

CHAPTER 1 GENERAL PROVISIONS

This Ordinance shall be known and may be cited as the “Zoning Code of the Village of Arcanum,” except as referred to herein, where it shall be known as the “Zoning Code.” Unless otherwise provided herein or by the law or implication thereof, the same rules of construction and application shall govern the interpretation of this Ordinance as those governing the interpretation of the Ohio Revised Code.

SECTION 1.1 – INTENT

The purpose of this Zoning Code is to promote and protect the public health, safety and general welfare of the Village of Arcanum. Implementation will be in accordance with any and all future addenda or amendments approved by Council and be within the comprehensive plan for the desirable future development of the Village and planning process that is reflected in the contents of this Zoning Code and zoning map of the Village by:

- A.** Dividing the Village into zones or districts (per O.R.C. Chapter 713) within which specific regulations contained in this Zoning Code controls the location, construction, reconstruction, alteration and use of buildings, structures and land for residence, commerce, industry or other specific uses.
- B.** Regulating the area dimensions of land, yards and open spaces so as to secure adequate light, air and safety from fire and other danger.
- C.** Lessening or avoiding congestion in the public streets, regulating the bulk, height, design or percent of lot occupancy and location of buildings.
- D.** Protecting the character of the existing residential, business, industrial and institutional areas and to assure their orderly and beneficial development.
- E.** Facilitating the orderly, efficient and appropriate growth and development within the Village.
- F.** Regulating certain non-conforming uses of land, buildings and structures.
- G.** Establishing development densities by zoning districts that economize the provision of water, sewer, streets and highways, fire and police protections, schools, parks, recreation facilities and other government services.
- H.** Protecting residential, business, commercial and industrial land uses from encroachment by incompatible land uses that would not be conducive to the public health, safety and general welfare.
- I.** In its interpretation and application, the provisions of this Zoning Code shall be held to the minimum requirements, adopted for the promotion of the public health, safety and the general welfare. Wherever the requirements of this Zoning Code are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the highest standards, shall govern.
- J.** Should any section or provision of this Zoning Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of

the Zoning Code as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 1.2 – CONSTRUCTION OF LANGUAGE & DEFINITIONS

A. Construction Of Language

The following words and phrases when used in this Zoning Code, except as otherwise provided, shall have the meanings respectively ascribed to them in this chapter.

1. Words used in the present tense include the future tense.
2. The singular form shall include plural and plural shall include singular.
3. The word “shall” is mandatory, and the word “may” is permissive.
4. “Occupied” or “used” shall be considered as though followed by the words “or intended, arranged or designed to be used or occupied.”
5. The word “building” includes the word “structure,” similarly “dwelling” includes the word “residence.”
6. The word “lot” includes the word “plot” or “parcel.”

Words and terms not specifically defined carry their customarily understood meanings. Regardless of capitalization, definitions are standard.

B. Definitions

Accessory Building/ Structure – A structure occupied by a use which is subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use. Recreational facilities designed for the use of the occupants of a single-family dwelling and their guests are considered accessory buildings.

Accessory Use – A use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use.

Administrative & Business Offices – An office which has no retail trade with the public and maintains no stock of goods for sale to customers.

Alley – A public right-of-way less than twenty (20) feet wide, which provides secondary means of access to abutting property, and allows access to utility services, but is not intended for general traffic circulation.

Alterations - Any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls

or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Alternate Energy Source - Alternative energy refers to energy sources other than fossil fuels (such as coal, petroleum, and diesel) and includes all renewable and nuclear energy sources. A Conditional Use Permit must be obtained for all alternate energy sources.

Auto Repair, Painting and Body Shops - A place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame or fender straightening and repair, overall painting and undercoating of automobiles.

Auto Service Station - A place where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises, including the sale of minor accessories and the servicing of and minor repair of automobiles.

