THE VILLAGE OF HANOVER since 1849

Zoning Code

PREAMBLE **7**

ARTICLE 1 PURPOSE AND SCOPE **8**

SECTION 100 TITLE 8
SECTION 101 PROVISIONS DECLARED MINIMUM REQUIREMENTS 8
SECTION 102 SEPARABILITY CLAUSE 8
SECTION 103 REPEAL OF CONFLICTING ORDINANCE, EFFECTIVE DATE 8
SECTION 104 CURRENT AND FUTURE ZONING DISTRICTS 8

ARTICLE 2 DEFINITIONS **9**

SECTION 200 INTERPRETATION OF TERMS OR WORDS 9
SECTION 201 DEFINITIONS 9

ARTICLE 3 ENFORCEMENT **34**

SECTION 300 PLANNING AND ZONING PERMITS REQUIRED 34
SECTION 301 GENERAL STANDARDS FOR APPROVAL & ZONING PERMIT APPLICATION 34
SECTION 302 CONTENTS OF APPLICATION FOR ZONING PERMIT 34
SECTION 303 APPROVAL OF ZONING PERMIT 35
SECTION 304 SUBMISSION TO DIRECTOR OF TRANSPORTATION, ODOT DISTRICT 5 35
SECTION 305 EXPIRATION OF ZONING PERMIT 36
SECTION 306 CERTIFICATE OF COMPLIANCE 36
SECTION 307 TEMPORARY CERTIFICATE OF COMPLIANCE 36
SECTION 308 RECORD OF ZONING PERMITS AND CERTIFICATE OF COMPLIANCE 36
SECTION 309 FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF COMPLIANCE 37
SECTION 310 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES 37
SECTION 311 COMPLAINTS REGARDING VIOLATIONS 37
SECTION 312 PENALTIES FOR VIOLATION 37
SECTION 313 SCHEDULE OF FEES, CHARGES, AND EXPENSES 38
SECTION 314 SCHEDULES OF FORMS 38
SECTION 315 USE OF SUBJECT MATTER PROFESSIONALS 38

ARTICLE 4 NONCONFORMITIES **39**

SECTION 400 INTENT 39
SECTION 401 INCOMPATIBILITY OF NONCONFORMITIES 39
SECTION 402 AVOIDANCE OF UNDUE HARDSHIP 39
SECTION 403 EXISTING NONCONFORMING USES - CONTINUATION 39
SECTION 404 SINGLE NONCONFORMING LOTS OF RECORD 39
SECTION 405 NONCONFORMING USE OF LAND 40
SECTION 406 NONCONFORMING STRUCTURES 40
SECTION 407 NONCONFORMING USES OF STRUCTURES OR STRUCTURES OF LAND IN COMBINATION 41
SECTION 408 REPAIRS AND MAINTENANCE 42
SECTION 409 NONCONFORMING CERTIFICATE 42
SECTION 410 USES UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES 42
SECTION 411 NONCONFORMING LOT OF RECORD YARD REQUIREMENTS 42

ARTICLE 5 ADMINISTRATION **44**

SECTION 500 OFFICE OF ZONING INSPECTOR CREATED 44
SECTION 501 DUTIES OF ZONING INSPECTOR 44
SECTION 502 BOARD OF ZONING APPEALS CREATED 44
SECTION 503 PLANNING COMMISSION CREATED 44
SECTION 504 DUTIES OF PLANNING COMMISSION 45
SECTION 505 PROCEEDINGS OF PLANNING COMMISSION 46
SECTION 506 DUTIES OF THE BOARD OF ZONING APPEALS 47
SECTION 507 PROCEEDINGS OF THE BOARD OF ZONING APPEALS 47

SECTION 508 DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL 48
SECTION 509 PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES 48
SECTION 510 APPEALS 48
SECTION 511 STAY OF PROCEEDINGS 49
SECTION 512 VARIANCE 49
SECTION 513 APPLICATION AND STANDARDS FOR VARIANCES 49
SECTION 514 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS 50
SECTION 515 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS 50
SECTION 516 NOTICE OF PUBLIC HEARING IN NEWSPAPER 50
SECTION 517 NOTICE TO PARTIES IN INTEREST 50
SECTION 518 ACTION BY BOARD OF ZONING APPEALS 50
SECTION 519 PROCEDURES AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS 51
SECTION 520 GENERAL 51
SECTION 521 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT 51
SECTION 522 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES 52
SECTION 523 SPECIFIC CRITERIA FOR CONDITIONAL USES 52
SECTION 524 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS 55
SECTION 525 PROCEDURE FOR HEARING, NOTICE 55
SECTION 526 ACTION BY THE BOARD OF ZONING APPEALS 56
SECTION 527 EXPIRATION OF CONDITIONAL USE PERMIT 56

ARTICLE 6 AMENDMENT 57

SECTION 600 PROCEDURE FOR AMENDMENTS / ZONING DISTRICT CHANGES 57
SECTION 601 GENERAL 57
SECTION 602 INITIATION OF ZONING AMENDMENTS 57
SECTION 603 CONTENTS OF APPLICATION 57
SECTION 604 TRANSMITTAL TO PLANNING COMMISSION 58
SECTION 605 PUBLIC HEARING BY PLANNING COMMISSION 58
SECTION 606 NOTICE OF PUBLIC HEARING IN NEWSPAPER 58
SECTION 607 NOTICE TO PROPERTY OWNERS BY PLANNING COMMISSION 58
SECTION 608 RECOMMENDATION BY PLANNING COMMISSION 59
SECTION 609 PUBLIC HEARING BY VILLAGE COUNCIL 59
SECTION 610 ACTION BY VILLAGE COUNCIL 59
SECTION 611 EFFECTIVE DATE AND REFERENDUM 59

ARTICLE 7 PROVISIONS FOR OFFICIAL ZONING MAP 60

SECTION 700 OFFICIAL ZONING MAP 60
SECTION 701 IDENTIFICATION OF THE OFFICIAL ZONING MAP 60
SECTION 702 INTERPRETATION OF DISTRICT BOUNDARIES 60

ARTICLE 8 ESTABLISHMENT AND PURPOSES OF DISTRICTS 61

SECTION 800 INTENT 61
SECTION 801 RESIDENTIAL DISTRICTS 61
SECTION 802 VILLAGE RESIDENTIAL DISTRICT (VR) 61
SECTION 803 GENERAL RESIDENTIAL DISTRICT (R3) 61
SECTION 804 SPECIAL DISTRICT 61
SECTION 805 RESERVED FOR FUTURE USE 61
SECTION 806 RESERVED FOR FUTURE USE 61
SECTION 807 FORM-BASED DISTRICTS 61
SECTION 808 HIGH STREET (HS) 61
SECTION 809 RIVER (RVR) 62
SECTION 810 SPRING (SPG) 62
SECTION 811 FLATS (FTS) 62
SECTION 812 HILL (HILL) 62

SECTION 813 RESERVED FOR FUTURE USE 62
SECTION 814 GATEWAY (GW) 62
SECTION 815 NORTH EAST (NE) 63
SECTION 816 NATURAL (NAT) 63
SECTION 817 FLOOD PLAIN OVERLAY (FPO) 63
SECTION 818 AMENDMENTS 63

ARTICLE 9 DISTRICT REGULATIONS 64

SECTION 900 COMPLIANCE WITH REGULATIONS 64
SECTION 901 OFFICIAL SCHEDULE OF DISTRICT REGULATIONS ADOPTED 64
SECTION 902 INTENT OF DISTRICT REGULATIONS 64
SECTION 903 VILLAGE RESIDENTIAL (VR) 65
SECTION 904 GENERAL RESIDENTIAL (R3) 66
SECTION 905 SPECIAL 67
SECTION 906 HIGH STREET (HS) 69
SECTION 907 RIVER (RVR) 70
SECTION 908 SPRING (SPG) 70
SECTION 909 FLATS (FTS) 71
SECTION 910 HILL (HILL) 71
SECTION 911 RESERVED FOR FUTURE USE 72
SECTION 912 GATEWAY (GW) 72
SECTION 913 NORTH EAST (NE) 72
SECTION 914 NATURAL (NAT) 73
SECTION 915 FLOOD PLAIN OVERLAY (FPO) 74
SECTION 916 USE STANDARDS 101
SECTION 917 USE CATEGORIES 101

ARTICLE 10 SUPPLEMENTARY DISTRICT REGULATIONS 115

SECTION 1000 GENERAL 115
SECTION 1001 CONVERSION OF DWELLING TO MORE UNITS 115
SECTION 1002 PRIVATE SWIMMING POOLS & PONDS 115
SECTION 1003 FENCES AND WALLS 118
SECTION 1004 TEMPORARY STORAGE BUILDINGS 122
SECTION 1005 PARKING AND STORAGE OF CERTAIN VEHICLES 122
SECTION 1006 JUNK YARDS 122
SECTION 1007 JUNK MOTOR VEHICLE 122
SECTION 1008 REQUIRED TRASH AREAS 123
SECTION 1009 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS 123
SECTION 1010 SETBACK REQUIREMENTS FOR CORNER BUILDINGS 123
SECTION 1011 VISIBILITY AT INTERSECTIONS 123
SECTION 1012 YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS 123
SECTION 1013 BUFFER YARD REQUIREMENTS 125
SECTION 1014 SIDE AND REAR YARD REQUIREMENTS FOR NON-RESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS 135
SECTION 1015 REQUIREMENTS FOR ACCESSORY BUILDINGS IN R3 AND VR ZONING DISTRICTS 135
SECTION 1016 REQUIREMENTS FOR ACCESSORY BUILDINGS IN HIGH STREET, SPECIAL, RIVER, AND SPRING DISTRICTS 136
SECTION 1017 ARCHITECTURAL PROJECTIONS 136
SECTION 1018 EXCEPTIONS TO HEIGHT REGULATIONS 136
SECTION 1019 SPECIAL PROVISIONS FOR ALL USES 136
SECTION 1020 FIRE HAZARD 136
SECTION 1021 RADIOACTIVITY OR ELECTRICAL DISTURBANCE 137
SECTION 1022 NOISE 137
SECTION 1023 VIBRATION 137
SECTION 1024 AIR POLLUTION & NOXIOUS OR OFFENSIVE ODORS 137

SECTION 1025 GLARE 137
SECTION 1026 EROSION 138
SECTION 1027 WATER POLLUTION 138
SECTION 1028 LIGHT POLLUTION 138
SECTION 1029 HOME OCCUPATIONS 138
SECTION 1030 MEASUREMENT PROCEDURES 140
SECTION 1031 TOWERS, ANTENNAS, OR SIMILAR STRUCTURES OR APPURTENANCES 140
SECTION 1032 OIL AND GAS WELL REGULATORY GUIDELINES 140
SECTION 1033 ADULT ENTERTAINMENT FACILITIES 141
SECTION 1034 STREET FRONTAGE REQUIRED 143
SECTION 1035 PARKING AND STORAGE OF COMMERCIAL VEHICLES AND TRAILERS 143
SECTION 1036 SHORT TERM RENTAL OPERATIONS 144
SECTION 1037 ACCESSORY DWELLING UNITS 155
SECTION 1038 SOLAR FACILITIES 157
SECTION 1039 FARM, WILD, AND EXOTIC ANIMALS 158

ARTICLE 11 OFF-STREET PARKING AND LOADING FACILITIES 163

SECTION 1100 GENERAL REQUIREMENTS 163
SECTION 1101 BICYCLE PARKING 163
SECTION 1102 AUTOMOBILE PARKING 163
SECTION 1103 OFF-STREET AUTOMOBILE PARKING DESIGN 166
SECTION 1104 PARKING SPACE DIMENSIONS 167
SECTION 1105 LOADING SPACE REQUIREMENTS AND DIMENSIONS 167
SECTION 1106 PAVING 167
SECTION 1107 DRAINAGE 167
SECTION 1108 MAINTENANCE 167
SECTION 1109 LIGHTING 168
SECTION 1110 STRIPING 168
SECTION 1111 GENERAL INTERPRETATION OF ARTICLE 11 168
SECTION 1112 RESIDENTIAL DISTRICT DRIVEWAY REQUIREMENTS 168

ARTICLE 12 SIGNS 169

SECTION 1200 PURPOSE AND INTENT. 169
SECTION 1201 APPLICABILITY; EFFECT. 169
SECTION 1202 DEFINITIONS AND INTERPRETATION. 169
SECTION 1203 COMPUTATIONS 173
SECTION 1204 PERMITS REQUIRED 174
SECTION 1205 NONCONFORMING SIGNS 174
SECTION 1206 PROHIBITED SIGNS 174
SECTION 1207 PERMITTED SIGNS AND RESTRICTIONS 175

ARTICLE 13 TREE PRESERVATION 177

SECTION 1300 PURPOSE 177
SECTION 1301 APPLICABILITY 177
SECTION 1302 EXCEPTIONS 177
SECTION 1303 DEFINITIONS 177
SECTION 1304 TREE PRESERVATION PLAN 179
SECTION 1305 TREE PRESERVATION PLAN PREPARATION. 179
SECTION 1306 TREE PRESERVATION CRITERIA. 180
SECTION 1307 TREE PROTECTION DURING CONSTRUCTION. 181
SECTION 1308 TREE PRESERVATION INCENTIVES 182
SECTION 1309 TREE PLANTING AND REPLACEMENT 183
SECTION 1310 REPLACEMENT SCHEDULE FOR HEAVILY WOODED SITES 184
SECTION 1311 EXEMPTIONS FROM REPLACEMENT 184

ARTICLE 14 FORM-BASED DISTRICT REGULATIONS 185

SECTION 1400 INTRODUCTION 185
SECTION 1401 PURPOSE 185
SECTION 1402 INTENT 185
SECTION 1403 APPLICATION 186
SECTION 1404 TEXT AND GRAPHICS 186
SECTION 1405 GENERAL APPLICABILITY 186
SECTION 1406 FORM-BASED ZONE TYPES 189
SECTION 1407 FORM BASED ZONING PREREQUISITES 194
SECTION 1408 FORM BASED T ZONE AREA REQUIREMENTS 194
SECTION 1409 TRANSPORTATION STANDARDS 195
SECTION 1410 PUBLIC FRONTAGE REQUIREMENTS 201
SECTION 1411 CURBS 202
SECTION 1412 ROAD NETWORK 204
SECTION 1413 BUILDINGS AND YARDS 214

MAP #1 – ZONING MAP 225

MAP #2 – MASTER DISTRICT MAP 226

MAP #3 – ZONE TYPE MAP 227

LIST OF TABLES

TABLE 1 LAND USE SUMMARY 100
TABLE 2 TYPE A & TYPE B SCREENING 125
TABLE 3 TYPE C AND TYPE D SCREENING 125
TABLE 4 BICYCLE PARKING REQUIREMENTS 165
TABLE 5 AUTOMOBILE PARKING REQUIREMENTS 165
TABLE 6 PARKING OCCUPANCY RATE TABLE 166
TABLE 7 SIGN STANDARDS 175
TABLE 8 GENERAL APPLICABILITY & ACTIVATION 187
TABLE 9 T2 STANDARDS 190
TABLE 10 T3 STANDARDS 191
TABLE 11 T4 STANDARDS 192
TABLE 12 T5 STANDARDS 193
TABLE 13 FORM BASED ZONING PREREQUISITES 194
TABLE 14 FORM BASED T ZONE AREA REQUIREMENTS 194
TABLE 15 AREA TYPES 196
TABLE 16 USE PRIORITIZATION 196
TABLE 17 ASSEMBLY TYPES 197
TABLE 18 DESIGN SPEED 199
TABLE 19 DESIGN MOVEMENT 199
TABLE 20 TRAVEL LANE COUNT 199
TABLE 21 TRAVEL LANE SIZE 200
TABLE 22 ON-STREET PARKING TYPE 200
TABLE 23 PARALLEL PARKING LANES 200
TABLE 24 BICYCLE FACILITIES 200
TABLE 25 MINIMUM SIDEWALK WIDTH 202
TABLE 26 PLANTING AND FURNISHING AREA TYPES 203
TABLE 27 MINIMUM PLANTING AND FURNISHING AREA WIDTH 203
TABLE 28 CURB RETURN RADIUS 203
TABLE 29 T3 NEIGHBORHOOD STREET ASSEMBLY – 50’ 206
TABLE 30 T4 NEIGHBORHOOD STREET ASSEMBLY – 50’ 207
TABLE 31 T3 NEIGHBORHOOD STREET ASSEMBLY – 70’ 208
TABLE 32 T4 NEIGHBORHOOD STREET ASSEMBLY – 70’ 209
TABLE 33 T4 NEIGHBORHOOD STREET ASSEMBLY – 70’ WITH SHARED BIKE LANE 210
TABLE 34 T5 COMMERCIAL STREET ASSEMBLY 211
TABLE 35 T3 AVENUE 212

TABLE 36 T4 AVENUE 213
TABLE 37 T5 COMMERCIAL STREET 214
TABLE 38 FRONTAGE YARDS 218
TABLE 39 FRONTAGE ELEMENTS 219
TABLE 40 CIVIC SPACE TYPES 222

PREAMBLE

This ordinance 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 ordinance shall be known and may be cited as the "Village of Hanover, Licking County, Ohio Zoning Code."

SECTION 101 PROVISIONS DECLARED MINIMUM REQUIREMENTS

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

SECTION 102 SEPARABILITY CLAUSE

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

SECTION 103 REPEAL OF CONFLICTING ORDINANCE, EFFECTIVE DATE

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

SECTION 104 CURRENT AND FUTURE ZONING DISTRICTS

The Village of Hanover has taken a proactive approach to planning for future growth by aligning its zoning text with both current and anticipated land use needs. The zoning text provides clear regulations for existing districts while also addressing future districts as outlined on the official village zoning map (See Map #1), the master district map (See Map #2) and zone type map (See Map #3). This forward-thinking approach ensures that development aligns with the village's long-term vision, fostering cohesive, sustainable growth that supports community goals and preserves the village's character.

ARTICLE 2 DEFINITIONS

SECTION 200 INTERPRETATION OF TERMS OR WORDS

For the purpose of this ordinance, 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 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".

SECTION 201 DEFINITIONS

ACCESSORY USE OR STRUCTURE –A use or structure, including garages, covered parking places, outbuildings and sheds, 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 1033.02):

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.

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.

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.

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 (or more) "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.

APARTMENT BUILDING – Any building which contains three or more "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 zoning inspector.

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

AUTOMOBILE 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, TEMPORARY - Structures erected for a limited duration and not intended for permanent occupancy.

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 ordinance.

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.

CANNABIS BUSINESS – A facility or entity licensed and regulated under Ohio Revised Code (ORC) Chapter 3796 or applicable state laws to engage in the cultivation, processing, testing, dispensing, or distribution of medical marijuana and related products. This includes, but is not limited to:

- **Cultivators:** Facilities that grow, harvest, package, and transport medical marijuana to processors or dispensaries.
- **Processors:** Entities that manufacture, refine, or prepare medical marijuana products.
- **Dispensaries:** Retail locations authorized to sell medical marijuana products directly to registered patients and caregivers.
- **Testing Laboratories:** Facilities approved to test the safety, quality, and potency of medical marijuana products.
- **Transporters:** Businesses licensed to distribute or deliver medical marijuana or related products between licensed facilities.

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 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 Planning Commission (formerly known as Zoning Commission).

COMPREHENSIVE 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.

CONEX BOX - Also known as a shipping container, is a large, prefabricated steel container originally designed for freight transport, repurposed for storage or temporary use.

CONSTRUCTION TRAILER - Mobile or modular units used on a temporary basis at construction sites to house administrative functions, contractor offices, or storage of construction-related materials.

CORNER LOT – A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall 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 of storm water. Size and location of a new or replacement culvert must be approved of the Zoning Inspector and/or Village Engineer.

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:

- Gross Density: The number of dwelling units per acre of the total land to be developed.
- Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

DETENTION POND – is a low lying area that is designed to temporarily hold a set amount of water while slowly draining to another location. They are more or less around for flood control when large amounts of rain could cause flash flooding. A retention pond is designed to hold a specific amount of water indefinitely.

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

DRIVEWAY – A private vehicular access way that provides ingress and egress from a public or private street or alley to a parking area, garage, or structure on an individual lot or parcel. A driveway shall have a minimum unobstructed width of fourteen (14) feet.

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, 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 POND – Is a body of standing water, either natural or artificial, that is usually smaller than a lake. They may arise naturally in floodplains as part of a river system, or they may be somewhat isolated depressions (examples include vernal pools and prairie potholes).

FLOOD EASEMENT – Flowage easement land is privately owned land on which the U.S. Army Corps of Engineers has acquired certain perpetual rights. Namely the right to flood it in connection with the operation of the reservoir; the right to prohibit construction or maintenance of any structure for human habitation; the right to approve all other structures constructed on flowage easement land, except fencing. This is typically based on elevation and is done to protect individual property during a flood event and allow hydrologists to better predict the changes in elevation a lake will undergo during high inflow. A complete description of the flowage easement can be found in the deed to the property to which it is attached.

As an Owner of Flowage Easement Land, You May:

- Mow, clear, plant vegetation, or otherwise use as desired if not in conflict with the terms of rights acquired by the government.
- Sell or lease the land to others, subject to all restrictions contained in the flowage easement instrument.
- Construct a fence to or along the Government boundary line.

As an Owner of Flowage Easement Land, You May Not:

- Construct or maintain any structure for human habitation, permanent or temporary, on the flowage easement land. Also, placing or raising of a structure within the easement area by use of piling or other type of foundation or raising of the site through use of fill is prohibited.
- Place or construct any other structure or appurtenances to existing structures on the flowage easement land without prior written approval of the District Engineer. "Other structures" are construed to mean any kind of structure including but not limited to buildings, ramps, ditches, channels, dams, dikes, wells, earthen tanks, roads, utility lines and tramways.

With approval, almost any type of structure that does not reduce flood storage capacity or is not designed or intended to be used for human habitation may be constructed on the flowage easement land. With respect to construction of water wells, sewer lines, or septic systems, each case will be examined to ensure that pollution of the lake or interference with the operation of the reservoir will not occur. All proposed sewer line and septic system construction must be approved by the appropriate health departments and all septic systems must be located a minimum of 75 feet in horizontal distance from the flowage easement line.

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:

- Not more than one space is rented for parking to person not resident on the premises.
- 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 – A facility primarily engaged in the sale of motor fuel and the provision of services for the maintenance, repair, or servicing of motor vehicles. Such services may include, but are not limited to, engine repair, oil changes, tire installation or repair, brake services, and similar automotive maintenance or repair tasks. A garage service station may also include incidental retail sales of automotive accessories, convenience items, and related goods, but does not include facilities solely offering car washes or vehicle sales.

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 ordinance 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:

- Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness;
- 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:

- No more than one person, other than members of the family, residing on the premises shall be engaged in such occupation.
- 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 sanitaria.

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.

LIVESTOCK – means, but is not limited to, animals typically kept for agricultural purposes, including cattle, bison, goats, sheep, swine, horses, mules, poultry, alpacas, llamas, rabbits, and any other domesticated animals raised for food, fiber, breeding, or draft purposes. This definition includes any similar animals as determined by the Zoning Inspector.

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 ordinance, 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:

- A single lot of record.
- A portion of a lot of record.
- 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:

- 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.
- 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 ordinance 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.

MOBILE STORAGE POD - Portable, prefabricated storage units typically delivered to a site for short-term residential or commercial use, such as moving or temporary storage during renovation.

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 ordinance, 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 312 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 Planning 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 ordinance, 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 requirements in the zoning code.

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 is 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 the following qualifications:

- 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 Section; 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
- The facility exclusively stores scrap tires in portable containers; and
- 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 Code 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.

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 Section, 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, PERMANENT – A building or structure that is designed, intended, and constructed to remain in place for an indefinite period of time. A permanent structure is affixed to the ground through a foundation, footings, or other permanent means, and is not designed to be moved or relocated.

STRUCTURE, NON PERMANENT – A building or structure that is not affixed to the ground by permanent means and is designed or intended to be temporary in nature. Non-permanent structures may include, but are not limited to, tents, canopies, portable storage units, temporary construction trailers, or similar items that can be easily moved, dismantled, or relocated.

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 eighteen (18) inches 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 Code to the parcel of land causes such a diminution of its value as to amount to a confiscation. 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.
2. None of the permitted uses in the Zoning Code may reasonably be applied to the property.
3. The hardship is unique to the applicant's property and is not a hardship common to the area.
4. 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 Code 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 ordinance would result in unnecessary and undue hardship. As used in the ordinance, 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 ordinance.

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.

VILLAGE ADMINISTRATOR - The village administrator manages any public utilities and collects any rents for them. The administrator may pass bylaws and regulations relating to these utilities, which must not be inconsistent with village or State laws. The administrator supervises the maintenance of public places, streets, and sidewalks. The administrator may appoint those employees authorized by Village Council, with the mayor's approval. The administrator has all powers of the board of public affairs and street commissioner, plus other powers and duties set by ordinance of Village Council. However, the administrator cannot establish utility rates. Utility rates are determined by Village Council. The administrator is under the general supervision and control of the mayor. (Ohio Revised Code Section 735.273).

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.

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.

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.

Yard, Side: A yard extending from the principal building to the side lot linen on both sides of the principal building between the lines establishing the front and rear yards.

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 Code 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 PLANNING AND 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 ordinance unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use or variance as provided by this ordinance.

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 Code.
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.
9. Will comply with most recent Hanover Village Comprehensive Plan.
10. Will promote public health, safety and morals.

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 one (1) year. At a minimum, the application (see Appendix A) 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 size to include height, area, width and number of stories.
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 ordinance.
10. An approved Licking County Health Department 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 a completed application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this ordinance. All zoning permits shall, however, be conditional upon the completion of work within 1 year. One copy of the approved plans shall be retained by the Village, and one will be returned to applicant. The Zoning Inspector shall issue a placard (see appendix B), 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 ordinance.

SECTION 304 SUBMISSION TO DIRECTOR OF TRANSPORTATION, ODOT DISTRICT 5

Before issuing any zoning permit for land located within 300 feet of the centerline of a proposed new highway, or a highway for which improvements are planned—as certified to local officials by the Director of Transportation, ODOT District 5—or for land within a 500-

foot radius from the point where such centerline intersects a public road or highway, the Zoning Inspector shall notify the Director of Transportation, ODOT District 5, by registered mail. Upon receipt of this notice, the Zoning Inspector shall withhold issuance of the zoning permit for a period of 120 days.

If, during this period, the Director of Transportation notifies the Zoning Inspector of intent to acquire the land in question, the Zoning Inspector shall deny the permit. However, if the Director determines that acquisition is not in the public interest at that time—or if the 120-day period expires without such notice, or if an extension of that period agreed upon by both the Director and the property owner expires—the Zoning Inspector shall issue the permit, provided the application complies with all other provisions of this ordinance.

SECTION 305 EXPIRATION OF ZONING PERMIT

If the work described in any zoning permit has not started within six months, said permit shall expire. If the work 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.

The Village Zoning Inspector may grant up to one (1) 90-day permit extension for undue hardship by the applicant.

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 ordinance. Application for a certificate (see appendix C) 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 (see appendix D) 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 Village shall maintain a record of all zoning permits and certificates of compliance 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, certificate of compliance and/or a certificate of occupancy shall be a violation of this ordinance and punishable under Section 312 of this ordinance.

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 ordinance, and punishable as provided in Section 312 of this ordinance.

SECTION 311 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this ordinance 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 ordinance.

