

**VILLAGE OF HANOVER  
LICKING COUNTY, OHIO**

**ZONING RESOLUTION**

ADOPTED: [Date]

EFFECTIVE: [Date]

**CERTIFICATION OF ACCEPTANCE  
BY VILLAGE COUNCIL AND CLERK  
OF VILLAGE OF HANOVER**

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President \_\_\_\_\_ Date \_\_\_\_\_

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Clerk \_\_\_\_\_ Date \_\_\_\_\_

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## **PREAMBLE**

This resolution is enacted for the purpose of promoting public health, safety, morals, comfort, and general welfare; to promote, to regulate, and restrict therein the location, construction, reconstruction, alteration and use of structures and land; to promote the orderly development of residential, business, industrial and recreational areas; to provide safe convenient access to property through the regulation of use and development of land and bulk of structures in relationship to surrounding properties; to limit congestion in the public right-of-ways; to secure the most appropriate use of land, and to facilitate adequate and economical provisions for public improvements, all in accordance with a comprehensive plan for the desirable future development of the Village of Hanover, and to provide a method of administration and to prescribe penalties for violation of provisions hereinafter described—all as authorized by the Ohio Revised Code, and any amendments thereto.

## ARTICLE 1

### **PURPOSE AND SCOPE**

#### **Section 100 Title**

This resolution shall be known and may be cited to as the “Village of Hanover, Licking County, Ohio Zoning Resolution.”

#### **Section 101 Provisions Declared Minimum Requirements**

In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, welfare, and morals. Wherever the requirements of this resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

#### **Section 102 Separability Clause**

Should any section or provision of this resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

#### **Section 103 Repeal of Conflicting Resolution, Effective Date**

All resolutions or parts of resolutions in conflict with this zoning resolution or inconsistent with the provisions of this resolution are hereby repealed to the extent necessary to give this resolution full force and effect. This resolution shall become effective from and after the date of its approval and adoption, as provided by law.



## ARTICLE 2

### DEFINITIONS

#### **Section 200 Interpretation of Terms or Words**

For the purpose of this resolution, certain terms or words used herein shall be interpreted as follows:

1. The word “person” includes a firm association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word “shall” is a mandatory requirement; the word “may” is a permissive requirement; and the word “should” is a preferred requirement.
4. The words “used” and “occupied” include the words, “intended, designed, or arranged, or arranged to be used or occupied.”
5. Whenever the words "dwelling unit", "dwelling", "premises", "building", or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof".

**ACCESSORY USE OR STRUCTURE** – A use or structure, including private swimming pools, garages, parking places, outbuildings and sheds, and decks, on the same lot with, attached or detached from the principal structure, and of a nature customarily incidental and subordinate to the principal use or structure.

**ADULT ENTERTAINMENT FACILITY** – Means any establishment which is involved in one or more of the following listed categories (see Section 1032.00):

1. Adult Book or Video-Bookstore. An establishment having any of its display area or items for sale of its stock in trade, books, videos, magazine, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to “specified sexual activities” or “specified anatomical areas” as herein defined.
2. Adult Mini-Motion Picture Theater. A facility with a capacity for less than 50 persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
3. Adult Motion Picture Theater. A facility with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

4. Adult Entertainment Business. Any establishment involved in the sale or services of products characterized by the exposure or presentation of “specified anatomical areas” or physical contact of live males or females and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, massage, and similar functions which utilize activities as specified above.

**AGRICULTURE** – The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, provided, however, that:

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities.
2. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed yard.

**AIRPORT** – Any runway, land area, or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings, and open spaces.

**ALLEY** – A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.

**ALTERATIONS, STRUCTURAL** – Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

**APARTMENT HOUSE** – Any building which contains one or two “dwelling units” used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes.

**APPROVED** - Approved by the code official.

**AUTOMOTIVE REPAIR** – The repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

**AUTOMOTIVE, MANUFACTURED HOME, TRAVEL TRAILER OR FARM IMPLEMENT SALES** – The sale or rental of new and used motor vehicles, manufactured homes, travel trailer, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

**AUTOMOBILE WRECKING** – The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**BASEMENT** – A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

**BED AND BREAKFAST** – A portion of a residence where lodging and breakfast is provided by a resident family for compensation. Such a facility is generally used by transients. Bed and breakfast facilities are considered to be home occupations. (See “Home Occupations”).

**BEGINNING OF CONSTRUCTION** – The incorporation of labor and material within the walls of the building or buildings; the incorporation of labor and materials at the site, lot or parcel where a building is to be constructed; the incorporation of labor and material where land is to be used for purposes other than construction of a building.

**BILLBOARD** – A sign erected for the purpose of displaying advertising media.

**BOARD** – The Board of Zoning Appeals (BZA) of Village of Hanover.

**BOARD OR LODGING HOUSE** – A dwelling or part thereof where means and/or lodging are provided for three or more persons for compensation by previous arrangement, but not transients.

**BUILDING** – Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

**BUILDING, ACCESSORY** – A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to the main building or use.

**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 for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

**BUILDING LINE** – The line beyond which no building or part thereof shall project, except as otherwise provided by this resolution.

**BUILDING, PRINCIPAL** – A building in which is conducted the main or principal use of the lot on which said building is situated.

**BUSINESS, CONVENIENCE** – Commercial establishment which cater to, and can be located in close proximity to or within residential districts, without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need to be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than 10,000 square feet in floor area. Use in this classification tends to serve a day-to-day need in the neighborhood.

**BUSINESS, GENERAL** – Commercial uses which generally require location on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day-to-day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores.

**BUSINESS, HIGHWAY** – Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend to serve the motoring public. Highway business uses include, but need not be limited to, such activities as filling stations, truck and auto sales and service, restaurants and motels, and commercial recreation.

**BUSINESS, OFFICE TYPE** – Quasi-commercial uses which may often be transitional between retail business and/or manufacturing, and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic and drafting. Institutional offices or a charitable, philanthropic, or religious or educational nature area are also included in this classification.

**BUSINESS, SERVICES** – Any profit-making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and business.

**BUSINESS, WHOLESALE** – Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

**CABO** – Council of American Building Officials. Building codes for one, two, and three-family dwelling codes, 1992 edition.

**CANOPY** – A structure constructed of rigid materials including, but not limited to, metal, wood, concrete, plastic, canvas, or glass which is attached to and supported by a building or by columns, poles or braces extended to the ground.

**CEMETERY** – Land used or intended to be used for the burial of the human and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

**CHANNEL** – A natural or artificial watercourse or perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

**CINEMA/FILM THEATERS** – Cinemas or theaters to be used for the showing and viewing of motion pictures.

**CIVIL CITATION**- Citation issued pursuant to section 1406 of this code.

**CLINIC** – A clinic is a place which provides a range of services by a group of licensed practitioners, their associate(s) and assistant(s), including the care, diagnosis and treatment of those who are sick, ailing, infirm and/or injured persons, and include the care of those who are in need of medical, surgical or dental attention, but who are not provided with board or room nor kept overnight on the premises.

**COIN-OPERATED AMUSEMENT DEVICE** – A pinball machine, video game, and/or other similar electronic or electro-mechanical devices that require coins or tokens to be played.



**COLLECTOR STREET** – A thoroughfare, whether with a residential, industrial, commercial, or other type of development which primarily carries traffic from local streets, including the principal entrance and circulation routes within residential subdivisions.

**CLUB** – An association of persons who are bona fide members and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily **on** as a commercial enterprise. Also a meeting place for a group.

**COMMERCIAL ENTERTAINMENT FACILITIES** – Any profit-making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

**COMMISSION** – The Village of Hanover Zoning Commission.

**COMPREHENSIVE DEVELOPMENT PLAN** – A plan, or any portion thereof, adopted by the Village Planning Commission and the legislative authority of the Village of Hanover showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the general goals, objectives, and policies of the community.

**CONDITIONAL USE** – A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval by the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule or District Regulations.

**CONDITIONAL USE PERMIT** – A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

**CORNER LOT** – A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to be foremost point of the lot meet at an interior angle of less than 135 degrees.

**CUL-DE-SAC** – A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

**CULVERT** - Used for drainage and must be a minimum of 20 feet in length and 12 inches in diameter and subject to the approval of the Zoning Inspector.

**DAYCARE FACILITY** – A facility for the care of babies, children, or elderly people.

**DEAD-END STREET** – A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.

**DENSITY** – A unit of measurement, and number of dwelling units per acre of land:

1. Gross Density: The number of dwelling units per acre of the total land to be developed.

2. Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

**DISTRICT** – A portion of the territory of the Village within which certain uniform regulations and requirements or various combinations thereof apply.

**DRIVEWAY** – That portion of the territory of the Village within which certain uniform regulations and requirements or various combinations thereof apply.

**DUMP** – An accumulation of refuse or other discarded material.

**DWELLING** – Any building or structure (except a house trailer or manufactured home as defined by Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

**DWELLING, INDUSTRIALIZED UNIT** – An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a manufactured home.

**DWELLING, MANUFACTURED HOME** – Any non-self-propelled vehicle transportable in one or more sections, and when erected on site, is 320 or more square feet, and is built on a permanent chassis and designed to be used as a dwelling, and is connected to the required utilities which include plumbing, heating, air conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure is based on the structure's exterior dimensions, measured at the largest horizontal projection when erected on the site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.

**DWELLING, SINGLE-FAMILY** – A dwelling consisting of a single dwelling unit which is separated from other dwelling units by open space.

**DWELLING, TWO-FAMILY** – A dwelling consisting of two dwelling units which may be either attached by a common wall or one above the other, with each unit having a separate or combined entrance or entrances.

**DWELLING, MULTI-FAMILY** – A dwelling consisting of three or more dwelling units, includes condominiums, with varying arrangements of entrances and common walls. Multi-family housing may include public housing.

**DWELLING UNIT** – A dwelling unit is a single unit (except manufactured homes as defined by Ohio Revised Code 4501.01) providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

**DWELLING, GROUP** – A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

**EASEMENT** – Authorization by a property owner for another to use a designated part of his property for a specified purpose.

**ESSENTIAL SERVICES** – The erection, construction, alternation, or maintenance, by public utilities or municipal or other government agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment, and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

**EXTERIOR PROPERTY** - The open space on the premises and on adjoining property under the control of owners or operators of such premises. Exterior Property shall include such open areas as carports and other storage areas open and visible to passersby.

**EXTERMINATION** - The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food; by spraying, fumigating, and trapping or by any other approved pest elimination method.

**FAMILY** – One or more persons occupying a single dwelling unit, provided that all members are related by blood, adoption, or marriage.

**FLOOR AREA OF A NON-RESIDENTIAL BUILDING (TO BE USED IN CALCULATING PARKING REQUIREMENTS)** – The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar uses.

**FLOOR AREA OF A RESIDENTIAL BUILDING** – The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas, garage areas, roofed porches, terraces, and breezeways. All dimensions shall be measured along exterior walls.

**FLOOR AREA, USABLE** – Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the exterior walls.

**FARM MARKET** – Markets from which fifty (50) percent or more of the gross income received from the market is derived from produce raised or grown upon farms owned or operated by the market operation in a normal crop year.

**FARM VACATION ENTERPRISES (PROFIT OR NON-PROFIT)** – Farms adapted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery, and nature recreation areas, hunting areas, hunting preserves and watershed projects.

**FARM POND** – Soil and Conservation has construction recommendations that may be used as a definition. Also may want to make reference to the State’s Small Dam Law.

**FLOOD PLAIN** – That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

**FLOOD, REGIONAL** – Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the 100-year recurrence interval flood.

**FLOODWAY** – That portion of the flood plain, including the channel, which is reasonable required to convey the regional floodwaters. Floods of less frequent recurrence are usually contained completely within the floodway.

**FLOODWAY FRINGE** – That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

**FOOD PROCESSING** – The preparation, storage, or processing of food products, excluding any consumption on premises. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

**FORESTRY** – The science of developing, caring of, or cultivating forest. The management of growing timber.

**FRONTAGE** – All contiguous property abutting on one side of a street between intersecting or intercepting streets, or between a street and a public right-of-way, waterway, and of a dead-end street, or village boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

**GARAGE, MINI-STORAGE** – A principal commercial structure, open to the public, for the use of temporary, enclosed storage of personal belongings, furniture, household goods, boats, trailers, or automobiles.

**GARAGE, PRIVATE** – A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers, and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to person not resident on the premises.
2. No more than one commercial vehicle permitted that does not exceed two tons of capacity.

**GARAGE, PUBLIC** – A principal or accessory building other than private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remunerations.

**GARAGE, SERVICE STATION** – Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail and where, in addition, the following services may be rendered and sales made:

1. Sales and services of spark plugs, batteries, distributors, and parts.
2. Tire servicing and repair, but not recapped or regrooving.
3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like.
4. Radiator cleaning and flushing.

5. Washing, polishing, and sale of washing and polishing material.
6. Greasing and lubrication.
7. Providing and repairing fuel pumps, oil pumps, and lines.
8. Minor servicing and repair of carburetors.
9. Adjusting and repairing brakes.
10. Minor motor adjustment not involving removal of the head or crankcase or racing the motor.
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations.
12. Provisions of road maps and other informational material to customers.
13. Provision of restroom facilities.
14. Warranty maintenance and safety inspections.

**GARBAGE** - The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**GOVERNMENT BUILDINGS** – Buildings owned or operated by federal, state, or local governments or departments and/or subdivisions thereof, which buildings are used for administrative, ministerial, public service, safety, health, public utility or recreational purposes. “Governmental Buildings” under this resolution shall not include any buildings used for imprisonment or rehabilitation, including, but not limited to any prison, jail, workhouse, penal institution, reformatory, correctional institution, penitentiary, juvenile detention homes, juvenile community rehabilitation center, and facility created under Chapter 341, Sections 2151.65, Sections 753.02, et seq., or Sections 5145.01 et seq., of the Ohio Revised Code, or any similar facility.

**GROCERY STORES** – Grocery stores are retail stores selling a complete assortment of food preparation and wrapping materials, household cleaning, and servicing items.

**HAZARDOUS WASTE** – Any waste or combination of wastes in solid, liquid, semi-solid, or contained gaseous form that in the determination of the director, because of its quantity, concentration, or physical or chemical characteristics, may do either of the following:

1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness;
2. Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.

“Hazardous waste” includes any substance identified by regulation as hazardous waste under the “Resource Conservation and Recovery Act of 1976,” as amended, and does not include any substance that is subject to the “Atomic Energy Act of 1954,” as amended.

**HOME OCCUPATION** – An occupation conducted in a dwelling unit, provided that:

1. No more than one person, other than members of the family, residing on the premises shall be engaged in such occupation.
2. The use of a dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

**HOSPITAL** – A building or portion thereof used for the accommodation of sick, injured or infirm persons, including sanitarium.

**HOTEL, MOTEL AND APARTMENT HOTEL** – A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

**IMMINENT DANGER** - A condition which could cause serious or life-threatening injury or death at any time.

**INDUSTRY** – Storage, repair, manufacture, preparation or treatment of any article, substance or commodity.

**INFESTATION** - The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

**INSTITUTION** – Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

**JUNKYARD** – Any area where waste, discarded or salvaged materials are bought, sold exchanged, baled, packed, disassembled or handled, including, but not limited to: Auto wrecking yards, house-wrecking yards, used lumber yards, and places or yards for storage and equipment, as well as any structures or buildings used in connection therewith.

**JUNK, MOTOR VEHICLE** – Refer to Article 10, Section 1007.

**KENNEL, AGRICULTURAL** – Any lot or premises on which five or more domesticated dogs or cats, more than four months of age, are housed, groomed, bred, boarded, trained, or sold.

**KENNEL, COMMERCIAL** – Any lot or premises on which five or more domesticated dogs or cats, more than four months of age, are housed, groomed, bred, boarded, trained, or sold and which pet care products, equipment, merchandise, and/or food is sold.

**LEGAL DESCRIPTION** – A description of the property by metes and bounds or lot numbers of a recorded plat including a description of any portion of the property subject to an easement or reservation, if any, under the Land Installment Contracts Law.

**LEGAL EVIDENCE** – Legal evidence is not confined to mere oral testimony and statements made by witness, but include every known means obtainable to ascertain the truth about any disputed question of fact, in whatever form offered, embracing both oral and written evidence.

**LIVABLE AREA** – The area excluding porches, breezeways, garages, carports, and other similar areas.

**LOADING AREA/SPACE, OFF-STREET** – Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading is not to be included as off-street parking spaces in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

**LOT** – For the purposes of this resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, and may consist of:

1. A single lot of record.
2. A portion of a lot of record.
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

**LOT COVERAGE** – The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

**LOT FRONTAGE** – The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under “Yards” in this section.

**LOT MEASUREMENTS** – A lot shall be measured as follows:

1. Depth: The distance between the mid-points of straight lines connecting the foremost point of the side lot lines in front and rearmost points of the side lot lines in the rearmost points of the side lot lines in the rear.
2. Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

**LOT MINIMUM, AREA OF** – The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street and inclusive of any easements of record.

**LOT OF RECORD** – A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**LOT TYPES** – Terminology used in this resolution with reference to corner lots, interior lots and through lots is as follows:

1. Corner Lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle or less than 135 degrees.
2. Interior Lot: A lot with only one frontage on a street.
3. Through Lot: A lot other than a corner lot with frontage on more than one street.
4. Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

**MAJOR THOROUGHFARE PLAN** – The portion of comprehensive plan adopted by the Regional Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares with the appropriate jurisdiction.

**MAINTENANCE AND STORAGE FACILITIES** – Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

**MANUFACTURED HOME** – Any non-self-propelled vehicle transportable in one or more sections, and when erected on site, is 320 or more square feet, and is built on a permanent chassis and designed to be used as a dwelling, and is connected to the required utilities which include plumbing, heating, air conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure is based on the structure's exterior dimensions, measured at the largest horizontal projection when erected on the site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.

**MANUFACTURED HOME PARK** – Any site, or tract of land under single ownership upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

**MANUFACTURING, EXTRACTIVE** – Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resources.

**MANUFACTURING, HEAVY** – Processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character, require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation, and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.



**MANUFACTURING, LIGHT** – Manufacturing or other industrial uses which are usually controlled operations, relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor or dust, operating and storing within enclosed structures, and generating little industrial traffic and not nuisances.

**MOTEL OR MOTOR HOTEL** – A series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants.

**NON-CONFORMITIES** – A building, structure, or use of land existing at the time of enactment of this resolution, and which does not conform to the regulations of the district or zone in which it is situated.

**NON-FERROUS FOUNDRIES** – Casting of materials not containing or derived from iron but would include aluminum, copper, metal and other such operations.

**NOTICE OF VIOLATION** - A written notice which complies with Section 1405 of this code.

**NUISANCE** – Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses, including but not limited to: Odors, pollution, noise, dust, fumes, smoke, radiation, and congestion.

**NURSERY** – A home or facility for the care and treatment of babies and children.

**NURSERY, PLANT MATERIALS** – Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

**NURSING HOME** – A home or facility for the care and treatment of pensioners or elderly people.

**OCCUPANCY** - The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT** - Any individual living or sleeping in a building, or having possession of a space within a building.

**OPENABLE AREA** - That part of a window, skylight or which is available for unobstructed ventilation and which opens directly to the outdoors.

**OPEN SPACE** – An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

**OPERATOR** - Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

**OWNER** - Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state or county as holding title to the

property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**OUTLET STORES** – Stores which sell damaged goods, seconds, or overstock merchandise. Such merchandise is typically bought in bulk and sold at discount prices.

**OVERLAY DISTRICT** – Zoning districts which extend on top of more than one base zoning district and are intended to protect certain critical resources and features, or further promote public health, safety, comfort, and morals. When the standards of the base zoning district conflict with that of the overlay zone, the more restrictive standard shall apply.

**PARKING SPACE, OFF-STREET** – For the purpose of this resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room of opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

**PARTY WALL** – A masonry or concrete two-hour rated firewall on an interior lot line used or adapted for joint service between two buildings. Each wall built as a part of a twin-single and placed on the dividing line between lots, and any wall replacing the same, shall be built as a party wall. There shall be no windows, doors, openings or other penetrations in the party wall.

**PERFORMANCE BOND OR SURETY BOND** – An agreement by a subdivider or developer with the Village for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to the plans and specifications within the time prescribed by the subdivider's agreement.

**PERSON** - An individual, corporation, partnership or any group acting as a unit.

**PERSONAL SERVICE** – Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

**PLANNED UNIT DEVELOPMENT** – An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedures for approval of such development contain requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

**PREMISES** - A lot, plot or parcel of land, easement or public way, including any structures thereon.

**PRINCIPAL STRUCTURE** – In a residential district, a dwelling located on a lot of record shall be deemed a principal structure. For permitted uses in a residential district other than a dwelling, the term “principal structure” shall mean the structure in which is conducted the main or principal use of the property on which such structure is located. In a local business district, a general business district, and an accommodation business district or in any manufacturing district, a principal structure means a structure in which is conducted the main or principal use of

the property on which such structure is located. In a residential district, a dwelling located on a lot of record shall be deemed a principal structure.

**PRIVATE SWIMMING POOLS** – A private swimming pool, including any decking, is an in-ground or out-of-ground pool. All swimming pools and related structures are considered “accessory uses” and shall comply with all yard setback requirements for the district on which the pool is to be located. A zoning permit is required only to ensure that the pool is in compliance with the yard and fencing requirements.

**PROFESSIONAL ACTIVITIES** – The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers, and similar professions.

**PUBLIC SERVICE FACILITY** – The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

**PUBLIC USE** – Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

**PUBLIC UTILITY** – A business or service which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need, such as electricity, gas, water, transportation, or telephone or telegraph service. The test for determining if a concern is a public utility is whether it has held itself out as ready, able and willing to serve the public.

**PUBLIC WAY** – An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

**QUASI-PUBLIC USE** – Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

**RECREATION CAMP** – An area of land on which two or more travel trailers, campers, tents, or other similar temporary recreation structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

**RECREATION FACILITIES** – Public or private facilities that may be classified as either “extensive” or “intensive” depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to, hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

**RESEARCH ACTIVITIES** – Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

**RIGHT-OF-WAY** – A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

**ROADSIDE STAND** – A temporary structure designed or used for the display or sale of agricultural and related products to be removed at the end of seasonal use.

**RUBBISH** - Combustible and noncombustible waste materials except garbage; the term shall include the residue from burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter glass, crockery and dust and other similar materials. The term shall also include inoperable and broken appliances, electronic, and household equipment.

**SANITARY LANDFILL (Not Permitted)**– A method of disposing of refuse on land without creating nuisances to the public health or safety by utilizing the principles of engineering to confine the refuse to the smallest practical volume and to cover it with a layer of earth at the conclusion of each day’s operation or at such more frequent intervals as may be necessary.

**SCRAP TIRE COLLECTION FACILITY** – Any facility that meets all of the following qualifications:

1. The facility is used for the receipt and storage of whole scrap tires from the public prior to their transportation to a scrap tire storage, monocell, monofill, or recovery facility licensed under Section 3734.81 of the Ohio Revised Code; a solid waste incineration or energy recovery facility subject to regulation under this chapter; a premises within the state where the facility will beneficially use the scrap tires, that is located in another state, and that is operating in compliance with the laws of the state in which the facility is located; and
2. The facility exclusively stores scrap tires in portable containers; and
3. The aggregate storage of the portable containers in which the scrap tires are stored does not exceed five thousand cubic feet.

**SCRAP TIRE MONOFILL FACILITY (Not Permitted)** – An engineered facility used or intended to be used exclusively for the storage or disposal of scrap tires, including at least facilities for the submergence of whole scrap tires in a body of water.

**SCRAP TIRE RECOVERY FACILITY (Not Permitted)** – Any facility, or portion thereof, for the processing of scrap tires for the purpose of extracting or producing usable products, materials, or energy from the scrap tires through a controlled combustion process, mechanical process, or chemical process. “Scrap tire recovery facility” includes any facility that uses the controlled combustion of scrap tires in a manufacturing process to produce process heat or steam or any facility that produces usable heat or electric power through the controlled combustion of

scrap tires in combination with another fuel, but does not include any solid waste incineration or energy recovery facility that is designed, constructed, and used for the primary purpose of incinerating mixed municipal solid wastes and that burns scrap tires in conjunction with mixed municipal solid wastes, or any tire re-treading business, tire manufacturing finishing center, or tire adjustment center having on the premises of the business a single, covered scrap tire storage area at which not more than four thousand scrap tires are stored.

**SEAT** – For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

**SETBACK LINE** – A line established by the zoning resolution generally parallel with and measured from the lot line, defining the limits of a yard in which no building, accessory building, or structure may be located above ground, except as may be provided in said code.

**SEWAGE** – The waste matter from domestic, industrial, commercial establishments typically carried off in sewers.

**SIGN** – Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

1. Sign, On-Premises: Any sign related to a business of profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
2. Sign, Off-Premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
3. Sign, Illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
4. Sign, Lighting Device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. Sign, Projecting: Any sign which projects from the exterior of the building.

