

CHAPTER 15 ADDITIONAL ZONING REQUIREMENTS

SECTION 15.1 – ACCESSORY BUILDINGS

It is the purpose of this Zoning Code to regulate accessory buildings in order to promote public health, safety, and welfare. It is the intent of this Section to permit such buildings to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.

A. Definitions

Accessory Building or 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.

Residential accessory structures may include but are not limited to the following:

1. Detached garages
2. Tool sheds
3. Garden sheds
4. Swimming Pool/ Pool House
5. Children’s playhouse/Treehouses
6. Alternate energy sources

B. General Regulations

Except as herein provided, no building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used:

1. Except for a purpose permitted in the district in which the building or land is located.
2. Except in conformance to the height or footprint established herein for the district in which the building or use is located.
3. Except in conformance to the yard and lot regulations of the district in which the building or use is located.
4. Except in conformance to the off-street parking and off-street loading space regulations of the district in which the building or use is located.

C. Conditions

1. If the primary structure has a garage (attached or detached) only one accessory building will be permitted on a residential lot.

2. In any residential district, all unattached accessory buildings shall be erected within a required back yard defined as the rear of the principal dwelling.
3. No accessory building is permitted on a lot without a principal dwelling.

D. Requirements

1. Height - No accessory buildings in residential districts shall exceed fourteen (14) feet in height unless the subject property is granted specific approval for a higher accessory building by the BZA. The BZA may only grant such a variance in order to promote consistency with the architectural character of the other structures on the site.
2. Set Back – A detached accessory building shall be at least six (6) feet from the side or rear lot lines.
 - a. Accessory buildings shall be constructed not closer to the side or rear lot line requirement of the district where it is located.
3. Corner Lots – Lots fronting on more than one street shall provide the required front yard on both streets. Setbacks for one (1) of the other two (2) sides of the corner lot shall be as required for the rear yard in the district where the lot is located.
 - a. Accessory buildings shall not extend beyond the front lot line of any principal dwelling or beyond the immediate adjacent principal dwelling's front lot line.
4. Through Lots – On through lots, the front yard requirement shall apply to all street frontages.
5. Accessory buildings must maintain a minimum of ten (10) feet between structures on a residential lot.
6. The total area of all detached accessory structures shall not exceed thirty-five percent (35%) of the actual rear yard area, but in no case shall the total area of all accessory structures exceed 800 square feet.
 - a. For computing the percentage of occupancy of a rear yard, if a detached accessory building is attached with a breezeway, then the breezeway shall be considered as a part of the accessory building and shall be included in the computation.

SECTION 15.2 – ALTERNATE ENERGY GENERATION SYSTEMS

It is the purpose of this Section to promote the safe, effective and efficient use of installed solar energy systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety and welfare of adjacent and surrounding land uses and properties. This Section seeks to provide property and business owners with flexibility in satisfying their on-site energy needs and reducing the overall energy demands within the Village of Arcanum and to promote energy efficiency, as well as integrate alternative energy systems seamlessly into the Village's neighborhoods and landscapes without diminishing quality of life in Village neighborhoods.

A. Solar Energy Systems

1. General Provisions

- a. No installation or construction of any solar energy system is permitted without obtaining a conditional use permit pursuant to Section 7.1. Applications shall be accompanied by a fee set forth and approved by the Village of Arcanum. Application fees are non-refundable.
- b. This section shall be in compliance with all standards of this Zoning Code and applies to installation and construction of ALL building-mounted and ground-mounted solar energy systems.
- c. Solar Energy Systems constructed prior to the effective date of this Zoning Code, shall require a conditional use permit be obtained from the Enforcing Officer to ensure the interconnectivity requirements of the Village are in compliance.
- d. Building and/or ground mounted systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same lot.
- e. All solar energy systems shall be based on output power availability as authorized by Arcanum Village Council.
- f. Building-integrated systems, as defined by these regulations, are not considered an accessory use and are not subject to the requirements of these regulations.
- g. Solar Energy Systems related to Village utility operations are exempt from these requirements.
- h. Any upgrade, modification or structural change that materially alters the size or placement of an existing solar energy system shall comply with the provisions of these regulations.
- i. No signage or graphic content may be displayed on the solar energy system except the manufacture's badge, safety information, and equipment specification information. Said information shall be depicted with an area no more than thirty-six (36) square inches in size.
- j. All wiring must comply with the National Electrical Safety Code, most recent edition, as amended and adopted by the State of Ohio.
- k. For ground-mounted systems, all exterior electrical lines must be buried below the surface of the ground where possible or be placed in conduit.
- l. All solar energy systems must be constructed to comply with the most recent fire code as amended and adopted by State of Ohio.
- m. Ground-mounted systems are subject to the accessory use and structure setback requirements in the zoning district in which the system is to be constructed.