SECTION 312 PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in various sections of this ordinance or failure to comply with any of its requirements shall be deemed a third (3rd) degree misdemeanor and shall be prosecuted within the limits provided by the state and local laws, and in addition, shall pay all costs and expenses involved in the case. 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 ordinance will be notified of offense by Zoning Inspector and will then have 10 days to comply before penalties are enforced. Such notices or citations shall be deemed to be properly served where a copy thereof is served in accordance with one of the following methods:

1. A copy is delivered personally.
2. A copy is sent by certified mail or registered mail addressed to the violator at the last known address with return receipt requested.
3. A copy is sent by U.S. Postal Service First-Class mail, addressed to the violator at the last known address as listed on the county auditor's site.
4. A copy is delivered in any other manner as prescribed by local law.

SECTION 313 SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Village Council shall by separate ordinance 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 and other ordinances 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 SCHEDULES OF FORMS

The Planning Commission shall recommend approval to Village Council the appropriate schedule of forms, which shall be utilized in the administration, and enforcement of this Zoning Code. Village Council shall approve by ordinance the appropriate schedule of forms. Such forms may include, but not be limited to: applications for zoning permits, amendment requests, appeals to the Zoning Appeals Board for variances or conditional uses, and other such forms as may be designated by Village Council from time to time.

SECTION 315 USE OF SUBJECT MATTER PROFESSIONALS

To ensure the proper implementation, review, and enforcement of these zoning regulations, the engagement of qualified professionals, including but not limited to planners, engineers, or legal counsel, may be required. These professionals shall assist in interpreting and applying the provisions of this Zoning Code and any applicable Village plans, evaluating compliance with its requirements, and addressing violations when necessary. The cost of engaging such professionals shall be borne by the applicant when their services are necessitated by specific applications, reviews, or enforcement actions.

ARTICLE 4 NONCONFORMITIES

SECTION 400 INTENT

Within the districts established by this ordinance or amendments that may later be adopted, there exists parcels, uses of land, structures, and uses of structures and land in combination which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance 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 ordinance 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 ordinance 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 AVOIDANCE OF UNDUE HARDSHIP

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building in which actual construction was lawfully begun prior to the effective date of or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out in a timely manner.

SECTION 403 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 ordinance may be continued, although such use, building or structure does not conform with the provisions of this ordinance for the district in which it is located.

SECTION 404 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 ordinance, notwithstanding limitations imposed by other provisions of this ordinance including minimum lot size 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 ordinance other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Section 509-518.

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

SECTION 405 NONCONFORMING USE OF LAND

Where, at the time of adoption of this ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance, the uses may be continued, without the approval of the Board of Zoning 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 ordinance, 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 ordinance, 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 ordinance 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 ordinance 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 406 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 ordinance that could not be built under the terms of this ordinance 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 Board of Zoning 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 407(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 Auditor for current tax purposes, and it shall not be reconstructed except in conformity with the provisions of this ordinance, 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 407 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 ordinance that would not be allowed in the district under the terms of this ordinance, 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 ordinance 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 ordinance, 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 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 ordinance.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded 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 408 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 repairs or replacement of non-bearing 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 409 NONCONFORMING CERTIFICATE

The Zoning Inspector may, upon their 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 - Section 713.15, and Article 4 of the Village of Hanover Zoning Code. 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 313.

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.

SECTION 410 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 ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

SECTION 411 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 variation of not more than then 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 the this ordinance 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 ordinance. He/she may be provided with the assistance of such other persons as the Village Council may direct. The Village of Hanover shall provide a bond for the Village Zoning Inspector before the Inspector assumes their duties.

SECTION 501 DUTIES OF ZONING INSPECTOR

For the purpose of this ordinance, the Zoning Inspector shall have the following duties:

1. Upon finding that any of the provisions of this ordinance 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 ordinance to ensure compliance with or to prevent violation(s) of this ordinance. 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 CREATED

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

SECTION 503 PLANNING COMMISSION CREATED

Establishment and Membership. A Planning Commission is hereby created pursuant to Ohio Revised Code Section 713.01 and shall consist of five members:

1. The Mayor, serving during the Mayor's tenure in office;
2. One member of Village Council, elected by Council to serve for the remainder of that member's term on Council;
3. Two citizens of the Village, appointed by the Mayor; and

4. One public member, appointed by the Mayor. The public member need not reside within the Village but shall reside in the county in which the Village is located or in a township adjacent to that county.

Terms. The three members appointed by the Mayor shall serve six-year terms. For the initial appointments, one member shall serve a two-year term, one a four-year term, and one a six-year term. Thereafter, appointments to those seats shall be for six-year terms, except appointments to fill vacancies.

Compensation and Ethics. All members shall serve without compensation and shall be subject to Ohio Revised Code Section 2921.42.

Vacancies. A vacancy in a Mayor-appointed seat shall be filled by the Mayor for the remainder of the unexpired term. The replacement shall meet the qualifications required for that seat. A vacancy in the Council representative's seat shall be filled by Council electing another Council member. The Mayor's seat shall be occupied by the person lawfully serving as Mayor.

Removal. An appointed member may be removed for cause in accordance with applicable Ohio law. Removal proceedings under Ohio Revised Code Sections 733.35 through 733.39 shall include written charges filed and served by the Mayor, a hearing before Village Council, and an affirmative vote of two-thirds of all members elected to Council.

SECTION 504 DUTIES OF PLANNING COMMISSION

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

1. Initiate proposed amendments to this ordinance.
2. Review all proposed amendments to this ordinance and make recommendations to the Village Council as specified in Article 6.
3. Shall make plans and maps of the whole or any portion of the municipal corporation, and of any land outside thereof, which, in the opinion of the commission, is related to the planning of the municipal corporation, and make changes in such plans or maps when it deems it advisable. Such maps or plans shall show the commission's recommendations for the general location, character, and extent of streets, alleys, ways, viaducts, bridges, waterways, waterfronts, subways, boulevards, parkways, parks, playgrounds, aviation fields and other public grounds, ways, and open spaces; the general location of public buildings and other public property; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use of or extension of such public ways, grounds, open spaces, buildings, property, utilities, or terminals. With a view to the systematic planning of the municipal corporation, the commission may make recommendations to public officials concerning the general location, character, and extent of any such public ways, grounds, open spaces, buildings, property, utilities, or terminals. As the

work of making the whole plan progresses, the commission may from time to time adopt and publish any part thereof, and such part shall cover one or more major sections or divisions of the municipal corporation or one or more of the functional matters to be included in the plan. The commission may from time to time amend, extend, or add to the plan. This section does not confer any powers on the commission with respect to the construction, maintenance, use, or enlargement of improvements by any public utility or railroad on its own property if such utility is owned or operated by an individual, partnership, association, or a corporation for profit.

4. The Planning Commission may accept, receive, and expend funds, grants, and services from the federal government or its agencies, from departments, agencies, and instrumentalities of this state or any adjoining state or from one or more counties of this state or any adjoining state or from any municipal corporation or political subdivision of this or any adjoining state, including county, regional, and municipal Planning Commissions of this or any adjoining state, or from civic sources, and contract with respect thereto, either separately or jointly or cooperatively, and provide such information and reports as may be necessary to secure such financial aid.
5. The commission may control, preserve, and care for historical landmarks; control, in the manner provided by ordinance, the design and location of statuary and other works of art, which are the property of the municipal corporation; control the removal, relocation, and alteration of any such works; and control the design of harbors, bridges, viaducts, street fixtures, and other public structures and appurtenances.
6. Whenever the commission makes a plan of the municipal corporation, or any portion thereof, no public building or structure, street, boulevard, parkway, park, playground, public ground, canal, river front, harbor, dock, wharf, bridge, viaduct, tunnel, or other public way, ground, works, or utility, whether publicly or privately owned, or a part thereof, shall be constructed or authorized to be constructed in the municipal corporation or planned portion thereof unless the location, character, and extent thereof is approved by the commission. The commission may make recommendations to any public authorities or to any corporations or individuals in such municipal corporation or the territory contiguous thereto, concerning the location of any buildings, structures, or works to be erected or constructed by them.
7. The Commission shall review and approve, deny or make recommendations for corrections of the Development & Subdivision Regulations of the Village of Hanover, current edition.

SECTION 505 PROCEEDINGS OF PLANNING COMMISSION

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. The Planning 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 ordinance or to initiate, review, or interpret under Section 504.

SECTION 506 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 ordinance, 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 ordinance, 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 ordinance as will not be contrary to the public interest where, owing to the special conditions of the land, a literal enforcement of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.
3. To grant conditional use permits as specified under the conditions in Article 9 and such additional safeguards as will uphold the intent of this ordinance.
4. To interpret the zoning map and ordinance 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 ordinance. 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 ordinance, 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 507 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 ordinance. 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 ordinance or to affect any variation in the application of this ordinance. 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 508 DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL

It is the intent of this ordinance 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 ordinance that the duties of the Village Council in connection with this ordinance 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 ordinance. Under this ordinance, the Village Council shall have only the duties of considering the adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law, and of establishing a schedule of fees and charges as stated in Section 313 of this ordinance. Nothing in this ordinance 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 vote to approve the minutes of the meeting at which the decision was made. This meeting will be open to the public and advertised.

SECTION 509 PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

Appeals and variances shall conform to the procedures and requirements of Section 510 through 518, inclusive, of this ordinance. As specified in Section 506, the Board of Zoning Appeals has appellate jurisdiction to appeals and variances.

SECTION 510 APPEALS

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this ordinance 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 511 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 512 VARIANCE

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this ordinance 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 ordinance 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 ordinance would result in unnecessary hardship.

SECTION 513 APPLICATION AND STANDARDS FOR VARIANCES

A variance from the terms of this ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application (see appendix F) 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.
6. A map certified by the County Engineer's office showing the area in question shall also be submitted.
7. 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 ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this ordinance.
    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 ordinance 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 have been met by the applicant.

SECTION 514 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 ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. 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 ordinance and punishable under Section 312 of this ordinance.

SECTION 515 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 516 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing required in Section 515, notice of such hearing shall be given in one or more newspapers of general circulation of the Village at least ten (10) 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 517 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 516.

SECTION 518 ACTION BY BOARD OF ZONING APPEALS

Within 30 days after the public hearing required in Section 515, the Board of Zoning Appeals shall approve, approve with supplementary conditions as specified in Section 514, 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 in Chapters 2505 and 2506 of the Ohio Revised Code.

SECTION 519 PROCEDURES AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS

Conditional uses shall conform to the procedures and requirements of Sections 520 through 527, inclusive of this ordinance.

SECTION 520 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 9 shall follow the procedures and requirements set forth in Section 519 through 527, inclusive. The Board of Zoning Appeals shall not grant or permit a use that is dissimilar to the surrounding uses.

SECTION 521 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT

An application for conditional use permit (see appendix G) 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, email, and phone number of applicant.
2. Property address of which conditional use will take place.
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 ordinance 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 313.

SECTION 522 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES

In addition to the specific requirements for conditionally permitted uses as specified in Section 523, 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 9 and appears on the Official Schedule of District Regulations adopted by Section 901 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 ordinance.
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 523 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 200 feet from any structure used for human occupancy in any other district.
    b. All structures and activity areas should be located at least 10 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 10 feet from any other 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:

c. That the excavating area shall not collect the permit to remain therein-stagnant water.

d. 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. 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.

5. 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 by subject to periodical review to ensure compliance with the terms of the permit.

SECTION 524 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. 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 ordinance and punishable under Section 312 of this ordinance.

SECTION 525 PROCEDURE FOR HEARING, NOTICE

Upon receipt of the application for a conditional use permit specified in Section 521, 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 515 through 517.

SECTION 526 ACTION BY THE BOARD OF ZONING APPEALS

Within 30 days after the public hearing required in Section 525, the Board shall approve, approve with supplementary conditions as specified in Section 524, 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 508. The Board of Zoning Appeals shall in all cases presented to it notify the applicant of their decision on such applicants in writing.

SECTION 527 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 / ZONING DISTRICT CHANGES

This ordinance may be amended by utilizing the procedures specified in this article, inclusive, of this ordinance. In the terms of this document Amendment also means re-zoning.

SECTION 601 GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Village Council may by ordinance after receipt of recommendation thereon from the Planning 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 ordinance may be initiated in one of the following ways:

1. By adoption of a motion by the Planning Commission.
2. By adoption of a ordinance 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 ordinance 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 Planning 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 ordinance.

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 313.
11. Owner's consent to application or satisfactory showing of applicant's legal or equitable interest in said property.

SECTION 604 TRANSMITTAL TO PLANNING COMMISSION

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

SECTION 605 PUBLIC HEARING BY PLANNING COMMISSION

The Planning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a ordinance 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 ordinance, or the filing of such application.

SECTION 606 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing as required in Section 605, notice of such hearing shall be given by the Planning 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, ordinance, or application proposing to amend the Zoning Code 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 607 NOTICE TO PROPERTY OWNERS BY PLANNING COMMISSION

If the proposed amendment intends to rezone or redistrict 10 or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Planning 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 500 feet from, 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 606.

SECTION 608 RECOMMENDATION BY PLANNING COMMISSION

Within 30 days after the public hearing required by Section 605, the Planning 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 609 PUBLIC HEARING BY VILLAGE COUNCIL

Within 30 days from the receipt of the recommendation of the Planning Commission, the Village Council shall hold a public hearing. Notice of such public hearing in a newspaper, and contiguous property owners (If the original advertisement included the required public hearing dates for the Village Council a second mailing is not required), shall be given by the Village Council as specified in Section 606 and 607.

SECTION 610 ACTION BY VILLAGE COUNCIL

Within 30 days after the public hearing required by Section 609, the Village Council shall either adopt or deny the recommendation of the Planning 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 611 EFFECTIVE DATE AND REFERENDUM

Such amendment adopted by the Village Council shall become effective 30 days after the date of such adoption. Ordinances and Ordinances adopted by council shall be subject to referendum to the extent and in the manner now or hereafter provided by the Constitution or the laws of the State of Ohio, except that such ordinances and ordinances subjected to the referendum shall be submitted to the electors for approval or rejection at the next succeeding general election or primary election occurring subsequent to 90 days after the certifying of such referendum petition to the board of elections, and except that referendum petitions shall be filed with the Clerk of Council.

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 ordinance as shown on the official zoning map which, together with all explanatory matter thereon, are hereby adopted as part of this ordinance.

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 ordinance. 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 through Section 803.

SECTION 802 VILLAGE RESIDENTIAL DISTRICT (VR)

The purpose of the VR District is to encourage the establishment of medium-density single-family dwellings with a lot size not less than one- half (.5) acre.

SECTION 803 GENERAL RESIDENTIAL DISTRICT (R3)

The purpose of the R-3 District is to permit the establishment of low-density single family dwellings with a lot size not less than three quarters (.75) acre.

SECTION 804 SPECIAL DISTRICT

The purpose of the Special District is to accommodate public, civic, educational, recreational, institutional, and similar community-serving uses in locations appropriate for their scale and intensity.

SECTION 805 RESERVED FOR FUTURE USE

Reserved for Future Use.

SECTION 806 RESERVED FOR FUTURE USE

Reserved for Future Use.

SECTION 807 FORM-BASED DISTRICTS

Form-Based Zoning districts are established to meet the purposes set forth in Sections 808 – 815.

SECTION 808 HIGH STREET (HS)

The HS District integrates design and form-based code elements to promote a vibrant, pedestrian-friendly environment with a cohesive architectural character, encouraging mixed-use development that blends retail, residential, and public spaces. This district aims

to create an attractive, walkable main street experience with a strong sense of place and community.

SECTION 809 RIVER (RVR)

The RVR District, located at the intersection of High Street and Main Street along the floodplain of the Rocky Fork of the Licking River, incorporates design and form-based code elements to foster resilient, mixed-use development that enhances floodplain management. This district promotes a harmonious blend of commercial, residential, and recreational spaces, creating a vibrant, sustainable waterfront community.

SECTION 810 SPRING (SPG)

The Spring District, situated at the northeast corner of High Street and Main Street, incorporates design and form-based code elements to create a seamless transition from the urban core to the less dense, rural character of the Spring District. This zoning district emphasizes a balanced mix of development that maintains a harmonious blend of urban and rural aesthetics, promoting community connectivity and aesthetic continuity.

SECTION 811 FLATS (FTS)

The Flats District, planned on the east side of the Village along E. High Street/Licking Valley Road, incorporates design and form-based code elements to foster a low-density, rural atmosphere that complements the surrounding landscape. This district prioritizes open spaces, agricultural uses, and sustainable development practices, creating a serene and cohesive community environment.

SECTION 812 HILL (HILL)

The Hill District, located on the southeast side of the Village between the bike path and Marne Road, incorporates design and form-based code elements to promote a hillside community that blends residential, recreational, and natural spaces. This district emphasizes sustainable development, scenic views, and integration with the surrounding landscape, creating a picturesque and cohesive neighborhood.

SECTION 813 RESERVED FOR FUTURE USE

Reserved for Future Use.

SECTION 814 GATEWAY (GW)

The Gateway District serves as the entrance to the Village, seamlessly blending the planned uses of Madison Township with the Village's future developments through design and form-based code elements. This district emphasizes a welcoming, cohesive aesthetic that integrates mixed-use development, promoting a smooth transition and strong sense of arrival.

SECTION 815 NORTH EAST (NE)

The North East District, designed to serve the northern part of Hanover Township and southern Perry Township upon potential annexation into the Village, incorporates design and form-based code elements to foster a unified, well-planned community. This district emphasizes rural aesthetics and open spaces, ensuring seamless integration with the surrounding areas.

SECTION 816 NATURAL (NAT)

The Natural District encompasses lands owned by government agencies or non-profit groups that are not intended for development, preserving them primarily in their natural state. This district aims to protect and maintain the area's ecological integrity and natural beauty for public enjoyment and environmental sustainability.

SECTION 817 FLOOD PLAIN OVERLAY (FPO)

The Flood Plain Overlay District is designed to enhance flood resilience and environmental protection within designated flood-prone areas. By incorporating strict development standards and sustainable practices, this district ensures that new constructions and land uses are compatible with floodplain management goals, preserving natural water flow and reducing flood risks.

SECTION 818 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, Section 713.12.

ARTICLE 9 DISTRICT REGULATIONS

SECTION 900 COMPLIANCE WITH REGULATIONS

The regulations for each district set forth by this ordinance 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 ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance 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 ordinance and in Article 10 of this ordinance, "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, ordinances, 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 9 of these regulations. Uses not specifically defined or stated which cannot reasonably be interpreted by the Zoning Inspector or the Planning 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 VILLAGE RESIDENTIAL (VR)

Intent:
The intent of the Village Residential (VR) District is to preserve and enhance the character and livability of the established neighborhoods of Valleyview, Old Hanover, Sunset and others. This district aims to maintain the residential nature of these areas, ensuring that any new development or redevelopment is compatible with the existing neighborhood fabric.

Permitted Uses:

1. Single-family dwellings.
2. Churches.
3. Public and private schools.
4. Public parks and 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.
2. Cemeteries.
3. Chicken rearing – no more than 6 hens (female) are permitted. No roosters (male) are allowed. Refer to Section #1039.04.

General Requirements:

1. Height Limit: No building shall be erected or enlarged to exceed two (2) stories or 30 feet.
2. Lot Area, Width, and Depth: Every lot shall have a minimum width 100 feet at the building setback line. The minimum lot size is to be .50 acre (21,780 square feet) exclusive of road rights- of-way and inclusive of easements.
3. Front Yard Setback: There shall be a front yard of not less than 35 feet in depth.
4. Side Yard Setback: There shall be side yards of not less than 10 feet on each side.
5. Rear Yard Setback: There shall be a rear yard of not less than 20 feet.
6. All structures placed on corner lots must meet those requirements outlined in Section 1010.
7. No mobile homes with/or attached to steel frames are permitted.
8. Structures such as semi- trailers, truck boxes, school buses, job trailers, etc. are not permitted for storage purposes.

Dwelling Bulk:

1. Dwellings or structures shall have a minimum area of 1,300 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.

Additional Requirements: See Development regulations for additional requirements.

SECTION 904 GENERAL RESIDENTIAL (R3)

Intent:
The intent of the General Residential (R3) Zoning District is to facilitate the continued development of Hainesview Estates as a cohesive and vibrant residential community. This district is designed to support a variety of single-family housing styles while maintaining a harmonious neighborhood character.

Permitted Uses:

1. Single-family dwellings.
2. Public and private playgrounds.
3. Private swimming pools as an accessory use.
4. 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. Chicken rearing – no more than 6 hens (female) are permitted. No roosters (male) are allowed. Refer to Section #1039.04.

General Requirements:

1. Height Limit: No building shall be erected or enlarged to exceed three (3) stories or 40 feet.
2. 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 0.75 acre (32,670 square feet), exclusive of road rights-of-way and inclusive of easements.
3. Front Yard Setback: There shall be a front yard of not less than 35 feet in depth.
4. Side Yard Setback: Side yards shall not be less than 15 feet on each side.
5. Rear Yard Setback: There shall be a rear yard of not less than 45 feet.

6. All structures placed on corner lots must meet those requirements outlined in Section 1010.
7. No mobile homes with/or attached to steel frames are permitted.
8. Structures such as semi-trailers, truck boxes, school buses, job trailers, etc. are not permitted for storage purposes.

Dwelling Bulk:

1. Residential structures shall have a minimum area of 1,600 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.

SECTION 905 SPECIAL

Intent: The purpose of the Special District is to accommodate public, civic, educational, recreational, institutional, and similar community-serving uses in locations appropriate for their scale and intensity. The district is intended to:

1. Provide suitable locations for parks, schools, government facilities, and other uses serving the public or contributing to the health, safety, education, culture, and general welfare of the community.
2. Ensure that civic and institutional development is compatible with surrounding properties, particularly residential neighborhoods.
3. Provide adequate space for buildings, parking, circulation, outdoor activities, stormwater management, landscaping, and future expansion.
4. Encourage safe and convenient pedestrian, bicycle, and vehicular access.
5. Minimize adverse impacts associated with traffic, noise, lighting, building scale, outdoor activities, and other operational characteristics.

Permitted Uses:

1. Public parks, playgrounds, trails, conservation areas, and other public outdoor recreation areas.
2. Public or private elementary, middle, and secondary schools.
3. Public libraries and museums.
4. Government administrative offices and public service facilities.
5. Police, fire, emergency medical service, and other public safety facilities.
6. Public community centers, senior centers, and youth centers.

7. Publicly owned recreational facilities, including athletic fields, courts, swimming pools, gymnasiums, and similar facilities.
8. Public works and maintenance facilities that do not include outdoor storage of bulk materials, heavy equipment, or inoperable vehicles.
9. Outdoor recreational facilities.
10. Accessory buildings, structures, and uses customarily incidental and subordinate to a permitted principal use, including:
    a. Administrative offices;
    b. Concession stands and food-service areas;
    c. Maintenance buildings;
    d. Pavilions and shelters;
    e. Restrooms and locker rooms;
    f. Athletic fields, courts, and playgrounds;
    g. Off-street parking and loading areas;
    h. Signs permitted by this Ordinance;
    i. Solar energy systems serving the principal use;
    j. Caretaker or security personnel quarters; and
    k. Other customary accessory uses approved by the Zoning Inspector.

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. Religious assembly.
2. Medical hospital.
3. Public utility facilities, including water towers, pumping stations, electrical substations, communications facilities, and similar essential services.
4. Public works facilities involving outdoor storage, bulk materials, fuel storage, heavy equipment, or vehicle storage.
5. Commercial recreation facilities operated in conjunction with a public, civic, educational, or institutional use.
6. Permanent outdoor food, beverage, or retail facilities operated as an accessory component of a park, recreational facility, museum, school, or other principal use.
7. Other public, civic, educational, recreational, or institutional uses determined by the Board of Zoning Appeals to be substantially similar in character and impact to the uses identified in this district.

General Requirements:

1. Height Limit: No building shall be erected or enlarged to exceed two (2) stories or 30 feet.

2. Lot Area, Width, and Depth: Every lot shall have a minimum width 100 feet at the building setback line. The minimum lot size is to be .50 acre (21,780 square feet) exclusive of road rights- of-way and inclusive of easements.
3. Front Yard Setback: There shall be a front yard of not less than 35 feet in depth.
4. Side Yard Setback: There shall be side yards of not less than 10 feet on each side.
5. Rear Yard Setback: There shall be a rear yard of not less than 20 feet.
6. All structures placed on corner lots must meet those requirements outlined in Section 1010.
7. No mobile homes with/or attached to steel frames are permitted.
8. Structures such as semi- trailers, truck boxes, school buses, job trailers, etc. are not permitted for storage purposes.

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.

Additional Requirements: See Development regulations for additional requirements.

SECTION 906 HIGH STREET (HS)

Vision:
By combining design and form-based code elements, the HS District fosters a lively and pedestrian-oriented environment with a unified architectural style. The district supports mixed-use development that integrates independent retail, residential, and public spaces. The district's goal is to create a beautiful, walkable main street experience with a strong sense of place and community.

Form Standards: Building location, design and use in addition to street design and pedestrian connectivity within the High Street (HS) District shall comply with Article 14 of these regulations.

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.

Additional Requirements: Any development within High Street (HS) District shall comply with Article 10 of these regulations.

Architectural Standards: Reserved for future use.

SECTION 907 RIVER (RVR)

Vision:
The River (RVR) District, situated at the crossroads of High Street and Main Street within the Rocky Fork floodplain of the Licking River, integrates design and form-based code principles to support resilient, mixed-use development that improves floodplain management. This district encourages a cohesive mix of commercial, residential, and recreational spaces, cultivating a vibrant and sustainable waterfront community.

Form Standards: Building location, design and use in addition to street design and pedestrian connectivity within the River (RVR) District shall comply with Article 14 of these regulations.

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.

Additional Requirements: Any development within River (RVR) District shall comply with Article 10 of these regulations.

Architectural Standards: Reserved for future use.

SECTION 908 SPRING (SPG)

Vision:
The Spring District, located at the northeast corner of High Street and Main Street, integrates design and form-based code elements to ensure a smooth transition from the village core to the less dense, rural character of the Flats District. This zoning district focuses on a balanced mix of development that preserves a harmonious blend of urban and rural aesthetics, enhancing community connectivity and visual cohesion.

Form Standards: Building location, design and use in addition to street design and pedestrian connectivity within the Spring (SPG) District shall comply with Article 14 of these regulations.

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.

Additional Requirements: Any development within Spring (SPG) District shall comply with Article 10 of these regulations.

Architectural Standards: Reserved for future use.

SECTION 909 FLATS (FTS)

Vision:
The Flats District, located on the east side of the Village along E. High Street/Licking Valley Road, integrates design and form-based code elements to promote a low-density, rural atmosphere that harmonizes with the surrounding landscape. This district emphasizes open spaces, agricultural uses, and sustainable development practices, fostering a serene and cohesive community environment.

Form Standards: Building location, design and use in addition to street design and pedestrian connectivity within the Flats (FTS) District shall comply with Article 14 of these regulations.

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.

Additional Requirements: Any development within Flats (FTS) District shall comply with Article 10 of these regulations.

Architectural Standards: Reserved for future use.

SECTION 910 HILL (HILL)

Vision:
The Hill District, situated on the southeast side of the Village between the bike path and Marne Road, integrates design and form-based code elements to cultivate a hillside community that seamlessly combines residential, recreational, and natural spaces. This district prioritizes sustainable development, scenic views, and harmony with the surrounding landscape, resulting in a picturesque and cohesive neighborhood.

Form Standards: Building location, design and use in addition to street design and pedestrian connectivity within the Hill (HILL) District shall comply with Article 14 of these regulations.

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.

Additional Requirements: Any development within Hill (HILL) District shall comply with Article 10 of these regulations.

Architectural Standards: Reserved for future use.