**SOLID WASTES** – Means such unwanted residual solid or semi-solid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty percent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. Solid waste does not include any material that is an infectious waste or a hazardous waste.

**STABLE, COMMERCIAL** – Any building or structure including surrounding fenced land, used for the care and board of horses, donkeys, mules, and ponies and their get, which is open to the public for let, hire, use, or board on a commercial basis and for compensation.

**STABLE, PRIVATE** – An accessory building for the keeping of horses, donkeys, mules, or ponies by the occupant of the premises and not kept for remuneration, hire, or sale.

**START OF CONSTRUCTION** – The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, or the construction of columns. Permanent construction does not include land preparation, such as grading and filling, excavation for a basement, footings, piers or foundations, the erection of temporary forms, and would include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**STORAGE** – When used in connection with hazardous waste, storage means the holding of hazardous waste for a temporary period in such a manner that it remains retrievable and substantially unchanged physically and chemically and, at the end of the period, is treated, disposed of, stored elsewhere, or reused, recycled, or reclaimed in a beneficial manner.

When used in connection with solid wastes that consist of scrap tires, “storage” means the holding of scrap tires for a temporary period in such a manner that they remain retrievable and, at the end of that period, are beneficially used, stored elsewhere, placed in a scrap tire monocell or monofill facility licensed under Section 3734.81 of the Ohio Revised Code, processed at a scrap tire recovery facility licensed under that section or a solid waste incineration or energy recovery facility subject to regulation under this chapter, or transported to a scrap tire monocell, monofill, or recovery facility, any other solid waste facility authorized to dispose of scrap tires, or a facility that will beneficially use the scrap tires, that is located in another state and is operating in compliance with the laws of the state in which the facility is located.

“Facility” means any site, location, tract of land, installation, or building used for incineration, composting, sanitary land filling, or other methods of disposal of solid wastes or, if the solid wastes consist of scrap tires, for the collection, storage, or processing of the solid wastes, for the transfer of solid wastes, for the treatment of infectious wastes, or for the storage, treatment, or disposal of hazardous waste.

**STORY** – That part of a building between the surface of a floor and the ceiling immediately above.

**STREET** – A public right-of-way designed for the purpose of moving people and goods or the provision of access to private property.

**STRUCTURE** – Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

**STRUCTURAL ALTERATION** – Any change in the structural members of a building, such as walls, columns, beams or girders.

**SUPPLY YARDS** – A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

**SUBSTANTIAL COMPLETION OF IMPROVEMENTS** – A new residential structure shall be substantially completed when all exterior and interior walls have been erected, it has been

roofed, windows installed, completely sided, and all required health permits have been approved, such as water, plumbing, and sewage.

**SUPERMARKET** – Large scale stores which sell groceries and services. The facilities may also serve as a department store and/or restaurant. Supermarkets are generally open 24 hours a day and generate high volumes of traffic. Strong access management is crucial as well as proper internal traffic circulation.

**SWIMMING POOLS** – A pool, or open tank containing at least two (2) feet of water at any point and maintained by the owner or manager.

**TENANT** - A person, corporation, partnership or group: whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**THEATER** – Theaters or playhouses designed and used exclusively for theatrical productions, ballets, operas, or other live entertainment productions.

**THOROUGHFARE** – The full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. Arterial Street: Arterial streets are major thoroughfares designed to carry traffic between municipalities and other activity centers and to provide connections with major state and interstate roadways. Typically, existing state routes will be classified as arterial.
3. Collector Street: Collectors distribute traffic between lower order residential streets and higher order arterial. Their purpose is primarily to promote free traffic flow, and direct access for adjoining lots should be limited where possible. Collectors should not be used for on-street parking, and may provide linkages to adjoining developments to improve circulation. Typically, existing county roads will be classified as collectors, and a new collector will be required when a residential subdivision reaches 150 dwelling units, or an equivalent traffic generation.
4. Cul-De-Sac: A street that has a single means of access and that terminates in a vehicular turnaround. Cul-de-sacs should be encouraged where feasible to the extent that they provide low traffic volumes and neighborhood identity. Lengths of cul-de-sacs are limited to minimize backup time for large service vehicles unable to use the turnaround, to minimize mistaking cul-de-sacs with connecting streets, and to discourage speeding.
5. Dead-End Street: A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
6. Local Street: Local residential streets are the lowest order streets providing access to residential lots and carrying only the traffic generated by adjoining residential land uses. Residential subdivisions should be developed so that the maximum number of housing units have frontage on local residential and cul-de-sac streets.

7. Loop Street: A type of local street, each end of which terminated at an intersection with the same arterial or collector street, and whose principal radius points to the 180 degree system of turns are not more than 1,000 feet from said arterial or collector street, not normally more than 600 feet from each other.
8. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called frontage street.)
9. Subcollector: Subcollectors are designed to provide access to adjoining property and carry traffic between local residential streets and cul-de-sacs and higher order collectors and arterial. Typically, subcollectors should be provided when residential subdivisions exceed 100 single-family dwellings.

**THROUGH-LOT** – See Lot Types.

**TRANSIENT USES OF LAND** – Land use activity involving the use of mobile, non-permanent structures. Such uses may include flea markets or carnivals.

**TOURIST HOME** – See Bed and Breakfast.

**TRUCKSTOP** – A facility generally providing service to motor vehicles and/or semi-trailer or other types of vehicles as defined in Ohio Revised Code 4501.01. The service provided by such facility may include, but are not limited to, gasoline, diesel fuel, repair service, and restaurant facilities. Generally, these are associated with interchange area along the major limited access highways and to provide a service to the motoring public.

**TWIN SINGLE DWELLING** – A structure with two single-family dwellings divided by a party wall.

**UNNECESSARY HARDSHIP** – Hardship which is substantial and serious and one or more of the following is true:

1. Application of the zoning resolution to the parcel of land causes such a diminution of its value as to amount to a confiscation.
2. The affected property cannot be used for any productive use if devoted to a permitted use. Economic loss alone is not sufficient to meet this criteria; the landowner's property must be rendered practically valueless without the variance.
3. None of the permitted uses in the zoning resolution may reasonably be applied to the property.
4. The hardship is unique to the applicant's property and is not a hardship common to the area.

In any of the foregoing situations, the hardship cannot have been self-created. An applicant who has knowledge of the zoning restrictions and/or the problems bringing about the hardship, or



should have known them at the time the property was purchased, may not claim unnecessary hardship.

**USE** – The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

**VARIANCE** – A variance is a modification of the terms of the zoning resolution where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the resolution would result in unnecessary and undue hardship. As used in the resolution, a variance is authorized only for height, area, and size of structure or size of yard and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district, unless so authorized by this resolution.

**VENTILATION** - The natural or mechanical process of supplying conditioned or unconditioned air to, or removing air from, any space.

**VETERINARY ANIMAL HOSPITAL OR CLINIC** – A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

**VICINITY MAP** – A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivisions or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

**WALKWAY** – A public way of any width for pedestrian use only, whether along the side of a road or not.

**WORKMANLIKE** - Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**YARD** – A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. Yard, Front: A yard extending between side lot lines across the front of a lot and from the lot line to the front of the principal building.
2. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. Yard, Side: A yard extending from the principal building to the side lot lines on both sides of the principal building between the lines establishing the front and rear yards.

4. **Height of Building:** 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 for flat roofs, to the deck linen of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

**ZONING CERTIFICATE** – A document issued by the zoning inspector authorizing buildings, structures, or uses consistent with the terms of the zoning resolution and for the purpose of carrying out and enforcing its provisions.

**ZONING INSPECTOR** – The zoning inspector of the Village, or his/her authorized representative employed by the Village Council to enforce the zoning regulations.

**ZONING MAP** – The map or maps of the Village, together with all amendments subsequently adopted, showing official zoning boundaries.

**ZONING PERMIT** – A document issued by the zoning inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

## **ARTICLE 3**

### **ENFORCEMENT**

#### **Section 300 Zoning Permits Required**

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit, therefore, issued by the zoning inspector. Zoning permits shall be issued only in conformity with the provisions of this resolution unless the zoning inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use or variance or from Village Council approving a Planned Unit Development District, as provided by this resolution.

#### **Section 301 General Standards for Approval & Zoning Permit Application**

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Village zoning resolution.
2. Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
3. Will not be hazardous or disturbing to existing or future neighboring uses.
4. Will be served adequately by essential public facilities and services such as highways, street, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
6. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, air or water pollution, or potential for explosion.
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
8. Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance.

### **Section 302 Contents of Application for Zoning Permit**

The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not been completed within 1 year. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Legal description of property, name and address of legal owner.
3. Existing use.
4. Proposed use.
5. Existing zoning district.
6. Building heights.
7. Number of off-street parking spaces or loading berths.
8. Number of dwelling units.
9. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this resolution.
10. An approval for a water system or a permit for the construction of a new water system shall be furnished to the zoning inspector before a zoning permit can be issued.
11. An approval for sewer connection and receipt of paid sewer capacity fee shall be furnished to the zoning inspector before a zoning permit can be issued.
12. Minimum building standards to which applicant will comply.
13. Owner's consent, or owner's consent through power of attorney to application or satisfactory showing of applicant's legal or equitable interest in said property.
14. Flood Zone Application and Approval (if applicable)
15. If commercial use applicant needs to follow development plan in Subdivision Regulations.

### **Section 303 Approval of Zoning Permit**

Within 30 days after the receipt of an application, the zoning inspector shall either approve or disapprove the application in conformance with the provisions of this resolution. All zoning permits shall, however, be conditional upon the completion of work within 1 year. One copy of the plans shall be retained by the zoning inspection, and one will be returned to

applicant. The zoning inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of the resolution.

### **Section 304 Submission to Director of Transportation**

Before any zoning permit is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a local officials by the Director of Transportation or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the zoning inspector shall give notice, by registered mail to the Director of Transportation that he shall not issue a zoning permit for 120 days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the zoning inspector that he shall proceed to acquire the land needed, then the zoning inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the zoning inspector that acquisition at this time is not in the public interest or upon the expiration of the 120-day period of any extension thereof agreed upon by the Director of Transportation and the property owner, the zoning inspector shall, if the application is in conformance with all provisions of this resolution, issue the zoning permit.

### **Section 305 Expiration of Zoning Permit**

If the work described in any zoning permit has not been completed within 1 year of the date of issuance thereof, said permit shall expire and be revoked by the zoning inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

### **Section 306 Certificate of Compliance**

It shall be unlawful to use any building, land, or premises, or all, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure or in a manner that does not comply with designated zoning district until a certificate of compliance shall have been issued thereof by the zoning inspector stating that the proposed use of the building or land conforms to the requirements of this resolution. This section shall apply to business and manufacturing districts only. Application for a certificate shall be made by the owner or occupant by submitting the information necessary under Section 302.

### **Section 307 Temporary Certificate of Compliance**

A temporary certificate of compliance may be issued by the zoning inspector for a period not exceeding six months during alterations or partial occupancy of a building pending its completion.

### **Section 308 Record of Zoning Permits and Certificate of Compliance**

The zoning inspector shall maintain a record of all zoning permits and certificates of occupancy and copies shall be furnished upon request to any person. The Village shall maintain a record of all zoning and compliance permits which shall become a part of Village record.

### **Section 309 Failure to Obtain a Zoning Permit or Certificate of Compliance**

Failure to obtain a zoning permit or certificate of compliance shall be a violation of this resolution and punishable under Section 313 of this resolution.

### **Section 310 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates**

Zoning permits or certificates of compliance issued on the basis of plans and applications approved by the zoning inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this resolution, and punishable as provided in Section 313 of this resolution.

### **Section 311 Complaints Regarding Violations**

Whenever a violation of this resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the Village of Hanover Zoning Inspector. The zoning inspector shall record properly such complaints, immediately investigate, and take action thereon as provided by this resolution.

### **Section 312 Penalties for Violation**

Violation of the provisions of this resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established in various sections of this resolution or failure to comply with any of its requirements, the offender shall, upon conviction thereof, be fined not more than \$500 or imprisonment for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be an additional fee of \$100 per day. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation. Violators of the provisions of this resolution will be notified of offense by Zoning Inspector and will then have 10 days to comply before penalties are enforced.

### **Section 313 Schedule of Fees, Charges, and Expenses**

The Village Council shall by separate resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the zoning inspector, and may be altered or amended only by the Village Council. Until said fees are paid, no action shall be taken on any application.

**Section 314 Building Fee Schedule**

A.	<u>Construction of all new dwellings and commercial buildings</u>	\$500.00
	Plus	
	All new structures, base, and additions to existing structures	
	Residential	\$.10/sq. ft.
	Commercial	\$.20/sq. ft.
		* With a \$20.00 minimum charge
	*See BPA Permit Fee Schedule	

These fees apply to all residential, commercial and industrial buildings for services rendered.

B.	<u>Sign Permit</u>	
	Base	\$10.00
	Plus	\$1.00/sq. ft.
C.	<u>Moving Buildings</u>	
	Under 12'0" wide	\$10.00
	Over 12'0" wide	\$25.00
	Plus in either case all costs incurred in the moving (Ex. Police escort, etc.)	
D.	<u>Swimming Pool</u>	
	Residential	\$25.00
	Commercial	\$300.00

The permit will be issued only after Licking County Board of Health has given approval to the filtering mechanism.





## ARTICLE 4

### NONCONFORMITIES

#### **Section 400 Intent**

Within the districts established by this resolution or amendments that may later be adopted, there exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this resolution or future amendments. It is the intent of this resolution that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

#### **Section 401 Incompatibility of Nonconformities**

Nonconformities are declared by this resolution to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

#### **Section 402 Existing Nonconforming Uses – Continuation**

Except as hereinafter specified, the lawful use of a building or premises existing at the time of the adoption or amendment of this resolution may be continued, although such use, building or structure does not conform with the provisions of this resolution for the district in which it is located.

#### **Section 403 Single Nonconforming Lots of Record**

In any district in which a structure/use is permitted, a structure and customary accessory buildings may be erected or permitted on any single nonconforming lot of record at the effective date of adoption or amendment of this resolution, notwithstanding limitations imposed by other provisions of this resolution including minimum lot sizes and square footage requirements. This provision shall apply even though such lot fails to meet the requirements for area or width, or both for the district in which such lot is located. Variances of requirements listed in Articles 8 and 9 of this resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Sections 508 through 517.

However, no lot of record created prior to the date of this resolution shall be granted any greater nonconformity than as previously allowed.

#### **Section 404 Nonconforming Use of Land**

Where, at the time of adoption of this resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this resolution, the uses may be continued, without the approval of the Zoning Board of Appeals, so long as they remain otherwise lawful, provided:

1. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied by such uses at the effective date of adoption or amendment of this resolution, unless approved by the Board of Zoning Appeals in accordance with Article 5.
2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this resolution, unless approved by Board of Zoning Appeals in accordance with Article 5.
3. If any such nonconforming uses of land are discontinued or abandoned for more than two years, any subsequent use of land shall conform to the regulations specified by this resolution for the district in which such land is located, unless approved by the Board of Zoning Appeals in accordance with Article 5.
4. No additional structure not conforming to the requirements of this resolution shall be erected in connection with such nonconforming use of land, unless approved by the Board of Zoning Appeals in accordance with Article 5.

#### **Section 405 Nonconforming Structures**

Where there are existing structures or when the construction of a lawful structure began before the effective date of adoption or amendment of this resolution that could not be built under the terms of this resolution by reason of restriction on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued, without the approval of the Zoning Board of Appeals, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity, provided that all such alterations are in accordance with Section 406.3 or changes are reviewed by the Board of Zoning Appeals.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means, beyond fifty (50) percent or more of its value, as determined by the County Assessor for current tax purposes, and it shall not be reconstructed except in conformity with the provisions of this resolution, unless approved by the Board of Zoning Appeals in accordance with Article 5.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved. Replacing the structure that has been moved with another nonconforming structure shall be prohibited unless approved by the BZA in accordance with Article 5.

## **Section 406 Nonconforming Uses of Structures or Structures of Land in Combination**

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this resolution that would not be allowed in the district under the terms of this resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this resolution, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure or structure and land may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this resolution.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superceded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure or structure and land in combination is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure or structure and land in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.
6. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

## **Section 407 Repairs and Maintenance**

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**Section 408 Nonconforming Certificate**

The Zoning Inspector may, upon his own initiative, or may upon the request of any property owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination that certifies that the lot, structure, or use is nonconforming.

The certificate shall specify the reason for the nonconformity, including a description as to the extent and kind of nonconformity of the property in question, the extent that dimensional requirements are nonconforming, and the portion of the lot and/or structure used for the nonconforming use.

The purpose of this section is to protect the owners of land or structures that are or become nonconforming by certifying that their property and/or use are, in fact, nonconforming. Once certified, the owner is entitled to all rights and regulations as defined in Ohio Revised Code – Article 519.19, and Article 4 of the Village of Hanover Zoning Resolution. There may be properties and/or uses that are nonconforming, whose owners do not have certificates. A fee may be charged for a certificate as determined by the Village Council and Section 314.

One copy of the certificate shall be returned to the owner and one copy shall be retained by the Village Clerk, who shall maintain a file of all such certificates as a public record.

**SAMPLE:**

NONCONFORMING CERTIFICATE      NUMBER \_\_\_\_\_ CERT. NO. \_\_\_\_\_

This certifies that the property located at \_\_\_\_\_ (address), owned by \_\_\_\_\_ (name), is covered under Article 4, Nonconformities, of the Village of Hanover Zoning Resolution.

The reason for the nonconformity is \_\_\_\_\_ (state here why the property is nonconforming) \_\_\_\_\_. The extent of the nonconformity is: \_\_\_\_\_ (list here the exact extent and kind of the nonconformity).

1. If it is a nonconforming lot and/or structure, show what dimensional requirements are nonconforming: \_\_\_\_\_.
2. If it is a nonconforming use of lot and/or structure, show which portion of the property is used for the nonconforming use: \_\_\_\_\_.

THE ZONING INSPECTOR \_\_\_\_\_ (signed by the Zoning Inspector)

DATE \_\_\_\_\_ (date issued)

ATTESTED TO: \_\_\_\_\_

\* \* \*

### **Section 409 Uses Under Conditional Use Provisions Not Nonconforming Uses**

Any use which is permitted as a conditional use in a district under the terms of this resolution shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

### **Section 410 Nonconforming Lot of Record Yard Requirements**

The yard requirements for lots of record shall meet the required yard(s) as called for in the zoning district in which the existing lot of record is located, when possible. When not possible to meet the existing yard requirements and when the lot of record is located in an area where lots are developed or improved with having yards with a variation of not more than ten (10) feet in depth, the average of such developed/improved yards shall establish the yards for the lot of record, except as provided elsewhere in these regulations.

The yard requirements for lots of record shall meet the required yard(s) as called for in the zoning district in which the existing lot of record is located, when possible, but it is the intent of this resolution to provide for a lot of record to be developed and/or improved with structures or uses to be compatible with the existing neighborhood and existing structures. If the applicant and zoning inspector cannot reach an agreement on the yards, then the applicant can appeal the zoning inspector's decision to the Board of Zoning Appeals.



## ARTICLE 5

### ADMINISTRATION

#### **Section 500 Office of Zoning Inspector Created**

A zoning inspector designated by the Village Council shall administer and enforce this resolution. He/she may be provided with the assistance of such other persons as the Village Council may direct. The Village zoning inspector, before entering upon his/her duties, shall give bond as specified in Section 519.161, Ohio Revised Code.

#### **Section 501 Duties of Zoning Inspector**

For the purpose of this resolution, the zoning inspector shall have the following duties:

1. Upon finding that any of the provisions of this resolution are being violated, he/she shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation(s).
2. Order discontinuance of illegal uses of land, buildings or structures.
3. Order removal of illegal buildings or structures or illegal additions or structural alterations.
4. Order discontinuance of any illegal work being done.
5. Take any other action authorized by this resolution to ensure compliance with or to prevent violation(s) of this resolution. This may include the issuance of and .action on zoning and certificate of compliance permits and such similar administrative duties as are permissible under the law.

#### **Section 502 Board of Zoning Appeals and Zoning Commission Created**

A Board of Zoning Appeals and a Zoning Commission are hereby created, both of which shall consist of five members each to be appointed by the Mayor each for a term of five years, except that the initial appointments shall be one member each for one, two, three, four and five-year terms. Each member shall be a resident of the Village. Members of the Board or Zoning Commission may be removed from office by the Village Council for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Mayor for the unexpired term of the member affected

#### **Section 503 Duties of Zoning Commission**

For the purpose of this resolution, the Commission shall have the following duties:

1. Initiate proposed amendments to this resolution.
2. Review all proposed amendments to this resolution and make recommendations to the Village Council as specified in Article 6.



3. Review all planned unit development and make recommendations to the Village Council as provided in Article 13.

#### **Section 504 Proceedings of Zoning Commission**

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this resolution. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. The Zoning Commission may, within the limits of the monies appropriated by the Village Council for the purpose, employ or contract with such planning consultants and executive and other assistants, as it deems necessary. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Commission. Three members of the Commission shall be necessary to constitute a quorum to conduct business. A majority vote of those members of the Commission present shall be necessary to decide in favor of any applicant on any matter upon which it is required to pass under this resolution or to initiate, review, or interpret under Section 502.

#### **Section 505 Duties of the Board of Zoning Appeals**

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and shall have the powers of the zoning inspector from whom the appeal is taken. For the purpose of this resolution, the Board has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the zoning inspector.
2. To authorize such variances from the terms of this resolution as will not be contrary to the public interest where, owing to the special conditions of the land, a literal enforcement of this resolution will result in unnecessary hardship, and so that the spirit of this resolution shall be observed and substantial justice done.
3. To grant conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in Article 8 and such additional safeguards as will uphold the intent of this resolution.
4. To interpret the zoning map and resolution upon appeal of Zoning Inspector's decision. Where the streets or lot layout actually on the ground, or as recorded, differs from the streets and lot lines as shown on the zoning map, the Board, after notice to the owners of the property or properties concerned, and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this resolution. In case of any questions as to the location of any boundary line between zoning districts or where there is uncertainty as to the meaning and intent of a textual provision of the resolution, a request for

interpretation of the zoning map or the textual provision in question may be made to the Board and a determination shall be made by said Board.

5. The Board of Zoning Appeals shall, in all cases presented to it, notify the applicant of their decision on such applications in writing.

### **Section 506 Proceedings of the Board of Zoning Appeals**

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this resolution. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. Three members of the Board shall be necessary to constitute a quorum to conduct business. A majority vote of those members of the Board present shall be necessary to reverse any order, requirement, decision, or determination of the zoning inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this resolution or to effect any variation in the application of this resolution. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

### **Section 507 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal**

It is the intent of this resolution that all questions of interpretation and enforcement shall be first presented to the zoning inspector, and that such questions shall be presented to the Board only on appeal from the decision of the zoning inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this resolution that the duties of the Village Council in connection with this resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this resolution. Under this resolution, the Village Council shall have only the duties of considering the adopting or rejecting proposed amendments or the repeal of this resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 313 of this resolution. Nothing in this resolution shall be interpreted to prevent anyone from appealing a decision of the Board of Zoning Appeals as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within 30 days of the Board's written decision. This means that Board of Zoning Appeals shall within a reasonable time (30 days) of the date of their decision to approve the minutes of the meeting at which the decision was made. This meeting will be open to the public and advertised.

### **Section 508 Procedures and Requirements for Appeals and Variances**

Appeals and variances shall conform to the procedures and requirements of Section 509 through 518, inclusive, of this resolution. As specified in Section 506, the Board of Zoning Appeals has appellate jurisdiction to appeals and variances.

## **Section 509 Appeals**

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this resolution may be taken by any person aggrieved or by any officer of the legislative authority of the Village affected by any decision of the zoning inspector. Such appeal shall be taken within 30 days after the decision by filing, with the zoning inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The zoning inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

## **Section 510 Stay of Proceedings**

An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the zoning inspector from whom the appeal is taken or due cause shown.

## **Section 511 Variance**

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this resolution as will not be contrary to the public interest where, owing to special conditions of the land, a literal enforcement of the provisions of this resolution would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this resolution would result in unnecessary hardship.

## **Section 512 Application and Standards for Variances**

A variance from the terms of this resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the zoning inspector and the Board of Zoning Appeals containing:

1. Name, address, and phone number of applicants.
2. Zoning district in which property is currently located.
3. Legal description of property, legal owner and address.
4. Description of the nature of the variance requested.
5. List of all owners and their legal address of those owning property within 500 feet from any point on the perimeter of the applicant's property line. A map certified by the County Engineer's office showing the area in question shall also be submitted.