- n. The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered surface and shall be calculated as part of the lot coverage limitations for the zoning district. If the ground-mounted system is mounted above existing surfaces, it shall not be calculated as part of the lot coverage limitations for the zoning district.
- o. Building-mounted systems are permitted to face any rear or side yard. Building-mounted systems may only be mounted on a lawfully permitted principal or accessory structure. If a building mounted system comprises an integral part of the roof and doesn't impact the aesthetic nature of the area then it is permitted to face the front yard.
- p. All ground-mounted systems must be contained in a fence which meets the requirements of this Zoning Code.
- q. Building-mounted systems on a sloped roof shall not be required to be screened.
- r. Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way within a twenty-five (25) foot radius of the property, at a level of five (5) feet from the ground in a similar manner as to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the solar system is not visible from the public right-of-way within a twenty-five (25) foot radius when measured at a distance of five (5) feet from the ground.

2. Height Requirements

- a. For a building-mounted system installed on a sloped roof that faces the rear or side yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, or eighteen (18) inches between the roof and highest edge or surface of the system.
- b. For a building -mounted system installed on a sloped roof, the highest point of the system shall not exceed six (6) inches from the highest point of the roof to which it is attached.
- c. For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend six (6) inches above the roof to which it is attached.
- d. Ground-mounted systems may not exceed six (6) feet in any zoning district where said system is to be installed.

3. Nonconformance

- a. If a building mounted system is to be installed on any building or structure that is non-conforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system shall be permitted so long as the building-mounted system does not extend six (6) inches above the peak or highest point of the roof to which it is mounted and so long as it complies with the other provisions of this Zoning Code.
- b. If a building-mounted system is to be installed on a building or structure on a non-conforming lot that does not meet the minimum setback requirements and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system shall be permitted so long as there is no expansion of any setback or lot coverage non-conformity and so long as it complies with the other provisions of this Zoning Code.
- c. If a ground mounted system is to be installed on a lot containing a structure that is non-conforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the established setback for the lot.

B. All Other Alternate Energy Systems

No wind energy turbines are permitted in the Village of Arcanum.

Any other alternate energy producing source not specifically addressed herein shall require an application to be filed with the Enforcing Officer and may require a conditional use permit. Said application shall be accompanied by a fee set forth and approved by the Village of Arcanum.

C. Inspections And Violations

The Village of Arcanum reserves the right to inspect a solar energy system for building or fire code compliance and safety.

If, upon inspection, the Enforcing Officer determines that a fire code or building code violation exists, or that the system otherwise poses a safety hazard to person or property, the Enforcing Officer may order the owner to repair or remove the system within a reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found, and shall notify the owner of his/her right to appeal such determination.

Penalties and fines shall be enforced under Chapter 3 Section 3.3.

SECTION 15.3 – FENCES, WALLS, HEDGES, SCREENING/ BUFFER

Fences, walls, hedges, screening and buffer means any structure composed of wood, metal, stone, vinyl or brick, including hedges or other plants, erected in such a manner and location so as to enclose, partially enclose or divide any premises or part of premises for the purpose of confinement, screening, partitioning, or decoration. Trellises or other structures for the purpose of supporting vines, flowers or other vegetation, when erected in such a position so as to enclose, partially enclose, or divide any premises or any part of premises shall also be considered a fence.

A. General Regulations

Any installation or modifications of fences, wall, hedges, and similar structures as defined above, requires a Zoning permit with a drawing of the lot reflecting actual location of proposed fence or wall along with a picture of planned design.

Any nonresidential use of land or lot that adjoins or faces any residential district must submit a plan for screening for approval before any building or structures shall be erected, altered or enlarged.