Bars, Taverns, and Nightclubs – Establishments primarily engaged in the retail sale of drinks such as beer, ale, wine, liquor, and other alcoholic beverages for consumption on the premises. The sale of food may also be a part of the operation.

Basement - A story whose floor level, two (2) feet or more below grade level, but having less than half its clear height above grade level. A basement shall not be counted as a story.

Bed and Breakfast – A residential, single-family dwelling in which lodging is provided for compensation on a night-to-night basis by the owner/occupant of such dwelling, and not more than three (3) sleeping rooms are devoted to such accommodations.

Block - An area of land within a subdivision that is entirely bounded by streets, highways or ways, except alleys, or a combination of streets, highways or ways and rivers, streams, railroad rights-of-way or other exterior boundaries of the subdivision.

Board of Zoning Appeals – Village of Arcanum Board of Zoning Appeals hereinafter refer to as "BZA."

Boarding or Lodging House – A building other than a hotel, not exceeding ten sleeping rooms, where lodging and meals are provided for compensation and is prearranged for definite periods of time.

Buffer - A strip or parcel of land, privately restricted or publicly dedicated as open space, located between a residential development and other

incompatible uses, for the purpose of protecting and enhancing the residential environment.

Building – A building is a structure, designed, intended, or used for shelter, enclosure, or protection of person, animals, chattels, or property.

Building Height – The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof surface.

Building Line – The front yard setback line established by this Zoning Code, generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located.

Business Services - Any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

Camping and Recreational Vehicle/Equipment -

For the purposes of this Zoning Code, camping and recreational equipment shall include, but not limited to the following:

1. Boat and Boat Trailer - Boat and boat trailer shall include boats, jet skis, floats, and rafts, plus the normal equipment to transport the same on the highway.
2. Folding Tent Trailer - A canvas folding structure, mounted on wheels and designed for travel and vacation uses.
3. Motorized Home - A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
4. 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 for travel, recreational, or vacation uses.
5. Travel Trailer - A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified “travel trailer” by the manufacturer.
6. ATV’s, golf carts, dirt bikes, etc.

Car Washing Facilities – Area of land and/or a structure with machine or hand- operated facilities used principally for cleaning, washing, polishing, or waxing of automobiles.

Carry-Out – A place of business offering food and beverages, which may include liquor, beer, wine, if licensed by the State of Ohio, where the food and

beverages are dispensed at the counter for consumption within the building or off the premises.

Child Day Care Center; Nursery— Any place in which child day care is provided, with or without compensation, for seven or more children at any one time; or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for at least seven children at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

Club - An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.

Commission - “Commission” means the Planning and Zoning Commission of the Village of Arcanum.

Comprehensive Plan- A plan which may consist of several maps, data, policies, and other descriptive matter, for the physical development of the Village which has been adopted by the Village to indicate the general location for proposed physical facilities including housing, industrial, and business uses, major streets, parks, schools, public sites and other similar information.

Conditional Use - A use permitted only after review of an application by the BZA, in each specific instance, and after determination by the BZA that all regulations and standards of this Zoning Code applying to the specific use in the particular location will be met, along with such additional conditions or safeguards as the BZA may prescribe in the specific case and circumstances, in order to prevent harm or injury to adjacent uses and the neighborhood, and/or in order to improve the public health, safety, convenience, order, prosperity, and general welfare.

Conditional Use Permit - A permit issued by the BZA to allow certain specific developments that would not otherwise be allowed in that particular zoning district where the land is located. These permits are issued only after the applicant has followed the procedures as stated in this Zoning Code. Development under a conditional use permit differs from a zoning change in that it is much more specific. The applicant submits plans and, if approved, he/she must follow those plans exactly or reapply for a permit before deviating from that plan.

Convalescent Home (Nursing Home, Rest Home) - An establishment, which specializes in providing necessary services to those unable to care for themselves.