SECTION 911 RESERVED FOR FUTURE USE

SECTION 912 GATEWAY (GW)

Vision:
The Gateway District acts as the Village's entrance, seamlessly merging the planned uses of Madison Township with the Village's future developments through design and form-based code principles. This district prioritizes a welcoming, cohesive aesthetic with mixed-use development, fostering a smooth transition and a strong sense of arrival.

Form Standards: Building location, design and use in addition to street design and pedestrian connectivity within the Gateway (GW) District shall comply with Article 14 of these regulations.

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.

Additional Requirements: Any development within Gateway (GW) District shall comply with Article 10 of these regulations.

Architectural Standards: Reserved for future use.

SECTION 913 NORTH EAST (NE)

Vision:
The North East District, intended to serve the northern part of Hanover Township and southern Perry Township upon potential annexation into the Village, utilizes design and form-based code elements to create a unified, well-planned community. This district emphasizes rural aesthetics and open spaces, ensuring seamless integration with the surrounding areas.

Form Standards: Building location, design and use in addition to street design and pedestrian connectivity within the North East (NE) District shall comply with Article 14 of these regulations.

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.

Additional Requirements: Any development within North East (NE) District shall comply with Article 10 of these regulations.

Architectural Standards: Reserved for future use.

SECTION 914 NATURAL (NAT)

The Natural District encompasses lands owned by government agencies or non-profit groups that are not intended for development, preserving them primarily in their natural state. This district aims to protect and maintain the area's ecological integrity and natural beauty for public enjoyment and environmental sustainability.

914.01 PURPOSE AND INTENT.

The Natural District encompasses lands owned by government agencies or non-profit groups that are not intended for development, preserving them primarily in their natural state. This district aims to protect and maintain the area's ecological integrity and natural beauty for public enjoyment and environmental sustainability. In addition, the Natural District provides protection for agricultural and rural residential areas by controlling new development to insure compatibility with surrounding uses.

914.02 PERMITTED AND CONDITIONAL USES.

1. Permitted Uses.
    a. Public or nonprofit private parks, nature preserves or sanctuaries intended for public use and enjoyment, including necessary accessory structures such as shelters, rest rooms and picnic areas.
    b. Public or private golf courses, including clubhouse facilities.
    c. Agriculture, nurseries and greenhouses, general farming, single-family residences, provided that any greenhouse heating plant shall be located not less than 200 feet from any lot line.
    d. Farm dwellings and related accessory buildings as part of an active agricultural operation.
    e. Dairy farms and other related establishments for processing milk products, not including retail operations beyond those delineated under home occupations.
2. Conditional Uses.
    a. Cemeteries.
    b. Utility substations, pump houses and other public facilities provided that such uses will not detract from the general character of the area nor adversely affect the comfort, safety or welfare of the residents of the area.

914.03 DEVELOPMENT STANDARDS.

1. Lot Requirements. Minimum lot size shall be five acres for those uses set forth in Section 914.02. Minimum lot frontage to a public right-of-way shall be 100 feet. All structures shall be set back from all public rights-of-way and adjacent property lines a minimum of 50 feet.
2. Building Requirements. The maximum height of structures shall be thirty feet.
3. General Development Standards. The Zoning Inspector shall have the right to request and review traffic ingress and egress plans that affect public rights-of-way. No traffic plan

shall be designed so as to create unnecessary burdens on public rights-of-way. The Zoning Inspector may attach such further conditions or requirements as are necessary to meet the objectives of the Natural District as set out in Section 914.01.

SECTION 915 FLOOD PLAIN OVERLAY (FPO)

915.01 FLOOD PLAIN OVERLAY DISTRICT ESTABLISHED.

There is hereby established a Flood Plain Overlay District within the Village of Hanover, Ohio. This Overlay District shall apply to all special flood hazard and areas of future conditions flood hazard within the jurisdiction of the Village as identified in Section 915.04 of the Zoning Code, including any additional special flood hazard areas annexed by the Village of Hanover. 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 governing the overlay district are stricter than those of the base district, the provisions of this Section shall supersede those of the base district.

915.02 TITLE AND PURPOSE.

1. Findings of Fact. The Village of Hanover has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.
2. Statement of Purpose. It is the purpose of Chapter 915 of the Zoning Code, which are referred to herein as "regulations," to promote the public health, safety and general welfare, and to:
    a. Protect human life and health;
    b. Minimize expenditure of public money for costly flood control projects;
    c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
    d. Minimize prolonged business interruptions;
    e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazard;
    f. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
    g. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;

h. Minimize the impact of development on adjacent properties within and near flood prone areas;

i. Ensure that the flood storage and conveyance functions of the floodplain are maintained;

j. Minimize the impact of development on the natural, beneficial values of the floodplain;

k. Prevent floodplain uses that are either hazardous or environmentally incompatible; and

l. Meet community participation requirements of the National Flood Insurance Program.

3. Methods of Reducing Flood Losses. In order to accomplish its purposes, these regulations include methods and provisions for:

    a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;

    b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

    c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

    d. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and

    e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

4. Statutory Authorization. This Section is adopted pursuant to Article XVIII, Section 3, of the Ohio Constitution, which grants municipalities the legal authority to adopt land use regulations and to control measures for promoting the health, safety, and general welfare of its citizens.

915.03 DEFINITIONS.

1. Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

    a. "Accessory Structure" means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

    b. "Appeal" means a request for review of the Floodplain Administrator's interpretation of any provision of these regulations or a request for a variance.

    c. "Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

d. "Base (100-Year) Flood Elevation (BFE)" means the water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

e. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

f. "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

g. "Enclosure Below the Lowest Floor". See "Lowest Floor."

h. "Executive Order 11988 (Floodplain Management)" issued by President Carter in 1977. This order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

i. "Federal Emergency Management Agency (FEMA)" means the agency with the overall responsibility for administering the National Flood Insurance Program.

j. "Fill" means a deposit of earth material placed by artificial means.

k. "Flood or Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

    i. The overflow of inland or tidal waters, and/or

    ii. The unusual and rapid accumulation or runoff of surface waters from any source.

l. "Flood Hazard Boundary Map (FHBM)" means the initial map, produced by the Federal Emergency Management Agency or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

m. "Flood Insurance Rate Map (FIRM)" means an official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

n. "Flood Insurance Risk Zones" means zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

    i. Zone A: Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.

    ii. Zones A1-30 and Zone AE: Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.

iii. Zone AO: Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

iv. Zone AH: Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

v. Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

vi. Zone B and Zone X (shaded): Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

vii. Zone C and Zone X (unshaded): Areas determined to be outside the 500-year floodplain.

o. "Flood Insurance Study (FIS)" means the official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

p. "Flood Protection Elevation" means the Flood Protection Elevation, or FPE, and is the base flood elevation plus two feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations or base flood elevations determined and/or approved by the Floodplain Administrator.

q. "Floodway" means a channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

r. "Freeboard" means a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

s. "Future Conditions Flood Hazard Area" also known as area of future conditions flood hazard, the land area that would be inundated by the one percent annual chance flood based on future conditions hydrology.

t. "Historic structure" means any structure that is:

   i. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

   ii. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

   iii. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.

u. "Hydrologic and hydraulic engineering analysis" means an analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

v. "Letter of Map Change (LOMC)" means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's are broken down into the following categories:

   i. "Letter of Map Amendment (LOMA)" means a revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

   ii. "Letter of Map Revision (LOMR)" means a revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

   iii. "Conditional Letter of Map Revision (CLOMR)"means a formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

w. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the

lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

x. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

y. "Manufactured home park". As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park is any tract of land upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

z. "National Flood Insurance Program (NFIP)" means a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

aa. "New construction" means structures for which the "start of construction" commenced on or after the initial effective date of the Village of Hanover Flood Insurance Rate Map, May 17, 1982, and includes any subsequent improvements to such structures.

bb. "Person" means any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does

not include the General Assembly, the Controlling Board, the Adjutant General's Department, or any court.

cc. "Recreational vehicle" means a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self- propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

dd. "Registered Professional Architect" means a person registered to engage in the practice of architecture under the provisions of Sections 4703.01 to 4703.19 of the Ohio Revised Code.

ee. "Registered Professional Engineer" means a person registered as a professional engineer under Chapter 4733 of the Ohio Revised Code.

ff. "Registered Professional Surveyor" means a person registered as a professional surveyor under Chapter 4733 of the Ohio Revised Code.

gg. "Special Flood Hazard Area" means the land in the floodplain subject to a one percent or greater chance of flooding in any given year, also known as "Areas of Special Flood Hazard". Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are floodprone and designated from other federal, state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and floodprone soils associated with a watercourse.

hh. "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start 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, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

ii. "Structure" means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

jj. "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood related damage sustained by a structure on two (2) separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

kk. "Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. When the combined total of all previous improvements or repairs made during the life of the structure equals or exceeds 50 percent of a structure's market value, that structure is considered a substantial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

i. Any improvement to a structure which is considered "new construction";

ii. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

iii. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure".

ll. "Variance" means a grant of relief from the standards of these regulations consistent with the variance conditions herein.

mm. "Violation" means the failure of a structure or other development to be fully compliant with these regulations.

915.04 GENERAL PROVISIONS.

1. Basis for Establishing the Areas of Special Flood Hazard. For the purposes of this Section, the following studies and/or maps are adopted:

a. Flood Insurance Study Licking County, Ohio and Incorporated Areas and Flood Insurance Rate Map Licking County, Ohio and Incorporated Areas both effective 05/02/2007.

b. Other studies and maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.

c. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the Village of Hanover as required by Subdivisions and Large Scale Development Section 915.06(b) of the Zoning Code.

d. Any revisions to the aforementioned maps and studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at 200 New Home Road, NE Newark, Ohio.

2. Abrogation and Greater Restrictions. These regulations are not intended to repeal any existing ordinances or ordinances, including Subdivision Regulations, Zoning or Building Codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not intend to impair any deed restriction, covenant or easement, but the land subject to such interests shall also be governed by the regulations.

3. Interpretation. In the interpretation and application of these regulations, all provisions shall be:

    a. Considered as minimum requirements;

    b. Liberally construed in favor of the governing body; and

    c. Deemed neither to limit nor repeal any other powers granted under state statutes.

    Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

4. Warning and Disclaimer of Liability. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. These regulations do not imply that land outside the areas of special flood hazard or areas of future conditions flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the Village of Hanover, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

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

915.05 PERMITTED AND PROHIBITED USES.

1. The following use standards shall apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Sections 915.04 or 915.08(j):

    a. Permitted Uses. All uses permitted in the base or underlying zoning district and not otherwise prohibited in this Section or any other applicable land use

regulation adopted by the Village of Hanover shall be permitted uses within the Flood Plain Overlay District provided they meet the provisions of these regulations.

b. Prohibited Uses. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Chapter 3701 of the Ohio Revised Code, and infectious waste treatment facilities in all special flood hazard areas, permitted under Chapter 3734 of the Ohio Revised Code shall not be permitted.

    i. Storage or processing of materials that are hazardous, flammable, or explosive in the identified special flood hazard areas.

    ii. Storage of material or equipment that, in time of flooding, could become buoyant and pose an obstruction to flow in the identified floodway areas.

    iii. New construction of any residential or nonresidential structures in floodway areas.

    iv. Critical development in special flood hazard areas unless the critical development is elevated to meet the requirements of Section 915.06(i)(2).

915.06 DEVELOPMENT STANDARDS AND REGULATIONS.

The following development standards and regulations shall apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Sections 915.04 or 915.08(j):

1. Water and Wastewater Systems. The following standards shall apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

    a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

    b. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

    c. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

2. Subdivisions and Large Developments.

    a. All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;

    b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

    c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;

d. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all major (platted) subdivision proposals and other proposed developments at least 5 acres in size;

e. The applicant shall meet the requirement to submit technical data to FEMA in Section 915.08(i)(1)A.4. of the Zoning Code when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 915.06(b)(4) of the Zoning Code.

f. All preliminary plans for platted subdivisions shall identify the flood hazard area and the elevation of the base flood.

g. All final subdivision plats will provide the boundary of the special flood hazard area, the floodway boundary, and base flood elevations.

h. In platted subdivisions, all proposed lots or parcels that will be future building sites shall have a minimum buildable area outside the natural (non-filled) 1% chance annual floodplain. The buildable area shall be large enough to accommodate primary structure and associated structures such as sheds, barns, swimming pools, detached garages, on-site sewage disposal systems, and water supply wells, if applicable.

i. Approval shall not be given for streets within a subdivision that would be subject to flooding exceeding one (1) inch during the 100-year flood event. All street surfaces shall be located at an elevation no more than one (1) inch at or above the base flood elevation.

3. Residential Structures.

a. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring under Section 915.06(c)(1) of the Zoning Code and construction materials resistant to flood damage Section 915.06(c)(2) of the Zoning Code are satisfied.

b. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.

c. New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

d. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. Where flood protection elevation data are not available the structure shall have the lowest

floor, including basement, elevated at least two feet above the highest adjacent natural grade. Support structures and other foundation members shall be certified by a registered professional engineer or architect as designed in accordance with ASCE 24, Flood Resistant Design and Construction.

e. New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:

    i. Be used only for the parking of vehicles, building access, or storage; and

    ii. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or

    iii. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

f. Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

g. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 915.06(c) of the Zoning Code.

h. Each new residential site shall have direct access to a public roadway or direct access to a walkway/driveway whose surface elevation is not less than the flood protection elevation and such escape route shall lead directly out of the floodplain area.

4. Nonresidential Structures.

    a. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 915.06(c)(1)-(3) and (c)(5)-(7) of the Zoning Code.

    b. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including

basement, elevated to or above the level of the flood protection elevation, or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

i. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

iii. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Floodproofing Certificate, that the design and methods of construction are in accordance Section 915.06(d)(2)A. and B. of the Zoning Code.

c. Where flood protection elevation data are not available, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

d. Each new nonresidential site shall have direct access to a walkway, driveway, or roadway whose surface elevation is not less than the flood protection elevation and such escape route shall lead directly out of the floodplain area.

e. Accessory Structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:

i. They shall not be used for human habitation;

ii. They shall be constructed of flood resistant materials;

iii. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of flood waters;

iv. They shall be firmly anchored to prevent flotation;

v. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and

vi. They shall meet the opening requirements of subdivision C of Section 915.06(c)(5) of the Zoning Code (this Section).

5. Recreational Vehicles. Recreational vehicles must meet at least one of the following standards:

a. They shall not be located on sites in special food hazard areas for more than 180 days; or

b. They must be fully licensed and ready for highway use; or

c. They must meet all standards of Section 915.06(c) of the Zoning Code.

6. Above Ground Gas or Liquid Storage Tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

7. Assurance of Flood Carrying Capacity. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

    a. Development in Floodways.

        i. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or

        ii. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:

            1. Meet the requirements to submit technical data in Section 915.08(i)(1) of the Zoning Code;

            2. An evaluation of alternatives which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;

            3. Certification that no structures are located in areas which would be impacted by the increased base flood elevation;

            4. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and

            5. Concurrence of the Village Administrator of the Village of Hanover and the Chief Executive Officer of any other communities impacted by the proposed actions.

    b. Development in Riverine Areas with Base Flood Elevations but No Floodways.

        i. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or

        ii. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have

been designated causing more than 1.0 (one) foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:

1. An evaluation of alternatives which would result in an increase of 1.0 (one) foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
2. The requirements of Section 915.06(h)(1)B.1. and 3. - 5. of the Zoning Code.

c. Alterations of a Watercourse. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

i. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.

ii. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.

iii. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the Village of Hanover specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.

iv. The applicant shall meet the requirements to submit technical data in Section 915.08(i)(1)A.3. of the Zoning Code when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

d. Compensatory Storage Required for Fill. Fill within the area of special flood hazard shall result in no net loss of natural floodplain storage. The volume of

the loss of floodwater storage due to filling in the special flood hazard area shall be offset by providing an equal volume of flood storage by excavation or other compensatory measures as follows: 1) on-site; or 2) on other property, as determined by a engineering analysis submitted to and approved by the Floodplain Manager and/or engineer with jurisdiction over that property.

e. Critical Development.

    i. Critical development is that which is critical to the community's public health and safety, are essential to the orderly functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include jails, hospitals, schools, fire stations, service facilities, nursing homes, wastewater treatment facilities, water plants, and gas/oil/ propane storage facilities.

    ii. Critical developments shall be elevated to the 500-year flood elevation or be elevated to the highest known historical flood elevation (where records are available) or two feet above the (100 year) base flood elevation, whichever is greater. If no data exists establishing the 500-year flood elevation or highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500-year flood elevation data.

f. Fill. The following standards apply to all fill activities in special flood hazard areas:

    i. Fill sites, upon which structures will be constructed or placed, must be compacted to 95 percent of the maximum density obtainable with the Standard Proctor Test method or an acceptable equivalent method.

    ii. Fill slopes shall not be steeper than one foot vertical to two feet horizontal.

    iii. Adequate protection against erosion and scour is provided for fill slopes. When expected velocities during the occurrence of the base flood of five feet per second armoring with stone or rock protection shall be provided. When expected velocities during the base flood are five feet per second or less protection shall be provided by covering them with vegetative cover.

    iv. Fill shall be composed of clean granular or earthen material.

8. Storage of Materials. Storage of material or equipment not otherwise prohibited in Section 915.05 (b) shall be firmly anchored to prevent flotation.

915.07 ADMINISTRATION.

1. Designation of the Floodplain Administrator. The Village Engineer is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

2. Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

    a. Evaluate applications for permits to develop in special flood hazard areas and future conditions flood hazard areas.

    b. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.

    c. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.

    d. Inspect buildings and lands to determine whether any violations of these regulations have been committed.

    e. Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.

    f. Enforce the provisions of these regulations.

    g. Provide information, testimony, or other evidence as needed during variance hearings.

    h. Coordinate map maintenance activities and FEMA follow-up.

    i. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

915.08 FLOODPLAIN DEVELOPMENT PERMITS.

1. Floodplain Development Permits. No person shall begin construction or other development activity, including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area or future conditions flood hazard area established by Section 915.04(a) of the Zoning Code, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

2. Application Required. An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area or future conditions flood hazard area, and a permit shall be obtained before construction or development begins in a special flood hazard area. The application shall be made by the owner of the property or

his or her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Application for a Development Permit shall be made in duplicate on forms furnished by the Village Zoning Inspector. Where it is unclear whether a development site is in a special flood hazard area or future conditions flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

a. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

b. Elevation of the existing, natural ground where structures are proposed.

c. Elevation of the lowest floor, including basement, of all proposed structures.

d. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.

e. Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:

    i. Floodproofing certification for non-residential floodproofed structure as required in Section 915.06(d) of the Zoning Code.

    ii. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 915.06(c)(5) of the Zoning Code are designed to automatically equalize hydrostatic flood forces.

    iii. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 915.06(h)(3) of the Zoning Code.

    iv. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 915.06(h)(2) of the Zoning Code.

    v. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 915.06(h)(1) of the Zoning Code.

    vi. Generation of base flood elevation(s) for subdivisions and large scale developments as required by Section 915.06(b) of the Zoning Code.

f. A floodplain development permit application fee set by the schedule of fees adopted by the Village of Hanover.

g. Volumetric calculations demonstrating compensatory storage have been provided as required by Section 915.06(h)(4).

h. Generation of the 500-year flood elevation for critical development as required by Section 915.06(i)(1) and (2).

3. Review of a Floodplain Development Permit Application.

a. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 915.08(b) of the Zoning Code has been received by the Floodplain Administrator.

b. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

c. Approval of a Floodplain Development Permit Application. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion. This permit shall be in addition to the Zoning Permit required for the base or underlying zoning district.

d. Inspections. The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

e. Post-Construction Certifications Required. The following as-built certifications are required after a floodplain development permit has been issued:

i. For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.

ii. For all development activities subject to the standards of Section 915.08(i) of the Zoning Code, a Letter of Map Revision.

f. Revoking a Floodplain Development Permit. A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Board of Zoning Appeals in accordance with Section 915.09 of the Zoning Code.

g. Exemption from Filing a Development Permit. An application for a floodplain development permit shall not be required for:

i. Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than $1,000.

ii. Development activities in an existing or proposed manufactured home park. Such activities are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Chapter 3701.

iii. Major utility facilities permitted by the Ohio Power Siting Board under Chapter 4906 of the Ohio Revised Code.

iv. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Chapter 3734 of the Ohio Revised Code.

v. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 - Floodplain Management. Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

4. Map Maintenance Activities. To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the Village of Hanover flood maps, studies and other data identified in Section 915.04(a) of the Zoning Code accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

a. Requirement to Submit New Technical Data.

i. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard areas;

3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

4. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 915.06(b) of the Zoning Code.

ii. It is the responsibility of the applicant to have technical data, required in accordance with Section 915.08(i) of the Zoning Code, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

iii. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

1. Proposed floodway encroachments that increase the base flood elevation; and

2. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

iv. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 915.08(i)(1)A. of the Zoning Code.

b. Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Village Engineer of the Village of Hanover, and may be submitted at any time.

c. Annexation/Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Village of Hanover have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Village of Hanover's Flood Insurance Rate Map accurately represents the Village of Hanover boundaries, include within such notification a copy of a map of the Village of Hanover suitable for reproduction, clearly showing the new corporate limits or the new area for which the Village of Hanover has assumed or relinquished floodplain management regulatory authority.

5. Data Use and Flood Map Interpretation. The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

a. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway

data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.

b. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.

c. When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:

    i. Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.

    ii. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA.

d. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard and areas of future conditions flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 915.09 of the Zoning Code.

e. Where a map boundary showing an area of special flood hazard or area of future conditions flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

6. Substantial Damage Determinations. Damages to structures may result from a variety of causes including tornado, wind, heavy snow, flood, fire, etc. After such a damage event, the Floodplain Administrator shall:

    a. Determine whether damaged structures are located in special flood hazard areas;

    b. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and

c. Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

d. Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

915.09 APPEALS FROM DETERMINATIONS OF THE FLOODPLAIN ADMINISTRATOR.

The Board of Zoning Appeals shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of the regulations set forth in this Section. The appeal shall be conducted under the procedures set forth in Section 509 and Section 510 of the Zoning Code of the Village.

915.10 VARIANCES.

1. Variances. The Board of Zoning Appeals shall have the power to hear and decide applications for variances in the application of these regulations, where such variance is not inconsistent with Federal regulations, and where a variance from the standards of these regulations will not be contrary to the public interest, and where, owning to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship. The Board shall hear and decide an application for a variance in accordance with the procedures set forth in Section 512 through Section 518 of the Zoning Code of the Village.
2. Application. Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. All applications for a variance shall be accompanied by a variance application fee set in the zoning fee schedule.
3. Considerations. In considering an application for a variance under this Section, the Board of Zoning Appeals shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:
    a. The danger that materials may be swept onto other lands to the injury of others.
    b. The danger to life and property due to flooding or erosion damage.
    c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

d. The importance of the services provided by the proposed facility to the community.

e. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

f. The necessity to the facility of a waterfront location, where applicable.

g. The compatibility of the proposed use with existing and anticipated development.

h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

i. The safety of access to the property in times of flood for ordinary and emergency vehicles.

j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.

k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

4. Determinations. Variances shall only be issued upon a showing of good and sufficient cause and:

    a. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.

    b. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.

    c. A determination that the structure or other development is protected by methods to minimize flood damages.

    d. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. Limitations. In addition to the other requirements of this Section, a variance shall only be issued upon the following conditions:

    a. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

    b. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 915.10(3)(a)-(k) of the Zoning Code have

been fully considered. As the lot size increases beyond one- half acre, the technical justification required for issuing the variance increases.

c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

6. Conditions. The Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.

915.11 APPEALS.

An appeal from any decision of the Planning Commission under this Section may appeal such decision to the Licking County Court of Common Pleas as provided in Chapter 2506 of the Ohio Revised Code.

915.12 ENFORCEMENT.

1. Compliance Required.

    a. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit under Section 915.08(h) of the Zoning Code.

    b. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 915.12(c) of the Zoning Code.

    c. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 915.12(c) of the Zoning Code.

2. Notice of Violation. Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

    a. Be put in writing on an appropriate form;

    b. Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action which, if taken, will effect compliance with the provisions of these regulations;

    c. Specify a reasonable time for performance;

    d. Advise the owner, operator, or occupant of the right to appeal;

e. Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

TABLE 1 LAND USE SUMMARY

	Village Residential VR	General Residential R3	High Street HS	River RVR	Spring SPG	Flats FTS	Special SPEC	Hill HILL	Gateway GW	Northeast NE	Natural NAT	Flood Plain Overlay FPO	Use Stds (Sect. 916)
A. **Residential**													
Household Living	P	P	P	P	P	P	--	P	P	P	P	--	**#1**
Group Living	--	--	C	--	--	C	--	--	C	--	--	--	
Social Services	--	--	--	--	--	--	--	--	--	--	--	--	
Short-Term Rental	C	C	C	--	--	--	--	--	--	--	--	--	
B. **Open**													
Parks & Open Space	P	P	P	P	P	P	P	P	P	P	P	P	
Urban Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	
C. **Public**													
Community Service	--	--	P	--	--	--	--	--	P	--	--	--	
Day Care	--	--	P	--	--	--	--	--	P	--	--	--	
Education	--	--	P	--	--	--	P	--	P	--	--	--	
Government	--	--	P	--	--	--	P	--	P	--	--	--	
Religious Assembly	--	--	P	--	--	--	C	--	P	--	--	--	
Transit Station	--	--	P	--	--	--	--	--	P	--	--	--	
D. **Commercial**													
Adult Entertainment	--	--	--	--	--	--	--	--	--	--	--	--	
Animal Care	--	--	--	C	C	C	--	C	--	C	--	--	
Auto-Related	--	--	C	--	--	--	--	--	--	--	--	--	
Eating & Drinking	--	--	P	C	C	C	--	--	P	--	--	--	
Indoor Entertainment	--	--	P	--	--	--	--	--	P	--	--	--	
Lodging	--	--	P	--	--	C	--	--	P	--	--	--	
Medical Hospital	--	--	P	--	--	--	C	--	P	--	--	--	
Medical Laboratory	--	--	P	--	--	C	--	--	P	--	--	--	
Medical Services	--	--	P	--	--	C	--	--	P	--	--	--	
Office	--	--	P	--	P	C	--	--	P	--	--	--	
Outdoor Recreation	--	--	--	P	--	C	P	--	C	--	--	--	
Personal Service	--	--	P	C	--	C	--	--	P	--	--	--	
Retail	--	--	P	C	C	C	--	--	C	--	--	--	
Self-Storage	--	--	--	--	--	C	--	--		C	--	--	
Vehicle Sales & Rental	--	--	--	--	--	C	--	--		C	--	--	
E. **Industrial**													
Heavy Industrial	--	--	--	--	--	--	--	--	--	--	--	--	
Light Industrial	--	--	--	--	--	--	--	--	--	--	--	--	
Makerspace	--	--	P	--	--	--	--	--	P	--	--	--	
Research & Development	--	--	--	--	--	--	--	--	--	--	--	--	
Warehouse & Distribution	--	--	--	--	--	--	--	--	--	--	--	--	

P = Permitted Use
C = Condition Use
-- = Not Allowed

SECTION 916 USE STANDARDS

1. Village Residential (VR) and General Residential (R3)
    a. Only one-family and two-family structures are allowed.

SECTION 917 USE CATEGORIES

Residential

1. Household Living
    a. Definition
        i. A facility providing occupancy of a dwelling unit by a household on a monthly or longer basis.
    b. Examples of Included Uses
        i. One-family dwelling
        ii. Two-family dwelling
        iii. Townhouse/rowhouse
        iv. Multi-family dwelling
    c. Senior/independent living
2. Group Living
    a. Definition
        i. A facility providing residential occupancy on a monthly or longer basis that does not meet the definition of household living. Group living facilities have common eating and cooking areas for residents, and residents may receive care or training.
    b. Examples of Included Uses
        i. Assisted living
        ii. Boarding/rooming house
        iii. Dormitory
        iv. Fraternity/sorority house
        v. Hospice
        vi. Nursing home

Public Uses

1. Community Service
    a. Definition
        i. A facility providing ongoing public safety, educational training, or counseling to the general public on a regular basis, without a residential component.

b. Examples of Included Uses

i. Community center

ii. Library, museum, aquarium

iii. Neighborhood arts center or similar public community facility

2. Day Care

a. Definition

i. A facility providing care and supervision for compensation during part of a 24 hour day, for children or adults not related by blood, marriage or legal guardianship to the person or persons providing the care.

b. Examples of Included Uses

i. Adult day care center

ii. Child care center

iii. Drop-in child care

iv. Nursery school, preschool

v. Recreational program, before- and after-school

3. Education

a. Definition

i. Public and private (including charter or religious) schools at the primary, elementary, middle, junior high, or high school level that provide basic academic education. This use also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree.

b. Examples of Included Uses

i. Academy (special training)

ii. Charter, trade, vocational, or business school

iii. College, community college, university, or seminary

iv. Public or private (preK-12) school

v. Training of medical students

4. Government

a. Definition

i. A facility, building, structure, or use owned or operated by the federal government, State of Ohio, Licking County or other county, the Village of Hanover, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose.

b. Examples of Included Uses

i. City, county, state, federal, or government office

ii. Police, fire and EMS station

iii. Post office

iv. Public health facility

v. Public works facility

5. Parks and Open Space

a. Definition

i. A facility focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, and having few structures.

b. Examples of Included Uses

i. Cemetery

ii. Conservation area

iii. Greenway, recreational trail, multi-use path

iv. Park, playground

v. Plaza, square, green

6. Religious Assembly

a. Definition

i. A facility providing meeting areas for religious activities. Affiliated preschools are classified as day care. Affiliated schools are classified as schools.

b. Examples of Included Uses

i. Church

ii. Chapel

iii. Mosque

iv. Temple

v. Synagogue

7. Transit Station

a. Definition

i. A facility or stop for a public transit system.

b. Examples of Included Uses

i. Bus station

ii. Light rail station

iii. Multi-modal facility

iv. Rail/train station

8. Urban Agriculture

    a. Definition

        i. A facility for the growing and harvesting of food crops and/or non-food, ornamental crops, such as flowers excluding cannabis.

    b. Examples of Included Uses

        i. Community garden

        ii. Market garden

        iii. Farmers' market

Commercial Uses

1. Adult Entertainment

    a. For adult entertainment see *Sec. 1033 of the Zoning Code*.