No fence, wall, or hedge planting shall interfere or obscure with visibility from a driveway or public right of way. Twenty-five (25) feet clear sight distance shall be maintained along any street or alley from said intersection. The Enforcing Officer is hereby empowered to cause all such obstructions to be removed in the interest of the public safety.

The property owner shall determine property lines and certify that the fence or wall does not encroach upon another lot or parcel of land. The approval of a permit to construct a fence shall not be deemed as a representation by Village that the property lines as shown on the application are correct.

B. Residential

1. Fence setbacks shall be two (2) feet unless the permit is accompanied by a letter from adjoining property owner agreeing to allow the fence to be placed on the agreed property line. NOTE: Said agreement will be included with zoning permit.
2. No fences may be erected in front yards.
3. No fences may be erected across any easement area.
4. All support structures shall face to the inside, and be constructed of steel or wood posts, and properly supported and braced by top rails.
5. Fences or walls not exceeding 72 Inches in height may be erected in any area of lot behind the front face of any principal structure, however any residential chain link fence in excess of 48 inches in height shall require the specific approval of the Planning and Zoning Commission.
6. No livestock fencing, barbed wire, electric fencing, wire welded fence, or solid metal sheeting is permitted.

7. No person shall erect or maintain any fence or wall in any residential district charged with electrical current. (Excludes pet containment systems)
8. Fences shall be constructed with uniformity of the same material & design that are of a natural color customarily used for fencing; (wood fences may be stained with any natural base stain or painted white and any vinyl fences ordered in the customary colors intended for vinyl fencing).
9. No shrubbery or hedge shall be planted in such a manner that any portion of growth extends beyond the property line.
10. No person shall erect or maintain any fence or wall having wire or metal prongs or spikes, or other cutting points or edges.
11. Lots fronting on more than one street shall provide the required front yard on both streets in accordance with the setback requirements on both streets.
12. Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks or curbing to avoid damage by vehicles.

C. Residential/ Commercial Screening/ Buffer

Screening shall be permitted for one or more of the following purposes:

1. A visual barrier to partially or completely obstruct the view of unattractive structures or activities.
2. As an acoustic screen to aid in absorbing or deflecting noise.
3. Screening of trash receptacles to effectively screen them from view.
4. Composition of screening may be one of the following or a combination of two or more:
 - a. A solid masonry wall.
 - b. A solidly constructed decorative fence.
 - c. A louvered fence.
 - d. Dense evergreen plantings.

D. Additional Requirements For Commercial Screening/ Buffer

1. Location of Screening - Whenever any nonresidential use abuts a residential district, a visual screening wall, fence or planting shall be erected or placed along any mutual boundary lines.
2. Height of Screening - Visual screening walls, fences or plantings shall be at least six (6) feet in height and a combination wall/fence with vegetation a minimum of ten (10) feet wide. The use of year-round vegetation such as pines or evergreens, is encouraged.
3. Depth or Width of Screening - Screening for purposes of absorbing or deflecting noise shall have a depth of at least fifteen (15) feet of dense plantings or a solid masonry wall in combination with decorative plantings.

SECTION 15.4 – OFF-STREET PARKING & LOADING

The intent of the off-street parking and loading regulations is to protect the public health, safety, and welfare by ensuring that all land uses have adequate amounts of off-street parking and loading areas to insure the efficient handling of vehicular traffic.

General Provisions

In all districts, at any time any building, structure, or use of land is erected, enlarged, increased in capacity, or used, there shall be provided for every use off-street parking spaces for vehicles. A parking plan shall be required for all uses except for single or two-family residential uses. The parking plan shall be submitted to the Enforcing Officer as part of the application for a Zoning Permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate. Due to the historical lay out and or structures of the downtown area, some and/or all of the aforementioned requirements within this Section may not be reasonably enforceable and the determination of such will be made by the Enforcing Officer.

A. Business & Industrial Off-Street Loading Regulations

The parking and storage of commercial vehicles shall be subject to the following requirements:

1. Amount of Loading Space Required - The minimum amounts of off-street loading space shall be provided according to the table below. An area adequate for maneuvering, ingress and egress shall be provided in addition to the required loading space.