Convenience Store – Retail stores that cater to the motoring public where the sale of food items such as hot or cold drinks, prepackaged foods, tobacco, roadmaps, magazines and other publications; automotive maintenance items, and other retail items, that may be readily purchased. A convenience store may also sell gasoline and alcohol. This does not include drive-in or drive-through windows.

Council – The Council of the Village of Arcanum, Ohio.

Cul-De-Sac – A local street with one end open to traffic and the other end terminating in a vehicular turnaround.

Development Standards/ Plan - Standards controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Development standards include regulations controlling maximum height, minimum lot area, minimum lot frontage and minimum size of yards and setbacks.

District - A portion of the incorporated area of the Municipality within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Zoning Code.

Drive-thru Facilities – A designated place, in conjunction with a retail or service establishment, from which persons can conduct the major portion of their business without leaving their motor vehicle.

Driveway – A private road giving access from a public way to a detached single-family dwelling or to a group of multi-family or commercial building on abutting ground.

Dwelling, or Residence - Any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

Dwelling; one-family - A building designed exclusively for and occupied exclusively by one family.

Dwelling; two-family - A building designed exclusively for occupancy by two families living independently of each other.

Dwelling; multi-family - A building, or a portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

Easement - A right-of-way granted by the property owner for limited use of private property for specific public or semi-public purposes.

Educational Institutions, Elementary, Junior High, and High School – Public, private, and/or religious schools including grades K through 12.

Enforcing Officer – The Mayor of the Village of Arcanum or his/her designee, duly charged with the enforcement of this Zoning Code.

Erected - Includes built, constructed, altered, reconstructed, moved upon or any physical operations on the premises, which are required for the construction. Excavation, fill, drainage and the like shall be considered a part of erection.

Excavation - Any breaking of ground except common household gardening and ground care.

Factory-Built Housing – A factory-built structure with no serial/VIN number with no permanent axles, designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery and installation upon the site. For the purposes of this Zoning Code, “factory-built housing” shall include the following:

1. Manufactured Home – Any structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards.
 - a. Mobile Home – See “Mobile Home” definition.
2. Modular Home – Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes, including permanent foundations.

Failure of Delivery – A particular notice was not received, due to circumstances beyond the control of the Village, and does not include the lack of mailing of the subject notices in the matter specified.

Fence - Any enclosing structure, other than part of a building, of sufficient strength and dimensions to prevent straying from or prevent outside intrusion.

Financial Establishments – These facilities include banks, savings and loan associations, credit unions, finance companies, loan offices, and safe deposit companies.

Floor Area of a Non-Residential Building -. (To Be Used in Calculating Parking Requirements) The area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers.

Such floor area which is used or intended to be used principally for the storage or processing of merchandise, such as hallways, stairways and elevator shafts, or for utilities or sanitary facilities, shall be excluded from this computation of floor area. Measurements of usable floor area shall be the sum or the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Floor Area of a Residential Building - The square footage of each story of the building measured from the exterior walls. The finished attics, attached garages, breezeways, and enclosed and unenclosed porches do not constitute floor area as defined herein.

Frontage – The portion of the lot that directly abuts the street, and has direct access thereto. Lot frontage shall be measured along the minimum building setback line for the district within which such lot is located.

Funeral Home – A building or part thereof used for human funeral services. Such building may contain space and facilities for embalming and the performance of other services used in preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel and residency shall also be permitted.

Garage, Private - An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned or used by the occupants of the main building.

Garage, Service - Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repair or kept for remuneration, hire or sale.

General Merchandise Stores – These facilities include department, variety, discount, home furnishing, grocery, retail sales, and drug stores.

Grade (ground level) - The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above ground level shall be measured at the sidewalk, unless otherwise defined herein.

Home Occupations - Any occupation or profession conducted primarily by immediate resident family members, which is clearly incidental and secondary to the dwelling's residential use. A home occupation must meet the standards and requirements specified in this Zoning Code.

Hospital - A public or semipublic facility that provides accommodations and continuous service for the sick and injured including obstetrical, medical and surgical care.