2. Animal Care

    a. Definition

        i. A facility providing care or boarding of domesticated animals for compensation.

    b. Examples of Included Uses

        i. Animal hospital

        ii. Doggy day care

        iii. Kennel, animal shelter

        iv. Pet boarding

        v. Pet grooming

        vi. Pet training facility

        vii. Veterinary office

3. Assembly

    a. Definition

        i. A facility that draws members of the general public to specific events or shows.

    b. Examples of Included Uses

        i. Banquet hall

        ii. Private club or lodge

        iii. Rental hall

iv. Theater/movie theater

4. Auto-Related
    a. Definition
        i. A facility providing services related to vehicles generally weighing less than 10,000 pounds.
    b. Examples of Included Uses
        i. Audio/alarm installation
        ii. Body and paint shop
        iii. Brake repair
        iv. Car wash
        v. Drive-thru or drive in
        vi. Emissions testing
        vii. Engine repair
        viii. Gas station, service station
        ix. Inspection station
        x. Minor scratch and dent repair
        xi. Muffler shop
        xii. Quick lubrication facilities
        xiii. Tire shop
        xiv. Transmission repair
        xv. Windscreen repair or replacement
5. Eating and Drinking
    a. Definition
        i. A facility that prepares and sells food and drink for on- or off-premise consumption. Also includes facilities licensed by the Ohio Division of Liquor Control that produce no more than 10,000 barrels of beer or cider, or no more than 50,000 gallons of wine, or no more than 60,000 gallons of spirits, in one calendar year.
    b. Examples of Included Uses
        i. Bakery, cake shop
        ii. Bar/tavern/pub
        iii. Brewpub
        iv. Coffee, tea shop
        v. Juice bar, smoothie shop

vi. Ice cream, yogurt shop
vii. Mobile food trucks meeting Village standards
viii. Micro-brewery, micro-distillery, micro-winery
ix. Restaurant

6. Indoor Entertainment
    a. Definition
        i. A facility that offers entertainment or games of skill to the general public in a primarily indoor setting.
    b. Examples of Included Uses
        i. Amusement center, game/video arcade
        ii. Billiard, pool hall
        iii. Bowling alley
        iv. Extreme sports facility, such as BMX, skateboarding or roller blading
        v. Escape room
        vi. Ice or roller skating rink
        vii. Indoor sports facility
        viii. Inflatable playground/jump house facility
        ix. Mini-golf
        x. Motor track
        xi. Shooting range
7. Lodging
    a. Definition
        i. A facility providing for transient accommodation of short term stays of generally less than 30 days.
    b. Examples of Included Uses
        i. Bed and breakfast
        ii. Extended-stay facility
        iii. Hotel, motel, inn
8. Medical Hospital
    a. Definition
        i. A facility providing primarily in-patient, intensive, medical, or surgical care, including emergency care services. Includes facilities for extended care, intermediate care and out-patient care, living facilities for staff, research and educational facilities, doctor's

offices and any administrative offices necessary for operation of the facility.

b. Examples of Included Uses

i. Hospital

ii. Skilled nursing facility

9. Medical Laboratory

a. Definition

i. A facility conducting medical research or testing and examining of materials derived from the human body, such as fluid, tissue or cells, for the purpose of providing information on diagnosis, treatment, mitigation, cure or prevention of disease.

b. Examples of Included Uses

i. Medical or dental laboratory

10. Medical Services

a. Definition

i. A facility providing out-patient medical or surgical care.

b. Examples of Included Uses

i. Acute care

ii. Birthing center

iii. Chiropractor

iv. Compounding pharmacy

v. Doctor's office/dentist

vi. Kidney dialysis

vii. Medical office or clinic

viii. Physical therapist

ix. Orthodontist

x. Optician, optometrist

xi. Surgical out-patient facility

xii. Therapeutic massage

xiii. Urgent care, emergency medical office

11. Office

a. Definition

i. A facility used for activities conducted in an office setting and generally focusing on business, professional or financial services.

b. Examples of Included Uses

i. Business and professional services in a private or co-working setting including, accounting, advertising, architecture, auditing, banking, bookkeeping, consulting, design, employment, engineering, insurance, investment, landscape architecture, real estate, security or technology services

ii. Call center

iii. Counseling in an office setting

iv. Data storage center

v. Radio, TV station, recording studio

12. Outdoor Recreation

a. Definition

i. A facility providing entertainment or recreation activities primarily in an outdoor setting.

b. Examples of Included Uses

i. Amusement park

ii. Drive-in theater

iii. Campground, travel trailer park, or recreational vehicle park

iv. Extreme sports such as paintball, BMX, or skateboarding facility

v. Golf course, country club, or executive par three golf course

vi. Outdoor entertainment activity such as batting cage, golf driving range, mini-amusement park,

vii. Horse stable, riding academy, or equestrian center

viii. Mini-golf

ix. Outdoor shooting range

x. Sports academy for active recreational or competitive sports

xi. Stadium, arena, or commercial amphitheater

xii. Water park

13. Personal Service

a. Definition

i. A facility involved in providing personal or repair services to the general public.

b. Examples of Included Uses

i. Beauty, hair, nail, tanning salon

ii. Catering service

iii. Cleaning establishment, dry cleaning, laundry, laundromat

iv. Dance, martial arts, music studio or classroom

v. Funeral home, mortuary and undertaking establishment, pet funeral home (not including crematory)

vi. Locksmith

vii. Gym, fitness studio, pilates, yoga studio, climbing gym, health spa

viii. Photocopy, blueprint, package shipping and quick-sign service, printing, mailbox

ix. Repair of appliances, bicycles, canvas products, clocks, computers/tablets, jewelry, mobile phones, musical instruments, office equipment, shoes, televisions, watches or similar items.

x. Tailor, milliner, upholsterer

xi. Tutoring

xii. Wedding chapel

14. Retail

a. Definition

i. A facility involved in the sale, lease or rental of new or used products.

b. Examples of Included Uses

i. Alcohol (off-site), antiques, appliances, art supplies, art gallery, batteries, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronics, fabric, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, office supplies, pets, pet supplies, pharmaceuticals, phones, picture frames, plants, pottery, printed materials, produce, seafood, shoes, souvenirs, sporting goods, stationery, tobacco, children's toys, vehicle parts and accessories, video games and related products.

15. Self-Service Storage

a. Definition

i. A facility that provides separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property. May include accessory sales of boxes, tape and other packing-related materials. Includes truck and equipment rental.

b. Examples of Included Uses

i. Fully enclosed indoor multi-story storage

c. Mini-warehouse

d. Warehouse, self-service

16. Vehicle Sales and Rental

a. Definition

i. A facility that sells, rents or leases vehicles generally weighing less than 10,000 pounds.

b. Examples of Included Uses

i. ATVs

ii. Boats

iii. Cars

iv. Motorbikes, scooters

v. Pick up trucks, vans, minivans

Industrial Uses

1. Heavy Industrial

a. Definition

i. A facility that involves heavy or intensive uses that may cause excessive smoke, odor, noise, glare, fumes or vibration, and may include uses that are unsightly, noxious or offensive.

b. Examples of Included Uses

i. Automobile, vehicle, boat manufacturing

ii. Acetylene or oxygen manufacture

iii. Acid manufacture including all corrosive acids and materials

iv. Ammonia, chlorine, or bleaching powder manufacture

v. Animal processing, packing, treating and storage, livestock or poultry slaughtering

vi. Bottling plant

vii. Building materials storage yard

viii. Bulk fuel sales

ix. Bulk storage of flammable liquids, chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products

x. Celluloid or pyroxylin products

xi. Coal, petroleum, inflammable liquid products

xii. Coke ovens

xiii. Compost manufacture or storage

xiv. Concrete batch plant
xv. Contractor storage yard
xvi. Crematorium
xvii. Creosoting
xviii. Extraction, stockpiling of sand or gravel, borrow pit
xix. Explosives, fireworks
xx. Fertilizer manufacturing
xxi. Fleet storage
xxii. Fish curing, smoking or packing
xxiii. Fish oil manufacture or refining
xxiv. Forging plants and drop hammers
xxv. Glue manufacture
xxvi. Graphite manufacture
xxvii. Hazardous waste
xxviii. Landfill or incinerator
xxix. Livestock feeding yards or market
xxx. Lumberyard, building materials sales and storage
xxxi. Metal, sand, stone, gravel, clay mining
xxxii. Petroleum, liquefied petroleum gas and coal products and refining
xxxiii. Recycling processing
xxxiv. Rock crushing
xxxv. Towing/impounding of vehicles
xxxvi. Trailer storage, drop off lot
xxxvii. Resource extraction
xxxviii. Rubber and plastic products
xxxix. Waste transfer station
xl. Wrecking, junk, or salvage yard

2. Heavy Vehicle/Equipment Sales and Service
    a. Definition
        i. A facility that sells, rents, leases, repairs or services heavy equipment, or vehicles generally weighing more than 10,000 pounds.
    b. Examples of Included Uses
        i. Agriculture equipment

ii. Box truck, refuge truck
iii. Buses, boats, recreation vehicles
iv. Construction equipment
v. Industrial machinery and heavy equipment
vi. Semi-trailer truck
vii. Tankers
viii. Trailers

3. Light Industrial
    a. Definition
        i. A facility conducting light manufacturing and repair operations within a fully-enclosed building.
    b. Examples of Included Uses
        i. Baking, wholesale
        ii. Brewery, distillery, winery
        iii. Clothing, textile or apparel, shoes
        iv. Construction trades and contractor office
        v. Consumer electronics , appliances, computers
        vi. Food manufacturing and processing
        vii. Furniture upholstery installation or re-upholstery
        viii. Laundry and dry cleaning plant, linen supply/diaper services
        ix. Measuring instruments; semiconductor devices including integrated circuits
        x. Pharmaceutical or medical supplies, medical equipment
        xi. Plumbing and heating supplies
        xii. Publishing facility
        xiii. Recreational equipment
        xiv. Renewable energy equipment
        xv. Children's Scientific measuring instruments; semiconductor and related devices, including but not limited to clocks, integrated circuits, jewelry, medical, musical instruments, photographic or optical instruments or timing instruments
        xvi. Sheet metal, welding, machine shop, tool repair
        xvii. Woodworking, cabinet, furniture making
4. Makerspace

a. Definition

i. A facility for small-scale, craft production, that produces or makes items that by their nature, are designed or made by an artist or craftsman by using hand skills.

b. Examples of Included Uses

i. Blacksmith, metalwork

ii. 3D printing, laser cutting, software, computers, electronics

iii. Clothing, textile or apparel, shoes

iv. Ceramics, pottery

v. Glass blowing

vi. Jewelry, silverware and plated ware

vii. Printing, screening

viii. Woodworking, cabinet, furniture making

5. Research and Development

a. Definition

i. A facility focused primarily on the research and development of new products.

b. Examples of Included Uses

i. Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private.

ii. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product.

iii. Pilot plants used to test manufacturing processes planned for use in production elsewhere.

6. Warehouse and Distribution

a. Definition

i. A facility involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.

b. Examples of Included Uses

i. Distribution center, parcel services

ii. Furniture transfer and storage

iii. Enclosed storage (includes bulk storage, cold storage plants, frozen food lockers, ice, and general freight storage)

iv. Warehouse

v. Wholesale sales of food, clothing, auto parts, building hardware and similar products

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 ordinances for such structures.

SECTION 1002 PRIVATE SWIMMING POOLS & PONDS

1. Definitions
    a. "Private swimming pool," as regulated herein, means a private swimming pool 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 one and one-half (1½) feet.
2. Application for permit. No person shall construct, install, or move a pool or pond without having first filing with the Zoning Inspector an application, in writing, and obtaining a formal permit for such construction, installation, or moving of such pool or pond on such forms as may be prescribed by the Village. Such application shall be accompanied by plans and specifications in duplicate and in sufficient detail showing the following:
    a. Pool or pond dimensions, depths, volume in gallons, and the distance of the pool or pond from all lot lines, existing and proposed structures, including septic tanks and their fields, if any, and existing utilities.
    b. Pool or pond construction plans, including details of materials to be used, water supply, type and size of filter system, pump details and capacity, drainage, waste disposal facilities, and pool or pond piping layout.
    c. Any proposed sewer and water taps, which shall be subject to the discretion of the Board of Public Affairs.
    d. Pool or pond fencing, lighting layout and estimated cost.

e. The Zoning Inspector, after finding that the application, plans, and specifications comply with the provisions hereof and all other requirements of the Zoning Code, shall issue the necessary permits for the construction or installation of such pool or pond.

3. No such swimming pool shall be allowed as an accessory use unless it complies with the following conditions and requirements.

    a. Pools are not permitted in front yards and not to exceed beyond the front of the principal structure.

    b. The pool is intended and is to be used solely for enjoyment of the occupants and their guests of the principal use of the property on which it is located.

    c. It, including any adjacent walks, paved areas, or accessory structures, shall comply with the applicable setback requirements of the zoning district in which the property is located.

    d. It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than fifteen (15) feet to any property line of the property on which located nor within thirty (30) feet of any adjacent property owner's dwelling.

    e. The swimming pool, or the entire property on which it is located, shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall to be not less than four (4) feet in height and maintained in good condition with a self-latching gate and lock. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost.

        i. This section shall not apply to an above-ground swimming pool if any of the following requirements are met:

            1. Its access ladder can be raised and locked in an upright position when not in use, or a stairs/ladder enclosure kit is installed with a self-latching and locked gate and the pool is enclosed by approved above ground pool fencing attached to the top or side walls of the pool. The top of the fencing shall be a minimum of seventy-two (72) inches above the ground level. Examples below:





2. When a pool is enclosed by a deck and the ladder and/or stairs must prevent any access to the deck/pool area when not in use. The ladder or stairs to the deck floor must either be raised and locked in an upright position or access to deck flooring must be blocked by a self-latching and lockable gate. The deck must be a minimum of three (3) feet in height to the deck floor with handrails not less than 30 inches in height or more than 42 inches in height measured vertically above the finished floor or walking surfaces. There shall be no more four (4) inches of spacing between balusters. Stairs with four (4) or more risers must have a handrail on one side of the stairs. Failure to keep ladder/stairs in a raised and locked position or self-latching gate secured in a closed position is considered a violation of the zoning ordinance.

4. Portable/Blow-Up/Wading/Kiddie Pools. A zoning certificate is not required for portable/blow-up/wading/kiddie pools that meet all the following criteria:

    a. The pool is only capable for holding eighteen (18) inches or one and one-half (1.5) feet of water or less, at the deepest point, and is nine (9) feet or less in water surface diameter at the widest point, or less than sixty-five (65) square feet in surface area.

    b. It is not erected, whether containing water or not, on one's property, when not wholly enclosed inside of a building, except for between and including the dates of May 1st through September 30th of the same calendar year.

    c. It shall not create any safety or health hazards. It is solely the responsibility of the property owner that these types of pools are not a safety hazard or do not become a health hazard.

    d. Are not permitted in front yards or on driveways.

    e. Are not equipped with a water recirculating system or involve structural materials.

    f. It may be required to be removed or required to adhere to the swimming pool regulations if all criteria are not met as determined by the Zoning Inspector or his designee.

    g. A portable plastic, metal or vinyl outdoor swimming pool eighteen (18) inches or under in height shall have a protective cover of plastic and shall be properly secured, or if not covered, shall be drained, when not in use.

Swimming pools capable of holding more than eighteen (18) inches of water, regardless of material, shall require a permit in accordance section (c) above.

SECTION 1003 FENCES AND WALLS

SECTION 1003.01 PURPOSE

The purpose of this chapter is to establish regulations controlling the use of fences, hedges and walls whereby the lot owner in any zoning district may have the privilege of privacy and landscape design within his own lot with due consideration to the environment of his neighbor, the appearance of the community and the safety of the public and the individual.

SECTION 1003.02 SCOPE

This chapter shall apply to all zoning districts. The fence regulations herein shall not apply to any permanent fence erected prior to the effective date of this chapter.

SECTION 1003.03 DEFINITIONS

As used in this chapter:

1. “Fence” means any structure composed of wood, iron, steel, shrubbery, hedges or other material erected in such a manner and position as to enclose or partially enclose all or any part of the premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers and other vegetation when erected in such position as to enclose all or any part of any premises shall be included within the definition of the word "fence". Structures erected other than on lot lines or in close proximity to lot lines, which have solely an ornamental purpose and which do not in fact serve the purpose of enclosing or partially enclosing premises or of separating premises from adjoining premises, shall not be included within the definition of the word "fence".
2. "Privacy fence" means a fence made to inhibit public view and provide seclusion and, when viewed at right angles, having more than fifty percent (50%) of the area of its vertical plane (the area within a rectangular outline enclosing all parts of the fence in its vertical plane) closed to light or air. Permitted privacy fences are:
    a. "Basket weave or woven fence" means a fence made of interwoven strips or slats of flexible or semi-flexible material in which the pattern has the appearance of a plaited basket.
    b. "Louver or ventilating fence" means a fence made of a series of slats placed at an angle or positioned so as to provide air but to deflect light perpendicular to its vertical plane.
    c. “Board on Board” means a fence constructed of vertical wood boards or other natural and permanent material with one-inch nominal size boards between, or upon, a frame of 2-inch nominal members and 4x4 nominal posts.
3. "Ornamental fence" means a fence usually made of wood constructed for its beauty or decorative effect and, when viewed at right angles, having not less than fifty percent (50%) of the area of its vertical plane (the area within a rectangular outline enclosing all parts of the fence in its vertical plane) open to light and air. Permitted ornamental fences are:

a. "Rail or split rail fence" means a fence constructed of narrow, whole or split, wooden timbers placed horizontally between upright supporting posts.

b. "Picket fence" means an open fence made of upright pales or slats.

c. "Wrought Iron" means an open fence made of metallic compounds formed of iron that has been beaten out or shaped by hammering rather than cast.

4. "Chain link fence" means a fence usually made of metal consisting of loops or wire interconnected in a series of joined links.

5. "Barbed wire fence" means a fence made with metal wire having sharp points or barbs along its length.

6. “Wall” means a vertical structure, constructed of solid or lattice materials, that is erected to define boundaries, enclose areas, provide privacy, screen undesirable views, or serve as a decorative feature. A wall may be freestanding or attached to a building, and may be constructed of materials such as brick, stone, concrete, wood, or other approved materials. For purposes of this Code, a wall shall be distinguished from a fence by being generally opaque and of more permanent, masonry-type construction unless otherwise specified.

SECTION 1003.04 PERMITTED TYPES

Fences shall be permitted in required yards as follows,

1. Permitted materials include wood, vinyl, vinyl-clad material, metal, iron, stone, concrete block and/or brick.

2. Ornamental fences shall be permitted in all zoning districts.

   a. Front yards. Ornamental fences may be erected in front yards parallel to the building line to a height not exceeding three and one-half feet; provided however, that rail or split rail fences may be erected in front yards parallel to the common property line, provided that each fence is located at least one foot from the property line and not nearer than one foot to the street right-of-way.

   b. Side and rear yards. Open ornamental fences may be erected in side and rear yards parallel to the common property line, provided that each fence is located at least one foot from the property line and not nearer than one foot to the street right-of-way.

3. Chain link fences shall be permitted in all zoning districts. Such fences may be erected parallel to the common property line, provided that each fence is located at least one foot from the property line to a height not exceeding four feet above the natural grade in residential zoning districts, six feet above the natural grade in commercial zoning districts, and eight feet above the natural grade in manufacturing zoning districts.

4. Privacy fences shall be permitted in all zoning districts only in rear and side yards. Fences in residential districts may be privacy fences in a side yard and may extend no closer than 20 feet to the front corner of the primary structure. Such fences shall

comply with the yard requirements of permitted accessory buildings and shall not exceed six feet in height above the natural grade.

5. Shrubbery or hedges shall be permitted in public facilities and residential zoning districts provided they conform to the height and location requirements of this chapter.
6. Fences are prohibited to extend further than the existing sidewalk. If no sidewalk exists, the fence must be set back far enough to allow the installation of a sidewalk.
7. The Planning Commission may permit other fences which are similar in character and design to one or more of the fences permitted herein.

SECTION 1003.05 RESTRICTIONS

1. No fence or wall shall have wire, corrugated metal, metal prongs, spikes, slats, cutting points or edges such as barbed wire. No fence or wall shall be electrified. Any fence or wall constructed of material or a combination of materials not in conformance with this code shall be prohibited.
2. All fence posts and/or related supporting members of a fence shall be installed to face inside the property that is constructing the fence. The finished side of the fence shall face out towards the adjacent property and/or public right-of-way.
3. All fences or walls may be erected, provided that each fence or wall is located at least one foot from the property line and not nearer than one foot to the street right-of-way.
4. No fence or wall can be installed within the public right-of -way, without prior approval of the Planning Commission.
5. Fences or walls that are installed within fifteen (15) feet of a roadway or sidewalk can have a maximum height of three (3) feet and provide a clear line of sight along the roadway or sidewalk for two hundred (200) feet.

SECTION 1003.06 CORNER LOT

Any corner lot or lot that is near the intersection of two (2) public or private rights-of-way that are paved for vehicular traffic use, no fences or walls shall be installed which obstruct vision at or above three (3) feet from the curb level, this includes a twenty-five (25) foot line drawn along each curb line from where the two curbs meet within the intersection.

SECTION 1003.07 PERMIT AND APPEAL

1. Any fence which may be permitted shall require the issuance of a permit prior to its erection by the Zoning Inspector after an application for same has been approved.
2. Should the Zoning Inspector fail or refuse to issue a permit after proper application has been made therefore, a person may appeal the failure or refusal to the Board of Zoning Appeals which has been established under Ohio R. C. 713.01. There is hereby delegated to the Board of Zoning Appeals under Ohio R. C. 713.11 the power to permit variances after hearing in accordance with the established rules and procedures of the Board of Zoning Appeals. The person seeking a variance and the Board of Zoning Appeals shall follow all rules and procedures currently enforced for granting variances to the application of the Village Zoning Ordinance, including no such

variance shall be authorized unless a finding is made that all of the following facts and conditions exist:

a. Exceptional and extraordinary circumstances or conditions applying to the subject property that do not apply generally to other properties in the same district or vicinity.

b. The special circumstances or conditions do not result from actions of the property owner or any of his predecessors in title.

c. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same district or vicinity.

3. The authorization of such variance shall not be materially detrimental to the public welfare or injurious to property in the district or vicinity in which the property is located.

4. The following types of work do not require a zoning permit; any retaining wall which is less than three (3) feet high, or repair of any legally established fence or wall in same location with the same materials and dimensions.

SECTION 1003.08 INSPECTION

It shall be the duty of the property owner to determine property lines and to ascertain that the fence thus constructed does not deviate from the plans as approved by the Zoning Inspector issuing permits, and such fence does not encroach upon another lot or parcel of land. The Village shall furnish such inspection as is deemed necessary to determine that such fence is constructed in accordance with plans submitted for permit, provided however, that the issuance of such permit by the Village shall not be construed to mean the Village has determined such fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him herein.

SECTION 1003.09 FEE

Anyone desiring to build a fence within the Village shall pay such fee as provided by Council.

SECTION 1003.10 EASEMENTS

A fence may be located within easements provided they do not prohibit the purpose of the easement. Any encroachment of an easement must be approved by the Village Zoning Inspector. In any case where the fence is removed by the easement holder, the cost of replacing the fence will be borne by the property owner.

SECTION 1003.11 LANDSCAPING

All fencing requirements must be in agreement with Section 1013.

SECTION 1003.12 MAINTENANCE

Such permitted fences shall be maintained in good condition, be structurally sound and attractively finished at all times. Any grounds between such fences and property lines shall be well maintained at all times. Any such fences permitted on the property line shall be designed, constructed and finished so that the supporting members thereof shall face the property of the owner of the fence.

SECTION 1004 TEMPORARY STORAGE BUILDINGS

1. Temporary buildings, construction trailers, equipment, Conex (or similar style) box, mobile storage pods, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, not to exceed 360 days, and 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.
2. The Zoning Inspector may issue a 30-day extension after receiving a request in writing showing a valid hardship for the extension.
3. Any unit mentioned above may be used for residential purposes for no more than 60 days.

SECTION 1005 PARKING AND STORAGE OF CERTAIN VEHICLES

1. Automotive vehicles or trailers of any kind without current license plates shall not be parked or stored on residentially zoned property except within completely enclosed buildings.
2. Commercially used vehicles and trailers, including work trailers, shall be stored within a completely enclosed building or in the rear yard. No more than two commercially used vehicles, trailers, or vehicle-and-trailer combinations may be stored in the rear yard. A vehicle with an attached trailer shall count as one combination for purposes of this limit.
3. One boat with its trailer and one travel trailer may be stored in the rear yard or on a concrete or asphalt surface beside the home, provided neither extends beyond the front of the home. All vehicles and trailers stored outdoors shall have current license plates.

SECTION 1006 JUNK YARDS

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

SECTION 1007 JUNK MOTOR VEHICLE

1. For the purpose of this section, “junk motor vehicle” means any motor vehicle which is:
    a. Without license plates and registration and/or is not operable.
    b. Extensively damaged; such damage including by not limited to any of the following: missing wheels, tires, motor or transmission, excessive body parts, or;
    c. 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 Code.