6. A narrative statement demonstrating that the requested variance conforms to the following standards:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or buildings in the same district.
  - b. That a literal interpretation of the provisions of this resolution would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this resolution.
  - c. That special conditions and circumstances do not result from the applicant's action.
  - d. That granting the requested variance will not confer a special privilege(s) which are denied by this resolution to other lands, structures, or buildings in the same district.
  - e. Owner's consent to application or satisfactory evidence showing applicant's legal or equitable interest in property.

A variance shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by Subsection 6 of this section have been met by the applicant.

#### **Section 513 Supplementary Conditions and Safeguards**

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this resolution in the district involved, or any use expressly or by implication prohibited by the terms of this resolution in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this resolution and punishable under Section 313 of this resolution.

#### **Section 514 Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals shall hold a public hearing within 30 days after the receipt of an application for an appeal or variance from the zoning inspector of an applicant.

#### **Section 515 Notice of Public Hearing in Newspaper**

Before holding the public hearing required in Section 514, notice of such hearing shall be given in one or more newspapers of general circulation of the Village at least ten days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance. Notice shall state who placed the notice (such as clerk or chairman of the BZA).

## **Section 516 Notice to Parties in Interest**

Before holding the public hearing required in Section 515, written notice of such hearing shall be mailed by the chairman of the Board of Zoning Appeals, by first class mail, at least ten days before the day of the hearing to all landowners identified on the respective application. The Notice shall consist of the same information as required of notices published in newspapers as specified in Section 515.

## **Section 517 Action by Board of Zoning Appeals**

Within 30 days after the public hearing required in Section 514, the Board of Zoning Appeals shall approve, approve with supplementary conditions as specified in Section 513, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall in all cases presented to it notify the applicant of their decision on such applications in writing. Appeals from Board decisions shall be made in the manner specified in Section 507.

## **Section 518 Procedures and Requirements for Approval of Conditional Use Permits**

Conditional uses shall conform to the procedures and requirements of Sections 519 through 526, inclusive of this resolution.

## **Section 519 General**

It is recognized that an increasing number of new kinds of land uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses, as they are conditionally permitted under the provisions of Article 8, shall follow the procedures and requirements set forth in Section 519 through 526, inclusive. The Board of Zoning Appeals shall not grant or permit a use that is dissimilar to the surrounding uses.

## **Section 520 Contents of Application for Conditional Use Permit**

An application for conditional use permit shall be filed with the chairman of the Board of Zoning Appeals by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Proposed amendment and legal description of proposed conditional use and property address.
3. Names and addresses of all legal owners within 500 feet from any point on the perimeter of the applicant's property line.
4. Description of existing use.
5. Zoning district.

6. Description of proposed conditional use.
7. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this resolution on a copy of a map certified by the County Engineer's office showing the property in question and surrounding areas.
8. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.
9. Such other information as may be required in Section 522, including legal owner's consent if applicant is not the legal owner or satisfactory showing of applicant's legal or equitable interest.
10. A fee as established by the Village Council according to Section 314.

### **Section 521 General Standards Applicable to All Conditional Uses**

In addition to the specific requirements for conditionally permitted uses as specified in Section 522, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 8 and appears on the Official Schedule of District Regulations adopted by Section 801 for the zoning district involved.
2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Village comprehensive plan and/or the Village resolution.
3. Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, street, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but not limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

### **Section 522 Specific Criteria for Conditional Uses**

The following is a list of specific criteria which can be used, but is not necessarily comprehensive or limited to, in evaluating or determining conditionally permitted uses as specified under the Official Schedule of District Regulations. The Board of Zoning Appeals should review the following items to determine if any of these should be a condition for approval of the proposed conditional use. The Board of Zoning Appeals may also add other conditions to the following list in order to protect and promote the public health safety and morals:

1. Protection of Surrounding Properties and Neighborhoods
  - a. Such uses shall not be conducted closer than 500 feet from any residential district, nor closer than 200 feet from any structure used for human occupancy in any other district.
  - b. All structures and activity areas should be located at least 100 feet from all property lines.
  - c. Such structures should be located adjacent to parks and other non-residential uses such as schools and shopping facilities where use could be made of joint parking facilities.
  - d. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
  - e. Such uses should be properly landscaped to be harmonious with surrounding residential uses.
  - f. The area of use shall be completely enclosed by a fence sufficient for screening and appropriately landscaped to be harmonious with surrounding properties.
  - g. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general.

- h. There shall be no more than one sign oriented to each abutting street identifying the activity.
- i. All lighting and lighting used for advertising purposes shall be directed away from surrounding and nearby residential properties by suitable screen of evergreen shrubs of at least 10' in width and 4' in height, or wall at least 6' in height above finished grade.
- j. Sound from loud speakers which can be detected beyond the premises, with the exception of school facilities, shall not be permitted.
- k. The buildings shall be designed so as to conform with the architectural character of the neighborhood.
- l. Structures must be located at least 50 feet from any other lot in any R-District.
- m. Structures must be located at least 25 feet from any lot in any R-District.

**2. Specific Performance Standards**

- a. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway.
- b. Hours may be limited further depending upon the surrounding land uses.
- c. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed 24 hours.
- d. The facility shall be operated so that guests reside at the home for no longer than one contiguous week.
- e. The facility shall contain not more than four (4) sleeping rooms for guests.
- f. Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval.
- g. Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.
- h. The applicant shall submit a written statement showing the measures and practices he will use to reduce the noise level in the design of the building and the management or rotation of animals and outdoor exercise runs.
- i. No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.



- j. Outdoor playgrounds, tot lots, exercise areas, etc., shall be fully enclosed by a fence, the height and design which shall be approved by the Board of Zoning Appeals.

**3. Excavation**

- a. Information shall be submitted on the anticipated depth of excavations and on depth and probably effect on the existing water table and coordinated with the Ohio Division of Water.
- b. All excavations shall be made either to a water producing depth, such depth to be made either to a water producing depth, such depth to be not less than five feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable, and non-combustible solids, to secure:
  - 1) That the excavating area shall not collect the permit to remain therein-stagnant water.
  - 2) That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof—so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. The banks of all excavations not backfilled shall be sloped which shall not be less than three feet horizontal to one foot vertical and said bank shall be seeded.

**4. Mining**

- a. There shall be filed with the Board a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five feet, the type and number per acre of trees or shrubs or grass to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated.
- b. There shall be filed with the zoning inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads, and natural features.
- c. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the Village Engineer.

5. Access

- a. All points of entrance or exit should be located no closer than 400 feet from the intersection of two arterial thoroughfares or no closer than 200 feet from the intersection of an arterial street and a local or collector street.
- b. Structures should have primary access to a collector thoroughfare.
- c. Such developments should have primary access to arterial thoroughfares or be located at intersections of arterial and/or collector streets.
- d. Such uses should be located on an arterial thoroughfare, adjacent to non-residential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
- e. Such developments should be located on or immediately adjacent to state highways.
- f. Truck parking areas, maneuvering lands, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed 24 hours.
- g. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall, if applies, provide a safe drop off point for pedestrians that will not impede other traffic.

6. Miscellaneous – Administrative

- a. The Board of Zoning Appeals may, at its discretion, require that, upon the issuance of conditional use permit, the conditions of the permit be subject to periodical review to ensure compliance with the terms of the permit.

**Section 523 Supplementary Conditions and Safeguards**

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this resolution. All conditional use permits are subject to revocation should the applicant fail to uphold the conditions upon which the conditional use permit was granted. A public hearing shall be held to review the purported violation. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall also be deemed a violation of this resolution and punishable under Section 313 of this resolution.

### **Section 524 Procedure for Hearing, Notice**

Upon receipt of the application for a conditional use permit specified in Section 520, the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Section 514 through 516.

### **Section 525 Action by the Board of Zoning Appeals**

Within 30 days after the public hearing required in Section 524, the Board shall approve, approve with supplementary conditions as specified in Section 523, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the zoning inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 507. The Board of Zoning Appeals shall in all cases presented to it notify the applicant of their decision on such applicants in writing.

### **Section 526 Expiration of Conditional Use Permit**

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than two years.

## **ARTICLE 6**

### **AMENDMENT**

#### **Section 600 Procedure for Amendments or District Changes**

This resolution may be amended by utilizing the procedures specified in this article, inclusive, of this resolution.

#### **Section 601 General**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Village Council may be resolution after receipt of recommendation thereon from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

#### **Section 602 Initiation of Zoning Amendments**

Amendments to this resolution may be initiated in one of the following ways:

1. By adoption of a motion by the Zoning Commission.
2. By adoption of a resolution by the Village Council.
3. By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment.

#### **Section 603 Contents of Application**

Applications for amendments to the official zoning map adopted as part of this resolution by Section 700 shall contain at least the following information:

1. Name, address, and phone number of applicant(s) and legal owner(s).
2. Area in question shall be drawn on a certified map from the County Engineer's Office.
3. Present use.
4. Present zoning district.
5. Proposed use.
6. Proposed zoning district.
7. A written description, sufficient to identify the area in question, shall be included as well as a legal description, including survey, if deemed necessary by the Zoning Commission, describing the area proposed to be rezoned shall be

submitted no later than sixty (60) days after area amended is approved by the Village Council or said amendment shall be void due to lack of conformity to this resolution.

8. A vicinity map at a scale approved by the zoning inspector showing property lines, thoroughfares, existing proposed zoning, and such other items as the zoning inspector may require.
9. A list of all property owners within 500 feet from any point of the perimeter of the applicant's property line, and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten parcels are to be rezoned.
10. A fee as established by the Village Council according to Section 314.
11. Owner's consent to application or satisfactory showing of applicant's legal or equitable interest in said property.

#### **Section 604 Transmittal to Zoning Commission**

Immediately after the adoption of a resolution by the Village Council or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Zoning Commission.

#### **Section 605 Submission to Village Planning Commission**

Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Village Council, or the filing of an application by at least one (1) owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the Village Planning Commission. The Village Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

#### **Section 606 Submission to Director of Transportation**

Before any zoning amendment is approved affecting any land within 300 feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of Transportation. The Zoning Commission may proceed as required by law, however, the Village Council shall not approve the amendment for 120 days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Village Council that acquisition at this time is not in the public interest or upon the expiration of the 120-day period or any extension thereof agreed upon by the Director of Transportation (ODOT District 5, 9600 Jacksontown Road, P.O. Box 306, Jacksontown, Ohio 43030) and the property owner, the Village Council shall proceed as required by law.

### **Section 607 Public Hearing by Zoning Commission**

The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a resolution from the Village Council, or the filing of an application for zoning amendment. Said hearing shall be not less than 20 nor more than 40 days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

### **Section 608 Notice of Public Hearing in Newspaper**

Before holding the public hearing as required in Section 607, notice of such hearing shall be given by the Zoning Commission by at least one publication in one or more newspapers of general circulation of the Village at least 10 days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, the time and state the name of the person responsible for giving notice of public hearing and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least 10 days prior to the public hearing, and a statement that after the conclusion of such public hearing the matter will be referred to the Village Council for further determination.

### **Section 609 Notice to Property Owners by Zoning Commission**

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail (Optional: as evidenced by a certificate of mailing), at least 10 days before the date of the public hearing to all owners of property within, contiguous to, and directly across the thoroughfare, street or road, from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Village Council. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 608.

### **Section 610 Recommendation by Zoning Commission**

Within 30 days after the public hearing required by Section 607, the Zoning Commission shall recommend to the Village Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted.

### **Section 611 Public Hearing by Village Council**

Within 30 days from the receipt of the recommendation of the Zoning Commission, the Village Council shall hold a public hearing. Notice of such public hearing in a newspaper, and contiguous property owners, shall be given by the Village Council as specified in Section 608 and 609.

### **Section 612 Action by Village Council**

Within 30 days after the public hearing required by Section 611, the Village Council shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Commission, the unanimous vote of the Village Council is required.

### **Section 613 Effective Date and Referendum**

Such amendment adopted by the Village Council shall become effective 30 days after the date of such adoption unless within 30 days after the adoption of the amendment there is presented to the Village Council a petition, signed by a number of qualified voters residing in the unincorporated areas of the Village or part thereof included in the zoning plan equal to not less than 8 percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Village Council to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

## ARTICLE 7

### **PROVISIONS FOR OFFICIAL ZONING MAP**

#### **Section 700 Official Zoning Map**

The districts established in Article 8 of this resolution as shown on the official zoning map which, together with all explanatory matter thereon, are hereby adopted as part of this resolution.

#### **Section 701 Identification of the Official Zoning Map**

The official zoning map shall be identified by the signature of the President of the Village Council, attested by the Village Clerk.

#### **Section 702 Interpretation of District Boundaries**

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the official zoning map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the centerlines of thoroughfares or highways, street lines, or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map.
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks or said railroad line.
5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village unless otherwise indicated.





## ARTICLE 8

### ESTABLISHMENT AND PURPOSES OF DISTRICTS

#### **Section 800 Intent**

The following zoning districts are hereby established for the Village of Hanover, Ohio. For the interpretation of this, the zoning districts have been formulated to realize the general purposes as set forth in the preamble of this resolution. In addition, the specific purposes of each zoning district shall be as stated.

#### **Section 801 Residential Districts**

Residential districts are established to meet the purposes set forth in Section 802-806, inclusive.

#### **Section 802 Low Density Residential District (R-1)**

The purpose of the R-1 District is to encourage the establishment of low-density single-family dwellings with a lot size not less than one (1) acre.~~to exceed one (1) dwelling unit per gross ½ acre.~~

#### **Section 803 Medium-Low Density Residential District (R-2)**

The purpose of the R-2 District is to encourage the establishment of medium-low density single ~~and two~~-family dwellings with a lot size not less than ¾ acre.~~not to exceed two (2) dwelling units per gross ½ acre. Two family dwelling units must meet the Village's requirements before being issued a sewage permit.~~

#### **Section 804 Medium Density Residential District (R-3)**

The purpose of the R-3 District is to permit the establishment of medium density single, ~~two, and multiple~~-family dwellings with a lot size not less than ½ acre.~~not to exceed four (4) dwelling units per gross ½ acre. Centralized water and sewer facilities are required.~~

#### **Section 805 Manufactured Home Park District (MHP)**

\* Not permitted

The purpose of the MHP District is to encourage the development of manufactured home parks in a well-planned environment. Such districts shall abut upon an arterial or collector thoroughfare as identified on the Major Thoroughfare Plan. Manufactured home parks shall comply with regulations of Chapter HE-27 of the Ohio Sanitary Code.

#### **Section 806 Business District**

Business districts are established to meet the purposes set forth in Sections 807-811, inclusive.

### **Section 807 Local Business District (LB)**

The purpose of the LB District is to encourage the establishment of areas for convenience business uses which tend to meet the daily needs of the residents of an immediate neighborhood. Such districts shall be strategically located with access to a collector thoroughfare as specified in the Major Thoroughfare Plan. Marginal strip development shall be prohibited.

### **Section 808 General Business District (GB)**

The purpose of the GB District is to encourage the establishment of areas for general business uses to meet the needs of a regional market area. Activities in this district are often large space users and the customers using such facilities generally do not make frequent purchases. Shopping centers will be the predominant building approach. Strip development shall be prohibited. GB Districts shall be located on an arterial thoroughfare as specified in the Major Thoroughfare Plan.

### **Section 809 Manufacturing Districts**

The Manufacturing district is established to meet the purpose set forth in Section 810.

### **Section 810 Light Manufacturing District (M-1)**

The purpose of the M-1 District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare; operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy manufacturing uses and other less intense business and residential uses.

### **Section 811 General Manufacturing District (M-2)**

The purpose of the M-2 District is to encourage the development of major manufacturing, processing, warehousing, and major research and testing operations. These activities require extensive community facilities including adequate utility services, and reasonable access to arterial thoroughfares. Uses in this district may have extensive open storage and service areas, generate heavy traffic but shall be prohibited if they create nuisances which exceed the limitations set up by the BZA. Mining, processing, and storage are included within this district as conditional uses.

### **Section 812 Special Districts**

The special districts are established to meet the purposes set forth in Sections 813-815.

### **Section 813 Agricultural District (AG)**

The purpose of the AG District is to preserve and protect the decreasing supply of prime agricultural land. This district also is established to control the indiscriminate infiltration of urban development in agricultural areas which adversely affects agricultural operators.

### **Section 814 Conservation District (C-1)**

The purpose of the Conservation District is to guide development in the flood prone areas of any water course that are consistent with the requirements for the conveyance of flood flows, and to minimize the expense and inconveniences to the individual property owners and the general public through flooding. Uses permitted in this district are generally associated with open space, recreational, and agricultural land uses and shall not hinder the movement of floodwaters.

### **Section 815 Professional – Research – Office District (PRO)**

The purpose of the PRO District is to encourage the establishment of groups of professional, research, executive, administrative, accounting, clerical, stenographic, and similar uses. Because such uses are generally large generators of traffic, this district must abut upon an arterial or collector thoroughfare as specified on the County Major Thoroughfare Plan. The PRO District is also designed to act as a buffer between other more intense non-residential uses and high density residential uses and is thus a transitional use.

### **Section 816 Amendments**

Nothing in Article 8 shall be interpreted in such a manner as to preclude amendment of the district regulations as provided under the Ohio Revised Code, Chapter 519.12.



## ARTICLE 9

### DISTRICT REGULATIONS

#### **Section 900 Compliance with Regulations**

The regulations for each district set forth by this resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, except as hereinafter provided:

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
2. No building or other structure shall be erected or altered:
  - a. To provide for greater height or bulk.
  - b. To accommodate or house a greater number of families.
  - c. To occupy a greater percentage of lot area.
  - d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces.
3. No yard or lot existing at the time of passage of this resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this resolution shall meet at least the minimum requirements set forth herein.

#### **Section 901 Official Schedule of District Regulations Adopted**

District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be a part of this resolution and in Article 10 of this resolution, "Supplementary District Regulations."

#### **Section 902 Intent of District Regulations**

It is the intent of these regulations to set forth within the district regulations the permitted uses, the conditionally permitted uses, the general requirements of the district, and other regulations as they pertain in general to each zoning district. Conditionally permitted uses are in addition to the permitted uses in each district and as such are governed by Article 4, Article 5, and other articles of these regulations. Rules, regulations, requirements, standards, resolutions, articles, and/or sections not specifically included for each district but which are contained in these regulations and which are applicable to each district or use shall be applied as if stated in full in Article 8 of these regulations. Uses not specifically defined or stated which cannot reasonably be interpreted by the Zoning Inspector or the Zoning Commission as permitted or conditionally permitted in any district shall be referred to the Board of Zoning Appeals for an

order in the determination of such use and the district to which and under what circumstances will prevail as specified in Article 5, Administration.

### **Section 903 Flood Plain Overlay District (FP)**

#### **Purpose:**

It is the purpose of the Overlay District to promote the public health, safety, and general welfare and to minimize losses resulting from periodic inundation of flood waters in Village of Hanover by restricting or prohibiting uses which are dangerous to health, safety, or property in time of flooding or cause excessive increases in flood height or velocities, requiring that uses vulnerable to floods be protected from flood damage at time of initial construction, controlling the filling, grading, dredging and other development which may increase flood damage, and controlling the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

#### **Finding of Fact:**

The flood hazard areas of Village of Hanover are subject to period inundation which may result in loss of life and property, hazards to health and safety, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by:

1. The cumulative effect of obstruction in flood plains, causing increased flood heights and velocities.
2. The occupancy of flood hazard areas by uses vulnerable to floods and which are not adequately elevated or protected from flood damage.

#### **Applicable Lands:**

This section shall apply to all lands within the Village boundaries shown on the Official Zoning Map within the boundaries of the floodway, or floodway fringe, as identified by the Federal Emergency Management Agency on the FIRM and Floodway Maps Nos. 390831, dated May 2, 2007, and any revision thereto as adopted by reference and declared to be a part of this resolution.

#### **Overlay District Designation:**

The areas of floodway or floodway fringe identified on the Official Zoning Map shall be shown as an overlay district. This overlay district shall be designated as the Flood Plain Overlay (FP) District.

Those areas within the Flood Plain Overlay District designated as flood plain on the Official Zoning Map shall be subject to all the requirements of the Flood Plain Overlay District, as well as those specific sections that address the floodway.

The Flood Plain Overlay (FP) District shall be superimposed over the Official Zoning Map. The underlying zoning district, as shown on the Official Zoning Map, shall hereafter be

called the base district. Uses and minimum requirements shall be determined by the base district. However, if the provisions and requirements governing the Flood Plain Overlay District are more restrictive than those of the base district, the provisions of this Section shall supersede those of the base district.

Interpretation of Boundaries:

When disagreement exists as to the boundaries of the Flood Plain Overlay District or the floodplain, those boundaries shall be interpreted to be the boundaries of the floodway and floodway fringe as shown on the Flood Insurance Maps and Floodway Maps Nos. 390831, dated May 2, 2007. Disagreement as to boundaries of the flood hazard areas will be resolved by the procedures outlined in the Hanover Flood Damage Regulations, and not the Village of Hanover Board of Zoning Appeals.

Warning and Disclaimer of Responsibility:

The degree of flood protection required by this resolution is considered reasonable for regulatory purposes. Larger floods may occur or flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This resolution does not imply that areas outside the Flood Plain Overlay District boundaries or land uses permitted within such district will be free from flooding or flood damages. This resolution shall not create liability on the part of Village of Hanover, Licking County, or any officer or employee thereof for any flood damages that result from reliance of this article or any administrative decision lawfully made thereunder.

Compliance:

Unless specifically exempted as stated in Section 4.2 of the Hanover Flood Damage Prevention Regulations, no structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this article and other applicable resolution of the Village and Licking County.

Abrogation:

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Flood Plain Development Permit:

A flood plain development permit shall be obtained before the start of construction or development of land in the Flood Plain Overlay District. This permit shall be in addition to the zoning permit required in Section 300 of this resolution. Application for a flood plain development permit shall be made to the Village of Hanover Planning Commission's Flood Plain Administrator, 200 New Home Dr., Hanover, Ohio, 43055, (740) 349-6555. This permit will be applied for and approved by the Flood Plain Administrator of the Village of Hanover Planning Commission prior to the zoning permit being applied for and approved. The Zoning Inspector must receive a copy of the flood plain development permit before the zoning permit is issued.



All structures or uses to be located in the Flood Plain Overlay District shall comply with the requirements of the Village of Hanover Zoning Resolution and the Licking County Flood Damage Prevention Regulations and any amendment or revisions.

Other Requirements:

Any buildings, structures, or land uses to be located in an identified flood hazard area shall comply with the requirements of the Village of Hanover Flood Damage Prevention Regulations adopted by the Hanover Village Council.

1. Change to Non-Flood Plain District: Changes of district classification from FP to any other classification provided by this resolution may be initiated in accordance with the requirements of this resolution; provided that the applicant can show that any flood condition existing at the time the FP district was originally established no longer exists or has been remedied to the satisfaction of the Village of Hanover Flood Plain Administrator, and that the area in question is now reasonably well protected from floods for the intended purposes and occupancy. Prior to recommendation a change of zoning to the Village Council, the Village Zoning Commission shall obtain certification from the Village of Hanover Planning Commission, or the agency or department administering the Flood Hazard Prevention Regulations, that the area proposed to be removed from the FP District is free from inundation from a 100-year flood event, and the amendment procedures of Article 6 shall be followed.

Required Lot Area, Lot Width, Height, Parking, Yards, and Sign Requirements:

The lot area, lot width, building height, parking, yards, and sign requirements shall comply with the base district requirements.

Any proposed lot for the use of residential shall comply with the Village of Hanover and, ~~or~~ OEPA and, ~~or~~ Licking County Board of Health, and Hanover Village Subdivision Regulations. Any structure intended for multifamily, ~~four family residential~~, commercial, or industrial land use shall comply with the Ohio Environmental Protection Agency, or any other appropriate authority regulations.

**Section 904 Agricultural District (AG)**

Permitted uses, dimensional requirements, and other regulations of the AG, Agricultural District – the following regulations shall apply:

Permitted Uses:

1. Agriculture.
2. Single-family dwellings.
3. Public parks and playgrounds.
4. Accessory uses and structures.

5. Private swimming pools.
6. Cemeteries.
7. Nursery – plant materials and sales.

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted:

1. Clubs, golf courses.
  2. Home occupations.
  3. Public and private schools.
  4. Churches.
  5. Commercial grain storage.
- No pre-manufactured homes with/or attached to steel frames are permitted.
  - Structures such as semi trailers, truck boxes, school buses, job trailers, etc. are not permitted for storage purposes.

General Requirements:

Height Limit: No building shall be erected or enlarged to exceed three (3) stories or 40 feet.

Lot Area, Width and Depth: Every lot shall have a minimum width of 500 feet and a minimum lot area of not less than ten (10) acres, exclusive of road right-of-way, and shall be in addition to any easement of record.

Front Yard: There shall be a front yard of not less than 50 feet in depth for dwelling structures.

Side Yard: There shall be a side yard of not less than 20 feet (each side) for dwelling structures.

Rear Yard: There shall be a rear yard of not less than 50 feet for dwelling structures.