Hotel or Motel - A building in which lodging is provided or offered to the public for compensation and which is open to transient guests, in contradiction to a boarding house or lodging house operated on a membership basis.

Improvement - Any addition to the natural state of land which increases its value or utility, including buildings, street pavements, sidewalks, crosswalks, water mains, sanitary sewers, landscaping, street lighting, street trees, public utilities, paved parking areas and other appropriate items.

Institution - An organization providing social, cultural, educational or health services to member agencies, organizations, individuals, or to the general public.

Junk – Scrap copper, brass, rope, rags, batteries, paper, rubber, junked, dismantled, or wrecked/inoperable automobiles or parts thereof; iron, steel, and other scrap ferrous and non-ferrous materials and scrap wood materials (excluding stacked firewood) which are not held for sale or plastic re-melting purposes by an establishment having facilities for processing such materials.

Junk Yard (Salvage Yard) - An open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packaged, disassembled or handled. A junk yard includes automobile wrecking yards and includes any area of more than 100 square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. Two or more inoperative or unlicensed vehicles shall be construed to be a junkyard. O.R.C. Section 4737.06 prohibits junk yards within any municipality's residential district.

Kennels - Any lot or premises used for the sale, boarding or breeding of dogs, cats or other household pets.

Landscaping – The improvement of open areas by the planting and maintenance of trees, bushes, flower gardens, grass and other vegetation.

Loading Space - An off-street space on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot - A parcel of land occupied or to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Zoning Code. Such lot shall have frontage on an improved public street, or on an approved private street.

1. Lot Area - The total horizontal area within the lot lines of the lot.
2. Lot Coverage – The part or percent of the lot occupied by buildings including accessory buildings.
3. Lot Lines - The lines bounding a lot as defined below:

- a. Front lot line - In the case of an interior lot, means that line separating such lot from the street. In the case of a corner lot or double frontage lot, the front lot line means the line separating such lot from either street.
 - b. Corner lot line – Means any lot at the junction of and abutting on two (2) or more intersecting streets.
 - c. Rear lot line - The lot line opposite the front lot line. In the case of a lot where the side lot lines meet at the rear of the lot (i.e., a triangular lot) the rear lot line shall be considered to be the point of intersection of the side lot lines. In the case of a corner lot, the rear lot line is opposite the front lot line of least dimension.
 - d. Side lot line – The lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.
4. Lot Measurements –
- a. Lot Depth - A distance measured in the mean direction of the front lines of the lot line to the mid-point of the rear lot line.
 - b. Lot Width - The horizontal distance between the side lot lines, measured at the two points where the building line or setback line intersects the side lot lines.
5. Lot Minimum Area - The area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.
6. Lot of Record - Any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder, Darke County, Ohio, as of the effective date of this Zoning Code.
7. Through Lot - Any interior lot having frontages on two or more parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of such lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

Main Building - A building which is considered the principal use of the lot upon which it is situated.

Main Use - The principal use to which the premises are devoted and the principal purpose for which the premises exist.

Major Subdivision – A development not currently supported with streets or infrastructure. “See Chapter 17 – Development Plan Review”

Major Thoroughfare – A street which is intended to serve as a large volume trafficway for both the immediate Village area and in the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway,

or equivalent term to identify those streets comprising the basic structure of the street plan. Any street with a width, existing or proposed, of eighty feet shall be considered a major thoroughfare.

Manufacturing - Any production or industrial process, including food processing, which combines one (1) or more raw materials or components into a product or which changes the nature of the materials entering the process, and which by the nature of the materials, equipment and/or process utilized is not objectionable by reason of odor, noise, vibration, gas fumes, dust, smoke, refuse, or water-carried wastes.

Medical Offices/Clinics – Offices of physicians, dentists, and other health practitioners and medical and dental laboratories. Establishments primarily engaged in outpatient care with permanent facilities and with medical staff to provide diagnosis and/or treatment for patients who are ambulatory and do not require in-patient care.