2. The Zoning Inspector of the Village of Hanover shall send notice as outlined in Section 312 to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten (10) 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.
3. 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 (based on the first impression; accepted as correct until proved otherwise) 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 Code.
4. 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 ordinance.

SECTION 1008 REQUIRED TRASH AREAS

All commercial, industrial, mixed-use and multi-family uses which provide trash, recycling and/or garbage collection areas shall be enclosed in accordance with Section 1013.05.

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 ordinance, 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 (10) 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 fifty (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 BUFFER YARD REQUIREMENTS

1013.01 BUFFER REQUIREMENTS

A buffer is required along perimeter lot lines for conflicting land uses and developments as specified in Article 9. While screening walls may be incorporated into buffers as described below, retaining walls are not to be constructed within buffers.

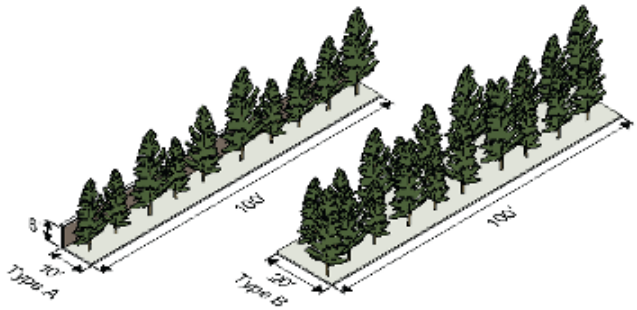


TABLE 2 TYPE A & TYPE B SCREENING

	Type A	Type B
Depth (min)	10'	20'
Screening wall height	6'	Not required
Evergreen trees (min per 100', planted on average 10' on center)	10	20

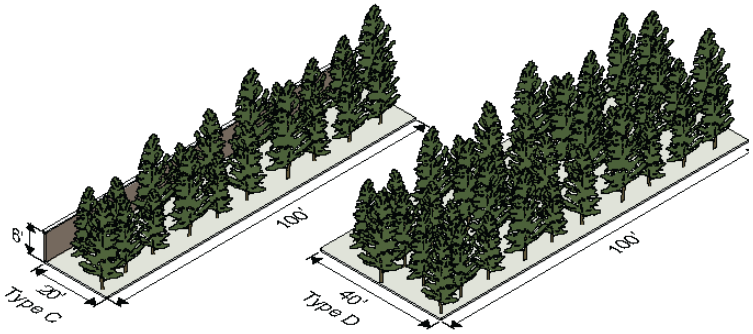
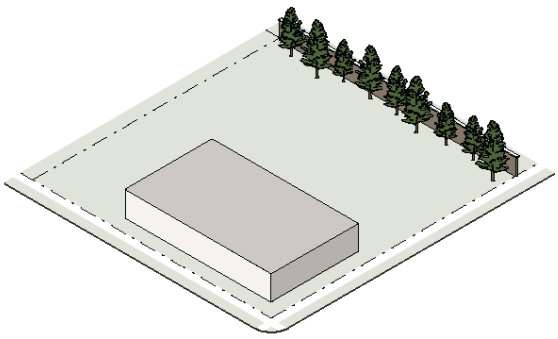


TABLE 3 TYPE C AND TYPE D SCREENING

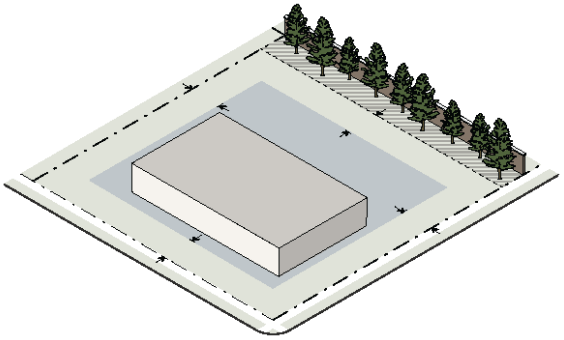
	Type C	Type D
Depth (min)	20'	40'
Screening wall height	6'	Not required
Evergreen trees (min per 100', planted on average 10' on center)	20	40

1013.02 BUFFER INSTALLATION REQUIREMENTS

1. Location.
    a. A required buffer must be located at the outer perimeter of the site or lot, parallel to and extending to the property boundary line and must be provided along the entire site or lot immediately abutting the property line.



    b. Breaks for pedestrian, bicycle and vehicle access are allowed, as approved by the Planning Commission. Driveways or walkways must cross a buffer at as near a perpendicular angle as practical.
    c. All building and structure setbacks are measured from the inside edge of the landscape buffer. In no case can a building be placed less than 10 feet from the interior edge of the buffer.



    d. The parking of vehicles and the placement of buildings or structures, except as provided below, is not allowed in a required buffer.
2. Screening Walls. Screening walls in a required buffer must meet the following:
    a. Screening walls must be opaque and be constructed of high quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-stone; split-faced block; stucco over standard concrete masonry blocks: glass block: or other material approved by the Planning Commission.
    b. No screening wall can be located within any required drainage or utility easement.
3. Fences. Fences are not required but if provided must meet the requirements of this Code.
4. Evergreen trees. Trees in a required buffer must meet the following.

a. To the extent practical, natural vegetation must be used to meet the buffer requirements. Where the natural buffer is insufficient, supplemental plantings must be used.

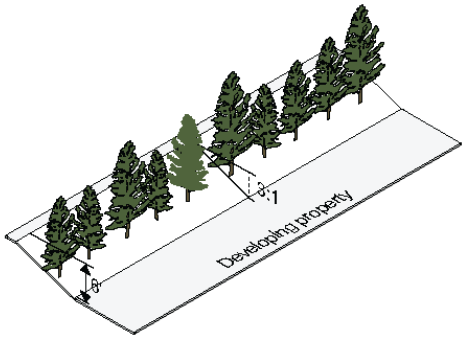
b. All required evergreen trees must be chosen from the approved tree list and be at least 6 feet tall at time of planting.

c. Required trees must be distributed along the entire length of the buffer at an average rate of 10 feet on center.

d. Evergreen trees installed in a required buffer count toward the minimum tree unit density requirements.

5. Grade Change.

a. In lieu of a required screening wall or fence, a natural or man-made grade separation of at least 6 feet in elevation may be provided.



b. The developing property must be located at an elevation lower than the property to be screened.

c. The stabilized side slopes of the grade change can be no greater than 3:1.

6. Alternative Compliance.

a. The use buffer requirements may be modified by the Planning Commission.

b. Planning Commission will consider the following criteria, among others, in determining the appropriateness of alternative compliance:

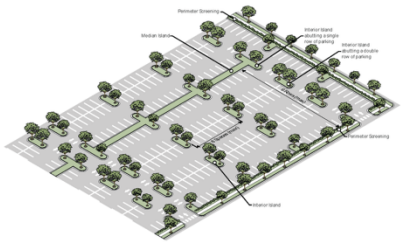
i. The existing topography or vegetation achieve the purpose and intent of the landscaping and screening requirements of this Zoning Code; or

II. For topographic reasons, a fence or screening wall or other required screening device could not screen activities from an abutting property as required by this Zoning Code.

1013.03 PARKING LOT LANDSCAPING

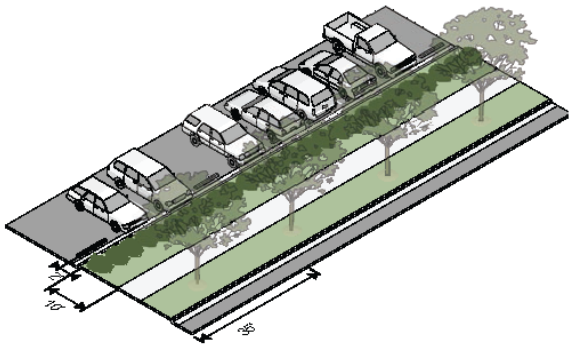
1. Applicability. Parking lot landscaping is required on all on-site surface parking lots with more than 20 spaces created after the effective date of this Zoning Code. Multiple platted lots contained on a single site plan and any separate parking areas connected with drive aisles are considered a single parking area.

2. Perimeter Screening. All surface parking areas (of any size) abutting a public street (not including an alley) must be screened by a landscape strip. Perimeter screening that is not next to a public street must be a minimum of 5 feet in width with a single hedgerow.
3. Interior Islands.
    a. A landscaped interior island must be provided every 8 parking spaces. Interior islands must be distributed evenly throughout the parking area. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.
    b. An interior island abutting a single row of parking spaces must be a minimum of 9 feet in width and 200 square feet in area. Each island must include 1 shade tree.
    c. An interior island abutting a double row of parking spaces must be a minimum of 9 feet in width and 400 square feet in area. Each island must include 2 shade trees.
    d. All required shade trees must be chosen from the approved tree list.
    e. All required shade trees must have a minimum caliper of 3 inches and be at least 10 feet tall at time of planting.
    f. Interior islands must be installed below the level of the parking lot surface to allow for runoff capture.
4. Median Islands.
    a. A landscape median island must be provided between every 6 single parking rows. Intervals may be expanded in order to preserve existing trees.
    b. A landscape median island must be a minimum of 6 feet wide.
    c. Median islands must be installed below the level of the parking lot surface to allow for runoff capture.

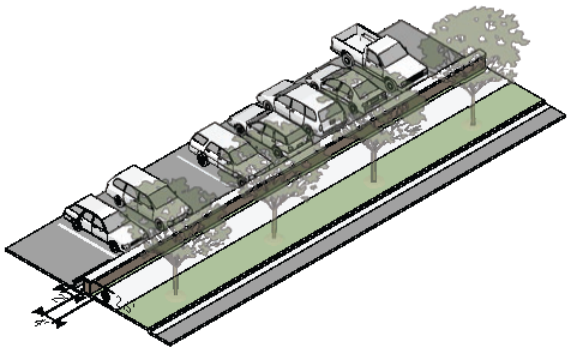


1013.04 LANDSCAPE STRIPS

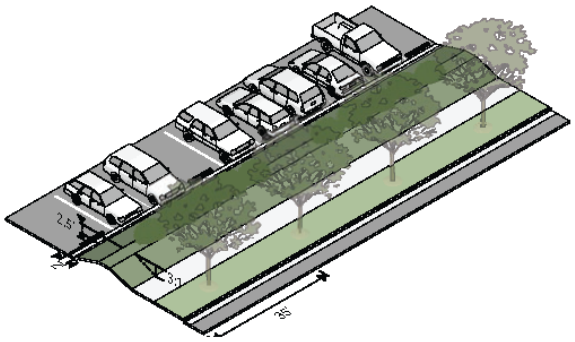
1. Applicability. All surface parking areas (of any size) abutting a public street (not including an alley) must be screened using one of the following options.
2. Landscape Strip with Shrubs. A minimum 10-foot wide landscape strip planted with a minimum of 10 shrubs per 35 linear feet of street frontage, excluding driveway openings. Shrubs shall be 2 feet tall at time of planting. They must be planted 2 rows deep, and provide a screen within 3 years of planting.



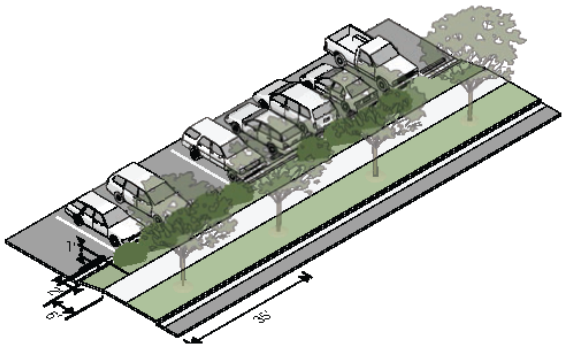
3. Landscape Strip with Screening Wall.
    a. A 2.5-foot high screening wall in a minimum 4-foot planting strip.
    b. Screening walls must be closed and be constructed of high quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-stone; split-faced block; stucco over standard concrete masonry blocks; glass block; or other material approved by the Planning Commission.



4. Landscape Strip with Berm.
    a. An earth berm a minimum of 2.5 feet higher than the finished elevation of the parking area, planted with 5 shrubs for every 35 linear feet of street frontage, excluding driveway openings.
    b. The berm must contain a rounded crown suitable for planting, and a stabilized side slope of no greater than 3:1.



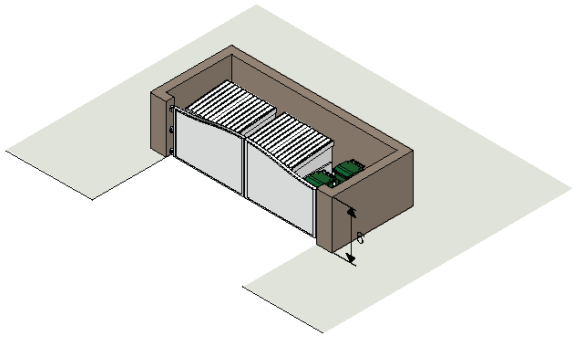
5. Landscape Strip with Grade Change.
    a. A 6-foot landscaped strip with a minimum 3-foot grade drop from the public street to the parking area, planted with 5 shrubs for every 35 linear feet of street frontage, excluding driveway openings.



6. Location. A required landscape strip must be located at the outer perimeter of the parking area and must be provided along the entire parking area abutting the street, excluding breaks for pedestrians, bicycles and driveways.
7. Plant Material. Required shrubs must be a minimum of 2.5 feet in height at time of planting. 70% of the required amount of shrubs must be evergreen.

1013.05 SCREENING

1. Service Areas.
    a. Trash and recycling collection and other similar service areas must be located to the side or rear of buildings. Trash and recycling collection areas must be located as far away from residential structures on neighboring properties as practical.
    b. Service areas must be screened on 3 sides by a screening wall a minimum 6 feet in height and on the 4th side by a solid gate at a minimum of 6 feet in height.



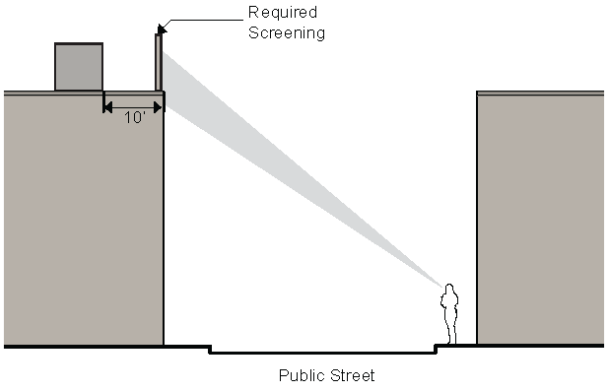
c. The screening wall must be opaque and be constructed of high quality materials including one or a combination of the following: decorative blocks: brick: stone; cast-stone; split-faced block: stucco over standard concrete masonry blocks: or other material approved by the Planning Commission.

d. The gate and screening wall must be maintained in good working order and must remain closed except when trash pick-ups occur.

2. Roof-Mounted Equipment.

a. Roof-mounted equipment must be set back at least 10 feet from the edge of the roof and screened from ground level view from abutting property or abutting public street (not including an alley).

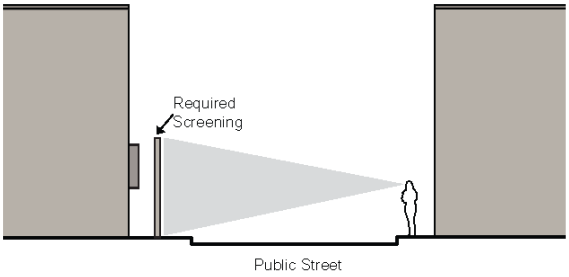
b. New buildings must provide a parapet wall or other architectural element that is compatible with the principal building in terms of texture, quality, material and color that fully screens roof-mounted equipment from ground level view.



c. Buildings with no or low parapet walls, roof-mounted equipment must be screened on all sides by an opaque screen compatible with the principal building in terms of texture, quality, material and color.

3. Wall-Mounted Equipment.

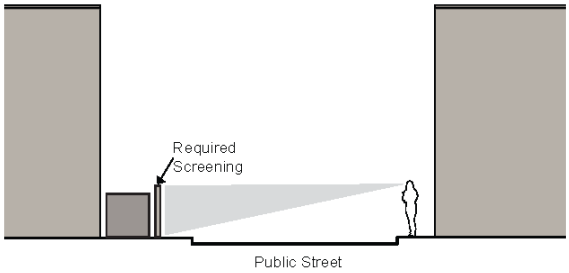
a. Wall-mounted equipment located on any surface that is visible from a public street (not including an alley) must be fully screened by landscaping or an opaque screening wall or fence that is compatible with the principal building in terms of texture, quality, material and color.



b. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.

4. Ground-Mounted Equipment.

a. Ground-mounted mechanical equipment that is visible from a public street (not including an alley) must be fully screened by landscaping or an opaque wall or fence that is compatible with the principal building in terms of texture, quality, material and color.



Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.

1013.06 STREET TREES

Street trees may be required in conformance with this Code.

1013.07 SCREENING WALLS AND FENCES

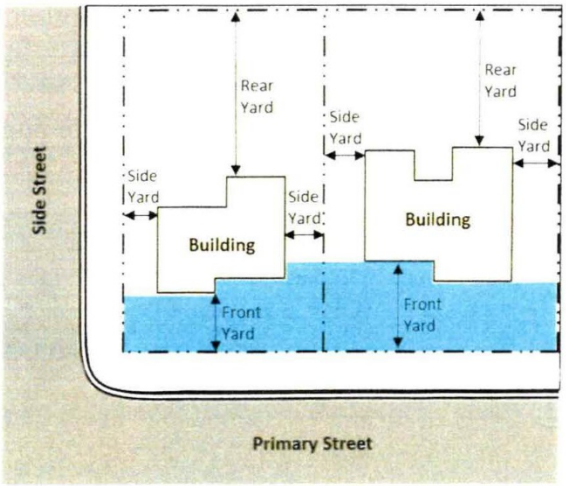
1. General Standards.

a. Fences must be constructed of high quality materials including one or a combination of the following: wood; wrought iron; composite fencing, PVC; aluminum; and metal. If subject to design or historic review, an alternative fence material may be approved by the Planning Commission.

b. Screening walls must be constructed of high quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-stone; splitfaced block; stucco over standard concrete masonry blocks; and glass block. If subject to design or historic review, an alternative wall material may be approved by the Planning Commission or Historic Preservation Commission, as applicable.

c. No screening wall or fence may be constructed of tires, junk, or other discarded materials.

2. No screening wall or fence may be located within any required drainage or utility easement.
3. Chain-link fence is allowed only in a rear or side yard in a R3, or VR District. Chain-link fence, barbed wire and concertina wire are not allowed in the High Street District. Chain link is allowed as a fence material around a pickleball court, tennis court, community swimming pool or sports field in the Special districts.
4. The maximum length of a continuous, unbroken and uninterrupted fence or screening wall plane is 100 feet. Breaks must be provided through the use of columns, landscaped areas, transparent sections or a change in material.
5. A screening wall or fence located in a side yard or rear yard can be no more than 8 feet in height.
6. A screening wall or fence located in a front yard that is greater than 4 feet in height to maximum 6 feet in height requires 50% transparency for the entire fence. For purposes of this Section the definition of front yard is from lot line to lot line and takes precedence over side yard definition.



7. The finished face of all screening walls and fences must be located toward the abutting property.
8. Screening wall or fence height is measured from the subject property grade to the highest point of the fence. Screening walls or fences may not be used to retain dirt or other materials.
9. Subdivision Entrances. A subdivision entrance wall or fence may not exceed 8 feet in height and is subject to location.

1013.08 DESIGN AND INSTALLATION

1. Replacement Bond.
    a. Prior to issuance of a Certificate of Occupancy, a performance bond or cash escrow must be paid guaranteeing all landscaping and screening materials and work for a period of 2 years after issuance of the Certificate of Occupancy.

b. The bond must be in the amount of 100% of the estimated cost of replacing all of the landscaping required by this Zoning Code.

2. At the end of 2 years, the Zoning Inspector must make an inspection and notify the owner and the bond company of any corrections to be made.
3. Visibility at Intersections. No landscaping or screening may interfere with a clear sight triangle.
4. Plant Material.
    a. Plant materials must be hardy to zone 6B in accordance with the U.S. Department of Agriculture's Plant Hardiness Zone Map.
    b. Plant materials must be able to survive on natural rainfall once established with no loss of health.
5. Tree height is measured from the top of the root ball to the tip of the main stem.
6. No artificial plants, trees, or other vegetation may be installed as required landscaping and screening.

1013.09 MAINTENANCE OF LANDSCAPING

1. Responsibility. The property owner is responsible for maintaining all required landscaping and screening in good health and condition. Any dead, unhealthy, damaged or missing landscaping and screening must be replaced with landscaping and screening that conforms to this Zoning Code within 90 days (or within 180 days where weather concerns would jeopardize the health of plant materials).
2. Soil Erosion.
    a. All planting areas must be stabilized from soil erosion immediately upon planting and must be maintained for the duration of the use.
    b. Grass areas must be sodded prior to the issuance of a Certificate of Occupancy. If grass seed must be used, it must be a variety suitable to the area that produces complete coverage.
3. Pruning and Trimming.
    a. All required landscaping must be allowed to reach its required size and must be maintained at no less than required size.
    b. To prevent long-term harm to the health of required landscaping, all pruning of shrubs and trees must be done in accordance with the International Society of Arboriculture Standards entitled '"ANSI A300 Standards."
    c. "Topping," defined as removal of more than one-third of the leaves and branches of a tree, as measured from the lowest branch on the trunk of the tree to the top of the tree, is prohibited, except where necessary to maintain public overhead utilities.

SECTION 1014 SIDE AND REAR YARD REQUIREMENTS FOR NON-RESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS

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.

SECTION 1015 REQUIREMENTS FOR ACCESSORY BUILDINGS IN R3 AND VR ZONING DISTRICTS

a) Non-permanent accessory buildings are defined as those on skids and capable of being moved, not connected to any utilities, and not measuring any larger than thirteen (13) foot tall, fourteen (14) foot wide and twenty (20) foot in length (280 square feet max). Non-permanent setbacks shall not be closer than five feet from side and rear property lines and cannot extend past front edge of the primary structure or house.

b) Permanent accessory buildings are defined as those built on a foundation, not movable and can be connected to utilities and must have a floor. Permanent cannot measure any larger than 20 foot tall, twenty foot wide and thirty foot in length (600 square feet max). Permanent must comply with the respective district setback requirements of the district in which they are located and cannot extend past the front edge of the primary structure or house.

c) Garages must comply with the respective district setback requirements of the district in which they are located and cannot extend past the front edge of the primary structure or house. Garages are limited to a standard three (3) car garage in size, (36 foot wide and 24 foot in depth), with a maximum of three (3) overhead doors. Garages cannot exceed the primary structure or house in height.

d) Pole Barns must comply with the respective district setback requirements of the district in which they are located and cannot extend past the rear edge of the primary structure or house. Pole barns are limited in size to a maximum of 2,500 square feet and a maximum height of forty feet. Pole barns are limited to a maximum of three overhead or sliding style barn doors and two pedestrian style doors.

e) Limited to not more than two (2) accessory buildings (non-permanent, permanent, pole barn, detached garage) in Residential districts.

f) All other districts shall submit survey plat of property, plot plan/site plan, elevation drawings with detailed description of structure, blueprints and any other requested documentation to Planning Commission for approval.

g) Accessory buildings may only be constructed on parcels/lots that have a primary structure or house already on them or an adjoining parcel owned by the same party. Accessory buildings/structures cannot be placed in front yards.

SECTION 1016 REQUIREMENTS FOR ACCESSORY BUILDINGS IN HIGH STREET, SPECIAL, RIVER, AND SPRING DISTRICTS

a) Non-permanent accessory buildings are defined as those on skids and capable of being moved, not connected to any utilities and not measuring any larger than 13 feet tall, 14 foot wide and 20 foot in length (280 square feet max). Non-permanent setbacks shall not be closer than five feet from side and rear property lines and cannot extend past front edge of the primary structure or house.

b) Permanent accessory buildings, garages and pole barns must comply with the respective district setback requirements of the district in which they are located.

c) All applicants in these districts must submit survey plat of property, plot plan/site plan, elevation drawings with detailed description of structure, blueprints and any other requested documentation to Planning Commission for approval for construction of permanent accessory buildings, garages or pole barns.

d) Limited to not more than two (2) accessory buildings or one (1) per 2.5 acres serving the primary structure.

SECTION 1017 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 or detached from the principle structure and shall not project into the required minimum front, side, or rear yard setbacks.

SECTION 1018 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 1019 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 ordinance 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 1020 through 1028.

SECTION 1020 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 1021 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 1022 NOISE

Objectionable, excessive disturbing or unnecessary noise as determined by the Zoning Inspector, subject to review by the Board of Zoning Appeals, which is due to volume, frequency, pitch, or beat shall be muffled or otherwise controlled from 11pm to 7am. Outdoor tornado warning sirens and related apparatus used solely for public purposes are exempt from this requirement.

SECTION 1023 VIBRATION

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

SECTION 1024 AIR POLLUTION & NOXIOUS OR OFFENSIVE ODORS

1. 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 property.
2. No property, building, or premises in any zoning district shall be used or maintained in a manner that produces noxious or offensive odors detectable beyond the property line that unreasonably interfere with the use and enjoyment of surrounding properties or endanger public health or safety.
3. An odor shall be considered noxious or offensive when its nature, intensity, frequency, or duration would cause substantial discomfort or annoyance to a reasonable person of ordinary sensitivity. The mere detection of an odor shall not, by itself, constitute a violation.
4. Property owners and occupants shall maintain buildings, equipment, waste containers, and outdoor storage areas to prevent prohibited odors and shall take corrective measures necessary to bring the property into compliance with this section.

SECTION 1025 GLARE

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

SECTION 1026 EROSION

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties. All county and state laws pertaining to erosion control must be adhered to.

SECTION 1027 WATER POLLUTION

Water pollution prevention 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 1028 LIGHT POLLUTION

1. Definitions
    a. Fully Shielded Fixture: A lighting fixture that directs light downward and prevents light from shining above the horizontal plane.
2. General Requirements
    a. All outdoor lighting fixtures shall be fully shielded and directed downward.
    b. Non-essential outdoor lighting shall be turned off between midnight and 5 AM in non-residential areas.
3. Specific Standards
    a. Lighting for commercial and public spaces including pedestrian and roadway lighting shall use fully shielded fixtures and have adaptive controls to reduce lighting levels during low activity periods.

SECTION 1029 HOME OCCUPATIONS

1029.01 PURPOSE

The purpose of these provisions is to allow limited home occupations that are accessory to residential uses and compatible with surrounding neighborhoods. The standards provided are intended to ensure that the accessory home occupation remains subordinate to the residential use, and to maintain the residential character of the surrounding neighborhood.

1. Type A and Type B Home Occupations. There are two types of home occupations, Type A and Type B. Uses are allowed as home occupations only if they comply with all of the requirements of this Section.
    a. Type A. A Type A home occupation is one where the residents use their home as a place of work; however, no employees or customers come to the site. Examples include artists, crafts people, writers, consultants, and employees performing remote work (work-from-home) for an outside employer engaging in virtual client and/or customer meetings. Type A home occupations also provide an opportunity for a home to be used as a business address but not as a place of work.

b. Type B. A Type B home occupation is one where at least one employee at the home (a resident) engages regularly with at least one customer or client who travels to the home to receive professional services from the employee. Examples include counseling, tutoring, daycare, and hair cutting and styling.

