireworks.

Major Thoroughfare: A road defined as a major thoroughfare by the Commission or indicated as a major thoroughfare on the Land Use and Thoroughfare Plan of current adoption.

Minimum Building Setback Line: A line parallel to the street right-of-way line and at a distance therefrom equal to the required depth of the front yard, and extending across the full width of the lot where the established right-of-way line, if any, cannot be ascertained; it shall be deemed to be thirty (30) feet from the center of the line of the existing roadway. Where a major thoroughfare or collector thoroughfare is designated the setback line shall be measured from the proposed right-of-way line.

Minimum Living Floor Area: Floor area for dwellings shall consist of areas such as living room, bedroom, bathroom, dining room, rooms for cooking, den, library, and family rooms, but shall not include areas such as porches, breezeways, terraces, recreation rooms, utility rooms, garages, and basements.

Mobile Home: A vehicle other than a motor vehicle used as a semi-permanent housing designed for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle and shall include a trailer coach.

Mobile Home Park: A tract or parcel of land open to the public upon which spaces for trailers or trailer coaches are provided for a consideration whether overnight, by the day, week, or month.

Motor Vehicle: Any vehicle which is self-propelled.

Motor Vehicle, Commercial: Vehicle classified by the Manufacturer's Ratings exceeding one and one-half (1-1/2) ton capacity and trailers, semi-trailers and trailers, busses and trucks, except motor vehicles used for strictly personal recreation purposes.

Multi-Family Dwelling: A building or portion thereof, arranged, designed and intended to contain three (3) or more units independent of each other.

Net Acre: The land area of any lot or plot of ground after deducing that portion within the right-of-way of any street, alley, or road.

Non-Conforming Use: The use of any building, structure; or land which lawfully existed the effective date of this Resolution or any amendment or supplement thereto Which does not conform to the Use Regulations of the District in which it is located.

Nursery: See Day Care Center.

Nursery, Plant: An establishment devoted to the raising and care of trees, shrubs, or similar plant materials.

Nursing: Homes: See Convalescent Home.

Office Building: A building designed for or used as the office of professional, commercial, industrial, religious, institutional, public, or semi-public persons or organizations, provided no goods, wares, or merchandise shall be prepared or sold On any premises except that an office building may be occupied and used as a drugstore, barbershop, beauty parlor, shoeshine shop, cosmetologists shop, cigar stand, or newsstand when such uses are located entirely within the public building with no entrances from the street, are not visible from the exterior, and no sign or display is visible from the outside of the building indicating the existence of such use. Broadcast stations, offices, and studios shall be considered as office buildings.

Open Burning: The burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air; without passing through a stack or chimney from an enclosed chamber.

Open Space: An area of land which is in its natural state, or is developed only for the raising or agricultural crops, or for public outdoor recreation.

Parking Lot: An area consisting of six or more parking spaces for the storage of automobiles, together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for an automobile, provided that there shall be no storage of automobiles for the purpose of sale or resale.

Parking Space: An off-street space or berth for the temporary parking of a vehicle for a period longer than required to load and unload persons or goods and having an area not less than two hundred (200) square feet and a width of not less than nine (9) feet.

Planned Unit Development: A planned, integrated development where minimum lot size and building types may be modified somewhat to achieve particular design objectives and the economical provision of open space and utilities and while maintaining the same overall density limitations of the district

in which the development is located and the other pertinent requirements of this Resolution and site design requirements of the Zoning Commission.

Premises: A tract of land, consisting of one platted lot or irregular tract, provided such lots or tracts are under common ownership and contiguous.

Professional Office: A building containing one (1) or more offices, where there is no display of stock or wares in trade, nor commodity sold, nor any commercial use conducted other than professional services as herein defined. For the purpose of this title, "professional offices" include but are not limited to the office of a doctor, dentist, optometrist, chiropractor, osteopath, lawyer, architect, engineer, minister of religion, insurance agent or a real estate agent

Publicly Owned: Owned and maintained at public expense.

Public Utility: Any person, firm, corporation, governmental agency or Board duly authorized to furnish to the public, electricity, gas, steam, telephone, telegraphy, transportation, water, or any other similar utilities.

Quarry: Any use of land for the removal of any mineral or material, including open or strip mining and shaft mining

Recreational Facilities: Facilities used primarily for participation by the public in athletic activities such as tennis, handball, racquet ball, basketball and other court games, jogging, track and field, baseball, football, soccer; and other field games, skating, swimming, or golf. Recreational facilities shall include country clubs and athletic clubs; it shall not include facilities accessory to a private residence used only by the owner and guests nor shall it include arenas or stadiums used primarily for spectators to watch athletic events.

Recreational Vehicle: A vehicle not exceeding forty (40) feet in overall length, eight (8) feet in width or twelve (12) feet in overall height primarily designed as temporary living quarters for recreational camping or travel use having either its own motive power or designed to be mounted on or drawn by an automotive vehicle. A recreational vehicle includes a motor home, truck camper, travel trailer; camping trailer, a fifth wheel. This definition shall include a boat mounted on a trailer; together not exceeding forty (40) feet in body length, eight (8) feet in width, nor twelve (12) feet in overall height.

