

CHAPTER 16 SUPPLEMENTAL DISTRICT REGULATIONS

The intent of Supplemental District Regulations is to set specific conditions for various uses and classifications of uses in order to promote public health, safety, and welfare. It is the intent of this Chapter to permit such accessory uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.

SECTION 16.1 – ANTENNA COMMUNICATION REGULATIONS

A. Dish Type Satellite

The owner or occupant of any lot, premise, or parcel of land is permitted to erect a twenty-four (24) inch diameter satellite dish and a permit shall not be required for installation. Satellite dish antennas shall be permitted in all zoning districts and are subject to the following requirements:

1. Any dish in excess of twenty-four (24) inches must apply for a permit. On such application, the owner or occupant shall certify that the requirements of this Zoning Code are met.
2. Satellite dishes in a front yard are prohibited.
3. Setbacks for all satellite dish installations shall be a minimum of six (6) feet from any property line, a minimum of six (6) feet from the edge of public rights-of-way, and of a sufficient safe distance from all overhead and/or underground power lines as determined by the Enforcing Officer.
4. Roof mounted satellite dishes shall be limited to a maximum diameter of 24 inches and shall be mounted in accordance with manufacturer's recommendations and be properly secured to prevent damage from wind and snow loads.
5. No satellite dish shall be linked to receivers which are not located on the same lot or premise.
6. All satellite dish antennas shall be properly grounded, resistant to lightning strikes, and meet all electrical code requirements.
7. All satellite dish antenna systems shall be noncorrosive, designed, engineered, and permanently installed to withstand wind and snow loads specified by the Ohio Basic Building Code.
8. Maximum overall height for ground mounted satellite dish antenna systems shall not exceed fifteen (15) feet.
9. Placement of satellite dish antenna systems within any easement shall be prohibited.

B. Radio/Amateur “Ham”/Television Antenna Regulations:

The aforementioned antennas shall be permitted as an Accessory Use/Structure in residential districts and are subject to the following requirements:

1. Ground-mounted antenna systems installed in residential districts shall be limited to side and rear yard areas.
2. No more than two (2) such antennas shall be permitted on any one lot.
3. Setbacks for all antenna system installations shall be a minimum of six (6) feet from any property line, a minimum of three (3) feet from the edge of public rights-of-way, and of a sufficient safe distance from all overhead and/or underground power lines as determined by the Enforcing Officer.
4. Placement of antenna systems within an easement shall be prohibited.
5. Roof mounted antenna systems shall be limited to a maximum height of 5 feet above the highest structural point. Roof installations shall be mounted in accordance with manufacturer’s recommendations and be properly secured to prevent damage from wind and snow loads.
6. Ground mounted antenna systems in residential and business districts shall not exceed a maximum overall height of forty-five (45) feet. Maximum overall height for ground mounted TV antenna systems shall not exceed the lesser of fifteen (15) feet above the highest structural point or fifty (50) feet in total.
7. All antenna systems shall be noncorrosive, designed, engineered, and permanently installed by manufacturer’s recommendations for height.
8. Guy wires are prohibited.
9. No telescoping antennas shall be permitted in the Village of Arcanum.
10. Commercial radio and television towers shall be located centrally on a continuous parcel having a dimension at least equal to the height of the tower measured from the center of the base of the tower to all points on each property line.
11. Radio towers for licensed amateur radio stations which exceed the allowable height of structures in the residentially zoned districts shall be limited in height from their base to the distance from the base to the nearest property line

SECTION 16.2 – DRIVE-IN SERVICE ESTABLISHMENTS

Establishments that, by their nature, create periodic lining-up of customers in automobiles waiting to be serviced shall provide off-street areas for these waiting customers. This includes such activities as:

- A.** Drive-thru banks;
- B.** Quick auto washes;
- C.** Drive-in retail outlets; and

- D. Drive-in service and repair drop stations for such items as clothing, appliances, equipment, etc.

Those establishments that can normally serve their customer within three (3) minutes or less shall provide at least five (5) off-street waiting spaces per window. Quick auto washes shall provide at least ten (10) off-street waiting spaces. Where normal customer servicing time is greater than three minutes per car, additional spaces shall be provided on the basis of one additional space per additional minute of waiting time.