2. Permit Required. Type A home occupations, as defined above and as determined by the Zoning Inspector, shall not require a permit. Permits for Type B home occupations must be obtained from the Village prior to their establishment, to ensure the following:

    a. That the applicant is aware of the provisions of this Section which govern home occupations.

    b. That the Village has all information necessary to evaluate whether the proposal initially meets and continues to meet Zoning Code regulations.

    c. That the distribution and location of Type B home occupations can be documented.

1029.02 PROCEDURE AND STANDARDS

1. Application. Written applications for Type B home occupations shall be submitted to the Zoning Inspector and subject to review and approval by the Planning Commission. If granted, a home occupation permit will be issued by the Zoning Inspector for a four (4) year period. It is the responsibility of the applicant to obtain the permit every four (4) years. Any change in ownership or type of business shall also result in the need for a new permit.

2. Requirements. The following requirements shall apply to all home occupations:

    a. The home occupation shall only be conducted within a principal structure, and the primary use of the principal structure must continue as a residence.

    b. The external appearance of the principal structure shall not be materially altered as a result of the home occupation.

    c. No more than one (1) non-resident employee shall be engaged in such home occupation.

    d. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference, including radio and television interference, to any neighboring properties. No collection/storage of hazardous materials associated with the business is permitted.

    e. External signage shall be limited to one (1) sign, subject to the regulations of Article 12.

    f. Outside storage of any materials is prohibited.

    g. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements specified under Article 11, and shall not be

located in front of the building line. No excess trash, refuse, or waste shall be generated in greater volume than would normally be expected in a residential neighborhood.

h. Home occupations must satisfy all applicable operational licensing and regulatory requirements in order to receive approval and maintain operation in the Village.

1029.03 YARD SALES

Yard sales are considered temporary home occupations for purposes of this Zoning Code, permitted in residential areas with an approved permit (no fee), provided that such yard sale lasts no longer than three (3) calendar days. There shall be no more than three (3) yard sales per year per residential lot containing a dwelling unit.

1029.04 PROHIBITED USES

The following uses are specifically prohibited as home occupations:

1. The servicing of or performing mechanical work on, from which an income is derived, automobiles, motorcycles, boats, or other motorized vehicles.
2. Bed and breakfast inns are exempt from the regulations of this Section..
3. New or Used Vehicle Sales.

SECTION 1030 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 1031 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 not be located in a residential or form based zoning district.

SECTION 1032 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 1033 ADULT ENTERTAINMENT FACILITIES

SECTION 1033.01 ADULT ENTERTAINMENT FACILITIES PROHIBITED

Adult entertainment facilities as defined in Section 1033.02 are hereby prohibited in the Village of Hanover.

SECTION 1033.02 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.

SECTION 1033.03 UNLAWFUL EXHIBITION OR DISPLAY OF HARMFUL MATERIAL TO JUVENILES

No person having custody, control, or supervision or 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.

SECTION 1033.04 VIOLATION AND PENALTY

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

SECTION 1034 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 80 feet.

SECTION 1035 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, 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.

SECTION 1036 SHORT TERM RENTAL OPERATIONS

1036.01 PURPOSE

This section regulates the operation of short-term rental properties in the Village of Hanover. The provisions of this Section are necessary to prevent unreasonable burdens on services and unreasonable impacts on residential neighborhoods posed by short-term rental operations. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding uses and will not act to harm and alter the neighborhoods in which they are located. Maintenance of Hanover's existing residential neighborhoods is essential to its continued vitality and economic strength. It is the intent of this section to benefit the general public by minimizing adverse impacts of short-term rental operations on the local housing supply at all income levels, and to minimize adverse impacts of the transient and semi-commercial character of short-term rental operations on adjacent residential uses.

1036.02 DEFINITIONS

The following words and phrases, when used in this article, shall have the meaning ascribed to them by this section:

1. "Accessory Building" means a building not substantially attached to, on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure; this includes, but is not limited to detached garages, barns, workshops, sheds, or other outbuildings.
2. "Accessory Dwelling Unit (ADU)" means an ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area existing within the same structure, or on the same lot, as the primary dwelling unit. The accessory dwelling unit may be a separate and detached unit, an attached unit to the principal structure, a repurposed existing space within the principal structure, an apartment over a garage, or a similar structural form.
3. "Booking Service" means any mechanism for a reservation and/or payment service provided by a hosting platform that facilitates a short-term rental transaction between a short-term rental host and a prospective short-term rental guest, and for which the hosting platform collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction.
4. "Calls for Service Ratio" means the number of calls for service divided by the number of sleeping rooms in service at the short-term rental.
5. "Calls for Service" means any and all calls, including but not limited to those to law enforcement and/or the fire department, when those calls:
    a. Result in a representative being dispatched or directed to the short-term rental;

b. Allege evidence of criminal activity;

c. Result in an arrest, charge or citation; or

d. Find an imminent threat to the health, safety or welfare of person(s) or property.

6. "Dwelling" means any building, structure, or unit, on the same tax parcel, or sharing the same mailing address, which is occupied or intended for occupancy in whole or in part as a home, residence or sleeping place for one (1) or more persons.

7. "Employee" means any person who earns qualifying wages, commissions or other type of compensation from the owner or operator of a short-term rental property in connection with its operation or maintenance.

8. "Guestroom" means a room offered to the public for a fee that contains, at a minimum, provisions for sleeping and access to a full bath.

9. "Hosting Platform" means a person or entity that participates in the short-term rental business by providing and collecting or receiving a fee for booking services through which a short-term rental host may offer a short-term rental to a short-term rental guest. Hosting platforms usually, though not necessarily, provide booking services through an online platform that allows a short-term rental host to advertise the short-term rental through a website provided by the hosting platform and the hosting platform conducts a transaction by which potential short-term rental guest reserves a guestroom(s) and arranges or makes payment, whether the short-term rental guest pays rent directly to the short-term rental host or to the hosting platform.

10. "Interception device" as used in this Section refers to the definition found in Section 2933.51(D) of the Ohio Revised Code.

11. "Manager" means the general manager, shift manager, or any person in any supervisory position regarding the operation of a short-term rental property.

12. "Operator" means any natural person who operates a short-term rental in a capacity to facilitate the offering of guestrooms to guests.

13. "Owner" means a corporation, firm, partnership, association, organization and any other group acting as a unit, or a person who has legal title to any structure or premises with or without accompanying actual possession thereof, and shall include the duly authorized agent or attorney, a purchaser, devisee, fiduciary and any person having a vested or contingent interest in the premises.

14. "Permanent Occupant" means a person who resides in a dwelling more than fifty-one percent (51%) of the time during a calendar year, and the dwelling in which a person so resides shall be referred to as their primary residence.

15. "Primary Residence" means a dwelling which is the usual place of return for housing as documented by at least two (2) of the following: motor vehicle registration, driver's license, tax documents, lease copy or a utility bill. An owner or permanent occupant can only have one primary residence.

16. "Property Manager" means the owner or owner's agent of a short-term rental in the Village Business District who offers the short-term rental for temporary lodging, for a fee, for less than thirty (30) consecutive days and manages its operation.
17. "Short-Term Rental Guest" means a person renting temporary lodging from a short-term rental host, or through a hosting platform on behalf of the short-term rental host, for a fee, for less than thirty (30) consecutive days.
18. "Short-Term Rental Host" means the owner, operator, or permanent occupant of a short-term rental who offers the short-term rental for temporary lodging, for a fee, for less than thirty (30) consecutive days and manages its operation.
19. "Short-Term Rental Operation" means the occupancy of any room or dwelling of any short-term rental.
20. "Short-Term Rental" means any dwelling or guestroom that is rented in whole or in part for less than thirty (30) consecutive days for temporary lodging of persons other than the permanent occupant or owner, from which the permanent occupant or owner receives monetary compensation. A traditional bed and breakfast, which is permitted and regulated as a Home Occupation under Section 1029 of the Zoning Code, is not a short-term rental for purposes of this Section. A boarding house or lodging house, a rooming house, and a hotel, motel or apartment hotel, all of which are separately defined in Section 201, are not short-term rentals for purposes of this Section. Accessory dwelling units in use prior to January 1, 1978 are considered existing non-conforming uses and are not subject to the provisions of this Section.

All terminology used in this Section and not specifically defined above, shall retain its meaning in conformance with the latest volume of Webster's Collegiate Dictionary.

1036.03 ZONING DISTRICTS; DENSITY; LIMITATIONS.

Short-term rental operations shall be permitted only in the following Zoning Districts, and with the density and use limitations set forth below.

No short-term rental operation shall be conducted in any accessory building.

1. High Street District.
    a. Short-term rental operation is a Conditional Use in the High Street, and subject to the provisions of Section 519 - 527 of the Zoning Code in addition to the provisions of this section.
    b. A short-term rental property in the High Street District shall have a short-term rental host whose primary residence is located in the Village of Hanover, Madison Township, Perry Township or Hanover Township.
    c. A short-term rental operation in the High Street District shall not be configured so as to convert a conforming single-family dwelling into a non-conforming two-family or multi-family dwelling.
    d. Subject to the grandfathering/phase-in provisions of this Section, the number of short-term rental properties in the High Street District shall not exceed five

percent (5%) of the total number of residential properties in the High Street District.

2. Village Residential District and General Residential District.

    a. Short-term rental operation is a Conditional Use in the Village Residential District and General Residential District, and subject to the provisions of Section 519 - 527 of the Zoning Code in addition to the provisions of this section.

    b. A short-term rental property in the Village Residential District and General Residential District shall have a short-term rental host whose primary residence is located in the Village of Hanover, Madison Township, Perry Township or Hanover Township.

    c. A short-term rental operation in the Village Residential District and General Residential District shall not be configured so as to convert a conforming single-family dwelling into a non-conforming two-family or multi-family dwelling.

    d. Subject to the grandfathering/phase-in provisions of this Section, the number of short-term rental properties in the Village Residential District and General Residential District shall not exceed five percent (5%) of the total number of residential properties in the Village Residential District and General Residential District.

1036.04 PERMIT REQUIRED.

1. No short-term rental host shall engage in, conduct, or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises in the Village of Hanover, a short-term rental operation without obtaining a valid permit in accordance with this Section. It shall be prima facie evidence of a short-term rental operation if a short-term rental is offered on a hosting platform, or if a short-term rental guest is found to be occupying or using a short-term rental.

2. An application for a new permit may be submitted at any time to the Zoning Inspector. If the application is approved and a valid permit is issued, the permit shall take effect on the day of issuance, and shall expire two calendar years from the day of issuance. If a valid permit is issued in conjunction with and contingent upon an explicit and consensual term lease agreement, as contemplated in Section 1036.08, the permit shall take effect on the day of issuance and shall expire upon the last day of the applicant's leasehold term or at the end of two calendar years from the day of issuance, whichever occurs first.

1036.05 OCCUPANCY.

In approving any permit application, the Zoning Inspector shall specify the maximum number of occupants allowed in each short-term rental. The maximum number of occupants in a short-term rental shall not exceed the lesser of:

1. Three (3) persons per off-street parking space; or

2. Two (2) persons, plus two (2) persons per sleeping room.

1036.06 PARKING.

In the Village Residential District all off-street parking required for a short-term rental shall be located on the same lot (e.g., in the garage or driveway) as the short-term rental. In the High Street District, all off-street parking required for a short-term rental shall be located on the same lot (e.g., in the garage, driveway or parking lot) as the short-term rental, or parking may be leased.

1036.07 LOCAL CONTACT PERSON/PROPERTY MANAGER.

1. A designated property manager, who may be the owner of the short-term rental property or the owner's agent, shall maintain a primary residence in Licking County, Ohio or a contiguous county.
2. The property manager shall be available twenty-four (24) hours per day to ensure that the property is maintained and operated as required by this Section and the Hanover Zoning Code, including but not limited to:
    a. Ensuring that the number of occupants does not exceed the limitations of Section 1036.05.
    b. Responding to incidents of disorderly conduct, disturbing the peace, littering, vandalism or other occurrences that affect the health, safety and welfare of nearby residents.

1036.08 APPLICATION FOR PERMIT.

1. Application for a new short-term rental permit, and/or for renewal of a valid permit, shall be made to the Zoning Inspector, on approved forms. The Zoning Inspector shall establish associated permit fees and costs, with approval of the Village Zoning Inspector.
2. The application for a permit to operate a short-term rental shall contain the following information:
    a. Name of the applicant, including mailing address, telephone number, and email address. If the applicant is a corporation, firm, partnership, association, organization or other group acting as a unit, the applicant shall provide the name of the entity set forth exactly as shown in its articles of incorporation, mailing address, telephone number, and email address of an individual who is the statutory agent, president, or managing individual, the state in which the company is incorporated or registered, and the entity or corporation number;
    b. For properties in the Village Residential District, the General Residential District and the High Street District, the short-term rental host shall provide sufficient information to demonstrate compliance with the primary residency requirement as outlined in Sections 1036.02 and 1036.03.
    c. Description of the short-term rental, including property address.
    d. The legal owner or owners of the property, including mailing address, telephone number, and email address. If the property owner is a corporation, firm, partnership, association, organization or other group acting as a unit, the

applicant shall provide the name of the entity set forth exactly as shown in its articles of incorporation as well as the mailing address, telephone number, and email address of an individual who is the statutory agent, president, or a managing individual, the state in which the company is incorporated or registered, and the entity or corporation registration number.

e. If an owner of the property has executed a land contract, lease agreement, management agreement, or any other agreement separating the owner from control over the property and/or the short-term rental, the applicant shall include a copy of said agreement along with the application. In order to receive a permit, such documentation must explicitly provide consent for short-term rental operations. The absence of such a clause, or the express prohibition of short-term rental operations, shall be grounds for a denial of a permit.

f. The descriptions and addresses of any other short-term rentals located in Village of Hanover that the applicant or property owner has any interest in, including, but not limited to, ownership, licensure, or management.

g. Name of the short-term rental host, including mailing address, telephone number, and email address.

h. The number of separately rentable units, and the number of sleeping rooms in each unit in service in the short-term rental property.

i. The names of all hosting platforms on which the applicant has successfully been registered to list a short-term rental, documentation confirming hosting platform registration(s), and proof of general liability insurance for the short-term rental as required by Section 1036.09.

j. Affirmation that the short-term rental host and short-term rental are in compliance with all applicable local, state, and federal laws and regulations.

3. At the time of application or renewal, all of the following persons are required to provide the results of a fingerprint-based background check performed by a provider approved by the Ohio Bureau of Criminal Investigation: the applicant, the twenty-four (24)-hour emergency contact for the property as required by this Section, and if applicable, the property manager. If the applicant is a domestic business organization other than a general partnership, then the applicant must provide a copy of the organization's articles of incorporation, articles of organization, statement of partnership authority, certificate of limited partnership, or statement of domestic qualification filed with the Ohio Secretary of State. If the applicant is a foreign business organization other than a foreign general partnership, then the applicant must provide a copy of the foreign business organization's license, registration, or qualification filed with the Ohio Secretary of State authorizing it to do business in Ohio. For all business organization applicants, an individual who is either the statutory agent, a partner, the president, or in the case of an LLC, a managing individual who is also a member, must submit to and provide the results of a BCI background check.

4. The applicant must notify the Zoning Inspector of any change in information contained in the permit application within ten (10) days of the change.
5. The Zoning Inspector shall serve written notice of any new or renewal application on all adjacent property owners of record not less than ten (10) business days prior to approving the application. In the event that a party with standing under applicable Ohio law objects to a new or renewal application in writing, the Zoning Inspector shall consider the merits of the application and the objection and either approve or deny the application in accordance with this Section. Any denial of an application shall state the reason(s) for the denial in writing. The Zoning Inspector shall serve written notice of the decision to approve or deny an application on the applicant and on any party who objected to the application in writing.
6. Any change in ownership of the property, the dwelling or the business, change in operator, or change in identity of the short-term rental host shall void the current permit and shall require submission of a new application and the issuance of a new valid permit.
7. If approved, a short-term rental shall be assigned an individual permit account number that the short-term rental host shall list with the short-term rental on any hosting platform. Only a valid permit shall be listed on a hosting platform. Upon a valid permit's expiration or revocation, a short-term rental host shall immediately remove the short-term rental from being listed on any hosting platform and shall not engage in any short-term rental operations. Those found to be operating with an expired or revoked permit are in violation of Section 1036.04 and are subject to the penalties as provided for in Section 1036.99.

1036.09 SHORT-TERM RENTAL HOSTS AND HOSTING PLATFORMS: REQUIREMENTS.

1. The short-term rental host shall provide to the Zoning Inspector one form of proof of identity and, as applicable, two (2) pieces of evidence that the dwelling is the host's primary residence or two (2) pieces of evidence the host is the owner of the dwelling.
2. One short-term rental permit shall be required for each short-term rental dwelling.
3. If a short-term rental host is not the property owner or owner's agent, but a permanent occupant of the dwelling, the host shall provide written permission from the property owner to register the dwelling on any hosting platform for use as a short-term rental.
4. Short-term rental hosts shall provide written notice to the short-term rental guest(s) of any known, non-obvious, or concealed condition, whether man-made or artificial, which may present a danger to the short-term rental guest(s), together with a local twenty-four (24)-hour emergency contact for the property.
5. Short-term rental hosts must comply with Section 2933.52 of the Ohio Revised Code. Such compliance shall also include known, non-obvious or concealed surveillance equipment, including, but not limited to, digital video cameras/recorders/monitors, streaming video security cameras, audio recorders/monitors, or any other electronic means of secretly watching, listening, or recording. In the event a short-term rental host utilizes an indoor and/or outdoor interception device(s), or any specific or similar aforementioned device, the short-term rental host shall notify the short-term rental

guest. In the event the short-term rental guest does not consent to the short-term rental host utilizing an indoor interception device(s), or any specific or similar aforementioned device for the duration of the short-term rental period, the short-term rental host shall deactivate the indoor interception device(s) and shall not intercept, listen, monitor, record, or like thereof, any activity inside the dwelling.

6. Short-term rental hosts shall comply with all applicable hotel/motel/short-term rental excise tax requirements.
7. Rentals for thirty (30) or more consecutive days by the same guest(s) are not subject to short-term rental regulations or excise taxes.
8. All short-term rental hosts shall obtain liability insurance for each short-term rental. Each short-term rental shall at all times maintain the following insurance coverage meeting all of the following requirements:
    a. A general liability insurance policy or certificate that shall provide the minimum coverage.
    b. Not less than one hundred thousand dollars ($100,000) per individual and three hundred thousand dollars ($300,000) per occurrence. Such policy or certificate must be issued by an insurance company that is admitted to do business in the state of Ohio or by an eligible surplus lines company or risk retention group.
    c. The policy or certificate shall provide notice of cancellation of insurance to the Zoning Inspector at least ten (10) days prior to cancellation.
    d. Any cancellation of insurance required by this section shall result in an automatic revocation of the respective short-term rental permit.
    e. In the event that a hosting platform provides liability insurance to a host, such insurance would be deemed acceptable for submission provided the insurance meets the requirements of subsection (8) above.
9. No short-term rental host shall engage in a short-term rental operation located within the Village of Hanover without listing the valid short-term rental permit number associated with the short-term rental on any medium used by the short-term rental host to advertise the short-term rental.
10. No hosting platform shall provide, and collect a fee for, booking services in connection with any short-term rental operation located within the Village of Hanover unless the short-term rental host has provided to the hosting platform a valid short-term rental permit number associated with the short-term rental being rented.
11. Records Required.
    a. Short-term rental hosts who engage in short-term rentals and hosting platforms that engage in booking services shall maintain and provide records documenting the following information:
        i. The short-term rental physical address;

ii. The name of the person who registered the short-term rental on the hosting platform or who listed the short-term rental using any medium; and

iii. The dates and duration of stay in a short-term rental, the number of persons who were scheduled to stay each night, and the daily rate charged for each short-term rental.

b. Hosting platforms and short-term rental hosts shall retain records for a period of at least four (4) years.

12. In order to determine whether a short-term rental host or hosting platform is in compliance with the requirements of this Section, the Zoning Inspector may request that any records required to be kept by this section be provided for inspection. If such request is denied, the Zoning Inspector may seek an administrative search warrant from a court of competent jurisdiction authorizing said inspection.

13. Nothing in this section shall be construed as permitting any person to obtain a permit or offer a short-term rental, where prohibited by any other provision of law.

1036.10 GROUNDS FOR DENIAL OR NON-RENEWAL OF PERMIT.

1. The Zoning Inspector shall issue a new permit, or grant the renewal of an existing permit, except as provided in subsections (2) or (3) of this section.

2. The Zoning Inspector shall deny any application for a new permit, or renewal of permit, if any of the following are shown to have occurred at or in connection with the short-term rental property:

   a. The applicant makes a material misrepresentation of fact on the application.

   b. The applicant or any owner of the short-term rental has been convicted of violating Section 1036.04(1).

   c. Any owner, applicant, operator, or manager of the short-term rental has been convicted of the act of prostitution or soliciting for prostitution, or human trafficking, or an act that would constitute a felony drug abuse offense as defined in Ohio Revised Code Chapter 2925, or, within the previous ten (10) years, any misdemeanor violation of Ohio Revised Code Chapters 2925 or 3719, on the premises of the short-term rental or any other short-term rental in which that individual has any interest, including, but not limited to, ownership, licensure, or management.

   d. The property on which the short-term rental is located, or the short-term rental host is not in good standing with the Village of Hanover Income Tax Division.

3. The Zoning Inspector may deny any application for a new permit, or renewal of permit, if any of the following are shown by a preponderance of the evidence to have occurred at or in connection with the short-term rental property:

a. The short-term rental has outstanding orders from the Hanover Township Fire Department, the Village of Hanover Planning Department or the Licking County Building Department that have not been corrected.

b. A pattern of felony drug related activity.

c. A pattern of prostitution related activity or evidence of human trafficking.

d. A pattern of gang related activity as defined in Ohio Revised Code Section 2923.41.

e. Calls for service ratio greater than 1:2 during a consecutive twelve-month period where at least one of the twelve months occurs within the calendar year in which an objection to the permit is lodged.

f. A documented history of repeated offenses of violence as defined in Ohio Revised Code Section 2901.01.

g. The owner, applicant, operator, or manager, or short-term rental host has not made a good faith effort to correct violations of Sections 1036.09 and 1036.10 of this Section, or has obstructed or interfered with correction of the violations.

h. The owner, applicant, operator, or manager or short-term rental host has engaged in the act of prostitution or soliciting for prostitution, or an act that would constitute a felony drug abuse offense as defined in Ohio Revised Code Chapter 2925, or, within the previous ten (10) years, any misdemeanor violation of Ohio Revised Code Chapters 2925 or 3719, on the premises of the short-term rental or any short-term rental in which that individual has any interest in, including, but not limited to, ownership, licensure, or management.

i. The owner, applicant, operator or manager or short-term rental host maintains a nuisance or has a documented history of engaging in or allowing conduct or conditions that endanger the health, safety or welfare of neighboring residents.

4. Evidence of unlawful conduct under subsections (2) and (3) of this section need only be that of de facto violation of law; evidence of conviction is not a prerequisite for denial except where specifically indicated.

1036.11 OBJECTION, SUSPENSION AND REVOCATION; APPEAL.

1. An adjacent property owner or a party with standing under applicable Ohio law may submit an objection to the Zoning Inspector regarding a new permit application, an existing permit or a renewal application, based on any activity set forth in Section 1036.10(2) or (3) that is shown to have occurred at or in connection with the short-term rental.

2. At any time during the calendar year, the Zoning Inspector may suspend and/or revoke a short-term rental permit if it is determined that activity set forth in Section 1036.10(2) or (3) is shown to have occurred at or in connection with the short-term rental. In addition, suspension, revocation and/or other penalties may occur if a

short-term rental unit is listed on a hosting platform without the required permit account number as required under Section 1036.08(7).

3. Decisions of the Zoning Inspector may be appealed to the Board of Zoning Appeals pursuant to Section 509 of the Zoning Code.

1036.12 PERMITS NON-TRANSFERABLE.

Short-term rental permits shall be granted solely to the Applicant and shall not be transferable to any other person or legal entity. The short-term rental permit shall include a non-transferability clause and the use shall be terminated automatically upon the sale or change of ownership of the property for which a permit has been issued.

1036.13 RELATIONSHIP TO OTHER ORDINANCES.

Each short-term rental is subject to applicable hotel/motel/short-term rental excise tax and income tax ordinances, and shall comply with applicable building, electrical, plumbing, fire, health, Zoning Code requirements as an express condition of the short-term rental permit.

1036.14 DISCRIMINATION PROHIBITED.

1. An owner, permanent occupant, short-term rental host, or operator shall not:
    a. Decline a transient guest or short-term rental guest based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status.
    b. Impose any different terms or conditions based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status.
    c. Post any listing or make any statement that discourages or indicates a preference for or against any transient guest or short-term rental guest on account of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status.

1036.15 SEVERABILITY.

In the event any section or provision of this Section shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this Section as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

1036.16 GRANDFATHERING/PHASE-IN PERIOD

Any short-term rental operation that was previously approved pursuant to any other provision of the Hanover Zoning Code, including but not limited to those that were previously approved as a bed and breakfast, boarding house, hotel/motel/apartment hotel, lodging house, or rooming house, shall be administratively converted to a permitted short-term rental pursuant to this Section, provided, that an application for such conversion that includes all of the information required by Section 1036.08(2) is received by the Zoning Inspector on or before December 31, 2021. Any conditional use permit that was issued in

connection with the prior approval shall be deemed effective as to the short-term rental operation.

The limitations on the number of short-term rental operations in each respective zoning district shall not take effect until January 1, 2022. On and after that date, no new short-term rental permit shall be issued in excess of those limitations, and available permits shall be offered to qualifying applicants in the order that all required information and application fees were received by the Zoning Inspector.

1036.99 PENALTY

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in various sections of this ordinance or failure to comply with any of its requirements shall be deemed a third (3rd) degree misdemeanor and shall be prosecuted within the limits provided by the state and local laws, and in addition, shall pay all costs and expenses involved in the case. 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 ordinance will be notified of offense by Zoning Inspector and will then have 10 days to comply before penalties are enforced. Such notices or citations shall be deemed to be properly served where a copy thereof is served in accordance with one of the following methods:

1. A copy is delivered personally.
2. A copy is sent by certified mail or registered mail addressed to the violator at the last known address with return receipt requested.
3. A copy is sent by U.S. Postal Service First-Class mail, addressed to the violator at the last known address as listed on the county auditor's site.
4. A copy is delivered in any other manner as prescribed by local law.

SECTION 1037 ACCESSORY DWELLING UNITS

1037.01 PURPOSE

The intent and purpose of this section is to allow accessory dwelling units to be permitted in all single-family districts and other zone districts as the Village finds necessary. It is also the intent and purpose of this section to create a regulatory framework that encourages the development of accessory dwelling units that are rented on the local housing market to members of the community. Hanover acknowledges the need to encourage the permitting of accessory dwelling units in single-family residential areas in order to increase the availability of affordable rentals.

1. Accessory dwelling units are intended to provide additional housing that is incidental to a primary use. Accessory dwelling units are intended to be used as a necessary

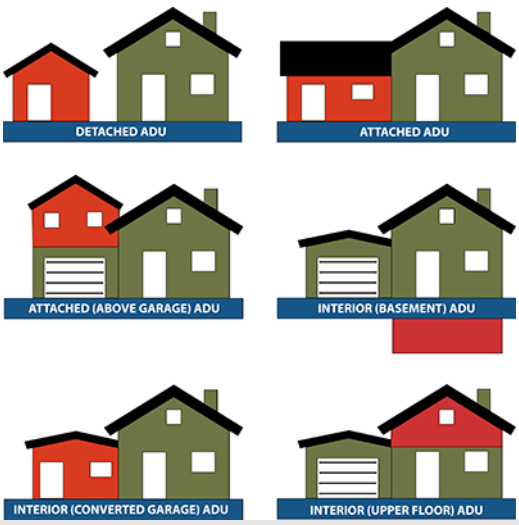
smart growth tool to increase the supply of affordable housing, elderly and disabled care units close to family members and caretakers, and/or workforce housing development. Accessory dwelling units are unique housing tools that provide for infill development with low environmental impacts that can connect to existing infrastructure.