- All structures placed on corner lots must meet those requirements outlined in Section 1010.

Dwelling Bulk:

1. Dwellings or structures shall have a minimum area of 1,600 square feet of living space for single-family residence. Living space will be measured from outside dimensions, exclusive of porches, garages, breezeways, and cellars or basements.

All dwellings shall not be less than 25 feet in width or depth, whichever is the smaller dimension.

Parking Requirements: Parking requirements shall be as regulated in Article 11 of these regulations.

Signs: Signs shall be as regulated in Article 12 of these regulations.

### **Section 905 Low Density Residential District (R-1)**

Permitted uses, dimensional requirements, and other regulations of the R-1, Low Density Residential District – the following regulations shall apply:

#### Permitted Uses:

1. Agriculture (light) not to include livestock.
2. Single-family dwellings.
3. Churches.
4. Public and private schools.
5. Public parks and playgrounds.
6. Governmental buildings.
7. Private swimming pools as an accessory use.
8. Accessory uses and structures.

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted:

1. Home occupations.
  2. Cemeteries.
  3. Clubs, golf courses.
  4. Nursery – plant materials and sales.
- No pre-manufactured homes with/or attached to steel frames are permitted.
  - Structures such as semi-trailers, truck boxes, school buses, job trailers, etc. are not permitted for storage purposes.

#### General Requirements:

Height Limit: No building shall be erected or enlarged to exceed three (3) stories or 40 feet.

Lot Area, Width, and Depth: Every lot shall have a minimum width 175 feet at the building setback line. The minimum lot size is to be 1.00 acre (43,560 square feet), exclusive of road rights-of-way and inclusive of easements.

Front Yard: There shall be a front yard of not less than 45 feet in depth.

Side Yard: There shall be side yards of not less than 20 feet on each side.

Rear Yard: There shall be a rear yard of not less than 50 feet.

- All structures placed on corner lots must meet those requirements outlined in Section 1010.

Dwelling Bulk:

1. Dwellings or structures shall have a minimum area of 1,800 square feet or living space by outside dimensions, exclusive of porches, garages, cellars or basements.
2. Single-family dwellings shall not be less than 25 feet in width or depth, whichever is the smaller dimension.

Parking Requirements: Parking requirements shall be as regulated in Article 11 of these regulations.

Signs: Signs shall be regulated in Article 12 of these regulations.

### **Section 906 Medium-Low Density Residential District (R-2)**

Permitted uses, dimensional requirements, and other regulations of the R-2, Medium-Low Density Residential District – the following regulations shall apply.

Permitted Uses:

1. Agriculture (light) not to include livestock.
2. Single-family dwellings.
3. Churches.
4. Public and private schools.
5. Public and private playgrounds.
6. Governmental buildings.
7. Private swimming pools as an accessory use.

8. Accessory uses and structures.

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted:

1. Home occupations.
  2. Clubs, golf courses.
- No pre-manufactured homes with/or attached to steel frames are permitted.
  - Structures such as semi-trailers, truck boxes, school buses, job trailers, etc. are not permitted for storage purposes.

General Requirements:

Height Limit: No building shall be erected or enlarged to exceed three (3) stories or 40 feet.

Lot Area, Width, and Depth: Every lot shall have a minimum width 150 feet at the building setback line. The minimum lot size is to be 0.75 acre (32,670 square feet), exclusive of road rights-of-way and inclusive of easements.

Front Yard: There shall be a front yard of not less than 35 feet in depth.

Side Yard: Side yards shall not be less than 15 feet on each side.

Rear Yard: There shall be a rear yard of not less than 45 feet.

- All structures placed on corner lots must meet those requirements outlined in Section 1010.

Dwelling Bulk:

1. Residential structures shall have a minimum area of 1,500 square feet of living space by outside dimensions, exclusive of porches, garages, breezeways, cellars, or basements.
2. Single-family dwellings shall be not less than 25 feet in width or depth, whichever is the smaller dimension.

Parking Requirements: Parking requirements shall be as regulated in Article 11 of these regulations.

Signs: Signs shall be as regulated in Article 12 of these regulations.

Satellite Dish Antennas: Refer to Article 10 Section 1030.

## **Section 907 Medium Density Residential District (R-3)**

Permitted uses, dimensional requirements, and other regulations of the R-3, Medium Density Residential District – the following regulations shall apply.

### Permitted Uses:

1. Single-family dwellings.
2. Churches.
3. Public and private schools.
4. Public and private playgrounds.
5. Governmental buildings.
6. Private swimming pools as an accessory use.
7. Accessory uses and structures.

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted:

1. Home occupations.
  - No pre-manufactured homes with/or attached to steel frames are permitted.
  - Structures such as semi-trailers, truck boxes, school buses, job trailers, etc. are not permitted for storage purposes.

### General Requirements:

Height Limit: No building shall be erected or enlarged to exceed three (3) stories or 40 feet.

Lot Area, Width, and Depth: Every lot shall have a minimum width 120 feet at the building setback line. The minimum lot size is to be 0.50 acre (21,780 square feet), exclusive of road rights-of-way and inclusive of easements.

Front Yard: There shall be a front yard of not less than 35 feet in depth.

Side Yard: Side yards shall not be less than 15 feet on each side.

Rear Yard: There shall be a rear yard of not less than 45 feet.

- All structures placed on corner lots must meet those requirements outlined in Section 1010.

Dwelling Bulk:

3. Residential structures shall have a minimum area of 1,300 square feet of living space by outside dimensions, exclusive of porches, garages, breezeways, cellars, or basements.
4. Single-family dwellings shall be not less than 25 feet in width or depth, whichever is the smaller dimension.

Parking Requirements: Parking requirements shall be as regulated in Article 11 of these regulations.

Signs: Signs shall be as regulated in Article 12 of these regulations.

Satellite Dish Antennas: Refer to Article 10 Section 1030.

**Section 907 Local Business District (LB)**

Permitted uses, dimensional requirements, and other regulations of the LB, Local Business District – the following regulations shall apply:

Permitted Uses:

1. Churches.
2. Public and private schools.
3. Public parks and playgrounds.
4. Governmental buildings.
5. Cemeteries.
6. Local retail business or service including: Grocery, fruit/vegetable store, meat market, drug store, barber or beauty shop, clothes cleaning and laundry pickup station, Laundromat, shoe store, mortician and the like, supplying commodities or performing services primarily for the residents of a local community.
7. Lodge and fraternal organizations.
8. Nursery (plant materials), and/or greenhouse.
9. Accessory uses and structures.

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted:

1. Hospital, clinic, nursery, nursing home.

2. Public swimming pool.

- No pre-manufactured homes with/or attached to steel frames are permitted.
- Structures such as semi trailers, truck boxes, school buses, job trailers, etc. are not permitted for storage purposes.

General Requirements:

Height Limit: No building shall be erected or enlarged to exceed three (3) stories or 40 feet.

Lot Area, Width and Depth: Every lot shall have a minimum width of 200 feet and a minimum lot area of not less than one (1) acre (43,560 square feet), exclusive of road right-of-way and shall be in addition to any easement of record.

Front Yard: There shall be a front yard of not less than 50 feet in depth.

Rear Yard: There shall be a rear yard of not less than 50 feet.

Side Yard: There shall be a side yard of not less than 40 feet.

Screening/Buffer Yard Requirements: Screening/buffer yards shall be required as specified in Article 11.

- All structures placed on corner lots must meet those requirements outlined in Section 1010.

Parking Requirements: Parking requirements shall be as regulated in Article 11 of these regulations.

Signs: Signs shall be as regulated in Article 12 of these regulations.

**Section 908 General Business District (GB)**

Permitted uses, dimensional requirements, and other regulations of the GB, General Business District – the following regulations shall apply:

Permitted Uses:

1. Churches.
2. Public and private schools.
3. Public parks and playgrounds.
4. Governmental buildings.
5. All permitted uses as specified in the Local Business District.
6. General auto repair (indoor only).



7. Auto and/or farm implement sales.
8. Taverns, restaurants, or restaurants providing entertainment.
9. Hotels, motels.
10. Commercial and public entertainment fields restricted to baseball fields, pool halls, swimming pools, skating rinks, golf driving ranges, miniature golf, and bowling alleys.
11. Trade or commercial schools.
12. Wholesale business or warehousing when no processing, fabrication or assembly is involved, if conducted entirely in an enclosed building.
13. Public garages.
14. Boarding houses.
15. Building materials and sales, if conducted entirely in an enclosed building.
16. Accessory buildings and uses.

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted:

1. Veterinary hospital clinic, kennel and/or cattery.
  2. Marinas.
  3. Watercraft and/or recreational vehicle storage.
  4. Radio or television broadcasting station and towers (applies to commercial stations and equipment only).
  5. Airports-heliports (private and governmental).
  6. Private recreational camps.
- No pre-manufactured homes with/or attached to steel frames are permitted.
  - Structures such as semi trailers, truck boxes, school buses, job trailers, etc. are not permitted for storage purposes.

General Requirements:

Height Limit: No building shall be erected or enlarged to exceed two three (3) stories or 40 feet.

Lot Area, Width and Depth: Every lot shall have a minimum width of 200 feet and minimum lot area of not less than one (1) acre (43,560 square feet), exclusive of road right-of-way and shall be in addition to any easement of record.

Front Yard: There shall be a front yard of not less than 50 feet in depth.

Side Yard: There shall be a side yard of not less than 20 feet.

Rear Yard: There shall be a rear yard of not less than 50 feet.

- All structures located on corner lots must meet those requirements outlined in Section 1010.

Parking Requirements: Parking requirements shall be as regulated in Article 11 of these regulations.

Signs: Signs shall be as regulated in Article 12 of these regulations.

### **Section 909 Light Manufacturing District (M-1)**

Permitted uses, dimensional requirements, and other regulations of the M-1, Light Manufacturing District – the following regulations shall apply:

Permitted Uses:

1. Agriculture.
2. Public parks and playgrounds.
3. Small item manufacturing conducted entirely in enclosed building.
4. Paper, printing, and associated products.
5. Cleaning, dyeing, and similar services.
6. Food products.
7. Horticulture and forestry facilities.
8. Machinery, office equipment, and furniture manufacturing.
9. Fiber and clothing goods manufacturing.
10. Utility facilities.
11. Non-metallic goods manufacturing.
12. Household appliances and vehicle services, storage and maintenance.

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted:

1. Metal cans and containers manufacturing.
  2. Lumber yards.
  3. Contract construction storage of machinery and materials.
  4. Building materials (general retail).
- No pre-manufactured homes with/or attached to steel frames are permitted.
  - Structures such as semi trailers, truck boxes, school buses, job trailers, etc. are not permitted for storage purposes.

General Requirements:

Height Limit: No building shall be erected or enlarged to exceed three (3) stories or 40 feet.

Lot Area, Width and Depth: Every lot shall have a minimum width of 100 feet and a minimum lot area of not less than one (1) acre (43,560 square feet) in area, exclusive of road right-of-way and shall be in addition to any easement of record.

Front Yard: There shall be a front yard of not less than 50 feet in depth.

Side Yard: There shall be a side yard of not less than 40 feet.

Rear Yard: There shall be a rear yard of not less than 40 feet.

- All structures placed on corner lots must meet the requirements outlined in Section 1010.

Parking Requirements: Parking requirements shall be as regulated in Article 11 of these regulations.

Signs: Signs shall be as regulated in Article 12 of these regulations.

**Section 910 General Manufacturing District (M-2)**

Purpose: The purpose of the M-2 District is to encourage the development of major manufacturing, processing, warehousing, and major research and testing operations. These activities require extensive community facilities including adequate utility services, and reasonable access to arterial thoroughfares. Uses in this district may have extensive open storage and service areas, generate heavy traffic but shall be prohibited if they create nuisances which exceed the limitations set forth by the BZA. Mining, processing, and storage are included within this district.

Permitted uses, dimensional requirements and other regulations of the M-2, General Manufacturing District; the following regulations shall apply:

Permitted Uses:

1. Agriculture.
2. General warehousing (excluding combustible, hazardous, toxic, or explosive materials).
3. Public parks and playgrounds.
4. Leather goods manufacturing not elsewhere classified.
5. Nonferrous foundries.
6. Sheet metal work.
7. Machine shops, jobbing and repair.
8. Household appliances manufacturing.
9. Electric lighting and wiring manufacturing.
10. Miscellaneous electrical machinery, equipment and supplies.
11. Musical instruments and parts.
12. Toys, amusements, sporting and athletic goods.
13. Pens, pencils, and other office and artist material.
14. All permitted uses in the M-1, AB & GB Districts.

Conditionally-Permitted Uses: A conditional use permit may be issued in accordance with Article 5, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outline in Sections 521 and 522 of this resolution as well as any additional standards in accordance with any or all of those standards found in Section 522 or other conditions as required by the BZA and conditions referred to in the following descriptions:

1. Bulk storage. Provided that all outdoor storage is screened from view of neighboring properties and roads.
2. Farm equipment manufacturing.
3. Sausage and other prepared meat manufacturing.
4. Beverage industries.

5. Fabric mills.
  6. Knitting mills.
  7. Dyeing and finishing textiles.
  8. Floor covering mills.
  9. Yarn and thread mills.
  10. Miscellaneous mills.
  11. Steel manufacturing.
  12. Auto or aircraft manufacturing.
  13. Recycling industries (indoor operations only, excluding ferrous or hazardous operations).
  14. Sawmill operations.
  15. Junkyards, salvage yards provided that they are licensed and completely screened from the view of adjacent properties and roads.
  16. Adult entertainment facilities.
  17. A solid waste transfer facility, site and accessory uses, including a recycling center, provided such facility is one hundred (100) feet or greater from any residential building and it meets the development standards of this ordinance.
  18. All conditionally permitted uses in the M-1, AB & GB Districts.
- No pre-manufactured homes with/or attached to steel frames are permitted.
  - Structures such as semi trailers, truck boxes, school buses, job trailers, etc. are not permitted for storage purposes.

General Requirements of the M-2 District:

Height Limit: No building shall be erected or enlarged to exceed three stories or 40 feet.

Lot Area, Width and Depth: Every lot shall have a minimum width of 500 feet throughout, and a lot area of not less than five acres (217,800 square feet) in area, exclusive of road right-of-way. All lots must be serviced by public water and sewer. All lots must meet those frontage requirements as outlined in Section 1033 of this resolution.

Front Yard: There shall be a front yard of not less than 100 feet in depth.

Side Yard: There shall be a side yard of not less than 100 feet per side.

Rear Yard: There shall be a rear yard of not less than 100 feet.

- All structures placed on corner lots must meet those requirements outlined in Section 1010.

Bulk Requirements: All structures shall have 600 square feet per business unit and not be less than 24 feet in width and depth. All bulk requirements for the M-2 District are to be determined from outside dimensions, exclusive of porches, garages, and cellars or basements.

Parking Requirements: Parking requirements shall be as regulated in Article 11 of these regulations.

Screening/Buffer Yards Requirements: Screening/buffer yards shall be required as specified in Section 1013 of these regulations.

Signs: Signs shall be as regulated in Article 12 of these regulations.

### **Section 911 Transportation Corridor Overlay District (TC)**

Purpose: The purpose of the Transportation Corridor District is to provide overlay requirements to ensure that existing and anticipated corridor land uses and traffic improvements, within the district, will be developed in a manner that protects the health and safety of residents of the Village of Hanover. The importance of maintaining traffic flow and accessibility so as to reduce potential traffic hazards, encourage compatible land uses, better comply with the Clean Air Act Amendment of 1990, and to protect property values, requires that special emphasis on traffic planning and frontage treatment be achieved through the use of an overlay district. The TC Overlay District shall also require uniform signage, adequate screening, and landscaping in an effort to establish visual harmony and promote aesthetic design in development within the district.

Permitted Uses: Any permitted use allowed in the underlying zoning district, except, however, where the requirements of this section are in conflict with the permitted uses or regulations of the underlying zoning district, the regulations set forth in this section shall control.

#### Design Standards:

1. Traffic Safety Measures: One or more of the following traffic safety measures shall be required in an effort to aid access and traffic management.
  - a. Access Road/Driveway Requirements: Access roads, provided that they meet state and federal regulations and are designed for one-way traffic or setback to create double frontage lots, should be utilized, when possible, to service commercial development located along the corridor. Such roads will help prevent traffic interruptions on the thoroughfare.
  - b. Left Turn Lanes: Left turn lanes, which provide stacking lanes for those cars preparing to turn left, should be utilized when possible in an effort to prevent traffic slow-down and traffic hazards.

- c. Acceleration/Deceleration Lanes: The use of acceleration/deceleration lanes should be utilized whenever possible to help prevent traffic slow-down and general interruptions, thereby avoiding potential traffic hazards.
  - d. Access Roads/Points of Access off Major Thoroughfare: The utilization of access roads and alternative points of access from the major thoroughfare should be utilized when possible to help prevent traffic slowdown and interruptions along the corridor, thus preventing traffic hazards.
  - e. Right-in/Right-out Only Turns: Points of access that allow only right-in/right-out access to major thoroughfares should be utilized in an effort to prevent traffic slowdown and additional points of traffic conflicts.
2. Setback/Rear Yard Requirements: All new structures and accessory structures must be set back 115 feet from the edge of current right-of-way line of the designated corridor highway or road.

All structures must be set back 65 feet from the rear property line.

- 3. Loading Areas: Commercial loading areas shall be located to the rear of buildings and screened from adjacent uses.
- 4. Storage Areas: Storage areas and trash storage receptacles shall be enclosed by structures or opaque fences and be located to the rear of the building.
- 5. Utility and Transmission Lines: New or upgraded utility and transmission lines located within the corridor overlay district (including those located along the rear property line) shall be located underground and be designed and located in such a manner that they will have minimum adverse visual and physical impact onto the natural or rural character of the roadside.
- 6. Pedestrian Access: Sidewalks shall be provided and designed to minimize conflict with vehicular traffic.
- 7. Corridor Landscaping/Buffers/Screening
  - a. All existing, healthy trees having a trunk diameter of 6 inches or more shall be preserved whenever possible. The developer may be required to submit a tree survey which indicates the location of such trees so that site design options that would allow for the maximum preservation of mature tree stands can be negotiated. (See Appendix B for tree protection requirements.)
  - b. A “buffer zone” shall be required along the boundary of all neighboring properties which facilitate unlike land uses. The width of these buffer zones shall be in accordance with the following chart:

Proposed Use   Residential   Commercial   Industrial   Institutional

	(Width)	(Width)	(Width)	(Width)
Commercial	20 ft.		10 ft.	20 ft.
Industrial	30 ft.	10 ft.		30 ft.

A “buffer zone” as referred to in this section shall be defined as a green strip of land, free from buildings, driveways, or other paved surfaces, which is permanently set aside by the owner. All buffer zones shall be planted in trees and shrubs in a density sufficient to provide contiguous properties with sufficient foliage to screen unlike land uses all year around. Walls and fences (made of natural materials or material made to look natural) may be used in combination with shrubs, planted at a minimum of 3-foot intervals, can be used in an effort to achieve the goal of adequate screening.

- c. All parking areas constructed within the Transportation Corridor (TC) shall meet those requirements specified in Article 11 of this Resolution. When there are conflicting requirements, the stricter of the two shall prevail.
- d. Landscaping/Design Requirements.
  - 1) Distance between parking area and building: A minimum distance of 8 feet shall be maintained between any building, including any walkway immediately adjacent thereto, and the parking area. This space is to be reserved for plant material, either existing (in accordance with the procedures and guidelines found in Appendix B of this Resolution) or planned.
  - 2) Interior Plantings: In addition to all other requirements, all commercial, business, institutional, or industrial parking areas for more than 20 vehicles (excluding parking structures), shall provide and maintain a minimum of a 300-square foot planting area with minimum dimensions of 7 feet for every 8 parking spaces (including handicapped spaces) located within the parking area. Planting areas shall:
    - a) Contain at least 2 “shade trees” which are at least 8 feet in height and 6 inches and ¼ inches in circumference (2 inches in diameter) measured at ½ feet above grade for new planted trees and measured at 4-1/2 feet above grade for existing trees. (“Shade trees” as used herein means any tree, evergreen, or deciduous, whose mature height of its species can be expected to exceed 35 feet and which has an expected crown spread of 30 feet or more or is considered a shade tree in accordance with the American Association of Nurserymen.
    - b) Contain ground covering sufficient to cover otherwise exposed planting surface so that soil erosion will be minimized.



- c) Be located within the parking area as tree islands, at the end of parking bays, inside 7-foot wide or greater medians, or between rows of cars or as part of a continuous street or transitional protective yards. No vehicular parking space shall be separated from a shade tree by an intervening building and be located farther than 50 feet from the tree trunk of a planting area. Landscaped planting areas shall be distributed in a uniform manner as to provide shade yet should also be positioned within the parking area in accordance with sound landscape design and parking lot circulation principles.
  - 3) Berms: In addition, earthen berms may be provided or the ground sloped. Any berms used to comply with this requirement shall have a minimum height of 1-1/2 feet and a minimum crown width of 2 feet and a total minimum width of 7 feet and shall be planted with a locally adapted species of shrubs which conform to the spirit of Appendix A. However, shrubs may have a lesser height provided that the combined height of the berm and the plantings after 3 years is at least 30 inches high.
- 8. Screening: Any area used for service yards, utility meters, above-ground tanks, and other such equipment shall be screened through landscaping (including a berm or a fence constructed of natural material, if necessary) so that such facilities are not visible from the highway/road or neighboring properties and shall be located not less than 10 feet from the side and/or rear property lines.
- 9. Signs: All signs shall meet those requirements specified in Section 1200 of this resolution in addition to the following standards:
  - a. Signs shall not have light-reflecting backgrounds but may use light-reflecting lettering.
  - b. The various parts of a sign shall have the same name and message on all used faces.
  - c. All signs shall be of standard geometric shapes.
  - d. All lighted signs shall be lit with capped, exterior white ground lights which have a steady, stationary light of reasonable intensity and are shielded from all adjacent streets and residential buildings.
  - e. All signs must be constructed of natural materials or material made to look natural.
  - f. All commercial, institutional and industrial structures shall be limited to the following advertising signs:

- 1) A wall sign, a projected swinging sign, awning or canopy sign with a total area of all such signs not to exceed 80 square feet, not more than 15 feet in height, set back at least 10 feet from the road right-of-way.
- 2) A ground sign, with a total area not to exceed 32 square feet per side and not more than 15 feet in height and which shall be set back at least 10 feet from the road right-of-way.

E. Site Design Submittal Requirements: Before a zoning permit is issued in the TC District by the Village of Hanover zoning inspector, the developer shall submit plans, drawn to an appropriate scale, to the Village of Hanover Planning Commission.

The following plans shall be submitted by the developer to the Village of Hanover Planning Commission for review:

1. Site Plan: The plot plan shall show the following:
  - a. The boundaries and dimensions of the lot.
  - b. The size and location of existing and proposed structures.
  - c. The proposed use of all parts of the lot and structures.
  - d. All reserve parcels and anticipated development phases.
  - e. The use of land and location of structures on adjacent property, within a 100' of the property line for which the zoning permit is being applied for.
  - f. Existing tree stands that are 6" (inches) in diameter located within the setback.
2. Development Plan: The Development Plan shall show the following:
  - a. Structures: All proposed structures shall be located, showing square footage for each structure, expected entrance(s), service, and pedestrian areas for the first phase of the development plan. Structures planned for subsequent phases shall be schematically indicated.
  - b. Traffic concept: All points of ingress and egress onto public roadways and the overall traffic distribution scheme shall be shown, indicating traffic flow patterns and traffic control points. The criteria must include one or more of the "Traffic Safety Measures" as described in Article 900 of this Resolution.
  - c. Parking layout: A parking layout must be shown to include the following:

- 1) Access points and expected movement for all transportation modes through and between separate parking lot areas;
  - 2) Expected pedestrian access routes from parking areas and bus stops to structures.
- d. Landscaping: All proposed site landscaping, screening, and buffering shall be indicated as to type and sizes of material to be used, proposed locations, berming and other features in accordance with Article 9 of this Resolution.
- e. Proposed location and design of signs.
- f. Site Design Approval: Section 303 of this Resolution requires that all zoning permits shall be approved or denied within thirty (30) days from the date in which a complete application has been submitted. Zoning permit application within the Transportation Corridor Overlay District will be processed in the following manner:
- 1) The zoning inspector shall review all zoning permit applications to ensure all requirements of Section 301 and Article 9 have been submitted.
  - 2) If the Zoning Inspector determines that the application is complete, the zoning inspector shall schedule a meeting of the Hanover Planning Commission within ten (10) days of receipt of the complete application. This meeting shall be open to the public, and notice of such meetings shall be provided to the applicant and/or his representative, news media, and any other interested parties. The Hanover Planning Commission shall review the zoning permit and Transportation Corridor Overlay District regulations. If the recommendations from the Hanover Planning Commission are for denial, then the applicant shall receive in writing the reasons for such information.
  - 3) This process of approval does not prevent the applicant or any interested party from appealing the decision of the Zoning Inspector to the Village Board of Zoning Appeals under the provisions provided by Article 5 of this Resolution.
  - 4) If the applicant would desire to request a preliminary review meeting to review their proposal with the Hanover Planning Commission, then this request shall be requested in writing and given to the Zoning Inspector. The Zoning Inspector then shall contact the members of

the Hanover Planning Commission to establish a date and time for the preliminary review meeting. The same notice shall be required as in Item #2 of this section. The Hanover Planning Commission will review with the applicant the requirement of the Transportation Corridor Overlay District, and provide direction to the applicant how to comply with the requirement of the Transportation Corridor Overlay District and any other requirements of this Resolution.