Minor Subdivision – A development within the current zoned districts supported with streets and infrastructure.

Mobile Home – Factory built housing identified with a serial number or VIN number and which has permanent wheels.

Nonconforming Use – Lots and uses of structures and land in combination or portion thereof, lawfully existing at the effective date of this Zoning Code, or amendments thereto and that does not conform to the provisions of the Zoning Code in the district where it is located.

Nurseries and Garden Supply Stores – A space, including an accessory building or structure, for the growing and storage of live trees, shrubs, or plant materials offered for retail sale on the premises, including products, equipment and supplies used for gardening or landscaping.

Off-Street Parking Lot Spaces – An area providing vehicular parking spaces with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit and must have adequate ingress and egress from each vehicle.

Parking Lot – Any area other than street, drive or alley used or intended to be used for the storage of motor vehicles.

Person – Any individual, corporation, company, business, partnership, association or legal entity.

Personal Services - Any enterprise, conducted for gain, which primarily offers non-tangible services to the general public such as shoe repair, watch repair, retail dry cleaning, barber and beauty shops, and related activities.

Places of Worship – Establishments of recognized religious organizations operated for worship or for promotion of religious activities.

Planned Unit Development (PUD) – A structure consisting of attached units with zero lot lines with individual deeds on each unit which are not subject to the standard zoning requirements, but instead works with the local government to develop criteria that will determine common areas, private areas and building guidelines.

Planning Commission – The Planning Commission of the Village of Arcanum established pursuant to ORC Chapter 713.01.

Plat - A map of a subdivision.

1. Preliminary Plat – A preliminary map showing the proposed layout of a subdivision in sufficient detail to allow review by the Planning Commission.
2. Final Plat – A map of all or part of the subdivision prepared and certified by a registered engineer or land surveyor in accordance with the requirements of the Village of Arcanum.

Pole Barn - A type of post-frame construction, that uses large poles or posts buried in the ground to provide the vertical structural support, along with girts to provide horizontal support to the structure.

Preexisting Use – An existing use of the type listed as a special use in the zoning district that was lawfully established on the effective date of this Zoning Code.

Principal Use – The primary or predominant use of any land or improvement on it.

Private Clubs – An association organized and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests in compliance with all applicable federal, state, county, and local laws.

Private Schools – Private schools, including but not limited to, business or commercial schools, dance or music academies, kindergarten, nursery, play, and special schools other than public educational facilities.

Professional Office – A business office of a person or persons engaged in providing to the general public services of a professional nature such as legal, medical, accounting and architectural services.

Public Offices and Public Buildings – Establishments for local, county, regional, state or federal government agencies.

Public Utility - Any person, firm or corporation, municipal department, board or commission duly authorized under State or municipal regulations to provide to the public the following utilities: gas, steam, electricity, sewage disposal, communication, telegraph, telephone, transportation or water.

Reconstructed – Any change, addition, or modification in construction, use or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams, or girders the act of which may be referred to herein as “altered.”

Recreation Facilities - Public or privately-operated uses such as country clubs, golf courses, swimming pools, or other areas maintained for the purpose of providing recreation.

Recreational Vehicle – (See Camping and Recreational Vehicle/Equipment)

Restaurant; Fast Food – An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption within the restaurant building or as a carry-out order.

Retail Stores – Stores primarily engaged in selling merchandise to consumers and rendering services incidental to the sale of goods.

Right-of-Way - A strip of land lying between property lines, wherein is located a street, thoroughfare, alley or easement dedicated or otherwise acquired for use by the public.

Screening – The placement of landscaping or fencing on a lot in a manner to reduce any negative effects resulting from the location of two or more dissimilar uses next to one another.

Self-Service Storage Facility – A building or group of buildings in a controlled access that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer goods or materials.