<u>Square Feet of Gross Floor Area</u>	<u>Required No. of Spaces</u>
Up to 10,000 sq. ft.	1 Space
10,001 to 20,000 sq. ft.	2 Spaces
20,001 to 40,000 sq. ft.	3 Spaces
40,001 to 75,000 sq. ft.	4 Spaces
75,001 or more sq. ft.	5 Spaces

2. Loading Space Dimensions – Each loading space shall have minimum dimensions of:

<u>Length</u>	<u>Width</u>	<u>Height Clearance</u>
25 Feet	15 Feet	15 Feet

3. Ingress & Egress - Off-street loading spaces shall be provided with ingress & egress, not less than twelve feet (12) in width, and so located as to minimize traffic congestion.
4. Projection Into Rear Lots - Off-street loading space may occupy all or any part of any required rear lot space.

5. Surfacing – All off-street parking and loading areas shall be properly graded, drained, marked and surfaced so as to provide a hard durable and dustless surface.
6. Drainage - All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system.
7. Lighting – Any lighting used to illuminate any loading area shall be so arranged as to reflect light away from any adjoining property.

B. Off-Street Parking Regulations

1. Residential off-street parking spaces shall consist of a driveway, garage or combination thereof and shall be located on the premises they are intended to serve.
2. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
3. Off-street parking existing at the effective date of this Zoning Code in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
4. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
5. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the BZA may grant an exception.
6. The storage or sale of merchandise, or the repair of vehicles is prohibited without a permit.
7. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a use which the BZA considers as being similar in type.
8. A suitable means of ingress or egress for vehicles to premises used for parking shall be provided, and shall open directly from and to a public street, alley or highway. The width of any exit or entrance adjoining property or opposite property zoned for residential uses shall be approved by the Enforcing Officer prior to obtaining any permit therefore.
9. Fencing, wheel stops or other physical barriers shall be provided for all boundaries of the parking area except at points of ingress and egress to prevent encroachment of vehicles for safety.

10. All parking lots shall be surfaced with a hard or semi-hard dust free surface.
11. If the parking lot is to be open for use after dark it shall be provided with not less than two lumens of light per square foot of parking lot surface. Lights shall be shielded so as not to shine directly or in an offensive manner on the adjoining residential property.

C. Allowed Amount Of Off-Street Parking:

The amount of off-street parking spaces for new uses or buildings, additions thereto, or additions to existing buildings, shall be determined in accordance with the following minimum parking provisions. In the case of a use not specifically mentioned, the requirements for off-street parking shall be the same as for a similar use specifically mentioned, said similarity to be determined by the Enforcing Officer.

Single Family Dwelling	2 spaces per unit, and one space for each two roomers
Two-Family Dwelling	1.5per per dwelling & 1 for each two roomers
Multiple Family	1.5 per dwelling & 1 per each occupant
Office Building	1 per every 200 sq. ft of gross floor area
Retail Stores	1 per every 200 sq. ft.; self-service/ supermarkets 1 per every 100 sq. ft.
Barber Shops/ Beauty Parlor	1 per chair; 1 per employee
Restaurant w/inside services only or tavern	1 per each 4 seats; 1 per every 2 employees
Banks	1 per every 250 sq. ft.
Laundry services/Dry cleaners	1 per every 250 sq. ft.
Banks w/drive thru services	5 per teller window; 1 per each employee. For no inside services – 1 per employee
Auto Service Station	4 spaces
Automobile Sales & Service garage	1 per each 200 sq. ft of main display room
Used Car Lot	1 per every 1,500 sq. ft. of lot area
Professional & Medical Spaces	1 per 150 sq. ft of floor area. Home occupation- 1 per 100 sq. ft. plus residential space allows
Mortuaries or Funeral Homes	1 per 50 sq. ft. of floor space of visitation areas.