- 5) A fee as established by the Village Council according to Section 314. There will be a fee for the Transportation Corridor Overlay District application and for the preliminary review meeting to cover the Village's costs.

### **Section 912 Mobile Home Park District (MHP) **\*\*Not Permitted\*\*****

Permitted uses, dimensional requirements, and other regulations of the MHP, Mobile Home Park District; the following regulations shall apply:

#### Permitted Uses:

1. Mobile homes permitted in mobile home parks only.
2. Buildings or permanent type structures used exclusively to provide services for occupants of the park; such as recreation buildings, swimming pools and bath house, laundry room, mobile home park office, storage rooms, and the like.
3. Accessory buildings or structures that are clearly incidental and attached to a mobile home; such as a carport, cabana, Florida room, and the like.
4. Advertising signs subject to all the following provisions:
  - a. One identification type sign advertising the mobile home park upon which it is located may be erected provided that no portion of the sign or its supports shall be within the required front yard area. Such sign may be double faced, and may be lighted if lighting is arranged in such a manner that it will not distract or temporarily blind a motorist on the adjacent public street. The maximum area of the sign, including any boarder around it, shall be not more than one square foot for each lineal foot of frontage of the mobile home park or 100 square feet, whichever is less. The maximum height of the sign shall not exceed 25 feet above the ground.
  - b. Directional signs as approved necessary by the Commission to assist in guiding persons to various locations within the park. Such signs may be double faced and lighted. The maximum area of each sign shall not exceed two square feet.

Prohibited Uses: Within a mobile home park only these uses specifically listed as permitted uses shall be authorized, and all other uses including but not necessarily limited to the following shall be prohibited:

1. Boats and recreational vehicles of any type, except those owned by the occupants of the park and stored in the area within the park designed and intended as a common storage area for such vehicles.
2. Repair and/or sale of vehicles of any type, including mobile homes, except for the repair or sale of any individual vehicle by the owner or occupant thereof.
3. Buildings or permanent type structures for uses other than those listed as permitted uses.
4. Any advertising sign other than that listed as a permitted use.
5. Structures such as semi trailers, truck boxes, school buses, job trailers, etc. are not permitted for storage purposes.

#### General Requirements of the MHP District

Park Size: A mobile home park shall contain a minimum of ten acres of land area.

Density, Width and Depth: The minimum density shall be as established by the State of Ohio Department of Health Regulations. The minimum width of the mobile home development shall not be less than 250 feet. The ratio of width to depth shall not exceed 1:5.

Approval from Appropriate Authority: The mobile home park shall be approved by the Ohio Department of Health, Licking County Health Department, Ohio Environmental Protection Agency or any other authority or department prior to construction.



## ARTICLE 10

### SUPPLEMENTARY DISTRICT REGULATIONS

#### Section 1000 General

The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

#### Section 1001 Conversion of Dwelling to More Units

A residence may not be converted to accommodate an increased number of dwelling units unless:

1. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district.
2. The lot area per family equals the lot area requirements for new structures in that district.
3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.
4. The conversion is in compliance with all other relevant codes and resolutions for such structures.

#### Section 1002 Private Swimming Pools

Definition: A private swimming pool, as regulated herein, exclusive of portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet, shall be any pool, pond, lake or open tank, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than two (2) feet. No such swimming pool shall be allowed in any R-District except as an accessory use to a residence or as a private club facility and unless it complies with the following conditions and requirements:

1. Exclusive Private Use: The pool is intended and is to be used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests.
2. Distance Requirements: The pool may be located anywhere on the premises except in required yards, provided further that pump and filter installations shall be located not closer than 15 feet to any property line or within the required yards.
3. Fencing: The swimming pool, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties.

4. Lighting: Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties.

### **Section 1003 Community or Club Swimming Pools**

Community and club swimming pool where permitted by conditional use shall comply with the following conditions and requirements:

1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
2. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 50 feet to any property line.
3. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the thoroughfare or adjacent properties. Said fence or wall shall not be less than six feet in height and maintained in good condition and locked.
4. The pool facility meets parking requirements as prescribed in Article 11 of these regulations.

### **Section 1004 Temporary Buildings**

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. All such facilities or equipment shall be removed before a certificate of compliance will be issued.

### **Section 1005 Parking and Storage of Certain Vehicles**

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. However, one boat and one travel trailer may be stored in the rear yard if the vehicles have a current license.

### **Section 1006 Junk Yards**

Junkyards are prohibited when they are determined to be a junkyard as defined in this resolution and/or Ohio Revised Code.

### **Section 1007 Junk Motor Vehicle**

For the purpose of this section, “junk motor vehicle” means any motor vehicle which is:

1. Without license plates and registration and/or is not operable.



2. Extensively damaged; such damage including by not limited to any of the following: missing wheels, tires, motor or transmission.
3. Apparently inoperable, that is left uncovered by not being housed in a garage or other suitable structure, in the open on private property for more than 72 hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of Section 4737.05 to 4737.12 of the Ohio Revised Code; or regulated under other sections of this zoning resolution.

The zoning inspector of the Village of Hanover may send notice by first class mail as evidenced by a certificate of mailing, with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.

Any person wishing to appeal the decision of the provisions of this section may appeal such decision to the Village of Hanover Board of Zoning Appeals in accordance with Article 5 of this resolution.

Vehicles undergoing legitimate repairs in a timely and consistent manner shall be exempt from the provisions of this section.

No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent day that a junk motor vehicle continues to be so left constitutes a separate offense under this zoning resolution.

### **Section 1008 Required Trash Areas**

All commercial, industrial, and multi-family residential uses which provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence of at least two feet in height above the trash container if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the zoning inspector shall be required.

### **Section 1009 Supplemental Yard and Height Regulations**

In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this resolution, the provisions of Article 9, inclusive, shall be used for interpretation and clarification.

### **Section 1010 Setback Requirements for Corner Buildings**

On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

### **Section 1011 Visibility at Intersections**

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede or restrict vision between a height of two and one-half (2-1/2) and ten feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines or such corner lots and a line joining points along said street lines 50 feet from the point of intersection.

### **Section 1012 Yard Requirements for Multi-Family Dwellings**

Multi-family dwellings shall be considered as one building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one front, one rear, and two side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

### **Section 1013 Screening/Buffer Yard Requirements for R-1, R-2, LB, MHP, GB, AG, M-1, and M-2 Districts**

A “buffer” yard as referred to in this section shall be defined as a green strip of land, free from buildings, driveways, or other paved surfaces, which is permanently set aside by the owner. All buffer zones shall be planted primarily in evergreen shrubs in a density sufficient to provide contiguous properties with sufficient foliage to screen unlike land uses all year around. Such foliage shall be at least 4 feet in height and 10 feet in planted width. Walls and fences (made of natural materials or materials made to look natural, that are 75% opaque), or landscaped berms, may also be used in an effort to achieve the goal of adequate screening.

### **Section 1014 Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts (Accessory Buildings/Private Swimming Pools)**

In addition to respective district’s yard requirements, nonresidential buildings or uses shall not be located nor conducted closer than 40 feet to any lot line of a residential district. Accessory buildings must comply with the front, side, and rear yard requirements of the zoning district where such accessory building is to be located.

### **Section 1015 Side and Rear Yard Requirements for Residential Accessory Buildings**

All residential accessory buildings, structures must comply with the respective district’s yard requirements.

### **Section 1016 Architectural Projections**

Open structures such as porches, canopies, balconies, platforms, carports, covered porches, and similar architectural projections shall be considered parts of the building to which they are attached and shall not project into the required minimum front, side, or rear yard.

### **Section 1017 Exceptions to Height Regulations**

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, conveyors, or

other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

### **Section 1018 Special Provisions for All Uses**

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or other conditions which could create a nuisance or adversely affect the surrounding areas or adjoining premises, except that any use permitted by this resolution may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous conditions and nuisances to acceptable limits as established by the performance requirements in Section 1009 through 1018.

### **Section 1019 Fire Hazard**

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger and shall meet all requirements of the State of Ohio Fire Marshal.

### **Section 1020 Radioactivity or Electrical Disturbance**

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

### **Section 1021 Noise**

Objectionable noise as determined by the zoning inspector, subject to review by the BZA, which is due to volume, frequency, pitch, or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this equipment.

### **Section 1022 Vibration**

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

### **Section 1023 Air Pollution**

Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency. Smoke or other forms of air pollution shall not be detectable beyond the boundaries of the Manufacturing district.

### **Section 1024 Glare**

No direct or reflected glare shall be permitted which is visible from any street or property outside a manufacturing district.

## **Section 1025 Erosion**

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties. All requirements as outlined in Article 6 of the Village Subdivision Regulations and/or all state laws pertaining to erosion control must be adhered to.

## **Section 1026 Water Pollution**

Water pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency as well as those outlined in the State of Ohio's Wellhead Protection Guidelines.

## **Section 1027 Enforcement Provisions**

The zoning inspector, prior to the issuance of a zoning permit, may require the submission of statement and plan indicating the manner in which elements creating a danger or nuisance involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

All uses existing on the effective date of this resolution shall conform to these performance requirements within one year, provided, that an extension of up to six months may be granted by the Board. Extensions may be granted by the Board if the owner or operator of the use can demonstrate that compliance would create an unreasonable hardship.

The Zoning Inspector shall refer any proposed use which is likely to violate performance requirements to the Board of Zoning Appeals.

## **Section 1028 Measurement Procedures**

Methods and procedures for the determination of the existence of any elements which are dangerous or create a nuisance shall conform to applicable standard measurement procedure published by the American National Standards Institute, Inc., New York, Chemical Manufacturing Association, Washington, D.C., the United States Bureau of Mines, and the Ohio Environmental Protection Agency.

## **Section 1029 Satellite Dish Antennas**

Definitions of dish-type satellite signal-receiving antennas:

1. "Dish-type satellite signal-receiving antennas," also referred to as "earth stations" or "ground stations" shall mean one, or a combination of two or more of the following:
  - a. A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communication or other signals for satellites in earth orbit and other extraterrestrial sources.
  - b. A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.

- c. A coaxial cable, the purpose of which is to carry or transmit said signals to a receiver.
2. “Receiver” shall mean a television set or radio receiver.
3. “Dish” shall mean that part of a satellite signal-receiving antenna characteristically shaped like a saucer or dish.
4. “Grounding rod” shall mean a metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

#### Location of Earth Station

1. Ground-Mounted:
  - a. No earth station shall be constructed in any front or side yard, but shall be constructed to the rear of the residence or main structure.
  - b. No earth station, including its concrete base slab or other structure, shall be constructed less than 12 feet from any property line or easement (or same as an accessory building(s)).
  - c. An earth station shall not exceed a grade height of 12 feet.
  - d. An earth station must be bonded to a grounding rod.
  - e. No earth station shall be constructed upon the rooftop of any garage, residential dwelling, church, school, apartment building, or structure unless said satellite dish antenna complies with the roof-mounted regulations below.
2. Roof-Mounted:
  - a. Earth stations shall be mounted directly upon the roof of a primary or accessory structure, and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles, or spires.
  - b. An earth station shall not exceed a height of more than three feet above the roof upon which it is mounted.
  - c. An earth station “dish” shall not exceed three feet in diameter.
  - d. An earth station must be bonded to a grounding rod.

Penalty – Whosoever violates any of the provisions of this section may be remedied by Section 313.

### **Section 1030 Towers, Antennas, or Similar Structures or Appurtenances**

Microwave, or radio transmission towers for cellular telephone and/or other similar communication systems, including radar and satellite receiving devices, or any other type of antenna, tower, or other manmade structures built for any private or public utility purposes, that are more than 75 feet in height, shall be located in a business or manufacturing district. For the purposes of this section, all districts other than business or manufacturing are considered to be used for residential purposes for which such towers, antennas or similar structures shall be excluded under Section 519.211 of the Ohio Revised Code.

### **Section 1031 Oil and Gas Well Regulatory Guidelines**

Village of Hanover is known to be the location of gas and oil reserves. Any operation incidental to exploration, production, or storage of gas and oil takes place in a manner not endangering public health, safety, and welfare. The state law, Ohio Revised Code 1509, the Ohio Administrative Code, and applicable federal regulations will apply.

The zoning inspector may inspect oil and gas wells and storage facilities at any time to ensure compliance with local regulations.

### **Section 1032 Adult Entertainment Facilities (NOT PERMITTED)**

#### **Definitions:**

1. “Adult Entertainment Facility” means any establishment which is involved in one or more of the following listed categories:
  - a. Adult Book or Video-Book Store – An establishment having any of its display area or items for sale of its stock in trade, books, videos, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to “specified sexual activities” or “specified anatomical areas” as herein defined.
  - b. Adult Mini-Motion Picture Theater – A facility with a capacity for less than 50 persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.
  - c. Adult Motion Picture Theater – A facility with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.
  - d. Adult Entertainment Business – Any establishment involved in the sale or services of products characterized by the exposure or presentation of “specified anatomical areas” or physical contact of live male or females and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are

photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

2. “Specified Sexual Activities” means any of the following:
  - a. Human genitals in a state of sexual stimulation or arousal.
  - b. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
  - c. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
3. “Specified Anatomical Areas” means any of the following:
  - a. Less than completely covered human genitals, pubic regions, buttocks, and female breasts below a point immediately above the top of the areola.
  - b. Human male genitals in a discernible turgid state.
4. “Person” means any individual, corporation, company, business, partnership, association, establishment, or other legal entity of any kind.
5. “Fine Art Gallery” means any display of artwork which is individually crafted and signed by the artist to which is limited in edition to 1,000 or less.
6. “Sexually Explicit Nudity” means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depictions in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.
7. “Sadomasochistic Sexual Abuse” means actual or simulated flagellation, rape torture, or other physical or sexual abuse, by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abuse or represented in the context of a sexual relationship.
8. “Visibly Displayed” means the material is visible on a billboard, viewing screen, marquee, newsstand, display rack, window, showcase, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonably anticipated access and presence.
9. “Knowledge of Character” means having general knowledge, or reason to know; or a belief or ground for belief which warrants further inspection or inquiry, of the nature and character of the material or performance involved. A person has such knowledge when he or she knows or is aware that the material or performance contains, depicts, or describes sexually explicit nudity, sexual activity,

sadomasochistic sexual abuse, or lewd exhibition of the genitals, whichever is applicable, whether or not such person has precise knowledge of the specific contents thereof. Such knowledge may be proven by direct or circumstantial evidence, or both.

10. “Harmful to Juveniles” means any material or performance, whether through motion pictures, photographs, drawings, cartoons, slides, depictions, or descriptions in which (a), (b), and (c) apply.
  - a. The average adult person, applying contemporary community standards would find that the material or performance, taken as a whole, is intended to excite lustful or erotic thoughts in juveniles, or is designed or marketed to cater or appeal to a prurient interest in nudity, sex, or excretion.
  - b. The material or performance depicts or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, in a way which is patently offensive to prevailing standards in the adult community with respect to what is suitable for juveniles.
  - c. The material or performance, taken as a whole, lacks serious literary, artistic, political, educational or scientific value for juveniles.
  - d. Any activity which may endanger or promote the unhealthy or unsafe environment for juveniles.

Location:

Adult entertainment facilities, adult mini-motion picture theaters, adult entertainment facilities of any kind or type are limited to the Heavy Manufacturing Districts (M-1) in Village of Hanover as a conditional use provided further, that no such facilities shall be located within 1,500 feet of any church, school or residence.



## Unlawful Exhibition or Display of Harmful Material to Juveniles

No person having custody, control, or supervision of any business or commercial establishment or premises, with knowledge of the character of the material involved, shall do or cause to have done any of the following:

1. Allow, permit, or fail to prevent any juvenile who is not accompanied by a parent or lawful guardian to enter or remain on premises if in that part of the premises where the juvenile is or may be allowed, permitted, or invited as part of the general public or otherwise, there is visibly displayed all or any part of any book, magazine, newspaper, or other form of any material which is either of the following: Harmful to juveniles, when taken as a whole; or contains on its cover, package, wrapping, or within the advertisements therefore, depictions or photographs of sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals.
2. Visibly display, exhibit, or otherwise expose to view, all or any part of such material in any business or commercial establishment where juveniles, as part of the general public or otherwise, are, or will probably be, exposed to view all or any part of such material from any public or private place.
3. Hire, employ, or otherwise place, supervise, control, or allow in any business or commercial establishment or other place, any juvenile under circumstances which would cause, lead or allow such juvenile to engage in the business or activity of selling, distributing, disseminating, or otherwise dealing or handling such material, either to or for adults or juveniles.
4. Promote any activity which may cause an unhealthy risk to any adult or juvenile, whether heterosexual, homosexual, transsexual, or transgender, in public places.

### Violation and Penalty

Whomever violates any provision of this Article shall be subject to the provisions of Section 312 and 313 as well as loss of any conditional use granted for said premises.

### **Section 1033 Street Frontage Required**

Except as required by other provisions of these regulations, no lot shall have less than required frontage (lot width) as measured along the edge of the road right-of-way of an existing public street. The minimum road frontage requirement for lots fronting on a cul-de-sac shall be 40 feet.

### **Section 1034 Parking and Storage of Commercial Vehicles and Trailers**

No commercial vehicle with a net capacity rating in excess of two and one-half (2-1/2) tons, including commercial tractors, automanufactureds, trucks, buses, house trailers, semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles 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.



## ARTICLE 11

### OFF-STREET PARKING AND LOADING FACILITIES

#### **Section 1100 General Requirements**

1. No building or structure shall be erected, substantially altered, or its uses changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this resolution.
2. The provisions of this article, except where there is a change of use, shall not apply to any existing building or structure. Where the change of use involves no additions or enlargements, there shall be provided as many of such spaces as required by this resolution.
3. Whenever a building or structure constructed after the effective date of this resolution is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this resolution is enlarged to the extent of 50 percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

#### **Section 1101 Parking Space Dimensions**

A parking space shall have minimum rectangular dimensions of not less than nine feet in width and 19 feet in length for 90 degree parking, nine feet in width and 23 feet in length for parallel parking, ten feet in width and 19 feet in length for 60 degree parking, and 12 feet in width and 19 feet in length for 45 degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 1117 of this resolution.

#### **Section 1102 Loading Space Requirements and Dimensions**

A loading space shall have minimum dimensions of not less than 12 feet in width, 50 feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than 15 feet. One off-street loading space shall be provided and maintained on the same lot for every occupancy requiring delivery or goods and having a modified gross floor area of up to 5,000 square feet. One loading space shall be provided for each additional 10,000 square feet or fraction thereof.

#### **Section 1103 Paving**

The required number of parking and loading spaces as set forth in Sections 1102 and 1117, together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a durable and dust-free surface.

## **Section 1104 Drainage**

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

## **Section 1105 Maintenance**

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

## **Section 1106 Lighting**

All parking areas which are intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be shaded and so arranged as to reflect the light away from the adjoining property and right-of-way.

## **Section 1107 Location of Parking Spaces**

The following regulations shall govern the location of off-street parking spaces and areas:

1. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.
2. Parking spaces for commercial, industrial, institutional uses shall be located not more than 700 feet from the principal use.

## **Section 1108 Screening and/or Landscaping**

Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoining or face any property used for residential purposes, by an acceptably designed wall, a fence that is 75% opaque (made of natural material, or material that appears to be natural), landscaped berm, or planting screen. Such fence, wall, or planting screen shall be not less than four feet or more than six feet in height and shall be maintained in good condition. The space between such fence, wall, or planting screen, and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, wall or planting screen will not serve the intended purpose, then on such fence, wall, or planting screen and landscaping shall be required.

## **Section 1109 Disabled Vehicles**

The parking of a disabled vehicle within a residential or commercial district for a period of more than two weeks shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building.

## **Section 1110 Minimum Distance and Setback**

No part of any parking area for more than ten vehicles shall be closer than 20 feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot,

unless separated by an acceptably designed screen. If on the same lot with a one-family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than ten feet to any established street or alley right-of-way.

### **Section 1111 Joint Use**

Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Inspector shall be filed with the application for a zoning permit.

### **Section 1112 Wheel Blocks**

Whenever a parking lot extends to a property line, wheel blocks shall be installed to prevent any part of a parking vehicle from extending beyond the property line.

### **Section 1113 Width of Driveway Aisle**

Driveways serving individual parking spaces shall be not less than 25 feet wide for 90 degree parking, 12 feet wide for parallel parking, 17 and one-half (17-1/2) feet for 60 degree parking, and 13 feet for 45 degree parking.

### **Section 1114 Access**

Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

### **Section 1115 Width of Access Driveway**

The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards: for one-way traffic the minimum width of 14 feet except for 45 degree parking in which case the minimum width of the access road shall be 17 feet. Access roads for two-way traffic shall have a minimum width of 24 feet. Parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway. Access driveways will provide a sufficient width or turning radius that vehicles entering or exiting will not interfere with opposing traffic lanes.

### **Section 1116 Striping**

All parking areas with a capacity over 12 vehicles shall be striped with double line (six inches both sides or center) between stalls to facilitate the movement into and out of the parking stalls.

**Section 1117 Parking Space Requirements**

For the purpose of this resolution, the following minimum parking space requirements shall apply:

<u>TYPE OF USE</u>	<u>MINIMUM PARKING SPACES REQUIRED</u>
<b><u>RESIDENTIAL</u></b>	
1. Single family or two-family dwelling.	Two for each unit.
2. Apartments or multi-family dwellings.	Two for each unit.
3. Boarding houses, rooming houses, dormitories, and fraternity houses which have sleeping rooms.	One for each sleeping room or two for each permanent occupant.
4. Manufactured homes.	Two for each unit.
<b><u>COMMERCIAL</u></b>	
1. Automobile service garage which also provides repair.	Two for each gasoline pump and four for each service bay.
2. Hotels, motels.	One for each sleeping room plus one space for each two employees.
3. Funeral parlors, mortuaries and similar type uses.	One for each 100 square feet of floor area in slumber rooms, parlors, or service rooms.
<b><u>RECREATIONAL OR ENTERTAINMENT</u></b>	
1. Dining rooms, restaurants, taverns, night clubs, etc.	One for each 200 square feet of floor area.
2. Bowling alleys.	Four for each alley or lane plus one additional space for each 100 square feet of the area used for restaurant, cocktail lounge, or similar use.
3. Dance floors, skating rinks.	One for each 100 square feet of floor area used for the activity.
4. Outdoor swimming pool, public or community or club.	One for each five persons capacity plus one for each four seats or one for each 30 square feet floor area used for seating purposes, whichever is greater.

TYPE OF USE

MINIMUM PARKING SPACES  
REQUIRED

- |    |  |   |
|----|--|---|
| 5. | Auditoriums, sport arenas, theaters, and similar uses.                             | One for each four seats.                    |
| 6. | Retail store.  | One for each 250 square feet of floor area. |
| 7. | Banks, financial institutions and similar uses.                                    | One for each 200 square feet of floor area. |
| 8. | Offices, public or professional administration, or service building.               | One for each 400 square feet of floor area. |
| 9. | All other types of business or commercial uses permitted in any business district. | One for each 300 square feet of floor area. |

INSTITUTIONAL

- |    |   |  |
|----|---|--|
| 1. | Churches and other places or religious assembly.                          | One for each five seats.   |
| 2. | Hospitals.  | One for each bed.  |
| 3. | Sanitariums, home for the aged, nursing Homes, asylums, and similar uses. | One for each two beds.   |
| 4. | Medical and dental clinics.   | One for every 200 square feet area of examination, treating room office, and waiting room. |
| 5. | Libraries, museums, and art galleries.                                    | One for each 400 square feet of floor area.  |

SCHOOLS (PUBLIC, PAROCHIAL, OR PRIVATE)

- |    |   |   |
|----|---|---|
| 1. | Elementary and junior high schools.                                 | Two for each classroom and one for every eight seats in auditorium or assembly halls. |
| 2. | High schools.   | One for every ten students and one for each teacher and employee.                     |
| 3. | Business, technical and trade schools.                              | One for each two students.  |
| 4. | Colleges, universities.   | One for each four students.   |
| 5. | Kindergartens, day care centers, nursery schools, and similar uses. | Two for each classroom, but less than six for the building and 1 for each employee.   |

TYPE OF USE

MINIMUM PARKING SPACES  
REQUIRED

MANUFACTURING

- |   |  |
|---|--|
| 1. All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district. | One for every two employees (on the largest shift for which the building is designed) plus one for each motor vehicle used in the business.      |
| 2. Cartage, express, parcel delivery, and freight terminals.  | One for every two employees (on the largest shift for which the building is designed) and one for each motor vehicle maintained on the premises. |

**Section 1118 General Interpretation of Article 11**

In the interpretation of Article 11, the following rules shall govern:

1. Parking spaces for other permitted or conditional uses not listed in this article shall be determined by the Board upon an appeal from a decision of the Zoning Inspector.
2. Fractional numbers shall be increased to the next whole number.
3. Where there is an adequate public transit system or where for any other reason parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the Board upon an appeal from a decision of the Zoning Inspector.