SECTION 16.3 – HEIGHT REGULATIONS

- A. Exceptions to Height Limitations - Chimneys, domes, spires, necessary mechanical appurtenances, radio and television towers may exceed district height limitations.
- B. Public, semi-public or public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding ninety (90) feet when the required side and rear yards are each increased by one foot for each foot of additional building height above the height regulations for the district in which the building is located.
- C. Commercial radio and television towers shall be located centrally on a continuous parcel having a dimension at least equal to the height of the tower measured from the center of the base of the tower to all points on each property line.
- D. Radio towers for licensed amateur radio stations which exceed the allowable height of structures in the residentially zoned districts shall be limited in height from their base to the distance from the base to the nearest property line.

SECTION 16.4 – HOME OCCUPATIONS

A home occupation shall be defined as a activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within a residence without any significant adverse effect upon the surrounding neighborhood. Home occupations shall be considered as conditional uses in the various residential districts.

A. General Regulations

A home occupation shall comply with the following regulations:

1. All home occupations must apply for a conditional use permit.
2. Home occupation means any occupation operated in its entirety within the principal dwelling and only by the person(s) maintaining a dwelling therein.
3. Home occupation shall not generate greater vehicular traffic volume than is normal for a residential neighborhood.
4. Home occupation shall not involve alteration or construction of a premise, not customarily found in a dwelling.

5. Home occupation shall not utilize more than twenty-five percent (25%) of the total floor area of any one story.
6. Shall not utilize any equipment except that which is used normally for purely domestic or household purposes.
7. Shall not display or create outside the structure any external evidence of the operation of the home occupation except for one unanimated, non-illuminated name plate having an area of not more than two (2) square feet, attached flat against the principal structure.
8. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the premises.
9. Activities related to the home occupation shall be conducted primarily within the confines of the principal building on the lot. No home occupation shall be conducted from any accessory building on the lot.

SECTION 16.5 – OUTDOOR FURNACES/ FIREPITS

It is the purpose of this Section to establish clean air and environmental circumstances free of unreasonable dust, obnoxious odors, noxious fumes and smell within densely populated areas to promote public health, safety, and welfare. All provisions shall be governed by ORC Section 1503.18, and Ohio Administrative Code 3745.19.

- A.** No burning within Village limits or restricted areas plus a zone extending one-thousand (1,000) ft beyond the boundaries of any such municipality.
- B.** Free standing outdoor furnaces used for the purpose of heating an enclosed structure and that is designed to burn wood or other fuel, including but not limited to, coal, paper or agricultural products, are prohibited within the Village. Recreational outdoor propane heaters are excluded.
- C.** Recreational/cooking fires must be no greater than 3ft x 2ft and fueled with clean, seasoned (untreated) firewood and NOT be used for the purpose of waste disposal.
- D.** The Village Fire Department may extinguish or require cessation of any fire which is deemed hazardous or objectionable due to smoke, odor or other hazardous conditions pursuant to the Ohio Fire Code (OAC 1301:7-7-03, (G) Section 307.)

SECTION 16.6 – OUTDOOR STORAGE/ WASTE DISPOSAL

After the effective date of this Zoning Code, all properties must be in compliance with the use of outdoor storage/waste disposal containers, which shall be subject to the following requirements:

- A.** No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except in a Light or Heavy Industrial District.

- B. Tanks or drums of fuel directly connected with heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.
- C. All outdoor storage facilities for fuel, raw materials and products shall be enclosed by a fence, wall or planting to conceal such facilities from adjacent residential property.
- D. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by wind, flood, or other natural causes or forces.
- E. All materials or wastes which might cause fumes, dust or which constitute a fire hazard, or which may be edible or attractive to rodents or insects shall be stored outdoors only in closed containers constructed of impervious material.
- F. Compost piles are permitted for biodegradable vegetation. Grass clippings are prohibited.