Elementary & Middle Schools	1 per each employee; 1 per each 80 sq. ft. in main auditorium or 1 per each 6 fixed seating, whichever is greater
Senior High Schools	1 per employee; 1 per every 5 students; 1 for every 80 sq. ft of main auditorium floor, or 1 for every 6 fixed seating; whichever is greater
Libraries, museums, art galleries and community centers	1 per every 600 sq. ft. of floor area; 1 per each 4 employees
Non-school entertainment facilities, theaters, stadiums, sports areas, auditoriums or other assembly halls other than schools	1 per each 6 seats up to 1,000; 1 per each 3 seat over 1,000
Warehouses & Wholesale stores	1 per every 800 sq. ft. of floor area
Contractor's yard or plant storage yard	1 per each 3 employees
Manufacturing plants/ research Labs	1 per each 2 employees per shift
Church	1 per each 3 seats in main auditorium
Laundromats	1 per each 2 washing machines
Child Daycare Centers	1 per each employee, plus one space per 5 children at capacity, plus a drop-off area as determined by the Zoning Board
Automobile Washing Facilities	1 space per employee with min. of 4 spaces; 5 spaces per each bay; Assembly line washing establishment shall have 15 waiting spaces and 2 parking spaces at end of each washing bay for drying and hand-finishing vehicles
Convenience Food Store, Carry-Outs & Mini-Markets	1.5 spaces for every 200 sq. ft. of floor area, plus on space per employee.
Animal Hospitals/ Veterinary Clinics	3 spaces for each exam room; 1 per employee
Fraternal/ Social Associations, Dance Halls, Bingo Halls & Private Club	1 per each 3 persons allowed to max. capacity

Self-Service Storage Facilities	1 space for every 4,000 square feet of gross floor area, plus one space per employee
Baseball, softball, football, soccer or similar organized sport play field	20 for each playing field, plus one for each 6 seats in stands.

SECTION 15.5 – PARKING/STORAGE LIMITATIONS IN RESIDENTIAL DISTRICTS

A. Non-Commercial Vehicles

The parking and storage of non-commercial vehicles, mobile homes, and camping and recreational vehicles/equipment shall be subject to the following requirements:

1. No non-commercial vehicles, including but not limited to, mobile homes, travel trailers, pick-up campers, folding tent trailers, utility trailers, boats, boat trailers, snowmobiles, snowmobile trailers, aircrafts, all-terrain vehicles, or similar recreational vehicles/equipment, nor any truck larger than one (1) ton, shall be parked or stored on a public right-of-way for more than twelve (12) hours in a zoned residential district.
2. Non-commercial vehicles shall not be parked or stored in the front yard.
3. No mobile homes shall be stored or parked in any residential district.
4. There shall be no more than one (1) recreational vehicle, piece of camping equipment, or utility trailer stored outside a garage in a residential zoned district.
5. No camping, recreational vehicle/equipment, or utility trailer shall be parked or stored in front of the building set back line or within the public right-of way within a residential zoning district.
 - a. If camping, recreational vehicles/equipment, or utility trailer are parked or stored outside a garage, it shall be parked or stored to the rear of the house and must be at least ten (10) feet from any lot line. On corner lots, no recreational vehicle or trailer is permitted to be stored or parked between the right-of-way and the side of the main structure, as well as the front of the structure. Notwithstanding the foregoing, such camping and recreational vehicle may be parked anywhere on the premises for loading and unloading purposes, for a period of not more than seventy-two (72) hours.
6. No camping or recreational vehicles/equipment, as listed herein, shall be connected to electricity, gas, water or sanitary sewer facilities for a period of more than seventy-two (72) hours for loading and unloading purposes.
7. No camping or recreational vehicles/equipment, as listed herein, shall be used as a dwelling.
8. No camping, recreational vehicles/equipment, as listed herein, belonging to a visitor may be parked on any lot for a period of more than seventy-two

(72) hours, unless written permission has been obtained from the Enforcing Officer.

9. All recreational vehicles and utility trailers that are longer than thirty (30) feet, higher than twelve (12) feet, or have more than six (6) wheels are strictly prohibited from being stored on residential property within the Village.
10. No automotive vehicles or trailers of any type without current license plates or in non-running condition shall be parked or stored on any residential property other than in a completely enclosed building

B. Commercial Vehicles & Construction Equipment

No commercial vehicles, including but not limited to, commercial tractors, trucks, buses, manufactured homes, semi-trailers, vehicles with Gross Vehicle Weight of over 10,000 pounds, nor any construction equipment, shall be parked or stored within any public right of way or on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles or construction equipment conveying the necessary tools, materials, and equipment to a premise where labor using such tools, materials, and equipment is to be performed during the actual time of parking. No automotive vehicles or trailers of any type without current license plates or in non-running condition shall be parked or stored on any residential property other than in a completely enclosed building.