## **ARTICLE 12**

### **SIGNS**

#### **Section 1200 Intent**

The purpose of this article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising signs, and outdoor signs of all types which are to be used for the purposes of identification, navigation, and information. It is intended to protect property values, create a more attractive, unintrusive, fair local economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, impairing motorist ability to see pedestrians, other vehicles, obstacles or to read traffic signs, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb and deterioration of the natural environment, prevent signs from becoming a nuisance to surrounding properties and community, and enhance community development.

#### **Section 1201 Governmental Signs Excluded**

For the purpose of this resolution, “sign” does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulations.

#### **Section 1202 General Requirements for All Signs and Districts**

\*Signs along state highway must have an ODOT permit.

The regulations contained in this section shall apply to all signs and all use districts.

1. Any illuminated sign or lighting device shall employ only light emitting a light on constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
2. All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the Local or State Electric Code.
3. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than four feet, including those projecting from the face of any theater, hotel, or motel marquee.
4. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1104 herein or after obtaining permit in Section 1105.

5. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.
6. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
7. Should any sign be or become unsafe or be in danger of falling, the owner thereof, or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign in a safe and secure condition or remove the sign.
8. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.
9. All off-premises advertising devices erected or maintained under Chapter 5516.10 of the Ohio Revised Code.
10. The following are prohibited:
  - a. Advertising devices erected or maintained on trees, or painted or drawn upon rocks or other natural features.
  - b. Advertising devices which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.
  - c. Advertising devices illuminated so as to interfere with the effectiveness of or obscure an official sign, signal, or device.
  - d. Advertising devices which attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate or resemble an official sign, signal, or device.

### **Section 1203 Measurement of Sign Area**

The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

### **Section 1204 Signs Permitted in All Districts – No Permit Required**

1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located shall not exceed 12 square feet in area, except in all residential districts where the area of the sign shall not be more than six square feet.
2. Non-farm signs denoting the name and address of the occupant of the premises, professional or home occupation signs not exceeding six square feet in area; and not exceeding one sign per home or business.
3. Farm signs, denoting the name and address of occupants, denoting advertising for produce or merchandise grown on such farms, and denoting membership or organizations not to exceed 25 square feet of sign face area per farm.
4. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed 20 square feet in area which shall be located on the premises of such institutions and shall be set back from all street right-of-ways at least 12 feet.
5. Entrance and exit signs containing only directional signs.
6. Temporary signs not exceeding in the aggregate 40 square feet announcing special events, the erection of a building, or signs for similar uses. Such signs shall be removed within two weeks of the completion of the event or project.
7. Political signs, not exceeding in the aggregate 40 square feet, provided such signs shall be removed within two weeks following election day.

**Section 1205 Signs Permitted in Districts – Review of all sign proposals are required to be reviewed by the Zoning Inspector before required permit will be issued.**

1. In a commercial or manufacturing district, each business shall be permitted those signs as described in Table 1205-A and B which requires that applicants select either option A or Option B.

**TABLE 1205-A BUSINESS AND MANUFACTURING SIGN REQUIREMENTS**

(Signs requiring a permit from Zoning Inspector)

**Option A**

	Wall	Structure Signs Swinging	Canopy	Ground Sign
Max. Height	15'	15'	18'	15'
Projection of Sign from Wall	1'			
Sign Length			6'	
Sign Width		4'		
Min. Setback (from road right-of-way)				10'
Qty.		1 of each provided that the total sq. ft. does not exceed the <u>total sign area</u> (see below)		1
Total Sign Area		1-1/2 sq. ft. of sign area for each foot of building width (or part of the building occupied by given enterprise). Maximum area shall not exceed 80 sq. ft.		32 sq. ft.

**TABLE 1205-B BUSINESS AND MANUFACTURING SIGN REQUIREMENTS**

(Signs requiring a permit from Zoning Inspector)

**Option B**

	Larger Ground Sign
Max. Hgt.	15'
Min. Setback (from road right-of-way)	20'
Qty.	1
Sign Area	80 sq. ft.

4. Larger signs or advertising devices for business or industries adjacent to the interstate and primary highways as regulated by the Ohio Revised Code, Section 5516.07, as amended shall be permitted in accordance with those state laws. Such signs shall not be subject to the above regulations but shall require a permit from the Village zoning inspector and the owner or agent of such sign and must show proof of having obtained the required State of Ohio approval.

## **Section 1206 Special Yard Provisions**

On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within 50 feet of a side or rear lot line.

## **Section 1207 Limitation**

For the purposes of this resolution, outdoor advertising off premises signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or business or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of Ohio Revised Code, Chapter 5516 and the regulations adopted pursuant thereto.

## **Section 1208 Abandoned Signs**

A sign shall be considered abandoned:

1. When the sign is associated with an abandoned use.
2. When the sign remains after the termination of a business. A business is considered to have ceased operations if it is closed to the public for at least ninety consecutive days. Seasonal businesses are exempt from this determination.
3. When the sign on its immediate premises is not adequately maintained and the repairs or maintenance as required by the BZA are not affected within the specified time.
4. When the sign does not conform to the provisions of this section.
5. When the sign does not have a permit, or nor exemption is available.

Abandonment shall be determined by the Village of Hanover Zoning Inspector. Upon determination that the sign is abandoned, the right to maintain and use such sign shall terminate immediately and the Zoning Inspector or his designer shall issue an order for the sign to be removed within thirty days. Any abandoned sign still standing after thirty days following an order for removal may be appealed to Village BZA, and procedures of Article 5 shall be followed. The owner of such sign(s) shall be subject to decision of the BZA. If no appeal is filed within the required time period, the Zoning Inspector shall proceed with the proper violation procedures.

## **Section 1209 Violations**

In case any sign shall be installed, erected, constructed, or maintained in violation of any of these terms of this resolution, the zoning inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this resolution. Failure to comply with any of the provisions of this article shall be deemed a violation and shall be punishable under Section 313 of this resolution. Political signs posted in violation of Section 1204 of this resolution are

subject to removal by the zoning inspector five days after written notice of violation of Section 1204 has been given.

## ARTICLE 13

### **PLANNED UNIT DEVELOPMENT**

#### **Section 1300 Objectives for Planned Unit Development**

It shall be the policy of the Village of Hanover to promote progressive development of land and construction thereon by encouraging planned unit development to achieve:

1. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.
2. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services.
3. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
4. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
5. A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.

The village is also prepared to accept a greater population density in undeveloped areas than reflected by present zoning provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

#### **Section 1301 Provisions Governing Planned Unit Development**

Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this article and those of the other articles of this resolution, the provisions of this article shall be governed by the respective provisions found elsewhere in this resolution.

#### **Section 1302 Conflict and Interpretation**

In accordance with Section 101 of this resolution, Article 13 is declared to be the minimum requirements applicable to Planned Unit Developments in any interpretation and promotion of the public health, safety and general welfare of the community. Whenever the requirements of this resolution are at a variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolution, the most restrictive, or that imposing the higher standard(s) shall govern.

**Section 1303 Uses Permitted**

Compatible residential, commercial, industrial, public, and quasi-public uses may be combined in PUD Districts provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property and/or the public health, safety, and general welfare. PUD’s can be strictly residential, commercial, industrial, public & quasi-public use and not a combination.

The amount of land devoted to commercial and/or industrial uses in a residential-commercial-industrial and residential-commercial development shall be determined by the Zoning Commission, Board of Zoning Appeals, and the Village Council in accordance with Section 1305.

**Section 1304 Relationship to Village of Hanover, Ohio Subdivision Regulations**

The provisions of the Village of Hanover Zoning Resolution are in addition to any requirements, procedures, regulations as contained in the Village of Hanover Subdivision Regulations. Nothing in these regulations shall be taken or interpreted as nullifying or superseding the subdivision platting requirements as defined in Section 711.001 of the Ohio Revised Code, and as further defined, administered and regulated in the Village of Hanover, Ohio Subdivision Regulations.

**Section 1305 Minimum Project Area**

The gross area of the tract to be developed under the planned unit development approach shall conform to the following schedule:

<u>Type of Planned Unit Development</u>	<u>(Acres) Minimum Area</u>
Residential	15
Commercial	20
Industrial	40
Residential-Commercial	50
Commercial-Industrial	50
Residential-Commercial-Industrial	50

When the PUD is a mixture including residential type uses, no more than 12 percent of the tract may be devoted to commercial activities nor more than 8 percent of tract to industrial activities, if it is proposed to be a mixed use PUD.

**Section 1306 Project Ownership**

The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.



## **Section 1307 Development Standards**

The following standards represent broad parameters under which all PUD's must be designed:

### 1. Common Open Space

- a. Area Required – A minimum of 20 percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in Section 1307-2 of this resolution.
- b. Disposition of Open Space – The required amount of common open space land reserved under a planned unit development may be held in corporate ownership by owners of the project area for the use of each person who buys property within the development; be dedicated to the county, township or school district and retained as common open space for parks, recreation, and related uses. All land dedicated to the county, village, or school district must meet the Zoning Commission's requirements as to size, shape and location. Public utility and similar easements and right-of-ways for water courses, private deed restricted open spaces (yards), and other similar channels may be acceptable for common open space unless such land or right-of-way is not usable as a trail or other similar purposes as approved by the Zoning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.
- c. Lots to Abut Upon Common Open Space/Clustering Development – Every property developed under the planned unit development approach shall be designed to abut, or have direct access to, common open spaces or similar areas. A clustering of dwellings is encouraged. In areas where townhouses are used, there shall be no more than eight townhouse units in any contiguous group.

### 2. Utility Requirements

Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Zoning Commission approves. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan. Further, the developer must meet requirements of central water and sewer systems in that district.

### 3. Minimum Lot Sizes

- a. Lot area per dwelling unit may be reduced by not more than 25 percent of the minimum lot area required in the Official Schedule of District Regulations or no more than the amount of dwelling units allowed in the underlying district, based on the applicant's ability to provide sufficient evidence to the Village of

Hanover Zoning Commission and the Village of Hanover Council that the overall development demonstrates excellence in design by properly considering: roadway access and circulation, surrounding land uses, the enhancement of the Significant natural and historic features, topography, natural drainage patterns, general welfare of the public, and aesthetically desirable land development. Attractive landscaped buffers shall be provided between incompatible land use and activities.

b. Lot widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied.

#### 4. Height Requirements

For each foot of building height over the maximum height regulations specified in Article 9, the distance between such buildings and the side and rear property lines of the planned unit development project area shall be increased by a one-foot addition to the side and rear yard required in the districts.

#### 5. Maximum Impervious Surface

For all areas proposed for residential uses in the development, the amount of impervious surface proposed must not exceed 35 percent of the total residential area. For all areas proposed for commercial or industrial uses in the development, the amount of impervious surface proposed must not exceed 75 percent of the total commercial area. Impervious surfaces include, but are not limited to, parking areas, loading areas, and rooftops.

#### 6. Parking

Off-street parking, loading, and service areas shall be provided in accordance with Article 11 of this resolution. However, off-street parking and loading areas shall not be permitted within 15 feet of any residential use.

#### 7. Arrangement of Commercial Uses

When planned unit development districts include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planning screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.

The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Zoning Commission.

8. Arrangement of Industrial Uses

Planned unit development districts may include industrial uses if it can be shown that the development results in a more efficient and desirable use of land.

Industrial uses and parcels shall be developed in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks, and/or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and a compact grouping in order to economize in the provision of such utility services as area required. Use of thoroughfares shall be kept to a minimum throughout a planned industrial area in order to reduce through traffic.

Side yards must have a minimum of 50 feet and a rear yard of 75 feet shall be required if the project is located adjacent to any residential uses. All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

**Section 1308 Procedure for Approval of PUD District**

Planned Unit Development Districts shall be approved in accordance with the procedures in Section 1309 through 1325.

**Section 1309 Pre-Application Meeting**

A developer shall meet with the zoning inspector and Zoning Commission and Village Council prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this resolution and the criteria and standards contained herein, and to familiarize the developer with the comprehensive development plan, and major thoroughfare plan, the parks and public open space plan, the subdivision regulations, and the drainage, sewer, and water systems of the county and the village.

**Section 1310 Contents of Application for Approval of Preliminary Development**

1. Background Information:

The following background information shall be submitted in typewritten form:

- a. Name, address, and phone number of applicant.
- b. Name, address, and phone number of registered surveyor, registered civil engineer, and/or landscape architect assisting in the preparation of the preliminary development plan.
- c. Legal description of property.

- d. Present use(s).
- e. A statement which offers a conceptual overview of the proposed development. This statement shall include a description of the nature of the proposed development, proposed land uses including specific types (e.g., two-family dwellings, local businesses, golf course, etc.), and the clientele which it is designed to serve (e.g., public, residents only, retirees, etc.). In addition, the statement must set forth reasons why the proposed PUD would be in the public interest and would be consistent with the stated intent of the PUD requirements described in this Resolution.
- f. Description of proposed provisions for utilities including water, sewer, power, and telephone service. The applicant shall also indicate all government authorities which have jurisdiction over any utility systems, and provide a description of the current status of the project with respect to necessary review and approval.
- g. The proposed ownership and maintenance of open spaces, parking areas, and any proposed amenities proposed as a part of the development.
- h. Evidence that the applicant has sufficient control over the land in question and the financial capability to begin the project within one year of approval and complete the proposed development within 3 years, or within a project phasing schedule if conditions do not justify completion of the development within 3 years.
- i. If the applicant proposes any non-residential uses within the development, the applicant must provide a description of the timing of how the development of non-residential uses will be phased in with the development of residential uses. Whether or not the applicant proposes any non-residential uses, or if the applicant proposes any type of phasing of the development, a description of how this phasing is to be accomplished shall be provided.
- j. A list containing the names and mailing address of all owners of property within 500 feet of the property in question.
- k. An archaeological survey of the property prepared by an appropriate professional may be required.
- l. Certification that all information in the application is true and correct.
- m. And, any other information as determined necessary by the Village of Hanover Council and passed by resolution of the Council.

9. Plan Drawing:

The following information shall be submitted and shown on drawings of the site:

- a. A vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest state routes. Reference distances shall be shown in feet if less than 1,000' and in miles or tenths of a mile greater than 1,000'.
- b. A table showing the amount of gross acreage to be dedicated to each type of proposed land use, density for each type of proposed use, and the amount of land as a percent of the whole devoted to each land use.
- c. Location, type and density (residential only) of development types.
- d. Conceptual drainage plan.
- e. Natural features.
- f. Location of open spaces (e.g., parks, common space, recreational facilities, golf course layout, etc.).
- g. Buffers between incompatible land uses and activities.
- h. Proposed street system layout/circulation pattern.
- i. Any existing buildings or potential environmental hazards (underground storage tanks, former industrial dump site, etc.).
- j. Proposed driveways onto existing roads.
- k. Any proposed off-site improvements (e.g., deceleration lanes, stop light, road widening, intersection improvements, etc.).
- l. Overlay maps showing topography in two (2) foot increments (derived from a field survey or aerial photography), and soil types obtained from the Licking County Soil & Water Conservation District.

10. Fees and Charges

The applicant shall be responsible for all reasonable expenses incurred by Village of Hanover in reviewing the preliminary and final development plans or any modifications to those plans. Such expenses may include items such as the cost of professional services, including legal fees and the fees for the services of other professionals such as geologists, landscape architects, planners, engineers, environmental scientists, and architects, incurred in connection with reviewing the

plans and prepared reports, the publication and mailing of public notices in connection therewith, and any other reasonable expenses attributable to the review of the plans. A base fee, as determined by the Village of Hanover Council should be established in accordance with a fee schedule. (See Section 314.)

### **Section 1311 Preliminary Development Plan Review as a Subdivision**

Upon submittal of the Preliminary Development Plan to the Village Zoning Inspector, the applicant is also required to first submit such Plan to the Village of Hanover Planning Commission for review as a subdivision sketch plan pursuant to the Village of Hanover Subdivision Regulations, and any zoning amendment requirements as outlined in Article 6 of this resolution. Comments generated during this review by the Village of Hanover Planning Commission should be forwarded to the Village of Hanover for consideration.

### **Section 1312 Public Hearing by Zoning Commission**

Within 30 days after receipt of the preliminary development plan, the Village of Hanover Council shall hold a public hearing.

### **Section 1313 Notice of Public Hearing by the Village of Hanover Newspaper**

Before holding a public hearing provided in Section 1312, notice of such hearing shall be given in one or more newspapers of general circulation of the village at least 10 days before the date of said hearing. The notice shall set forth the time and place of the public hearing and a general description of the planned unit development.

### **Section 1314 Notice to Property Owners by Village Council**

Before holding the public hearing required in Section 1312, written notice of such hearing shall be sent by the Village Clerk by first class mail, at least 20 days before the hearing, to all owners of property within 500 feet from any point of the perimeter of the applicant's property line (see Section 609) from the area proposed to be included within the planned unit development district. The failure to deliver the notice, as provided in this section, shall not invalidate any such approval.

The notice shall contain the same information as required of notices published in newspapers as specified in Section 1313.

### **Section 1315 Criteria for Approval of a Preliminary Development Plan**

Within thirty (30) days following the public hearing referenced in Section 1312 above, the Village of Hanover Zoning Inspector and the Village of Hanover Council (in accordance with Section 612) shall act to conditionally approve the preliminary plan and the preliminary plan drawing in accordance with the following criteria:

1. That the proposed development is in conformity with the goals and objectives of the Village of Hanover Comprehensive Plan.
2. That the proposed development advances the general health, safety and morals of Village of Hanover.

3. That the benefits, improved arrangement, and the design of the proposed development justify the deviation from standard development requirements included in the Village of Hanover Zoning Resolution.
4. That the uses requested in the proposal are compatible with surrounding land uses.
5. That there are adequate public services (e.g., utilities, fire protection, emergency service, etc.) available to serve the proposed development.
6. That the proposed development will not create overcrowding and/or traffic hazards on existing roads and/or intersections.
7. That the arrangement of land uses on the site properly consider topography, significant natural features, natural drainage patterns, views, and roadway access.
8. That the clustering of development sites is shown to preserve any natural or historic features and provide usable common open space.
9. The proposed road circulation system is integrated and coordinated to include a hierarchical interconnection of interior roads as well as adequate outer-connection of interior collector streets with off-site road systems.
10. That there are adequate buffers between incompatible land uses.
11. That the Village of Hanover Council is satisfied that the developer possesses the requisite financial resources to begin the project within the required one year of the final approval (Section 1325), and complete the project within three years or within the phasing schedule.

### **Section 1316 Effect of Approval of the Preliminary Development Plan**

The Village Council's conditional approval of a preliminary plan will be considered an approval of the preliminary development plan in principle only. Approval of the preliminary plan does therefore not approve any development on the site nor shall it be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility. Approval of the Preliminary Development Plan is necessary, however, before the applicant may submit a Final Development Plan to the Village of Hanover Council for review.

### **Section 1317 Contents of Application for Approval of Final Development Plan**

The applicant shall submit five (5) copies of the application for approval of the final development plan to the Village of Hanover Zoning Inspector. The applicant must be an owner, lessee, or representative or agent of property for which the planned unit development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within one year from the date of issuance of the approval. At a minimum, the application shall contain the following information:

1. All of the written information required for the preliminary plan application (see Section 1310) revised as necessary along with the following:
  - a. The specific description of permitted, conditionally permitted and accessory uses to be allowed in each area of the development.
  - b. A specific description of all other proposed requirements which would differ from the zoning regulations of the Village of Hanover if residential portions of the PUD were contained in the R-1 District (Section 802), R-2 District (Section 803), R-3 District (Section 804), and the nonresidential portions were contained in the LB District (Section 807) and/or the GB District (Section 808), and the PRO District (Section 814).
  - c. Any proposed deed restrictions.
2. In addition to the information provided on the preliminary plan, the final plan shall be drawn to scale (1" to 100") and include:
  - a. A survey of the proposed development site, showing dimensions and bearings of the property lines; area in acres; topography; and existing features of the development site, including major wooded areas, street, easements, utility lines, and land uses.
  - b. In those cases in which lots are to be serviced by central water and sewer, the location and dimensions of all lots, setbacks, and building envelopes, as well as those of any primary and secondary leaching field envelopes.
  - c. Engineering drawings and plans of sewer and water facilities as well as street and drainage systems.
  - d. Landscaping plan for all buffers and other common areas.
  - e. Architectural guidelines to apply throughout the development.
  - f. The proposed names of all interior streets proposed for the development.
  - g. Layout and dimensions of all parking and loading areas along with an indication of what they are to be built to serve.

### **Section 1318 Final Development Plan Review as a Subdivision**

Upon submission of the Final Development Plan to the Village Council, the applicant is also required to submit such plan to the Village Planning Commission for review as a subdivision final plan pursuant to the Village of Hanover Subdivision Regulations. Comments generated during this review by the Village of Hanover Planning Commission shall be forwarded to Village of Hanover Council for consideration.

### **Section 1319 Preliminary Approval; Expedited Final Plan Approval Procedure and Review Process**



Before any Final Development Plan can be approved pursuant to this section, the land in question must first have received approval of preliminary plan and drawing (see Section 1309 through 1316). The decisions to approve the preliminary plan and to approve the Final Plan are separate decisions, and a favorable rezoning decision is a precondition to approval of the Final Plan. In order to provide for the efficient and timely processing of both the rezoning request and the request to establish the PUD, all Final Plans submitted pursuant to this section are deemed to be an application for amendment to the Village of Hanover Zoning Resolution as provided in Article 6. All procedures (Village hearing requirements, notifications, etc.) therein shall be followed in considering an application for a rezoning of the land in question to PUD. Upon approval of such application to rezone the property in question to PUD, the Official Zoning Map of the Village of Hanover shall be amended to designate the project area as “PUD.” Thereafter, if the Final Plan is also approved pursuant to Section 1322, all development restrictions described in the Final Plan shall become official requirements of the PUD.

### **Section 1320 Public Hearing by Zoning Commission**

Within thirty (30) days after submission of the final development plan, the Village Zoning Commission will hold a public hearing. Notice shall be given as specified in Sections 1313 and 1314.

### **Section 1321 Criteria of Approval – Final Plan**

The Village of Hanover Council shall review the proposed Final Plan in accordance with the following criteria:

1. That the proposed development is in conformity with the Goals and Objectives of the Hanover Village Comprehensive Plan.
2. That the proposed development advances the general health, safety and morals of the Village of Hanover.
3. That the Hanover Village Council is satisfied that the developer possesses the requisite financial resources to begin the project within the required one year of Final Plan approval and complete the project within three years or within the phasing schedule.
4. That the interior road system, proposed parking, and any off-site improvements are suitable and adequate to carry anticipated traffic generated by and within the proposed development.
5. That any exception from standard district requirements can be warranted by design and other amenities incorporated in the final development plan, in accordance with these PUD requirements.
6. That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.

7. That the existing and proposed utilities, including water and sewer service, and drainage plan will be adequate for the population densities and non-residential uses proposed in the PUD.

The Village Council may seek assistance in making its decision from the Village of Hanover Planning Commission or any other appropriate source.

### **Section 1322 Action by Village Council**

Within sixty (60) days after receipt of the final recommendation of the Commission, the Village Council shall by resolution either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is either approved or approved with conditions, the Village Council shall direct the Zoning Inspector to issue zoning permits only in accordance with the approved final development plan and the supplementary conditions attached thereto.

### **Section 1323 Supplementary Conditions and Safeguards**

In approving any planned unit development district, the Village Council may prescribe appropriate conditions and safeguards in conformity with this resolution. Violations of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this resolution, and punishable under Section 313 of this resolution.

### **Section 1324 Extension of Time**

If a proposed development approved under this article is not initiated within one year of Final Plan approval, and completed within three years from the effective date of the zoning change, the Hanover Village Council may (in accordance with Article 6) initiate a zoning amendment for the subject property (or part thereof) back to the original zoning district in place prior to the rezoning to PUD. An extension of the time limit for the initiation of an approved PUD may be approved by the Hanover Village BZA based on the finding that such extension is not in conflict with the general health, safety, and morals of the public. The decision must also be based on evidence that the developer made a reasonable effort toward the accomplishment of the original development plan.