SECTION 16.7 – PROJECTIONS INTO REQUIRED YARDS

Architectural features may project into required yards or into courts as follows:

- A. Chimneys, flues, sills, pilaster, cornices, eaves, gutters and other similar features may project into a required side yard a maximum of three (3) feet.
- B. No structure may project into a required front yard; however, unroofed porches and steps may extend from the dwelling into the required front yard a maximum of ten (10) feet.
- C. Architectural features such as cornices, canopies, eaves, pilasters, or sills may project into a front yard no more than three (3) feet.
- D. No structure may project into a required side yard, except where a single lot under one ownership existed in a residential district at the time of passage of this Zoning Code.

SECTION 16.8 – PUBLIC RIGHT-OF-WAY ACCESS

A Right-of-Way permit is required for any work to be performed in the public right-of-way including but not limited to, storm drainage, driveway installations (all driveway additions must include an “approach”), sidewalks, curbs and gutters, landscaping, irrigation installation, utility installations, tree removals, or any other excavation of pertinent installation in the right-of-way.

All construction permitted with a Right-of-Way permit must follow all construction standards of the Village of Arcanum.

Applications for Right-of-Way permits shall contain insurance and bonding requirements, where applicable.

The applicant shall complete all work covered by the permit and shall leave the right-of-way, and all appurtenances within the right-of-way, in a condition that is

equal to, or better than that which existed prior to the work taking place. Said work shall be approved and accepted by the Enforcing Officer.

Each application for a Right-of-Way permit shall be accompanied by a fee set forth and approved by the Village of Arcanum. Application fees are non-refundable.

SECTION 16.9 – TEMPORARY USES

The following regulations for a Temporary Use Permit are necessary to govern certain uses which are of a non-permanent nature. A Temporary Use Permit shall be approved by the Enforcing Officer at least seven (7) days before the commencement of such use.

A. Application Requirements

Application for a Temporary Use Permit shall include the following, along with a fee set forth and approved by the Village of Arcanum. Application fees are non-refundable.

1. A drawing showing the property to be used;
2. A description of the proposed use;
3. Information to determine that all setbacks, parking, and requirements for sanitary facilities are met;
4. Any requested permit in a parking lot must be accompanied by written permission of the property owners, shall be prominently displayed at the site, and must not encroach upon more than twenty-five percent (25%) of the required parking area; and
5. Any other information required by the Enforcing Officer for the proposed temporary use.

B. Regulations For Temporary Uses

Temporary uses of public land are exempt from the requirements of this Section. The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:

1. Temporary building or yard for construction offices, material, or equipment required in conjunction with construction activity, provided such use is adjacent to the construction site and for a period of six (6) months or less. Extensions may be granted if construction is underway. Such uses shall be removed when construction is complete, upon expiration of the Temporary Use Permit, or when construction is discontinued for more than thirty (30) days, whichever occurs first.

2. Temporary real estate sales offices, which contain no living accommodations, shall be permitted for a period of one (1) year and may be renewed for one (1) additional year if conditions warrant such renewal.
3. Temporary sales and services may be permitted within parking areas within any business district. A zoning permit valid for a period not to exceed four (4) consecutive days shall only be issued three (3) times within any twelve (12) month period to any individual or organization. The application for the Temporary Use Permit shall be accompanied by written permission of the property owner.
4. Tents, as described in the definitions herein, will be considered a temporary use. However, if a tent is to be erected for more than seven (7) days, the Enforcing Officer may require a Conditional Use Permit.

SECTION 16.10 – WATER WELLS

- A.** No new private water wells shall be installed by a property owner within the Village of Arcanum for personal use from the date of the enactment of this Zoning Code.
- B.** No existing wells are to be connected by any means to the Village Water System.
- C.** The Arcanum-Butler School District Board of Education (“Board of Education”) shall be exempt only for the purpose of installing and maintaining irrigation well(s) with the following stipulations:
 1. Irrigation well(s) installed and owned by the Board of Education may only be used for irrigation of recreational fields. No other uses shall be permitted.
 2. Irrigation well(s) installed and owned by the Board of Education shall comply with all requirements outlined by the Darke County Health Department and any other authority having jurisdiction.
 3. The Board of Education shall allow the Enforcing Officer to make such periodic inspections as may be necessary from time to time to ensure compliance herewith.

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