SECTION 15.6 – SIGNAGE

The intent of this Section is to encourage the proper development of signs and signage systems, to include awning, banner/streamer, billboard, roof, wall and/or window signs, or portable signs, within the Village of Arcanum. It is a further intent of this Section to alleviate sign clutter and to prevent signs from becoming a distraction or an obstruction to the safe flow of pedestrian and vehicular traffic, to prevent signs from adversely impacting adjacent properties or uses, to encourage the development of sign systems that promote a healthful economic and business environment and thereby protect the general health, safety, and welfare of the citizens of the Village, while maintaining an environment free from the destructive influences of obnoxious and indiscriminate sign displays.

A. General Provisions

1. No sign shall be constructed, erected, or maintained within the Village of Arcanum unless a permit has been issued by the Enforcing Officer, except as permitted herein.
2. A sign means any device for visual communication which is designed, intended, or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object or product.

3. The regulations herein shall apply and govern in all zoning districts. No signs shall be erected or maintained unless it is in compliance with the regulations for the district in which it is located.
4. All signs hereafter erected, constructed or modified shall comply with yard and setback requirements of the district in which it is located.
5. Where illumination of signs is permitted, such illumination shall be neither flashing nor intermittent and shall be designed and constructed so as to concentrate the illumination upon the area of the sign and prevent glare upon the street or adjacent property. Such illumination shall be turned off no later than 11:00 P.M., or the end of the business day, whichever is later, when such sign is within 200 feet of any residential area.
6. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape.
7. No sign shall be affixed to any public utility or street tree, and shall not be located in any public right-of-way or at any location or in any manner to create a safety or visibility hazard.
8. All signs must be located on the premises, and limited to subject matter on which the use is located and is clearly incidental, customary to, and commonly associated with the operation of the use. Any sign displayed at locations other than on the premises must have approval of property owner.
9. If any existing sign is found, upon inspection by the Enforcing Officer, to constitute a hazard to public safety, such sign shall be subject to removal.
10. Should relocation or replacement of a sign occur without said sign being brought into compliance herewith, the sign shall be deemed illegal.
11. Any sign that does not meet the regulations of this Zoning Code shall be subject to penalties and fines as specified in Chapter 3, Section 3.3 Penalties and Fines.

B. Prohibited Signs

1. Signs that are not specifically permitted by this Zoning Code are hereby prohibited.
2. Any existing non-conforming sign, which has not been previously authorized by the Enforcing Officer.
3. Banners, streamers, pennants and similar air-activated moving signs intended for permanent display or any part which physically moves or is animated so as to give the appearance of movement.
4. Street light pole banners throughout the community which are not seasonal banners or community festival banners. Permitted seasonal and community festival banners must be approved and only erected and removed by Village personnel.
5. Trailer signs that are attached to, painted on, or placed on a motor vehicle, trailer, or other licensed or unlicensed vehicle or conveyance which is

- parked or located in such a manner as to serve as a portable, temporary, trailer, or freestanding ground-mounted sign.
6. Billboards on off-premise locations more than thirty-two (32) square feet in area.
 7. Roof signs erected upon or completely over the roof of any building.
 8. Any sign that is constructed or located so as to resemble a traffic control device, or is located in such a manner so as to obscure or impact the effectiveness of such traffic control device or signal.
 9. No person shall display upon any sign or other advertising structure any obscene, indecent or immoral matter.
 10. Beacons and searchlights, except for emergency purposes.

C. Permits

No permanent or temporary sign, except as set forth in Exempted Signs (Excluded from Regulations) Section 15.6-D, shall not hereafter be erected, constructed or maintained within the Village of Arcanum unless a permit for the same has been issued by the Enforcing Officer.

Each application for a permit to construct or erect a sign shall be made by the owner, or his/her agent, of the property upon which the sign is proposed and accompanied by a fee set forth and approved by the Village of Arcanum. Application fees are non-refundable.

Applications for a sign permit must include the following information:

1. Name, address, telephone number of the applicant.
2. Drawings to an appropriate scale, showing at a minimum:
 - a. The design and layout of the proposed sign, including the total area of the sign and the size, height, character, materials, and color of letters, lines and symbols.
 - b. If more than one sign face is proposed, separate information on each face shall be provided.
 - c. The exact location of the sign in relation to the building and property.
 - d. The method of illumination, if any.
3. Details and specification for the construction, erection and attachment of the sign.
4. Name, address and telephone number of the sign contractor or company.
5. The time period for which the sign is to be displayed, if a temporary sign.
6. Other information as may be required by the Enforcing Officer to ensure compliance with the provisions of this Zoning Code.