## Article 14

### Property Maintenance

#### Section 1401 General

1. **Title.** These regulations shall be known as the *Property Maintenance Code of the Village of Hanover* hereinafter referred to as "this code."
2. **Scope.** The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities; the responsibility of owners, operators and occupants; and for administration, enforcement and penalties.
3. **Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and changes of occupancy in existing buildings shall comply with all applicable Codes and Standards.
3. **Severability.** If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

#### Section 1402 Applicability

1. **General.** The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 1401. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.
2. **Maintenance.** Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection or safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.
3. **Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and

provisions of all applicable Codes and Standards. Nothing in this code shall be construed to cancel, modify or set aside any provision of any existing Codes.

4. **Existing remedies.** The provisions in this code shall not be construed to abolish or impair existing remedies of the Village of Hanover or its officers or agencies relating to the removal or demolition of any structure which is dangerous, insecure, unsafe, or unsanitary.
5. **Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed substantially in accordance with the manufacturer's installation instructions.
6. **Historic buildings.** The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.
7. **Referenced codes and standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code, to the extent permitted by law, shall apply.

#### **Section 1403 Property Maintenance Inspection**

1. **General.** The enforcement and application of this code is the responsibility of the Mayor of the Village of Hanover, the Village Zoning Inspector and the Village Law Director, herein referred to as the Code Officials.
2. **Inspectors.** The Village of Hanover shall employ inspectors in such numbers as it deems necessary to perform the duties required by this code.

#### **Section 1404 Duties and Powers of the Code Official**

1. **General.** The Code Officials and the inspectors assigned shall enforce the provisions of this code.
2. **Interpretation authority.** The Code Officials shall have authority to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions.
3. **Inspections.** The Code Officials and/or inspectors assigned to the shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections by agencies outside of the Village of Hanover Zoning Commission or Council shall be in writing and be certified by an officer of such approved agency or by the responsible individual.  
The Code Officials are authorized to engage experts opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the

Village of Hanover Council.

4. **Identification.** The Code Officials and inspectors assigned shall carry proper identification when inspecting structures or premises in the performance of duties under this code.
5. **Notices and orders.** The Code Officials and inspectors assigned shall issue all necessary notices or orders to ensure compliance with this code.
6. **Department records.** The Code Officials shall keep official records of all business and activities which relate to this code. Such records shall be retained in the official records in such manner and for so long as is required by the Village of Hanover's retention policy.

#### **Section 1405 – Notice of Violation**

1. **Unlawful acts.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.
2. **Notice of Violation.** The Code Officials shall serve a Notice of Violation (hereinafter referred to as "Notice" or "Notice of Violation") on all persons, firms, or corporations found to be in conflict with or in violation of any of the provisions of this code.
3. **Form of Notice of Violation.** Whenever the Code Officials determine that there has been a violation of this code or have grounds to believe that a violation has occurred, notice shall be given in accordance with all of the following:
  1. The Notice must be in writing;
  2. The Notice shall be sent to the person, firm, or corporation listed by the Licking County Auditor's Office as owner of the property at issue;
  3. The Notice must include a description of the property at issue which description is sufficient for identification purposes;
  4. The Notice must include a statement of the violation or violations determined to exist on the property with specific references to the section or sections of this code alleged to have been violated;
  5. The Notice must include a description of the corrective action which must be taken to bring the property into compliance with the provisions of this code; and
  6. The Notice must include a deadline by which time the person receiving the Notice shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this code.
4. **Method of service.** The Notice of Violation shall be deemed to be properly served if a copy thereof is:
  1. Delivered personally; or
  2. Sent by certified or first-class mail addressed to the owner of the property at issue at the address of the property; or

3. Sent by certified or first-class mail addressed to the owner of the property at issue at the address listed as the owner's tax mailing address by the Licking County Auditor; or
  4. Sent by certified or first-class mail addressed to the owner of the property at issue at the owner's last known address; or
  5. Posted in a conspicuous place on or about the property at issue if another method of delivery of the Notice is returned showing that the Notice was not delivered.
5. **Extension of Compliance Deadline.** For good cause shown, the Code Officials may, at their sole discretion, extend the deadline previously stated in the Notice of Violation for corrective action to bring a property into compliance. In the event such an extension is granted, the Code Officials shall notify the owner of the property at issue of the extension in the same form and pursuant to the same method of service required by Section 1405 of this code. Any such notice of extension shall specifically state the revised deadline by which time the person receiving the extension shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this code.
6. **Local Appeals Process.** Persons, firms, or corporations wishing to appeal an adverse determination by the Village of Hanover Code Officials or Official Designee may file an appeal with the Village of Hanover Board of Appeals within thirty (30) days after the notice of violation. The Zoning Commission will schedule a hearing on the matter, and its decision will determine further progression of the violation process.

#### **Section 1406 – Civil Citations**

1. **Civil Citation Issued.** If a person, firm, or corporation to whom a Notice of Violation has been served does not bring the property at issue into compliance with the provisions of this code by the deadline established in the Notice of Violation or by the granted deadline extension, if any, such person shall be issued a Civil Citation (hereinafter referred to as "Citation" or "Civil Citation").
2. **Form of Civil Citation.** Civil Citations issued for a failure to comply with the Notice of Violation by the deadline established therein, or by the granted deadline extension, if any, must be given in accordance with all of the following:
  1. The Citation must be in writing on a form specifically designated as a Civil Citation form;
  2. The Citation must include a statement advising the person charged that he/she must answer the citation within fourteen (14) days after the date on which the Citation is served upon him/her;
  3. The Citation must include a statement indicating the allowable answers that may be made and that the person will be afforded a court hearing if he/she denies committing the violation;
  4. The Citation must include a statement specifying that the answer must be made in person, or by mail, to the Village of Hanover Fiscal Officer;
  5. The Citation must include a statement indicating the amount of the fine arising from the violation;

6. The Citation must include a statement advising the person of the violation charged, and the date, time and place of the violation charged; and
7. The Citation must include the signature and affirmation of the Licking County Sheriff deputy if any, who delivers the Citation.

**3. Method of Service.** The Civil Citation shall be deemed to be properly served if it is:

1. Delivered personally by a Licking County Sheriff's deputy; or
2. Sent by certified or express mail, return receipt requested with instructions to the delivering postal employee to show to whom it was delivered, the date of delivery, and the address where it was delivered, addressed to the owner of the property at issue at the address listed as the owner's tax mailing address maintained by the Licking County Auditor; or
3. Sent by certified or express mail, return receipt requested with instructions to the delivering postal employee to show to whom it was delivered, the date of delivery, and the address where it was delivered, to the owner of the property at issue at the owner's last known address; or
4. Delivered personally to the usual place of residence of the owner of the property at issue to the owner or some person of suitable age and discretion then residing at that residence; or
5. Any other method of service permitted by the Ohio Rules of Civil Procedure.

**Section 1407 - Permissible Answers to Citation**

1. **Permissible Answers.** Any person, firm, or corporation to whom a Civil Citation has been served may answer said Citation in one of the following ways:
  1. Admission that the person, firm, or corporation committed the violation charged filed in the manner and within the time permitted by Section 1408 of this code;
  2. Express denial of the violations charged by the person, firm, or corporation charged filed in the manner and within the time permitted by Section 1409 of this code; or
  3. Implicit denial of the violations charged by the failure of the person, firm, or corporation charged to file an answer or pay the fine set forth in the Civil Citation within the time permitted by Sections 1408 and 1409 of this code.

**Section 1408 – Admission of Violations Charged in Civil Citation**

1. **Admission of Guilt.** Persons, firm, or corporations served with Civil Citations may admit commission the violations charged by paying the fine set forth in the Civil Citation as required by Sections 1408.2 and 1408.3 of this code.
2. **Admission of Guilt of Violations Charged in Civil Citations & Payment of Fine by Hand Delivery.** Persons, firms or corporations served with Civil Citations may admit the violations charged in the Civil Citation by paying the fine or fines set forth in the Civil Citation in person to the Village Fiscal Officer. Such

payments must be hand-delivered within fourteen (14) days of the date that the Civil Citation was served upon such person, firm, or corporation.

3. **Admission of Guilt of Violations Charged in Civil Citations & Payment of Fine by Mail.** Persons, firms or corporations served with Civil Citations may admit the violations charged in the Civil Citation by paying the fine or fines set forth in the Civil Citation by mailing the payment, postage prepaid, to the Hanover Village Fiscal Officer, 200 New Home Drive N.E., Hanover, Ohio 43055-8927. Such admissions/payments must be received by the Fiscal Officer no later than fourteen (14) days after the date that the Civil Citation was served upon such person, firm, or corporation.
4. **Effect of Admission and Payment of Fine.** Persons, firms, or corporations who admit guilt as to the violation charged in a Civil Citation issued against them and who pay the fine set forth in the Citation are in no way absolved from resolving, removing, repairing, or otherwise abating the condition which resulted in the issuance of the Civil Citation. If such persons, firms, or corporations fail to resolve, remove, repair, or otherwise abate that condition, Hanover Village may continue to issue Civil Citations each day it determines that the condition continues to violate the provisions of this code. Civil Citations issued for such continuing, unresolved violations of this code need not be preceded by additional Notices of Violation as the initial Notice of Violation shall suffice to notify the person, firm, or corporation involved as to the nature of the violation charged. Further, the admission of guilt and payment of the fines set forth in the Civil Citation shall in no way preclude the Hanover Village Council from instituting, by and through its Law Director or otherwise, appropriate action to enjoin, restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

#### **Section 1409 – Express Denial of Violation Charged in Civil Citation**

1. **Express Denial of Violation Charged in Civil Citations & Hand Delivery of Denial.** Persons, firms or corporations served with Civil Citations may deny the violation charged in the Civil Citation by expressly denying the violation in writing and presenting the denial in person to the Hanover Village Fiscal Officer. Such denials must be hand-delivered within fourteen (14) days of the date that the Civil Citation was served upon such person, firm, or corporation.
2. **Express Denial of Violation Charged in Civil Citations & Mailing of Denial.** Persons, firms or corporations served with Civil Citations may deny the violations charged in the Civil Citation by expressly denying the violations in writing and by delivering or mailing the denial, postage prepaid, to the Hanover Village Fiscal Officer, 200 New Home Drive N.E., Hanover, Ohio 43055-8927. Such denials must be received by the Fiscal Officer no later than fourteen (14) days after the date that the Civil Citation was served upon such person, firm, or corporation.

#### **Section 1410 – Implicit Denial of Violations Charged in Civil Citation**



1. **Implicit Denial of Violations.** Persons, firms, or corporations who fail to either expressly deny the violation charged in the Civil Citation issued against them in the manner and within the time permitted by Section 1409 of this code or who fail to admit the violations charged in the Civil Citation issued against them by paying the fine or fines set forth in the Civil Citation in the manner and within the time permitted by Section 1408 of this code shall be deemed to have denied the violation charged.

### **Section 1411 – Municipal Court Proceedings**

1. **Referral to Municipal Court.** If the person, firm, or corporation issued a Civil Citation either expressly or implicitly denies the violation charged in the Citation within fourteen (14) days after service of the Civil Citation, the Hanover Village Fiscal Officer or Code Officials shall notify the Licking County Municipal Court of the denial so that a hearing can be set.
2. **Municipal Court Hearings.** Municipal Court hearings are conducted according to the Rules of Civil Procedure and the court determines whether the violation is proven by the Village by a preponderance of the evidence. If the court determines that the violation has been proven, it will order the violator to pay the fine.
3. **Payment of Fine After Determination of Guilt.** Persons, firms, or corporations found to have violated the provisions of this code charged in the Civil Citation must pay the fines assessed by the court within ten (10) days after the judgment. Failure to pay the fine within this time period will result in the placement of a lien on the property at issue and/or the collection of the amount due in any manor authorized by law.

### **Section 1412 - Appeal Process**

1. **Appeal.** Persons, firms, or corporations wishing to appeal an adverse determination by the Licking County Municipal Court may file an appeal with the First District Court of Appeals within thirty (30) days after the judgment.

### **Section 1413 – Penalties and Fines**

1. **Violation Penalties.** Any person, firm, or corporation who violates a provision of this code shall be issued a Civil Citation in the following amounts:
  1. In the amount of one hundred dollars (\$100.00) for the first offense;
  2. In the amount of two hundred fifty dollars (\$250.00) for the second offense;
  3. In the amount of five hundred dollars (\$500.00) for the third offense;
  4. In the amount of seven hundred fifty dollars (\$750.00) for the fourth offense; and
  5. In the amount of one thousand dollars (\$1,000.00) for each subsequent offense.
2. **Continuing Violations.** Each day that a violation continues after due notice has been served shall be deemed a separate offense.

## **Section 1414 – Abatement and Other Lawful Remedies**

1. **Emergency Measures.** Nothing in the provisions of this code shall prohibit the Code Officials from taking any action authorized by law, without regard to the provisions of this code and regardless of whether the legal procedures herein described have been instituted, when, in his/her opinion, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has failed and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment.

## **Section 1415 General**

1. The provisions of this code shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.
2. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this code. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the premises which they occupy and control.
3. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

## **Section 1416 Exterior Property Areas**

1. **Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.
2. **Rodent harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation
3. **Accessory structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
4. **Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the

responsibility of the owner to restore said surface to an approved state of maintenance and repair.

### **Section 1417 Exterior Structure**

1. **General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
2. **Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces re-painted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
3. **Structural members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
4. **Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
5. **Exterior walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
6. **Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.
7. **Decorative features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
8. **Overhang extensions.** All overhang extensions including but not limited to canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

9. **Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
10. **Chimneys and towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
11. **Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
12. **Window, skylight, doors and frames.** Every window, skylight, door and their frames shall be kept in sound condition, good repair and weather tight.
13. **Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.
14. **Basement hatchways.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.
15. **Building security.** Doors, windows or hatchways for dwelling units shall be provided with devices designed to provide security for the occupants and property within.

**Section 1418 Rubbish and Garbage**

1. **Accumulation of rubbish or garbage.** All exterior property and premises, of every structure, carport, deck, and patio shall be free from any accumulation of rubbish or garbage.
2. **Disposal of rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
3. **Rubbish storage containers.** The owner of occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.
4. **Refrigerators.** Refrigerators, air conditioners and similar equipment not in operation shall not be discarded, or abandoned on premises.
5. **Disposal of garbage.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage container.

6. **Containers.** The operator of all establishments producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

**Section 1419 Extermination**

All structures shall be kept free from insect and rodent infestation. Insects or rodents found in any structure shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.



## **APPENDIX A CULVERTS**

### **General**

1. The owners of land shall construct and keep in repair all approaches or driveways from the public roads, under the direction of the Village Authority.
2. A Culvert Permit must be obtained from the Zoning Inspector prior to the installation of any approaches or driveways from Village roadways. (Even when a culvert is not needed for the approach or driveway)
3. All culvert material, labor, and equipment necessary for construction and proper maintenance of approaches and driveways shall be furnished by property owner at his expense.
4. If at any time the culvert ceases to function properly, it may be removed by Village forces in order to insure proper drainage.
5. If, during road and ditch maintenance operations, the Village destroys the approaches or driveway of any abutting property owner, it will be reconstructed by the Village.
6. The cost of Culvert Permit will be \$100.00
7. Any culvert replacement will require a Culvert Permit and will fall under design regulations that are shown below. Note: There will be no charge for replacement permit.

### **Design Regulations**

1. Develop driveway profile to generally conform to maintain shoulder contour. Approach and driveway must be constructed to avoid washing out of loose surface material and/or surface water on to Village roadway.
2. Culvert must be of Polyethylene or Corrugated plastic. Size shall be a minimum of 12 inches in diameter by 30 feet long or as specified by the Village Street Department or their representative.
3. Cover over culvert shall be a minimum of 8" of 304 gravel or limestone #304, or material equal thereto.

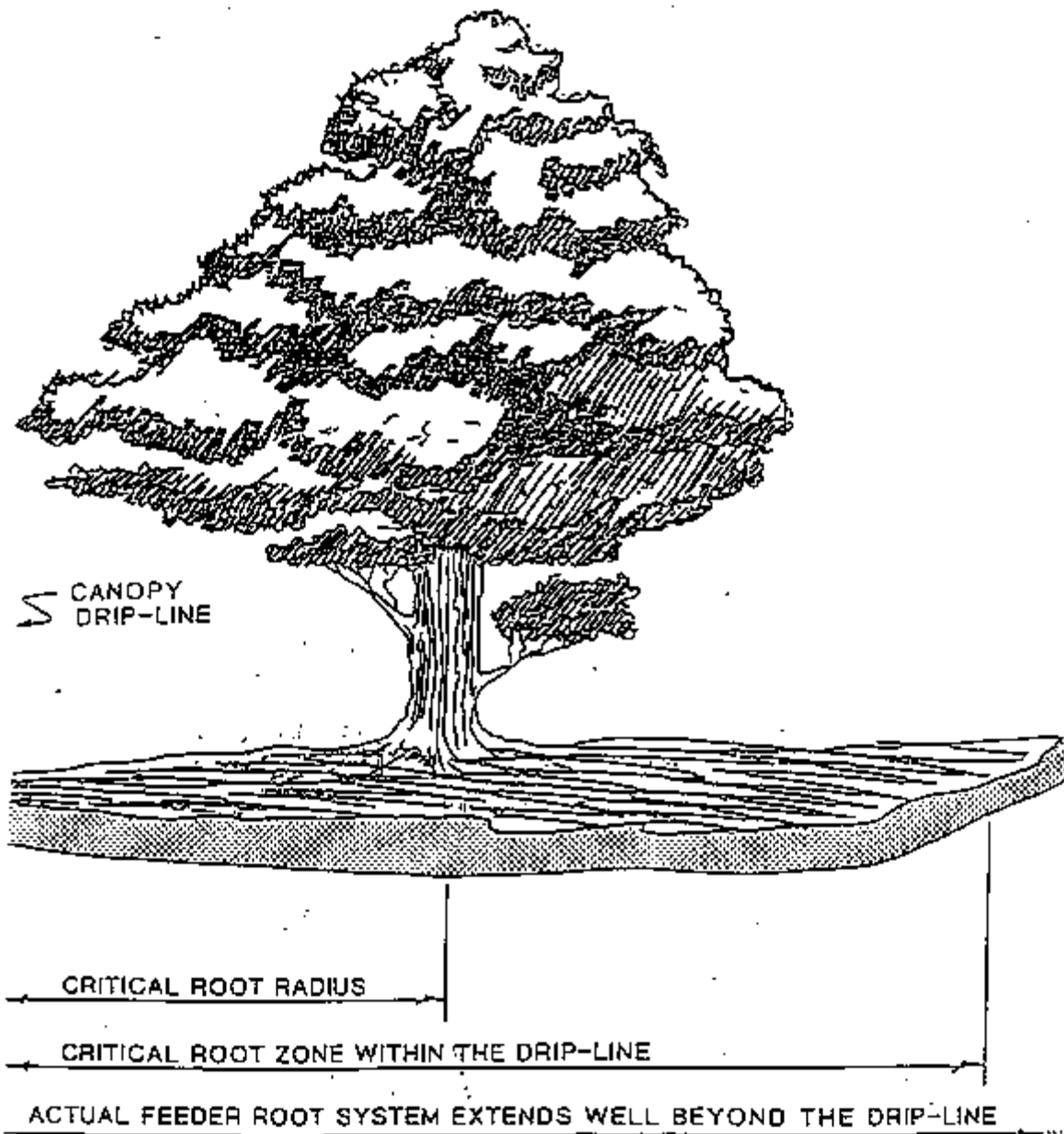




**APPENDIX B**  
**GUIDELINES FOR RECOMMENDED METHODS OF TREE PROTECTION**

Methods of Tree Protection

4. Planning Considerations. Tree space is the most critical factor in tree protection throughout the development process. The root system of trees can easily extend beyond the drip line of the tree canopy (Figure A1). The root system within the drip line region is generally considered to be the critical root zone. Disturbance within this zone can directly affect a tree's chances for survival. To protect these critical root zones, the following standards shall apply:
  - a. The use of tree-save islands and stands is encouraged rather than the protection of individual (non-specimen) trees scattered throughout a site. This will facilitate ease in overall site organization as related to tree protection.
  - b. The protective zone of specimen trees or stands of trees or otherwise designed tree save areas shall include no less than the total area beneath the tree(s) canopy as defined by the farthest canopy drip line of tree(s). In some instances, the **Zoning Inspector** may require a protective zone in excess of the area defined by the tree's drip line.
  - c. Layout of the project site utility and grading plans should accommodate the required tree protective zones. Utilities must be placed along corridors between tree protective zones.
  - d. Construction site activities such as parking, material storage, concrete washout, burn hole placement, etc., shall be arranged so as to prevent disturbances within tree protective zones.
  - e. No disturbance shall occur within the protective zone of specimen trees or stands of trees without prior approval by the **Zoning Inspector**

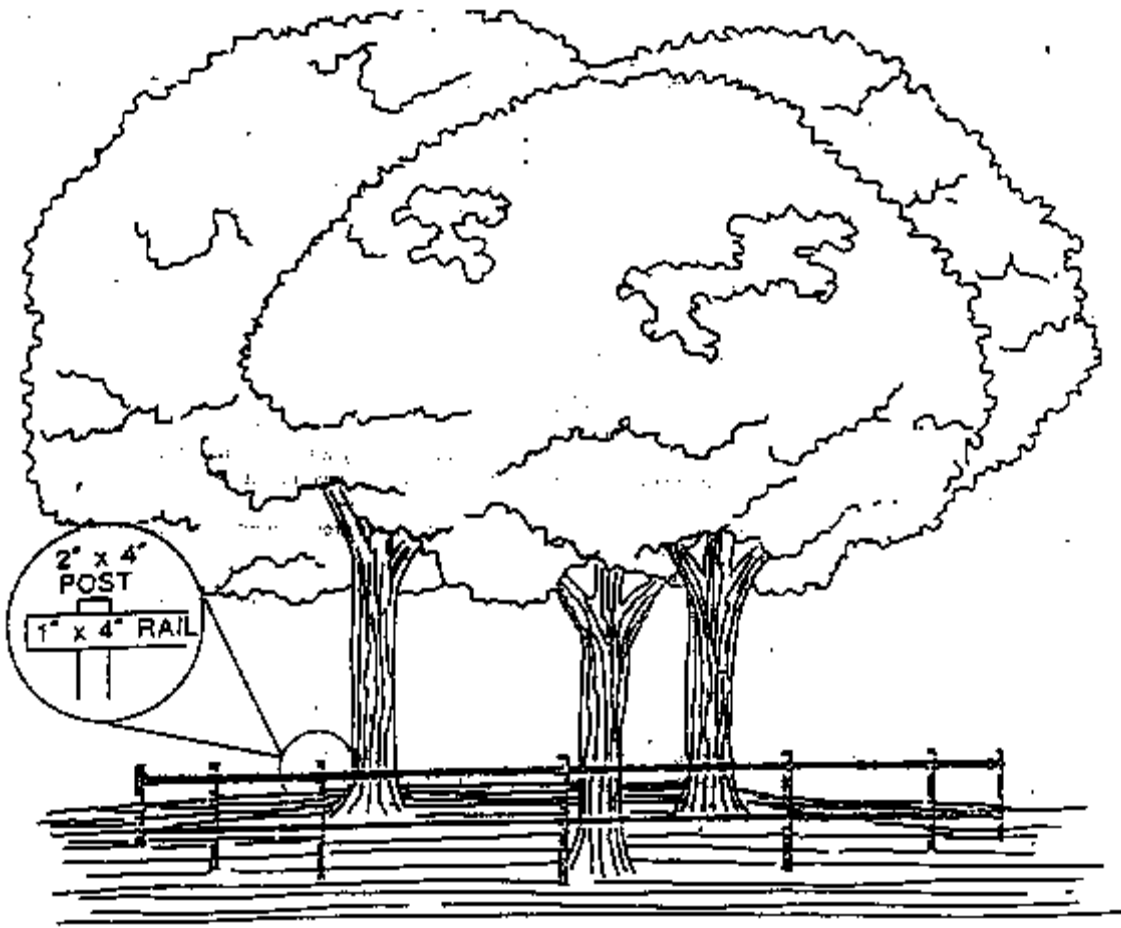


**Figure B1**

1. Protective Barriers

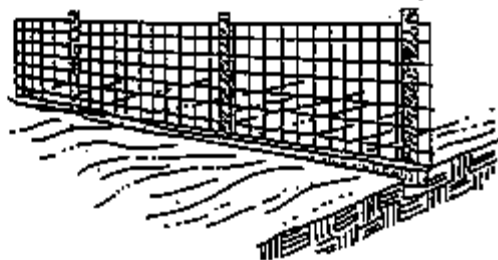
- a. Active protective tree fencing shall be installed along the outer edge of and completely surrounding the critical root zones of all specimen trees or stands of trees, or otherwise designated tree protective zones, prior to any land disturbance.