2. With surging housing costs and lack of affordable housing stock, accessory dwelling units capitalize on the prominence of the single-family home by providing an additional family or person access to an affordable dwelling unit on the same lot – typically in areas of our community that are closer to areas of greater opportunity. Creating a regulatory atmosphere that encourages increasing the number of accessory dwelling units will have a positive impact on our community's housing shortage and on the property rights of homeowners.

3. These standards are devised to ensure that the development of accessory dwelling units do not cause negative impacts on the character or stability of single-family neighborhoods.

1037.02 DEFINITIONS

1. "Accessory dwelling unit" means an ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area existing within the same structure, or on the same lot, as the primary dwelling unit. The accessory dwelling unit may be a separate and detached unit, an attached unit to the principal structure, a repurposed existing space within the principal structure, an apartment over a garage, or a similar structural form as shown in the graphic below.



SOURCE: AARP - ABCS OF ADUS

2. "Lot requirements" means restrictions on lot size, setbacks, building coverage, and similar zoning requirements.

1037.03 STANDARDS

1. Accessory dwelling units are to be permitted as accessory uses to single-family homes in all residential districts.

2. Unless the accessory dwelling unit is used as a short-term rental, the owner must occupy either the principal or accessory dwelling unit.
    a. If used as a short-term rental, the owner must occupy the primary unit.
3. No more than one accessory dwelling unit shall be allowed on any residential lot or within any principal nonresidential structure.
4. An accessory dwelling unit may be constructed with or after the construction of the primary unit.
5. The establishment of a new accessory dwelling unit shall only be allowed if the lot area of the principal building is at least 5,000 square feet.
6. The accessory dwelling unit shall be subordinate to the principal building as to location, height, square footage, and building coverage. The design of the accessory dwelling unit shall be uniform, compatible, or complementary in appearance to the primary residence.
7. The floor area of the accessory dwelling unit shall be no less than 300 square feet and no greater than 1,200 square feet.
8. All accessory dwelling units shall meet the applicable zoning district setbacks. Total building coverage on the lot shall not exceed district standards. The accessory dwelling unit shall comply with the requirements of all applicable buildings codes.
9. No additional parking spaces are required if there is on-street parking available within 100 feet of the parcel. If there is no on-street parking available, one off-street space is required unless the ADU is 500 square feet or less.
10. Accessory dwelling units are exempt from zone district density calculations.
11. The accessory dwelling unit must connect to existing County water, Village sewer, and other existing utility connections, if available. and are subject to rules and regulations of each entity.
12. All Accessory dwelling units must comply with all applicable fire and building codes.

SECTION 1038 SOLAR FACILITIES

1038.01 PURPOSE.

To allow solar energy systems that serve homes, businesses, and other permitted uses while protecting public safety, neighboring properties, and the character of the Village.

1038.02 APPLICABILITY.

This section applies to new or expanded roof-mounted, wall-mounted, building-integrated, and ground-mounted solar energy systems that are accessory to a permitted principal use and designed primarily to meet energy needs on the same property. The transfer of surplus electricity to the utility grid shall not change the system's classification as an accessory use. Facilities designed primarily to generate electricity for off-site sale or distribution are outside the scope of this section.

1038.03 GROUND-MOUNTED SOLAR ENERGY SYSTEMS.

Ground mounted solar energy systems are prohibited in all zoning districts.

1038.04 ROOF-MOUNTED SOLAR ENERGY SYSTEMS.

1. A roof-mounted solar energy system may be installed on a principal or accessory building.
2. The system shall not extend beyond the exterior perimeter of the roof on which it is mounted.
3. Panels installed on a pitched roof shall be mounted generally parallel to the roof surface.
4. Panels installed on a flat roof may be angled to optimize solar access, provided the system complies with the maximum building height applicable to the zoning district.
5. A roof-mounted system shall not obstruct required roof access, ventilation, or emergency-access areas.
6. All equipment associated with system shall be located at rear or side of the structure and blocked by proper screening.

1038.05 *ABANDONMENT AND REMOVAL*.

A solar energy system that is no longer operational or has been abandoned for twelve (12) consecutive months shall be removed by the property owner. The site shall be restored to a safe and stable condition within ninety (90) days following written notice from the Village.

SECTION 1039 FARM, WILD, AND EXOTIC ANIMALS

1039.01 PURPOSE.

The purpose of this section is to protect public health, safety, and welfare by prohibiting livestock and wild or exotic animals within the Village while permitting a limited number of domestic hens and recognizing rights afforded to persons with disabilities under applicable law.

1039.02 DEFINITIONS.

For purposes of this section:

1. Assistance Animal means an animal that works, performs tasks, provides assistance, or provides therapeutic emotional support for an individual with a disability and qualifies as a reasonable accommodation under the Fair Housing Act, Section 504 of the Rehabilitation Act, or other applicable law. An Assistance Animal is not a household pet.
2. Dangerous Wild Animal means any animal identified as a dangerous wild animal in Section 935.01 of the Ohio Revised Code, as amended.

3. Emotional-Support Animal means an Assistance Animal that provides emotional support alleviating one or more symptoms or effects of an individual's disability. An Emotional-Support Animal is not a Service Animal under the Americans with Disabilities Act solely by providing comfort or emotional support without being individually trained to perform work or tasks. However, an Emotional-Support Animal may qualify as a reasonable accommodation under the Fair Housing Act or other applicable law.
4. Hen means a female domesticated chicken of the species *Gallus gallus domesticus*.
5. Household Pet means a domesticated animal, such as a dog, cat, fish, small caged bird, hamster, gerbil, guinea pig, or similar animal customarily kept in or about a residence for personal companionship and not for a commercial or agricultural purpose.
6. Livestock means an animal commonly associated with agricultural production or kept for food, fiber, breeding, sale, draft, or other agricultural purposes, including cattle, horses, ponies, donkeys, mules, swine, sheep, goats, llamas, alpacas, rabbits raised for agricultural purposes, turkeys, ducks, geese, guinea fowl, peafowl, and other poultry or farm animals.
7. Livestock does not include:
    a. Household Pets kept for noncommercial purposes;
    b. Service Animals;
    c. Assistance Animals, including Emotional-Support Animals, when authorized as a reasonable accommodation under applicable law; or
    d. Hens kept in compliance with subsection D.
8. Restricted Snake means any snake identified as a restricted snake in Section 935.01 of the Ohio Revised Code, as amended.
9. Rooster means a male domesticated chicken of the species *Gallus gallus domesticus*, regardless of age.
10. Service Animal means a dog individually trained to perform work or tasks directly related to an individual's disability, as provided by the Americans with Disabilities Act and its implementing regulations. The term shall also include a trained miniature horse when its accommodation is required by applicable federal law.
11. Wild or Exotic Animal means:
    a. A Dangerous Wild Animal or Restricted Snake;
    b. A nondomesticated animal not customarily kept as a Household Pet;
    c. A hybrid resulting from the breeding of a domestic animal with a wild animal; or
    d. Any other wild or exotic species that, because of its natural characteristics, size, strength, venom, or behavior, may reasonably present a threat of serious injury, disease, or property damage.

1039.03 GENERAL PROHIBITION.

1. Except as expressly permitted by subsection D or otherwise required by applicable federal or state law, no person shall keep, harbor, raise, pasture, board, breed, or maintain Livestock or a Wild or Exotic Animal on any lot or premises within the Village.
2. The keeping, harboring, breeding, or maintaining of a Dangerous Wild Animal or Restricted Snake is prohibited in every zoning district within the Village.
3. A license or permit issued by the State of Ohio, the federal government, or another governmental entity shall not constitute zoning approval or authorize an animal otherwise prohibited by this section. A Dangerous Wild Animal, Restricted Snake, or other Wild or Exotic Animal may be kept only if:
    e. All required state and federal licenses or permits have been obtained; and
    f. The applicable zoning district expressly authorizes the keeping of that animal.
4. No zoning district authorizes such use as of the effective date of this section. Accordingly, such animals are prohibited unless this Zoning Code is subsequently amended to expressly authorize the use.
5. Nothing in this section shall be interpreted as authorizing an animal prohibited by federal or state law.

1039.04 DOMESTIC HENS.

A maximum of six (6) hens may be kept on a lot containing an occupied dwelling, subject to the following requirements:

1. No rooster shall be kept on the property.
2. Hens shall be kept only for the personal, noncommercial use of the occupants of the property.
3. All coops, runs, pens, and other structures used to house or confine hens shall be located entirely within the rear yard.
4. A coop or enclosure shall be located at least ten (10) feet from any property line and at least twenty-five (25) feet from a dwelling located on another lot.
5. Hens shall be provided with a secure, covered, and predator-resistant coop or enclosure and shall not be permitted to roam beyond the boundaries of the property.
6. Coops and enclosures shall be maintained in a clean, dry, and sanitary condition and kept free of accumulated manure, standing water, offensive odors, vermin, and conditions that may attract rodents or insects.
7. Feed shall be stored in secure, rodent-resistant containers.
8. The outdoor slaughtering of chickens is prohibited.
9. The keeping of hens shall not create excessive noise, odor, dust, drainage, or another condition constituting a public nuisance.

10. All coops, runs, pens, and related structures shall comply with the accessory-structure requirements of this Zoning Code.

1039.05 SERVICE AND ASSISTANCE ANIMALS.

1. Nothing in this section shall prohibit a Service Animal or preclude a person with a disability from requesting a reasonable accommodation for an Assistance Animal, including an Emotional-Support Animal, under applicable federal or state law.
2. A request for a reasonable accommodation shall be reviewed individually in accordance with applicable law and any reasonable-accommodation procedure adopted by the Village.
3. The Village shall not require certification, identification, or documentation prohibited by applicable law.
4. An accommodation may be denied only upon a determination authorized by applicable law, including an individualized determination that the specific animal presents a direct threat to the health or safety of others or would cause substantial physical damage that cannot be reduced or eliminated through another reasonable accommodation.

1039.06 LIMITED EXCEPTIONS.

This section shall not prohibit:

1. The temporary treatment of an animal by a lawfully established veterinary facility;
2. The temporary custody of an animal by a governmental or law-enforcement agency, humane society, or animal-rescue organization acting under lawful authority;
3. The direct and continuous transportation of an animal through the Village; or
4. A lawful nonconforming use established and maintained in accordance with the nonconforming-use provisions of this Zoning Code.

1039.07 ADMINISTRATIVE DETERMINATIONS.

1. The Zoning Inspector shall determine whether an animal constitutes Livestock or a Wild or Exotic Animal under this section. The determination shall be based upon the definitions contained herein, Chapter 935 of the Ohio Revised Code, rules and written guidance issued by the Ohio Department of Agriculture, and other reliable information concerning the species and its characteristics.
2. When reasonably necessary, the Zoning Inspector may request information sufficient to identify the animal's species, breed, number, intended use, and manner of confinement. This authority shall not permit inquiries or documentation prohibited by disability-rights laws.
3. A determination of the Zoning Inspector may be appealed in accordance with the appeals provisions of this Zoning Code.

1039.08 VIOLATIONS.

Keeping an animal in violation of this section constitutes an unlawful use of land and shall be subject to the enforcement and penalty provisions of this Zoning Code. Each day that a violation continues shall constitute a separate offense.

1040.01 MAINTENANCE OF RIGHTS-OF-WAY

Property owners shall be responsible for routine maintenance of drainage ditches and swales on their property and unpaved portions of public rights-of-way abutting their property. Routine maintenance shall include controlling excessive vegetation and removing litter, debris, and other obstructions to preserve drainage flow and visibility. No owner shall fill, obstruct, regrade, or otherwise alter these areas without approval from the Village and any other authority having jurisdiction. This section shall not transfer maintenance or repair responsibilities assigned by law or agreement to the Village or another entity.

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 ordinance.
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 ordinance.
3. Whenever a building or structure constructed after the effective date of this ordinance 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 ordinance is enlarged to the extent of 25 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.
4. ADA requirements for access and number of parking stalls shall be followed for all developments requiring parking spaces.

SECTION 1101 BICYCLE PARKING

1. Bicycle parking is required as specified in Table 4. Bicycle Parking Requirements and as follows:
    a. A minimum percentage of spaces may be required to be enclosed by a structure or lockable fence for parking that may exceed 4 hours; and
    b. Enclosed spaces for multi-family residential must be located at ground level.
2. Bicycle racks provided within the front setback or within the public right-of-way must be configured as specified in the this Article.

SECTION 1102 AUTOMOBILE PARKING

1. Automobile parking is required in the amount specified in Table 5. Automobile Parking Requirements and as follows:
    a. All uses within the application are added to determine the minimum required parking;
    b. When requirements result in a fractional number, fractions are rounded down;

c. Uses within liner buildings less than 30 feet in depth and no more than two stories are exempt from required parking; and

d. An applicant may elect to commission a parking study, providing evidence of parking requirements below the standards of this Section.

2. Required parking may be adjusted downward by shared parking according to Table 6. Parking Occupancy Rate Table and as follows:

    a. The applicant must submit a parking demand summary sheet showing the process for calculating the reduction as follows:

        i. The gross minimum number of parking spaces is multiplied by the "occupancy rate" in Table 6. Parking Occupancy Rate Table, for each use for the time periods respectively;

        ii. The gross minimum numbers of parking spaces for each of the purposes referred to for each time period will be added to produce the aggregate gross minimum numbers of parking spaces for each time period; and

        iii. The greatest of the aggregate gross minimum numbers of parking spaces for each period is determined.

3. Required parking may be adjusted downwards where the following provisions for cyclists are provided:

    a. 1 automobile parking space may be reduced for every 4 bicycle parking spaces provided in excess of that required; and

    b. 1 automobile parking space may be reduced for every shower provided for non-residential uses, not to exceed a reduction of 10 spaces.

4. Required parking for residential uses may be adjusted downwards by 50% where spaces serve state licensed assisted living and senior independent living facilities.

5. Required automobile parking may be fulfilled in the following locations:

    a. Within the same lot;

    b. On-street parking spaces located along lot lines;

    c. Within an adjacent shared parking lot; and

    d. In T5, within a shared parking facility located within 600 feet of the use.

6. Maximum Automobile Parking Provided

    a. Off-street automobile parking spaces may not exceed the following maximums, calculated as a percentage of the minimum required automobile parking spaces:

        i. T3: n/a;

        ii. T4: 140%; and

iii. T5: 140% for buildings up to 60,000 sq. ft. and 125% for buildings greater than 60,000 sq. ft.

TABLE 4 BICYCLE PARKING REQUIREMENTS

	Minimum Spaces	Enclosed Spaces	On-street Spaces
Commercial			
Food and beverage	0.5 spaces / 1,000 sq.ft.	n/a	100% max.
Office	0.2 spaces / 1,000 sq.ft.	50% min. where more than 12 spaces are required	100% max.
Other Commercial	0.25 spaces / 1,000 sq.ft.	n/a	100% max.
Institutional			
All Assembly	0.2 spaces / 1,000 sq.ft.	0% min.	100% max.
Lodging			
All Lodging	1 space / 10 rooms	n/a	n/a
Residential			
1-7 units per lot	n/a		
8-20 units per lot	0.75 spaces / unit	25% min.	0% max.
Over 20 units per lot	0.5 spaces / unit	50% min.	0% max.
Other Uses			
All Other	No minimum requirement		

TABLE 5 AUTOMOBILE PARKING REQUIREMENTS

	ZONING DISTRICT				COMMUNITY UNIT			
	VR	R3	FPO	NAT	T2	T3	T4	T5
Agricultural	No minimum				No minimum			
Civic Space	No minimum				No minimum			
Commercial	Not applicable				4 / 1,000 sq.ft.		4 / 1,000 sq.ft.	3 / 1,000 sq.ft.
Entertainment	Not applicable				Not applicable		Not applicable	1 / 6 fixed seats or patrons
Industrial & Manufacturing	Not applicable				Not applicable		Not applicable	1 / 4 employees
Institutional	Not applicable				1 / 4 fixed seats or patrons			1 / 8 fixed seats or patrons
Lodging Residential	Not applicable				1 / room		1 / room	0.5 / room
Home occupations	Not applicable				2 / 1,000 sq.ft.			1 / 1,000 sq.ft.
Accessory dwellings	Not applicable				1 / ADU		No minimum	
1 & 2 dwelling units per lot	2 / unit				2 / unit		1.5 / unit	
over 2 dwelling units per lot	Not applicable						1.5 / unit	1 / unit

TABLE 6 PARKING OCCUPANCY RATE TABLE

	Weekdays			Weekends		
	8am-5pm	6pm-12am	12am-6am	8am-5pm	6pm-12am	12am-6am
Commercial	90%	80%	5%	100%	70%	5%
Food & Beverage	70%	100%	10%	70%	100%	20%
Entertainment	40%	80%	10%	80%	100%	10%
Industrial & Manufacturing	100%	20%	5%	5%	5%	5%
Institutional	100%	20%	5%	10%	10%	5%
Convention	100%	100%	5%	100%	100%	5%
Performing Arts	40%	80%	10%	80%	100%	10%
Religious	10%	5%	5%	100%	50%	5%
Lodging	70%	100%	100%	70%	100%	100%
Residential	60%	100%	100%	80%	100%	100%

SECTION 1103 OFF-STREET AUTOMOBILE PARKING DESIGN

1. All off-street parking spaces and aisles must meet AASHTO size and configuration standards.
2. Automobile parking must be located at the rear or side of buildings.
3. Off-street parking must be accessed by rear alleys or rear lanes where available.
4. Where rear alleys or rear lanes are not available, off-street parking may be accessed from the following locations:
5. From secondary frontages driveways should be located near the rear lot line; and
6. Where secondary frontages are not available, parking may be accessed from the primary frontage.
7. Driveways providing access to off-street parking are limited to 10 feet in width in T3 and T4, and 24 feet in T5.
8. Pedestrian access to off-street parking must be provided from sidewalks along front or side street lot line.
9. Off-street parking facilities must have a minimum vertical clearance of 7 feet. Where such a facility is to be used by trucks or for loading, the minimum ground floor clearance is 15 feet.

10. Parking lots and structures must be screened along front and side street lot lines by one or more of the following methods:
    a. Liner buildings, optional at parking lots and required at parking structures. A minimum of 70% of parking structure width must have a screened ground floor frontage;
    b. A masonry wall no less than 4 feet in height; and
    c. A metal fence with a hedge or other landscape element to screen the view of parking.

SECTION 1104 PARKING SPACE DIMENSIONS

A parking space shall have minimum rectangular dimensions of not less than ten (10) feet in width and twenty (20) feet in length for 90 degree parking, ten (10) feet in width and twenty three (23) feet in length for parallel parking, ten (10) feet in width and nineteen (19) feet in length for 60 degree parking, and ten (10) feet in width and twenty (20) feet in length for 45 degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas based on one way or two way traffic and shall be appropriate for the type of vehicle use.

SECTION 1105 LOADING SPACE REQUIREMENTS AND DIMENSIONS

A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fifteen (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 1106 PAVING

The required number of parking and loading spaces as set forth in this Article, together with handicap facilities, driveways, aisles, and other circulation areas, shall be paved with asphalt or concrete.

SECTION 1107 DRAINAGE

All parking and loading areas shall provide for proper drainage and detention of surface water to prevent the drainage of such water onto adjacent properties or walkways in accordance with Village Subdivision guidelines.

SECTION 1108 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 1109 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 1110 STRIPING

1. All parking areas with a capacity over four (4) 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.
2. All handicapped must be striped.
3. Drive-through lanes must be striped.

SECTION 1111 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 Planning Commission.
2. 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 Planning Commission upon an appeal from the developer/owner.

SECTION 1112 RESIDENTIAL DISTRICT DRIVEWAY REQUIREMENTS

1. Driveway width shall have a minimum width of fourteen (14) feet and a maximum width of twenty-four (24) feet at roadway and in right-of-way
2. Setbacks for each district apply to side and rear of the property for driveways.
3. One (1) driveway is permitted for each parcel in all residential districts, except for parcels (corner lots) with two sides of road frontage. One (1) additional driveway can be permitted with approval from the Board of Zoning Appeals.
4. All driveways and designated parking areas must be impervious with concrete or asphalt.
5. A minimum of two parking spaces per residential dwelling unit, excluding the garages, are required.

ARTICLE 12 SIGNS

SECTION 1200 PURPOSE AND INTENT.

The purposes of these sign regulations are: to encourage the effective use of signs as a means of communication in the Village; to maintain and enhance the attractive aesthetic environment and the Village's ability to attract sources of economic development; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. This sign article is adopted under the zoning authority of the Village in furtherance of the more general purpose set forth in the Zoning Code.

SECTION 1201 APPLICABILITY; EFFECT.

A sign may be erected, placed, established, painted, created, or maintained in the Village only in conformance with the standards, procedures, exemptions, and other requirements of this Section. The effect of this Section as more specifically set forth herein is:

1. To establish a permit system to allow a variety of sign types in Hanover zoning districts, and a limited variety of signs in other zones, subject to the standards and permit procedures of this Section.
2. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Article.
3. To provide for temporary signs without commercial messages in limited circumstances in the public right of way.
4. To prohibit all signs not expressly permitted by this Section.
5. To provide for the enforcement of the provisions of this Section.

SECTION 1202 DEFINITIONS AND INTERPRETATION.

Words and phrases used in this Section shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in the Zoning Ordinance of the Village shall be given the meanings set forth in such Ordinance. Principles for computing sign area and sign heights are contained in Section 1203. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings for captions are for reference purposes only and shall not be used in the interpretation of this Section.

1. "A-Frame Sign" means a portable sign, often referred to as a sandwich board sign, typically hinged at the top and set on the ground with two display panels forming an "A" shape. It is designed for temporary use and placed directly in front of a business or within a public walkway to advertise services, products, or events.

2. "Animated Sign" means any sign that uses movement, of parts or all of the sign or supporting structure, or change of lighting to depict action or create a special effect or scene.
3. "Awning Sign" means a sign that is integrated into or mounted on the surface of an awning, which is a fabric or rigid shelter projecting from a building facade, typically used to cover windows, doors, or storefronts. Awning signs often include text, logos, or graphics to promote the establishment or brand.
4. "Banner" means any sign or lightweight fabric or similar material that is mounted to a pole or a building by a frame at one or more edges. National, state, municipal, or institutional flags shall not be considered banners. Corporate or business flags will be considered banners under this Section.
5. "Beacon" means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.
6. "Building Frontage" means the total lineal facade length that faces a public right-of-way, measured at the foundation.
7. "Building Marker" means any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
8. "Canopy Sign" means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
9. "Changeable Copy Sign" means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face of the surface of the sign. A sign on which the message changes more than eight times a day shall be considered an animated sign and not a changeable copy sign for the purposes of this Section. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a changeable copy sign for the purposes of this Section.
10. “Color” means any shade on the visible spectrum distinguished by the qualities of hue, lightness, brightness, and saturation. Where this Section limits the number of colors in a sign, any discernible difference in color, including shades of the same base color, shall be deemed a separate color. When either pure black or pure white are used as background colors in a sign, they shall not be counted in the overall color count.
11. "Commercial Message" means any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
12. “Corner Sign” means a sign installed at the intersection of two streets or property boundaries, often designed to be visible from multiple directions. Corner signs may be freestanding or mounted on a structure, providing directional or promotional information.

13. "Customer Convenience Signs" means any sign, label, or placard placed inside or on a window that shows the acceptance or use of insurance carriers, charge cards, security and alarm notices, no smoking, store hours, restaurant menu, public service announcements, and the like.
14. "Flag" means any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other public or institutional entity.
15. "Freestanding Sign" means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or structure.
16. “Ground Sign” means a freestanding sign permanently installed on the ground, supported by one or more vertical posts or a solid base. The bottom of ground signs must be installed no more than 12” from natural grade.
17. “Hanging Sign” means a sign suspended from an overhead structure, such as a bracket, beam, or canopy, and mounted perpendicular to the building facade or other support structure. Hanging signs are typically used for pedestrian-scale visibility.
18. "Incidental Sign" means a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.
19. "Lot" means any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record that is recognized and intended as a unit for the purpose of transfer of ownership.
20. "Marquee" means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather (similar to a movie theater sign).
21. "Menu Board" means a sign used in conjunction with a drive-through facility and used to display and order products and services available at the drive-through business.
22. "Multi-Tenant Sign" is defined as a single, collective sign structure designed to identify or advertise more than one business, tenant, or use on a single parcel, building, or commercial development.
23. “Mural” means a large-scale artwork or graphic applied directly to the surface of a wall, often incorporating text, logos, or imagery that communicates a business name, product, or theme. Murals may also serve as decorative or artistic features, blending signage and public art.
24. "Neon Sign" means any sign using illumination derived from noble gases from Group VIII of the periodic table (referred to herein as neon signs).
25. "Marquee Sign" means any sign attached to, in any manner, or made a part of a marquee.

26. "Nonconforming Sign" means any sign that does not conform to the requirements of this Section.
27. "Pennant" means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wires or string, usually in a series, designed to move in the wind.
28. "Person" means any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.
29. "Pole Sign" means a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.
30. "Portable Sign" means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-or-T frames; menu and sandwich board signs, balloons used as signs; umbrellas used for advertising; and signs attached to, painted on, or otherwise made part of vehicles parked and visible from the public right-of-way.
31. "Principal Building" means the building in which the principal use is conducted or the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.
32. "Projecting Sign" means any sign affixed to a building or wall in such a manner that its leading edge extends more than 12 inches beyond the surface of such building or wall.
33. "Residential Sign" means any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such goods or services at such location conforms with all requirements of the Zoning Code.
34. "Roof Sign" means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
35. "Sandwich Board Sign" means any sign temporarily placed in the right of way of the zone lot or on the land between the building and the right of way as a freestanding sign, which may include chalk and dry-erase boards.
36. "Setback" means the distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.
37. "Sign" means any device, fixture, placard, or structure whether temporary or permanent, freestanding or attached, that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purposes of a person or entity, or to communicate information of any kind.
38. "Street" means a strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property, including but not limited to,

alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails, or other thoroughfares.

39. "Street Frontage" means the distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.
40. "Suspended Sign" means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
41. "Temporary Sign" means any sign that is used only temporarily and is not permanently mounted.
42. "Wall Sign" means any sign attached parallel to, but within twelve (12) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, or which is supported by such wall or building, and which displays only one sign surface.
43. "Window Sign" means any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SECTION 1203 COMPUTATIONS

The following principles shall control the computation of sign area and sign height:

1. Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, or triangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets Zoning Ordinance regulations and is clearly incidental to the display itself. For freestanding signs, the entire sign face shall be included in the computation.
2. Computation of Area of Multifaced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 24 inches apart, the sign area shall be computed by the measurement of one of the faces.
3. Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to existing grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of

the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

4. Computation of Maximum Total Permitted Sign Area for a Zone Lot. The permitted sum of the area of all individual signs on a zone lot shall be computed by applying the formulas contained in this section.

SECTION 1204 PERMITS REQUIRED

All signs with the exception of the following require a sign permit:

1. A-frame ground sign;
2. Small signs. Any sign that does not exceed four square feet in area;
3. Official sign. Notices required by law, signs erected by a governmental agency or public utility; and
4. Temporary signs. Not more than one temporary sign is permitted per frontage and may not exceed 32 square feet in area. Temporary signs must be removed within 48 hours after the event. Temporary signs may not be displayed longer than the event or 30 days.