Sign permits shall be issued or denied within fourteen (14) working days from date the application is filed. If the application is denied, the applicant shall be given written notice of such denial, which shall include the reasons for the denial.

Any denial made by the Enforcing Officer may be appealed to the BZA.

D. Exempted Signs (Excluded From Regulations)

1. Governmental signs or other municipal signs for traffic control and other regulatory purposes, and such temporary emergency, or non-advertising signs as may be authorized by Council.
2. Flags, emblems, and insignias of any governmental agency, educational, charitable, civic, religious or like campaign, drive, or event.
3. Commemorative plaques and/or memorial signs and names of buildings and date of construction when etched or cut into any surface.

E. Miscellaneous Signs And Requirements

The provisions and regulations of this Zoning Code shall not apply to the following signs; however, they must meet the requirements set forth herein, and shall not be illuminated nor animated. In addition, there shall be no more than one (1) such sign per use per each street front of the lot on which the sign is located.

1. Political signs or posters concerning candidates for elective office, or public issued and similar matters to be decided by public election, to be displayed beginning no more than thirty (30) days prior to election and to be removed no later than one (1) week after such election, subject to penalty. Such signs shall not exceed more than six (6) square feet in any zoned residential area and shall not exceed thirty-two (32) square feet in other zoned areas.
2. Parking or directional signs not over two (2) square feet in area, provided the sign contains no advertising matter.
3. Real Estate signs which indicate the sale, development, or lease of a particular structure or land in residential areas, provided said signs shall not exceed four and one-half (4 ½) square feet, while signs in non-residential areas shall not exceed sixteen (16) square feet. Any real estate sign displayed at locations other than on the premises offered for sale must have approval of property owner. Open house announcements may be placed on the property one week prior to date of open house. "Sold" signs shall be limited to one per property and permitted for a period of two (2) weeks after closing of the property.
4. Professional or occupational signs not exceeding two (2) square feet in area that are customarily associated with residential use and are not of a commercial nature, and mounted or attached flat or parallel onto a building which designates the name and address of an occupant(s) in a building.
5. Signs not visible or intended for view beyond the boundaries of the lot or parcel upon which they are located.

6. Signs clearly in the nature of decorations customarily associated with a national, local or religious holiday. Such signs shall not be a safety and/or visibility hazard.
7. Signs within a stadium, open-air theater, building, arena, or other structure, which signs can be viewed only by persons within the above-mentioned structures.
8. Miscellaneous signs, including but not limited to, credit card decals, store hour specifications, "open" or "closed" signs, or similar signs that do not exceed an aggregate area of two (2) square feet.
9. Advertisements or promotions of non-profit organizations, or community activities and/or festivals, activities sponsored by the Village of Arcanum, welcome messages (such as those for class reunions, conferences, athletic tournament participation, musical plays, and promotion of sales and money-raising events for youth organizations.)
10. Church, School, Multi-Dwelling and Institutional Signs. Bulletin boards and signs for a church, school, community, or other public or semi-public institutional buildings and multiple dwelling surfaces shall not exceed thirty-two (32) square feet in area including frame, wall, or ground signs with a maximum height of six (6) feet above grade for ground signs and located not less than ten (10) feet from the street right-of-way line. Such signs may be illuminated but only from a concealed light source.
11. Personal signs which advertise the sale of personal property, such as a garage, yard, porch or moving sale.
12. Auction signs shall not exceed thirty-two (32) square feet and shall be posted no more than thirty (30) days before the date of the sale and shall be removed immediately following such sale.
13. Signs regulating the use of property, including but not limited to, "No Trespassing," "No Hunting," "No Fishing," "Beware of Animals," or "Danger" signs.

F. Business And Industrial Districts

All signs and advertising structures may be illuminated internally or by reflected light provided the source of light is not directly visible and reflects away from adjoining premises and are not placed as to cause confusion or hazard to traffic, traffic control signs or lights.

No illuminated sign exceeding fifty (50) square feet shall be placed nearer than fifty feet to a residential lot line. No illuminated sign exceeding one hundred (100) square feet shall be placed nearer than one hundred (100) feet to a residential lot line.