Residence: A building designed as a one-family dwelling unit which either complies with or was erected before the effective date of this Resolution and any amendments thereto. A residence does not include a trailer, mobile home, or apartment house.

Restaurant: An establishment selling prepared food and drink for consumption on, the premises but not providing dancing or entertainment.

Restaurant, Drive In: A building or structure where prepared food and drink are sold for consumption on the premises by order from, and service to, vehicular passengers outside the structure.

Retail: The business of selling small quantities of personal property directly to the ultimate consumer for any purpose other than for resale.

Right of Way, Road: A dividing line between a lot tract or parcel of land and a contiguous road. Where the lot, tract, or parcel of land has been conveyed to the center of the road, the road line then becomes the inside line of land reserved for road purposes.

Roadside Stands: A removable structure used or intended to be used solely by the owner or tenant of a property on which it is located for the sale of seasonal agricultural products produced on the premises.

School: Public, private, or parochial schools offering a general education course of study.

Service Station: Service station shall mean any building which provides for the retail sale of gasoline, oil, tires, batteries, and accessories for motor vehicles and for certain motor vehicle services, including washing, tire changing, and repair service.

Sign: Any structure or natural object such as a tree, rock bush, the ground itself or part thereof or device attached thereto, or painted, or represented thereon which shall be used to attract attention to any object product, place, activity, person, institution, organization or business, or which shall display or include any letter, word, banner, flag, pennant, insignia, device, representation used as, or which is in the nature of an announcement direction, or advertisement. For the purpose of this Resolution, The word "sign" does not include the flag, pennant, badge, or insignia of any government, or governmental agency of any charitable, religious, educational or similar organization.

Sign, Area of: That area which is normally visible from any one direction, and is the length times width. Signs which require other signs to display full meaning, such as individually displayed letters of the name of an establishment or adjacent pictorial displays, shall be considered one sign. Sign supporting structures, which by size or ornate have been designed to attract attention shall be considered part of the sign square footage.

Sign, Illuminated: Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes.

Sign, Portable: A free-standing sign not permanently anchored or secured to either a building or the ground, such as, but not limited to, "A" frame, "T" shaped or inverted "T" shape sign structures, and truck trailer, or vehicle-mounted signs.

Sign, Projecting: Any sign which is attached to a building or other structure which extends beyond the line of the said building or structure or beyond the surface of the portion of the building or structure to which it is attached.

Sign, Temporary: A sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease, other special events, political candidates or public issues to be voted upon at an official election, or on a temporary basis.

Sign, Wall: Any sign painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of said wall.

Site Plan: A plan prepared to scale showing all the uses proposed for a specific property. The plan shall show all buildings, structures, signs, off-street parking layout, loading spaces, points of ingress and egress, fences, walks, refine locations, and any additional information which may be necessary to clearly define the intended use of the property.

Stable, Private: A stable with a capacity of not more than two (2) animals owned by the occupants of the dwelling to which it is an accessory use.

State: State of Ohio.

Story, Height Of: The vertical distance from the top surface of the floor to the surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joist.

Street, Private: A collector or local street which has not been dedicated or deeded to the public for public use and which affords principal access to abutting property.

Street, Public: A public collector or local street which has been dedicated or deeded to the public for public use and which affords principal access to abutting property.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground including advertising signs, billboards, pergolas, but not including fences or walls used as fences.

Structural Alterations: Any change in the supporting members of a building such as bearing walls or partitions, columns, beams, or girders, or any increase in the area of cubical contents of the building.

Swimming Pool, Commercial: A body of water in an artificial receptacle or other container whether located indoors or outdoors, used or intended to be used for public, semi-public or private swimming by adults or children, or both adults and children. This applies whether or not any charge or fee is imposed upon adults or children, operated and maintained by any license, or concessionaire, exclusive of a family pool as defined herein and shall include all structures appurtenances, equipment, appliances, and other facilities appurtenant to and intended for the operations and maintenance of a swimming pool. It also applies to all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, and community associations.

Swimming Pool, Family: A Swimming pool used or intended to be used solely by the owner or lessee thereof and his family, and by friends invited to use it without payment or any fee.

Warehouse: A place for the storage of merchandise or commodities.

Warehouse, Mini: A Storage facility designed to serve families and small businesses only.

Wholesale: The selling of goods or merchandise to retailers or jobbers for resale to the ultimate customer.

Wild Animals: Any wild, exotic, dangerous, or non-domestic animal including but not limited to mammals, fowl, fish, or reptiles.

Yard, Rear-Side: Side yard shall extend between front line and rear yard line. There shall be only one required side yard on a corner lot.

Zone: See district.

Zoning Certificate: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures and the characteristics of the uses.