- b. These fences will be a minimum four feet high, constructed in a post and rail configuration. A two-inch by four-inch post and a double one-inch by four-inch rail are recommended. Four-foot orange polyethylene laminar safety fencing is also acceptable. Figure A2.
- c. Passive forms of tree protection may be utilized to delineate tree save areas which are remote from areas of land disturbance. These areas must be completely surrounded with continuous rope or flagging (heavy mill, minimum two inches wide). All passive tree protection must be accompanied by “Keep Out” or “Tree Save” signage. Figure A3.
- d. All tree protection zones should be designated as such with “Tree Save Area” signs posted visibly on all sides of the fenced-in area. These signs are intended to inform subcontractors of the tree protection process. Signs requesting subcontractor cooperation and compliance with tree protection standards are recommended for site entrances.
- e. All specimen trees or stands of trees, or otherwise designated tree protective zones, must be protected from the sedimentation of erosion material.
  - 1) Silt screening must be placed along the other uphill edge of tree protective zones at the land disturbance interface.
  - 2) Silt screening should be backed by 12-gauge 2-inch x 4-inch wire mesh fencing in areas of steep slope.
- f. All tree fencing and erosion control barriers must be installed prior to and maintained throughout land disturbance process and building construction, and should not be removed until landscaping is installed.



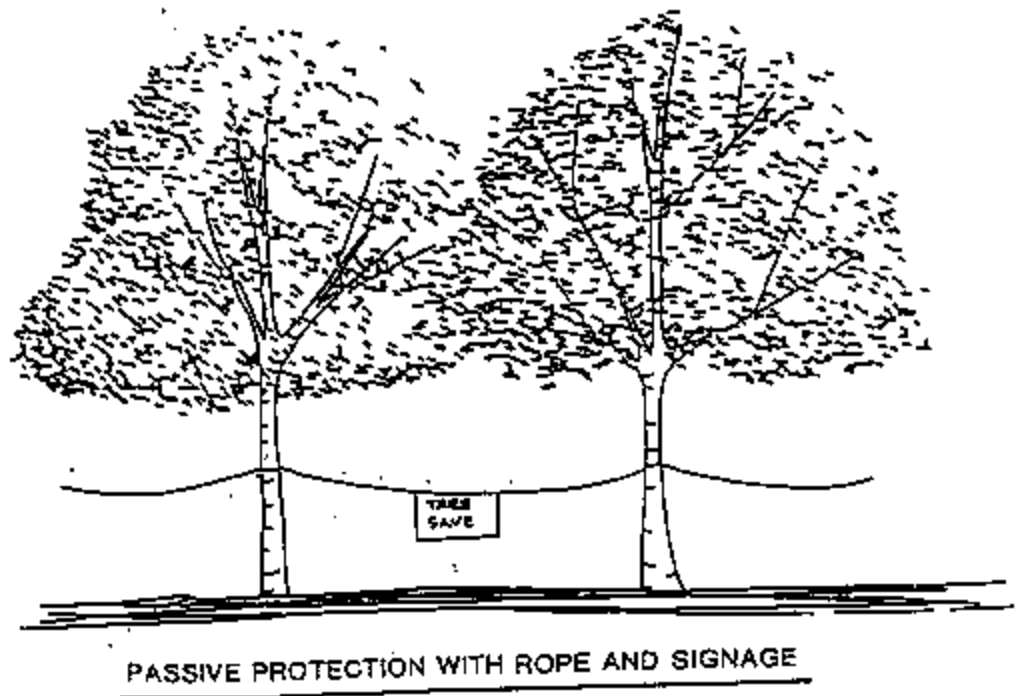
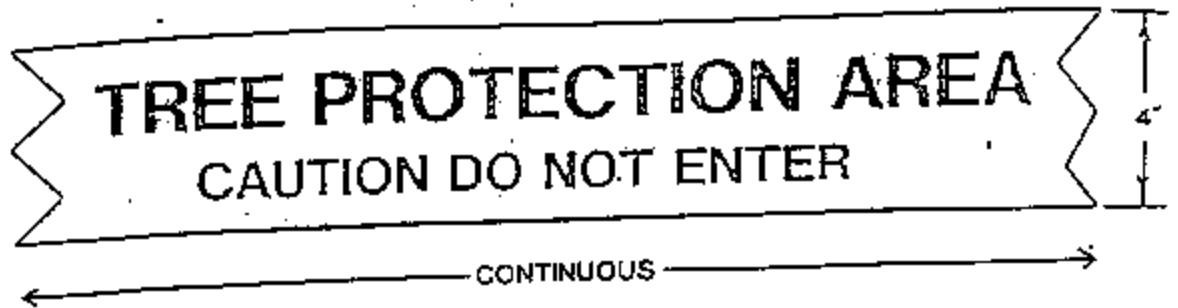
ACTIVE PROTECTIVE TREE FENCING

ALTERNATE TREE FENCING



4' HIGH, ORANGE, POLYETHYLENE LAMINAR SAFTEY NETTING.

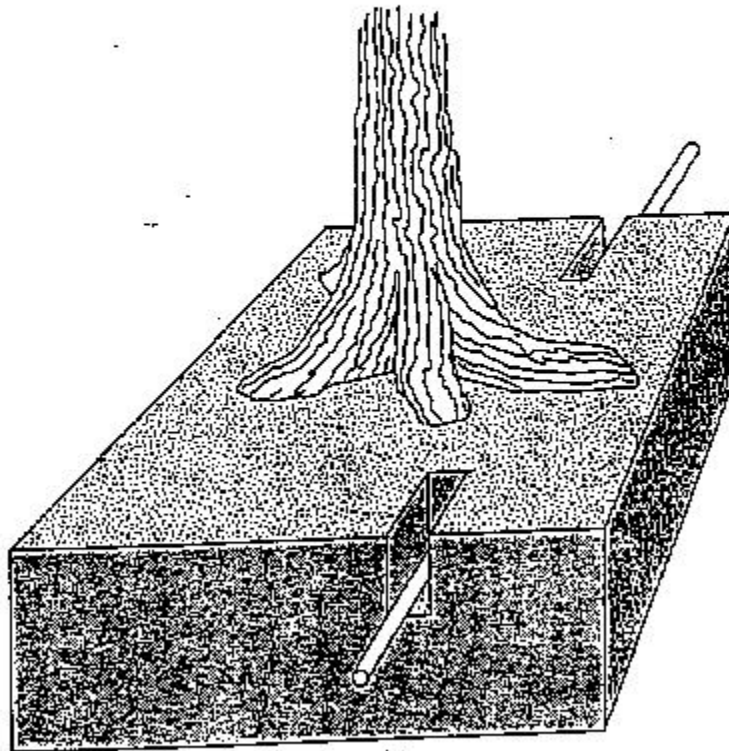
Figure B2



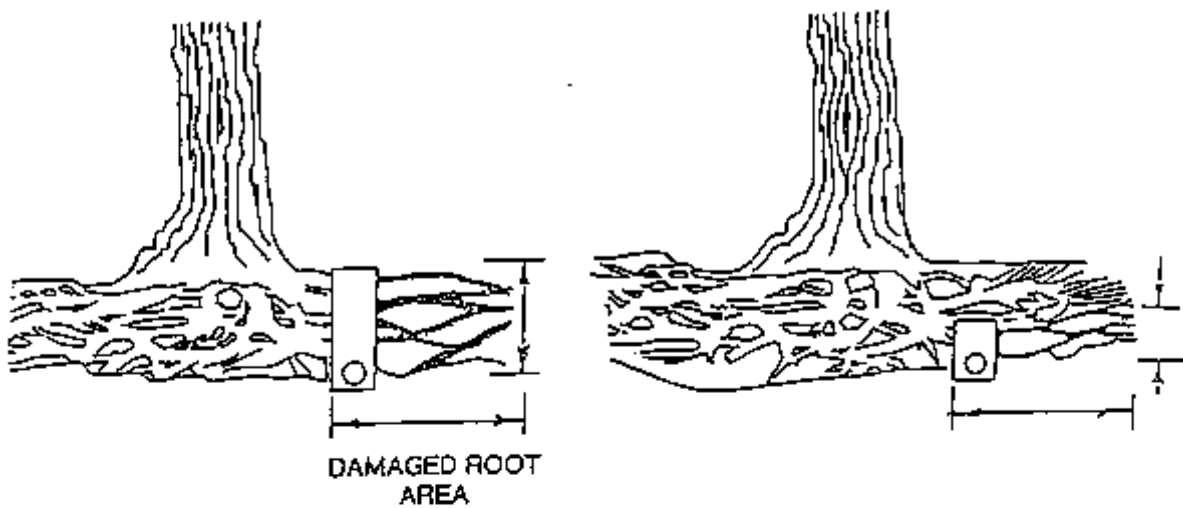
**Figure B3**

2. Encroachment. Most trees can tolerate only a small percentage of critical root zone loss. If encroachment is anticipated within the critical root zones of specimen trees, stands of trees, or otherwise designated tree protective zones, the following preventive measures shall be employed:
  - a. Clearing Activities: Roots often fuse and tangle amongst trees. The removal of trees adjacent to tree save areas can cause inadvertent damage to the protected trees. Wherever possible, it is advisable to cut minimum two-foot trenches (e.g., with a “ditch-witch”) along the limits of land disturbance, so as to cut, rather than tear, roots. Trenching may be required for the protection of specimen trees.

- b. Soil Compaction: Where compaction might occur due to traffic or materials storage, the tree protective zone must first be mulched with a minimum four-inch layer of processed pine bark or wood chips.
- c. Trenching: The installation of utilities through a protective zone should occur by way of tunneling rather than trenching. (Figures A4 and A5). If roots must be cut, proper root pruning procedures must be employed.
- d. Grade Changes: Moderate fill can be tolerated within a tree's critical root zone with the prior installation of an aeration system. Aeration system specifications are provided in Figures A6 and A7. Commercially available aeration systems are subject to approval by the Planning Department. A decrease in grade is best accomplished with the use of retaining walls or through terracing. (Figure A8.)
- e. Where the *Zoning Inspector* has determined that irreparable damage has occurred to trees within tree protective zones, the trees must be removed and replaced.



**Figure B4**



TRENCHING

TUNNELING



BLACK SHADING DENOTES AREAS OF DAMAGED ROOTS.

Figure B5

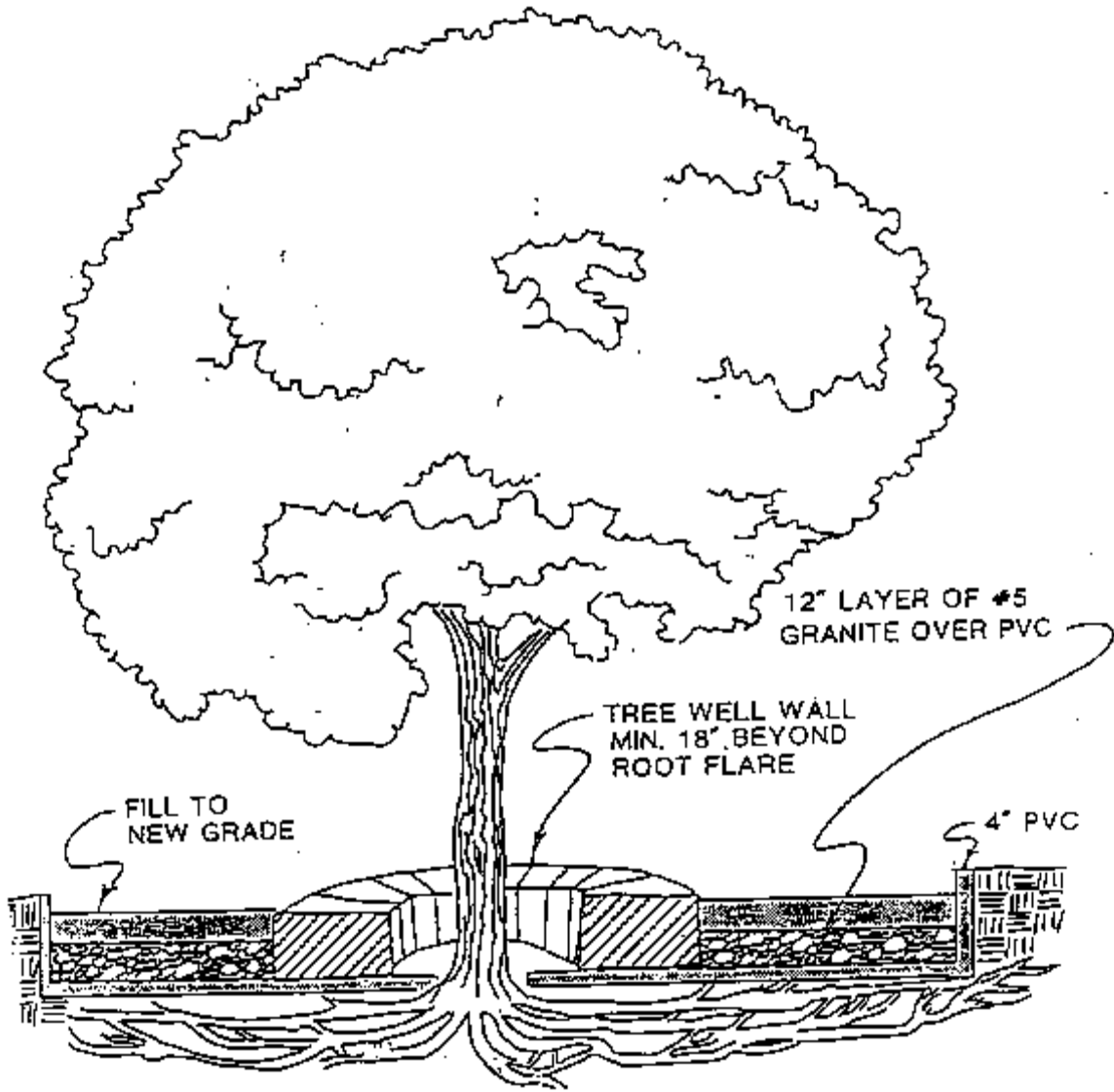


Figure B6



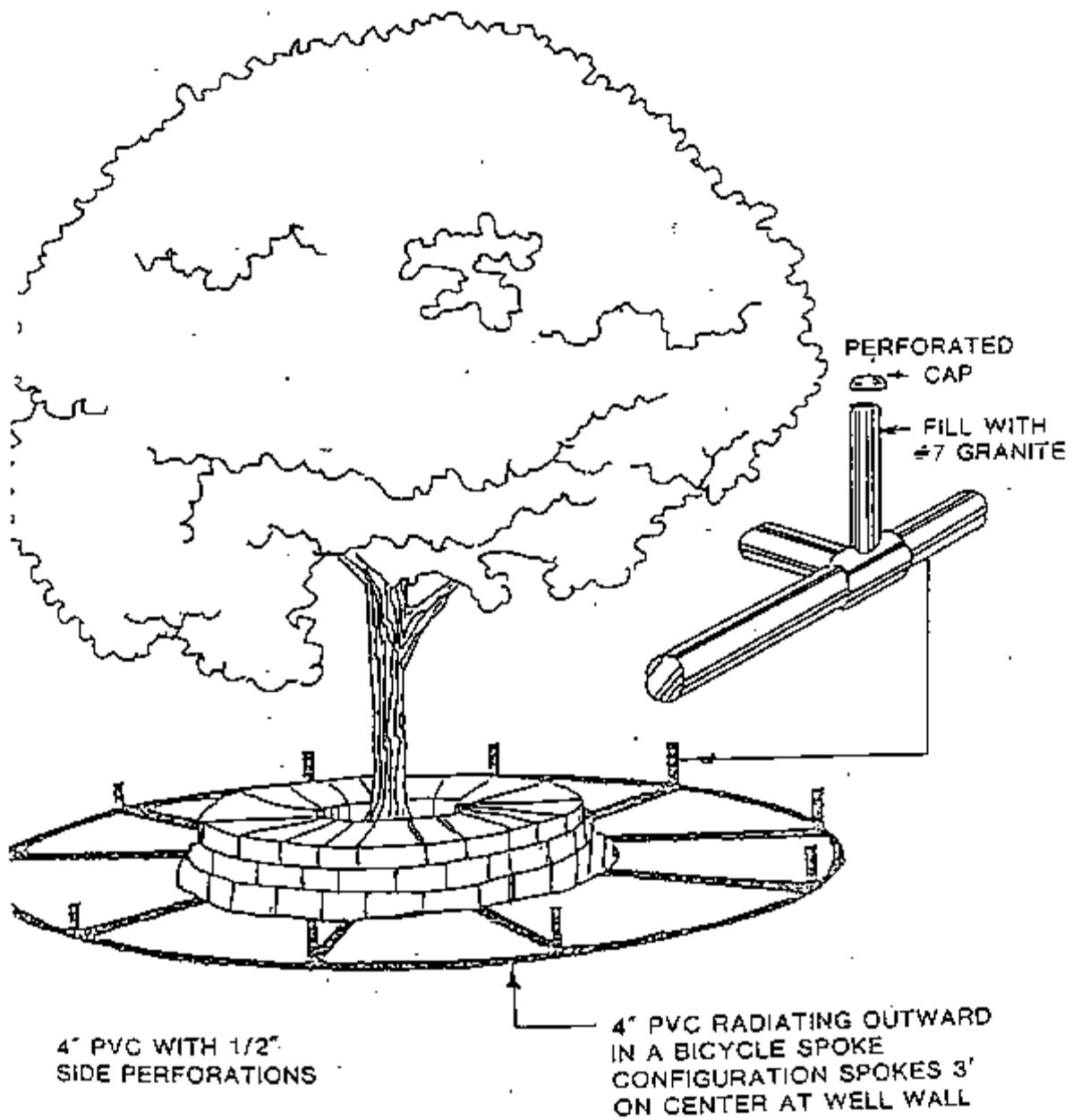
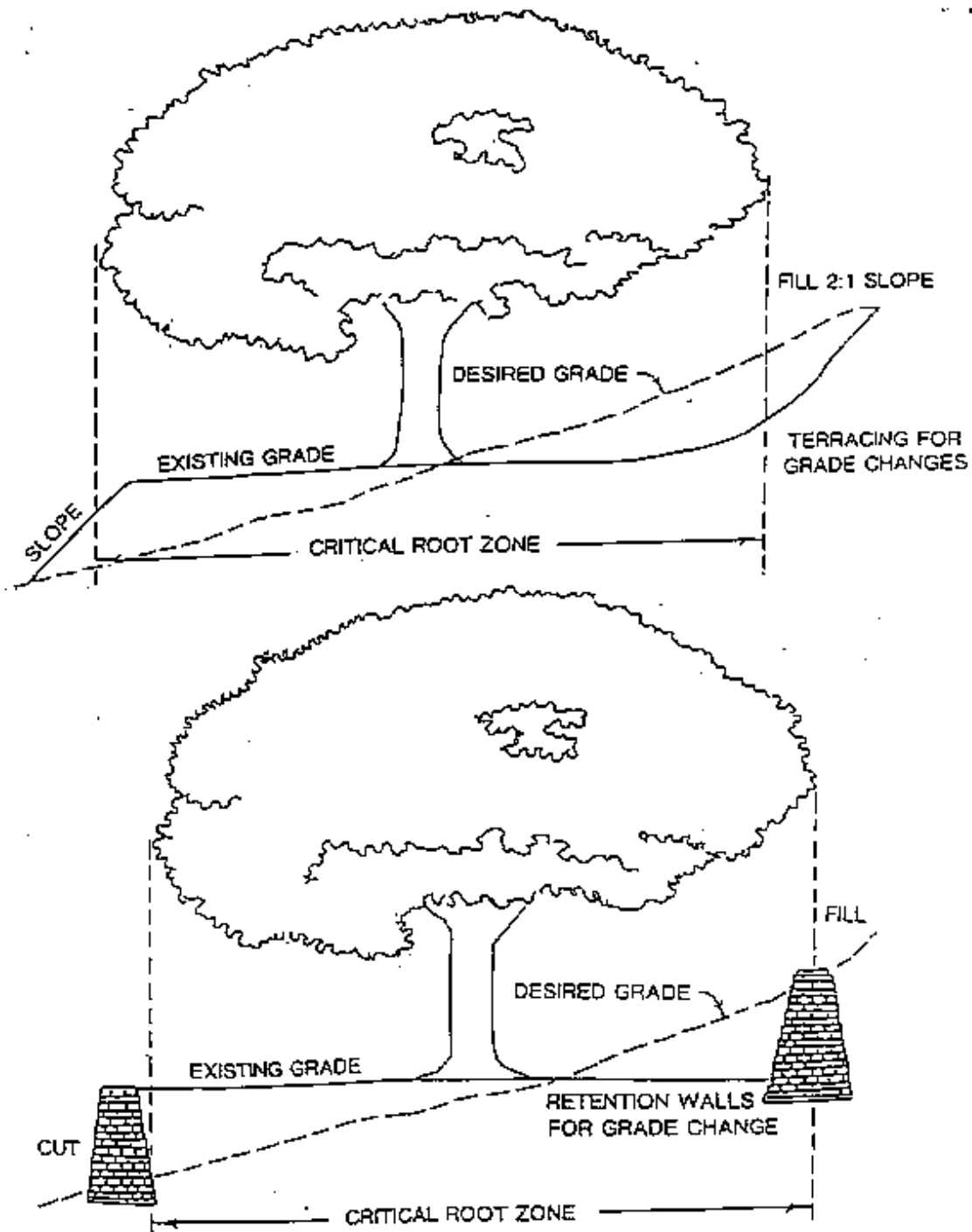


Figure B7



**Figure B8**

3. Remedial Procedures. Remedial site reclamation and tree care procedures shall be implemented when encroachment within protective zones has caused damage to either the tree or the tree's growing site, and that damage is repairable. The survivability of trees damaged through construction activities can be improved with the implementation of remedial procedures. If encroachment is anticipated, these cultural practices should be employed as pre-emptive measures to improve survival. The following practices shall be applied where appropriate:

- a. Pruning. The pruning of a tree in anticipation of construction damage may provide compensation for potential root loss and produce an invigorating response. A tree that has suffered root damage becomes stressed as that root system no longer provides sufficient water and nutrients for the existing crown. This stress becomes evident with the appearance of “staghorns” or deadwood within the tree’s crown. Once a tree has become construction damaged, only minor pruning is recommended. Pruning for deadwood removal is then recommended. The removal of live plant tissue from a construction-damaged tree can accelerate the tree’s decline. Pruning of root-severed trees may reduce the possibility of wind throw. Trees which have not been affected by construction activities can be pruned for maintenance of the tree’s health, appearance, and safety.
  - 1) Pruning specifications as provided by the National Arborist Association (N.A.A.) in “Pruning Standards for Shade Trees” shall apply. The pruning of specimen trees may be subject to the Planning Department.
- b. Fertilizer applications will enhance the vigor of trees stressed by site disturbances, thereby promoting root development. Information regarding appropriate fertilizers and application rates may be obtained from your local Agricultural Extension Office.
- c. A tree’s ability for adequate root development, and ultimately its chances for survival, is improved with reclamation of the growing site.
  - 1) Wherever possible, the soil should be brought back to its natural grade. Unnecessary fill, erosion sedimentation, concrete washout, and construction debris should be removed. When machinery is required for site improvement, it is recommended that a “bob-cat” or similar lightweight rubber tire vehicle be used so as to minimize soil compaction.
  - 2) Compacted soil within the critical root zones of trees should be aerated. This is best accomplished with a two-inch diameter auger. Holes should be drilled to a depth of 10 – 15 inches, approximately two to three feet apart, and radiating outward from the tree’s trunk in a bicycle spoke configuration. This aeration technique is also recommended for areas affected by minor fill or the sedimentation of erosion materials.
  - 3) The air exchange, nutrient, and water holding capacities of soils can be improved with soil amendments. This is best accomplished by backfilling holes from aeration, with mineral amendments such as perlite or vermiculite.
  - 4) A four to six-inch layer of mulch material, such as pine bark or wood chips, spread within the critical root zones of trees on construction sites is extremely beneficial. These benefits include:
    - a) Conservation of soil moisture;

- b) Reduced rainfall runoff and erosion;
- c) Reduced soil compaction from construction activities;
- d) Reduced competition from grasses and weeds;
- e) Increased soil fertility;
- f) Improved soil structure;
- g) Moderation of soil temperature, with a subsequent increase in root development activity.

- d) The availability of water to trees on construction sites should be monitored. The environment of these sites is altered significantly from trees' natural environment. Extremes in water availability, ranging from drought to flood conditions can occur quite readily as a result of grade changes. If grade changes or excessive rain cause the accumulation of water near trees, steps must be taken to improve drainage. Conversely, grade changes, or prolonged periods without rain, can cause a drought situation, and irrigation may be necessary.

[END OF ZONING RESOLUTION]

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