1. Business Districts: Wall or ground signs, single or double faced, shall not exceed fifty (50) square feet in area for each face, with the exception that the sign is used for two (2) or more uses, the area shall not exceed one

hundred (100) square feet. Maximum height above grade shall not exceed forty (40) feet. One (1) sign for each street front may be used.

2. Industrial Districts: Wall or ground signs, single faced shall not exceed one hundred (100) feet in length and shall not be located within one hundred (100) feet of any other ground sign, except when separated by an intervening building. Not more than one (1) such sign shall be permitted on contiguous property titled to the same owner.

G. Temporary Signs

1. Construction signs denoting the architect, engineer or contractor when placed upon premises under construction, and not exceeding sixteen (16) square feet in area. Said signs shall be removed upon completion of the construction project.
2. Banners less than twenty (20) square feet in area are permitted as temporary signs, provided that they are secured at each corner point and/or end so as to prevent movement.
3. Streamers are prohibited.
4. Banners erected above roadways must have approval of the Enforcing Officer and shall be erected and removed by Village personnel only.
5. Temporary, free-standing signs not exceeding six (6) square feet per side with no more than two (2) sides in residential districts identifying one (1) or more family member of said household for non-commercial purposes.

H. Non-conforming Signs

Non-conforming signs may be continued if they are in good condition.

A non-conforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Zoning Code.

The continuance of an existing sign which does not meet the regulations and requirements of this Zoning Code shall be deemed a non-conforming sign which shall be removed when any of the following conditions occur:

1. When the sign is associated with an abandoned use, the sign shall be removed immediately.
2. When the sign remains after termination of a business, which shall be defined as a business that is closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this requirement.
3. When the sign is not maintained or does not conform to the following:
 - a. All signs, together with all supports, braces, guys and anchors shall be kept in a proper state of repair.
 - b. Every sign and the immediately surrounding premises shall be maintained by the owner, or his agent, in a clean, sanitary and

inoffensive condition, free from all obnoxious substances, rubbish and weeds.

- c. In case damage occurs to the extent that more than fifty percent (50%) of the replacement value is lost, the sign shall be removed within sixty (60) days.

SECTION 15.7 – SWIMMING POOLS

A. General Provisions

A zoning permit shall be required for the construction or installation of any private swimming pool. The owner of the property, or his agent, shall certify that the pool will be constructed, installed, and maintained in conformance with the requirements within this Section.

Private swimming pools for recreational water use can include in-ground pools, and above-ground pools. A private spa or hot tub with a lockable cover shall not be considered as a “swimming pool” subject to the provisions of this Section.

No swimming pool, excluding portable swimming pools with an area of less than one hundred (100) square feet, shall be allowed in any residential district unless the following conditions and requirements are met:

1. All of the above must be in excess of seventy-five (75) cubic feet and/or have met a water depth of eighteen (18) inches when full;
2. Shall be used by residents and guests only;
3. Shall be set back six (6) feet from side and rear property lines and twenty-five (25) feet from front property lines;
4. Shall be located six (6) feet from any dwelling;
5. Pool along with any other accessory structures; including walks, paved areas, and appurtenances thereto, cannot occupy more than thirty-five (35%) of the actual rear yard area;
6. Such pool, shall not be located in any front yard, nor closer than ten (10) feet to any property line or structure;
7. All lights used for the illumination of the swimming pool and adjacent areas shall be designed, located and installed so as to confine the direct beams thereof to the lot or parcel on which the pool is located;
8. All pools shall be enclosed with a secured cover and/or a fence so as to prevent uncontrolled access that is a minimum of four (4) feet high and a maximum of six (6) feet high and so constructed as will not shut off light or air to any buildings. Additional pool fencing requirements apply as follows:
 - a. Fencing/screening attached at the top of the pool structure or decking can only be a maximum of four (4) feet high.
 - b. Fence must be maintained in good condition and affixed with an operable gate and lock;

- c. All such fences shall be constructed of steel or wood posts properly supported and braced by top rails that shall be located on the inside of the fenced enclosure. Except as otherwise permitted by the Enforcing Officer, all posts are to be firmly attached to or imbedded in concrete thirty (30) inches below grade line;
- d. Fencing shall consist of steel or wood pickets, chain link or solid boards. No barbed wire shall be permitted.

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