Setback line – A line established by this Zoning Code, generally parallel with and measured from the lot line, defining the limits of a yard in which no portion of any principal structure, other than an accessory building, may be located except as may be provided in said Zoning Code.

Sexually Oriented Business/ Unlicensed Massage Parlors – A business that is part of the sex industry, such as sites of erotic performance and erotic paraphernalia stores.

Sidewalk - A concrete surface parallel to the curb lines or edge of pavement of a roadway and intended for pedestrian use.

Sign - A name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which directs attention to an object, product, place, activity, person, institution, organization or business.

Sight Distance - The minimum extent of an unobstructed vision (on a horizontal plane) along a street from a point five feet above the center line of a street.

Similar Use - A use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of this Zoning Code.

Sketch Plan - An informal plan or sketch showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.

Street - The full width of the right-of-way between two (2) property lines, both paved and unpaved, intended to provide principal means of access to an abutting property.

Structural Alteration – Any change in the supporting members of a building, such as bearing walls or partitions, columns, roofs, beams or girders, or any substantial change in the footprint of the building.

Structure - Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including but not limited to, walls, buildings, and patios. For the purposes of this Ordinance, the term “structure” shall not include fences. Notwithstanding anything to the contrary, a “structure” includes mobile or moveable structures.

Sub-Division – See “Major Subdivision” and/or “Minor Subdivision”

Swimming Pool – A structure constructed or placed below ground or above ground, which contains water in excess of 18 inches in depth and is suitable or utilized for swimming or wading.

Temporary Use - A use permitted by the Enforcing Officer to exist during periods of construction and/or for special events.

Tent - Any temporary structure for sheltering a public gathering, constructed wholly or in part from canvas, tarpaulin or other similar materials and includes shelter provided for circuses, carnivals, side shows, revival meetings, camp meetings and all similar meetings or exhibitions in temporary structures.

Thoroughfare – The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic.

Utility/Essential Services – The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, telephone, telegraph, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

Utility Trailer – Any vehicle, whether a flatbed or enclosed, drawn by a motor vehicle and designed or used for carrying property wholly on or in its own structure, including but not limited to, construction equipment, construction materials, tools, lawn or landscaping equipment, landscaping materials, motorcycles, all-terrain vehicles, horses and other animals and/or livestock.

Variance – A modification from the strict terms of the relevant regulations set forth in this Zoning Code where such modification will not be contrary to the public interest and where conditions are peculiar to the property (and not the result of action by the applicant) a literal enforcement of the regulations would result in unnecessary and undue hardship.

Vehicle – Anything incorporating wheels and/or chassis within its assemblage to enable its mobility across the land.

Veterinary Clinic, Animal Grooming/ Boarding – Any building or structure used for treatment and care of an injured or ailing animals administered by a Doctor of Veterinary Medicine licensed to practice in the state, or activities where the principal business is domestic pet hygiene including washing, brushing, shearing, nail cutting and overnight boarding.

Village – The incorporated municipality of Arcanum, Ohio.

Warehouse – A building used principally for the storage of goods and materials.

Yard – The required open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Zoning Code, and as defined herein:

1. Front Yard - The portion(s) of a lot extending across the full width of the lot between the side lot lines and the depth being the minimum horizontal distance between the street right-of-way and the building or structure. There shall be a front yard on each street side of a corner. No accessory building shall project beyond the front yard line on either street.

2. Rear Yard – The portion of a lot extending across the rear of the lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the building or structure. In the case of a corner lot, the rear yard shall be opposite the narrow street frontage.
3. Side Yard - The portion of a lot that is located between the side lot line and the nearest building or structure.

Zoning Code – The zoning regulations for the Village, including any amendments.

Zoning District – A portion of the Village within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Code.

Zoning Map – The map of the Village showing the various zoning districts together with all amendments thereto subsequently adopted and incorporated as part of the Zoning Code by Village Council.

Zoning Permit – Documentation issued by the Village authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses and certifying all requirements of the Zoning Code have been met.

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