SECTION 1205 NONCONFORMING SIGNS

1. If a sign display is not current, is in a state of disrepair or is left blank for a continuous period of 30 days, it is considered abandoned, and within 30 days after abandonment the owner of the property must remove or replace the sign or the message.
2. Illumination may not be added to a nonconforming sign.
3. A nonconforming sign may not be replaced except to bring it into complete conformance with this section.
4. If a sign is removed or damaged to the extent that the cost of restoration exceeds 50 percent of the original value of the sign it must be removed or brought into complete conformance with this section.

SECTION 1206 PROHIBITED SIGNS

Signs with the following features are prohibited:

1. Off-premise signs;
2. Pole signs;
3. Signs utilizing animation or which contain the optical illusion of sign movement;
4. Signs incorporating noisy mechanical devices or emitting smoke or steam;
5. Inflatable signs, such as but not limited to balloons, gas inflated signs or similar signs;
6. Portable signs, except a-frame ground signs; and
7. Any unsafe sign.

SECTION 1207 PERMITTED SIGNS AND RESTRICTIONS

1. Permitted sign types are limited by district and the following restrictions according to Table 7. Sign Standards:
    a. The number of signs per type;
    b. The area of signs; and
    c. The height of sign copy.
2. All signs must meet the following clearance:
    a. Minimum eight feet clear over sidewalks; and
    b. Minimum 10 feet clear over vehicular areas.
3. All signs may be double-sided by right, if the configuration of the sign permits. Only the larger side contributes to the calculation of sign area.
4. Illuminated signs are permitted as follows:
    a. All signs may be illuminated by an external light source.

TABLE 7 SIGN STANDARDS

				Village Res.	General Res.	High Street	River	Spring	Flats	Special	Hill	Gateway	Northeast	Natural	Flood Plain Overlay
Sign	**Signs (max)**	**Area (max)**	**Copy Height (max)**	**VR**	**R3**	**HS**	**RVR**	**SPG**	**FTS**	**SPC**	**HILL**	**GW**	**NE**	**NAT**	**FPO**
A-Frame	1 per tenant	9 sq.ft.	n/a	■	■	■									
Awning	1 sloping plane & 1 valence per awning	75% awning area	16 in. on sloping plane, 8 in. on valence			■						■			
Banner	1 per event	32 sq.ft.	n/a			■						■			
Canopy	1 per canopy	2 sq.ft. per linear ft.	30 in.			■						■			
Ground	1 per frontage	36 sq.ft.	n/a			■						■			
Hanging	1 per tenant	6 sq.ft.	n/a			■						■			
Home Occupation	1 per dwelling	6 sq. ft.	n/a	■	■	■	■	■	■	■	■	■	■	■	■

Marquee	1 per entry	4 sq.ft. per linear ft.	30 in.			■						■			
Menu^	1 per business	32 sq. ft.	n/a			■						■			
Multi-Tenant	1 per frontage	100 sq. ft.	n/a			■						■			
Mural	1 per frontage	no max.	n/a			■						■			
Projecting	1 per tenant	6 sq.ft.	8 in.			■						■			
Wall	1 per tenant	3 sq.ft. per linear ft.	18 in.			■						■			
Window	1 per window	25% of glazed area	12 in.			■						■			

■ = Allowable

Notes:
^ Menu board signs must be placed at the rear of the building out of sight of the public right of way. Digital menu boards are allowable if equipped with auto-dimming sensor.

ARTICLE 13 TREE PRESERVATION

SECTION 1300 PURPOSE

1. The purpose of this Section is to preserve and protect existing mature trees in the Village of Hanover; and to incentivize certain tree preservation actions by developers in conjunction with new development in the Village of Hanover. Specifically, these standards are meant to:
    a. Improve the aesthetic quality of new development through the preservation of existing trees;
    b. Maintain and enhance property values;
    c. Discourage the wholesale clearing of land for development;
    d. Encourage site design techniques that preserve the natural environment and enhance the quality of the built environment; and
    e. Maintain the stability of slopes and control erosion and sediment runoff into streams and waterways.

SECTION 1301 APPLICABILITY

This Section applies to any construction, modification, or improvement on parcels in excess of one (1) acre. This includes, but is not limited to, commercial, residential, capital improvement, or utility projects, hereinafter referred to as "Construction Project."

SECTION 1302 EXCEPTIONS

1. Exceptions: This Section does not apply to Accredited Arboretums or parcels that have an active conservation easement/covenant, as these parcels are considered "self-policing" as it pertains to tree preservation efforts.
2. This Section does not apply to parcels that are residential in nature, currently containing or meant to contain a single dwelling unit.

SECTION 1303 DEFINITIONS

The following words and phrases, when used in this article, shall have the meaning ascribed to them by this section:

1. "Accredited Arboretum" means a parcel or set of parcels that have acquired arboretum status through the American Public Gardens Association Arboretum Accreditation Program.
2. "Aggregate Diameter" means the combined diameter of a multiple trunk tree measured at breast height (see diameter breast height).
3. "Applicant" means the owner, developer, or designee responsible for the execution of Tree Preservation Plan for a Construction Project. Synonymous with "Responsible Party."

4. "Building Activity Area" means the area of a lot in which construction and building activities are to be limited and hence shall be the smallest possible area of a lot or parcel of land within which building activity may take place, including the entire area affected by building and grading activities related to the proposed construction, to be determined with maximum regard for existing trees.
5. "Caliper" means the diameter of a tree trunk six (6) inches above the existing grade or proposed planted grade. This measurement is used for nursery-grown trees.
6. "Critical Root Zone" means the area inscribed by an imaginary line on the ground beneath a tree having its center point at the center of the trunk of the tree and having a radius equal to one (1) foot for every inch of diameter breast height.
7. "Diameter Breast Height (DBH)" means the diameter of a tree measured at four and one-half feet (4.5 ft) above the existing grade at the base of the tree. This measurement is used for existing forest trees.
8. "Heavily Wooded Site" means any site of a Construction Project with a current tree canopy greater than eighty percent (80%) as estimated by the Zoning Inspector.
9. "ISA Certified Arborist" means a credential earned by individuals trained and knowledgeable in all aspects of arboriculture certifying that they have met all requirements to be eligible for the exam, which includes three (3) or more years of full-time, eligible, practical work experience in arboriculture and/or a degree in the field of arboriculture, horticulture, landscape architecture, or forestry from a regionally accredited educational institute.
10. "Preferred Tree List" means a list of preferred trees for the Village of Hanover that considers those trees that are most compatible with the Central Ohio climate and other environmental factors. This list is updated and approved as needed by the Tree and Landscape Commission as an addendum to this Section.
11. "Protected Tree" means any tree having a diameter of six (6) inches DBH or larger or having an Aggregate Diameter of fifteen (15) inches DBH or larger or a tree which has been designated by the Village to be of high value or interest to the Village because of its location or historic association, or other professional criteria.
12. "Remove" or "Removal" means the causing or accomplishing of the actual physical removal of a tree, or the effective removal through damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a tree.
13. "Replacement Tree" means a tree that is procured and planted for the purpose of replacing any removed Protected Tree.
14. "Responsible Party" means the owner, developer, or designee responsible for the execution of Tree Preservation Plan for a Construction Project. Synonymous with "Applicant."
15. “Tree” or “Trees” means any self-supporting woody plant together with its root system, growing upon the earth usually with one trunk, or multi-stemmed trunk system, supporting a definitely formed crown.

16. "Tree Bank Option" means that if on-site tree replacement is impossible or impractical, the remaining balance of required Replacement Trees shall be planted on a designated Tree Bank Site determined by the Village Zoning Inspector.
17. "Tree Bank Fund" means that if a Tree Bank Site cannot accommodate the required Replacement Trees, the replacement fee for each tree shall be allocated to the Tree Bank Fund according to Section 1310.
18. "Tree Preservation Area" means the area of a parcel of land in which all trees shall be protected during all phases of construction.
19. "Tree Preservation Plan" means a proposal which includes a Tree Survey and a written plan with text and/or graphic illustrations indicating the methods which are to be used to preserve existing trees during construction, and methods for ongoing maintenance, including fertilizing and pruning.
20. "Tree Preservation Zone" means an area designated on a subdivision plat with restrictions noted regarding the removal of trees.
21. "Tree Removal Permit" means the permit required by this section to be issued in order to remove any Protected Tree within the corporate limits of the Village.
22. "Tree Survey" means a graphic display drawn to scale, not to exceed 1" = 50', showing all existing trees on a site with a six-inch DBH or greater. The Tree Survey shall include species, conditions, and contain the outline of the Critical Root Zone of each such tree as determined by a Certified Arborist.

SECTION 1304 TREE PRESERVATION PLAN

1. Prior to beginning any Construction Project, a Tree Preservation Plan including a Tree Survey, and a Tree Removal Permit (if applicable) must be submitted by the Applicant to the Village Zoning Inspector for review and approval. A Construction Project shall not commence without a Tree Preservation Plan approved by the Village Zoning Inspector or their designee.
2. A Tree Preservation Plan shall include:
    a. The location, botanical name, dimension at breast height (DBH), and vertical height of all existing trees on the property;
    b. The intent to preserve, relocate, or replace each tree; and
    c. Measures to be taken to protect new and mature trees during construction, and to protect roots and soil during construction, following Best Management Standards and ANSI Standards for Arboriculture, as may be amended from time to time.

SECTION 1305 TREE PRESERVATION PLAN PREPARATION.

1. A preliminary site inspection followed by periodic inspections will be conducted by the Village Zoning Inspector or their designee to ensure compliance with the Tree Preservation Plan.

2. All professionally reasonable efforts shall be undertaken in the architectural layout and site engineering design of the proposed development to preserve existing Protected Trees.
3. Construction Projects shall be designed in such a way as to avoid unnecessary removal of Protected Trees.
4. The required drainage and grading plan, including stormwater management facilities, shall be developed in such a way as to avoid removal of Protected Trees in the Tree Preservation Area thereby causing risk of loss through change in grade or moisture.
5. Proposed placement of all utility service lines shall be shown on the Tree Preservation Plan. Every effort shall be made to protect existing Protected Trees during the placement of utility service lines including "auguring and/or jacking" as opposed to open cutting as appropriate. A copy of the Tree Preservation Plan shall be submitted at the preliminary plat stage by the Applicant to the appropriate public utilities in order to alert said public utilities to the proposed placement of the utility service lines.
6. Landscape planning shall include the preservation of existing healthy Protected Trees.

SECTION 1306 TREE PRESERVATION CRITERIA.

The Village Zoning Inspector or their designee, and a Certified Arborist shall consider the factors below and any other relevant information when evaluating a Tree Preservation Plan for approval or rejection.

1. The existing natural features of the site, preservation priorities, and the impact the removal of any tree may have both on and off site.
2. The desirability of preserving a tree or group of trees by reason of age, health, location, size, or species.
3. Whether the design incorporates the required tree preservation priorities.
4. The extent to which the Tree Preservation Area would be subject to environmental degradation due to removal of the tree or group of trees.
5. The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.
6. Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.
7. Whether the size or shape of the lot reduces the flexibility of the design.
8. The general health and condition of the tree or group of trees, or the presence of any disease, injury, or hazard.
9. The placement of the tree or group of trees in relation to utilities, structures, and the use of the property.
10. The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.

11. Whether proposed roads and proposed utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.
12. Construction requirements of on-site and off-site drainage.
13. The effect other chapters of the Village Code or policies have on the development design.
14. The extent to which development of the site and the enforcement of this Section are impacted by state and federal regulations.

The above items are not presented in any particular order of importance. The weight each is given will depend in large part on the individual characteristics of each Construction Project.

SECTION 1307 TREE PROTECTION DURING CONSTRUCTION.

1. If trees are to be credited towards landscaping requirements they must be protected during all phases of construction as described herein.
2. The Applicant shall be responsible for the construction, erection, and maintenance of temporary fencing or other physical barrier around the Tree Preservation Areas so that all Protected Trees shall be preserved. The fencing or other protective barrier must be located a distance from the trunk that equals, at a minimum, the distance of the Critical Root Zone or fifteen (15) feet whichever is greater, unless otherwise approved by the Village Zoning Inspector or designee. The fencing or other physical barrier must remain in place and be secured in an upright position during the entire construction period to prevent impingement of construction vehicles, materials, spoils, and equipment into or upon the Tree Preservation Area. tree protection signs, available from Village Zoning Inspector, must be located along the fencing. Any change in the protective fencing must be approved by the Village Zoning Inspector.
3. The approved Tree Preservation Plan shall be available on the building site before work commences and at all times during the Construction Project. The Applicant shall be responsible for notifying all contractors and utilities involved with a given Construction Project of the Tree Preservation Plan.
4. During all phases of construction, all steps necessary to prevent the destruction or damage to Protected Trees (other than those specified to be removed) shall be taken, including but not limited to the following:
    a. No construction activity, movement and/or placement of equipment, vehicles, materials, or spoils storage shall be permitted within the Tree Preservation Area. No excess soil, additional fill, liquids, or construction debris shall be placed within the Critical Root Zone of any tree that is to be preserved;
    b. All required protective fencing or other physical barrier must be in place around the Tree Preservation Area and approved by the Village prior to the beginning of construction, including site clearing. The fencing or other protective barrier must be located a distance from the trunk that equals, at a minimum, the distance of the Critical Root Zone or fifteen (15) feet, whichever is greater, unless otherwise approved by the Village Zoning Inspector or

designee. The fencing or other physical barrier must remain in place and be secured in an upright position during the entire construction period to prevent impingement of construction vehicles, materials, spoils, and equipment into or upon the Tree Preservation Area. Any change in the protective fencing must be approved by the Village Zoning Inspector;

c. No attachments, including but not limited to ropes, nails, advertising posters, signs, fences or wires (other than those approved for bracing, guying or wrapping) shall be attached to any trees;

d. No gaseous liquids or solid substances which are harmful to trees shall be permitted within the Tree Preservation Area;

e. No fire or heat shall be permitted within the Tree Preservation Area;

f. Unless otherwise authorized by the Tree Removal Permit, no soil is to be removed from or placed upon the Critical Root Zone of any tree that is to remain; and

g. All utilities, including service lines, shall be installed in accordance with the Tree Preservation Plan. Public utilities which have been notified of the Tree Preservation Plan in accordance with herein shall be responsible for adhering to said Tree Preservation Plan during installation of necessary utility service lines. Every effort shall be made to protect existing Protected Trees during the placement of utility service lines including auguring and/or jacking as opposed to open cutting as appropriate.

5. It shall be contrary to this Code for any person, firm, or corporation, including public utilities, to fail to abide by the terms of any Tree Preservation Plan or Tree Removal Permit issued by the Village. If the necessary precautions as specified in the Tree Preservation Plan were not undertaken before construction commenced or are not maintained at any time during construction, a stop work order will be issued by the Village until such time as the Responsible Party complies with these precautions.

SECTION 1308 TREE PRESERVATION INCENTIVES

In order to encourage the preservation of existing trees on a site, incentives for the retention and protection of existing, undisturbed, structurally sound and healthy trees shall be granted in accordance with the following standards:

1. For each tree preserved and protected in accordance with the standards of this Section, a credit in the amount of one and one-half times the number of preserved trees shall be credited and applied towards the tree planting requirements for landscaping and buffering. To receive credit, the preserved trees must meet the following requirements:

    a. Canopy trees, whether deciduous or evergreen, shall have a minimum diameter of eight (8) inches, as measured four and one-half (4 ½) feet above ground level.

b. Understory or ornamental trees, whether deciduous or evergreen, shall have a minimum diameter of four (4) inches, as measured four and one-half (4 ½) feet above ground level.

c. For credit towards the tree planting requirements, the preserved tree(s) must be located inside, or within thirty (30) feet of, the planting area for which the credit will be applied.

2. Approved tree preservation credits may be applied to the tree planting requirements for street yard landscaping, motor vehicle use area landscaping, street trees, or perimeter buffers as appropriate. In no case shall tree preservation credits be used to offset more than fifty percent (50%) of the required number of trees in the area to which they are applied.

3. When trees preserved and credited are located inside, or within fifteen (15) feet of, the perimeter of a motor vehicle use area containing required parking spaces, the minimum parking requirement, as set forth in Section 1102 / Table 5, may be reduced by two and five-tenths percent (2.5%) for each preserved tree that meets these standards. In no case shall the minimum parking requirement be reduced by more than fifteen percent (15%), regardless of the number of trees preserved.

SECTION 1309 TREE PLANTING AND REPLACEMENT

1. Species selection shall be based upon the amount of space available for proper growth on the site in accordance with width of tree lawn as specified in the Village Code, and informed by the most current Preferred Tree List maintained by the Village Zoning Inspector.

2. The Applicant is expected to plant trees in locations on the site where the environmental benefits of canopy cover are most likely to offset the impact of development. Trees shall not be placed within utility easements, or in other locations where their future protection cannot be assured.

3. Approval of a plan shall be contingent upon the Applicant depositing with the Village either bond or other insurance/surety in an amount equal to the estimated cost of materials and labor of trees at the time of installation.

4. Every effort shall be made to replant a minimum of fifty percent (50%) of the required Replacement Trees in another location on the site from which the original trees were removed to maintain the remaining natural distribution of tree cover in the Village.

5. Replacement Tree shall, to the extent possible, have a minimum caliper of two (2) inches and a clear trunk height of at least six (6) feet. The schedule for Replacement Trees will be based on the diameter, twenty-four (24) inches above grade of those trees removed. Replacement Trees shall equal the diameter or Aggregate Diameter of the tree(s) removed; i.e., removal of a twenty-four (24)-inch diameter tree at twenty-four (24) inches above grade would equal twelve (12), two (2) inch diameter trees.

SECTION 1310 REPLACEMENT SCHEDULE FOR HEAVILY WOODED SITES

In lieu of the provisions above, the Responsible Party of a Heavily Wooded Site shall, during the course of development, be required to retain or replace Protected Trees so that a minimum of forty percent (40%) of the development site shall, to the extent possible, remain under canopy coverage. This calculation shall be a measured estimate based on tree size and canopy achieved over a thirty (30) year period.

Where it is impractical or not feasible to achieve a forty percent (40%) canopy, the Village Zoning Inspector may approve one, or any combination of, the following alternatives as a means of meeting the tree replacement requirements:

1. Replace as many trees as is practical on the affected lot; and/or
2. Replace as many trees as is practical within the affected subdivision phase; and/or
3. Replace as many trees as is practical within the affected subdivision; and/or
4. For those trees that cannot be replaced through steps one through three above, the developer or owner shall be required to replace the trees elsewhere in the Village; and/or
5. Donate two hundred fifty dollars ($250.00) per tree removed payable to the Village Tree Bank Fund for purchase and planting of Replacement Trees at an alternate location, up to a maximum of twenty-five thousand dollars ($25,000).

SECTION 1311 EXEMPTIONS FROM REPLACEMENT

The Village Zoning Inspector or designee may approve the removal of a Protected Tree that would be exempt from replacement requirements if one of the following applies:

1. The tree is dead, damaged, or diseased; or
2. The tree is an undesirable species in its present location, as determined by the Village Zoning Inspector (or designee); or
3. The tree presents a potential danger to life or property.

ARTICLE 14 FORM-BASED DISTRICT REGULATIONS

SECTION 1400 INTRODUCTION

The following standards aim to preserve existing neighborhoods while encouraging predictable development that aligns with the Village of Hanover's Comprehensive plan vision and policies. This Article outlines design elements that balance maintaining the quality of current neighborhoods with fostering mixed-use, walkable, and neighborhood-friendly development, ultimately enhancing the public realm's overall quality.

SECTION 1401 PURPOSE

This Article was developed to promote more predictable outcomes and a higher-quality public realm by specifying the physical form of buildings and addressing the relationship between building facades and the public realm. It also considers the form and mass of buildings in relation to one another and the scale and types of streets and blocks.

SECTION 1402 INTENT

1. This Article is designed to balance conservation and development by:
    a. Ensuring the conservation of land and natural resources.
    b. Promoting the preservation and enhancement of the village's tree canopy.
    c. Guiding reinvestment in established neighborhoods to preserve and reinforce their unique characteristics.
    d. Encouraging development along key corridors to enhance their function as mixed-use, walkable centers that serve surrounding residential neighborhoods.
    e. Establishing standards for compatible transitions of use, building scale, and height between existing and new development.
    f. Providing clear and consistent procedures for effective public involvement in land use and development decisions.
2. This Article aims to achieve design excellence in the built environment by:
    a. Setting building and site design standards that address the public aspects of private development, ensuring building form, placement, and uses contribute to the quality of the public realm.
    b. Providing parking and access standards that balance pedestrian and vehicular needs, resulting in safe and high-quality pedestrian environments.
    c. Promoting quality landscape and building design that enhance the function and beauty of Hanover.
3. This Article guides the Village's prosperous and sustainable future by:
    a. Offering clear regulations and processes for predictable, efficient, and coordinated development review.

b. Promoting the conservation of land, energy, and natural resources.

c. Encouraging sustainable building and site design practices.

d. Supporting diverse housing options.

e. Establishing standards for interconnected streets and development patterns that support all modes of travel (walking, bicycling, public transit, driving).

SECTION 1403 APPLICATION

1. Territorial application: This Article applies to the following specified Districts as shown on the Zoning Map (Map 1) and future districts shown on the Master District Map (Map 2).
    a. High Street
    b. River
    c. Spring
    d. Flats
    e. Hill
    f. Gateway
    g. Northeast
2. Newly Annexed Territory. Annexation into the Village shall not automatically assign a property to a T-Zone subarea. Any newly annexed property proposed for inclusion within a T-Zone shall be assigned to a specific subarea through the annexation and rezoning process. The applicable subarea designation shall be expressly identified in the rezoning ordinance and shown on the Official Zoning Map.

SECTION 1404 TEXT AND GRAPHICS

Illustrations, photographs and graphics are included in this Article to illustrate the intent and requirement of the text. In the case of a conflict between the text of this Article and any illustrations, the text governs.

SECTION 1405 GENERAL APPLICABILITY

SECTION 1405.01 FORM-BASED APPLICABILITY

Standards apply based on the type of activity proposed, as shown in the table below. For all Form-Based zoning districts, the standards shall be applied as shown in the table below:

TABLE 8 GENERAL APPLICABILITY & ACTIVATION

		New Construction	Addition	Site Modification	Façade Modification	Change of Use	Renovation	Maintenance & Repair
1405.01	Site Width	■	□	□	□	□	□	□
1405.02	Dwelling Units per Site	■	□	□	□	■	□	□
1405.03	Amenity	■	■	■	□	■	□	□
1405.04	Walls & Fence	■	■	■	□	■	□	□
1405.05	Streetscape	■	■	■	□	□	□	□
1405.06	Setbacks	■	■	□	□	□	□	□
1405.07	Transitions	■	■	■	□	■	□	□
1405.08	Street Build-Out	■	■	□	□	□	□	□
1405.09	Parking Location	■	■	■	□	■	□	□
1405.10	Massing	■	■	□	□	□	□	□
1405.11	Story Height	■	■	□	□	□	□	□
1405.12	Windows	■	■	□	■	□	■	□
1405.13	Doors	■	■	□	■	□	■	□

■ = Standards apply

□ = Standards do not apply

SECTION 1405.02 FORM-BASED CODE ACTIVATOR

When determining when to apply the standards and regulations of Article 14, the following definitions of activators and examples shall be used.

1. New Construction
    a. Definition: The development of a new structure or building on a vacant or previously undeveloped parcel of land.
    b. Examples: Construction of a new residential subdivision, a commercial shopping center, or an industrial warehouse.

2. Addition
    a. Definition: An expansion or extension of an existing building or structure, including horizontal or vertical increases in size.
    b. Examples: Adding a new wing to an office building, expanding a residential garage, or building a second story on a single-family home.
3. Site Modification
    a. Definition: Changes or improvements made to the layout, features, or infrastructure of a site without adding new structures or significantly modifying existing ones.
    b. Examples: Reconfiguring parking lots, updating pedestrian pathways, or installing new landscaping features.
4. Façade Modification
    a. Definition: Changes to the exterior appearance or materials of a building, often for aesthetic or branding purposes.
    b. Examples: Repainting a storefront, replacing exterior materials, or updating windows and doors on a commercial building.
5. Change of Use
    a. Definition: A shift in the designated use of a property or building, as defined by the Zoning Code (e.g., from retail to office or industrial to residential).
    b. Examples: Converting a warehouse into a fitness center, changing a single-family home into a daycare facility, or turning a retail store into a restaurant.
6. Renovation
    a. Definition: Alterations or improvements made to an existing structure that do not involve significant additions or changes to its use.
    b. Examples: Upgrading interior finishes, replacing an HVAC system, or modernizing an outdated building façade.
7. Maintenance & Repair
    a. Definition: Routine upkeep or restoration of a structure or site to maintain its current condition or functionality without altering its design, materials, or use.
    b. Examples: Roof repairs, repainting in the same color, replacing broken windows, or repaving a parking lot.

SECTION 1406 FORM-BASED ZONE TYPES

Development under Article 14 this Section is limited to the following form-based zone designations.

T1 Natural (T1): This zone consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation. Public parks may occur, but general development is prohibited.

T2 Rural (T2): This zone consists of sparsely settled lands in open or cultivated states. These include woodland, agricultural land, rangeland, and pasture. Typical buildings are farmhouses and agricultural buildings. Roads are rural in character and have no pedestrian facilities. Landscaping is naturally occurring.

T3 Sub-Urban (T3): This zone consists of low density residential areas, with some mix of use, home occupations and accessory buildings. Street and yard planting are naturalistic and building setbacks are relatively deep. Blocks may be large and thoroughfare networks irregular.

T4 General Urban (T4): This zone includes a mix of uses but is primarily mixed density residential. It may have a wide range of building types: houses, townhouses, duplexes, small apartment buildings, and live-work units. Setback and landscaping are variable. Streets and sidewalks define medium-sized blocks.

T5 Urban Center (T5): This zone consists of higher density mixed-use buildings that accommodate retail, offices, townhouses, and apartments. It has a tight network of thoroughfares, with wide sidewalks, regularly spaced street tree planting and buildings set close to the sidewalks.

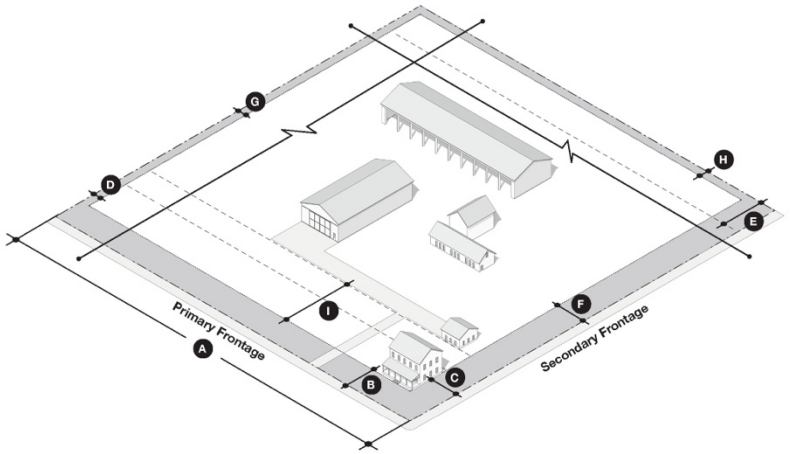
Special Zone (SD): Special zones are designated for uses and configurations that are incompatible with Transect zones.

SECTION 1406.01 COMMUNITY UNIT LOT WIDTHS

Lot widths must meet the following width requirements.

1. T2 – 200 ft. min., no maximum
2. T3 – 50 ft. min., no maximum
3. T4 – 18 ft. min., 84 ft. max.
4. T5 – 16 ft. min., 180 ft. max.

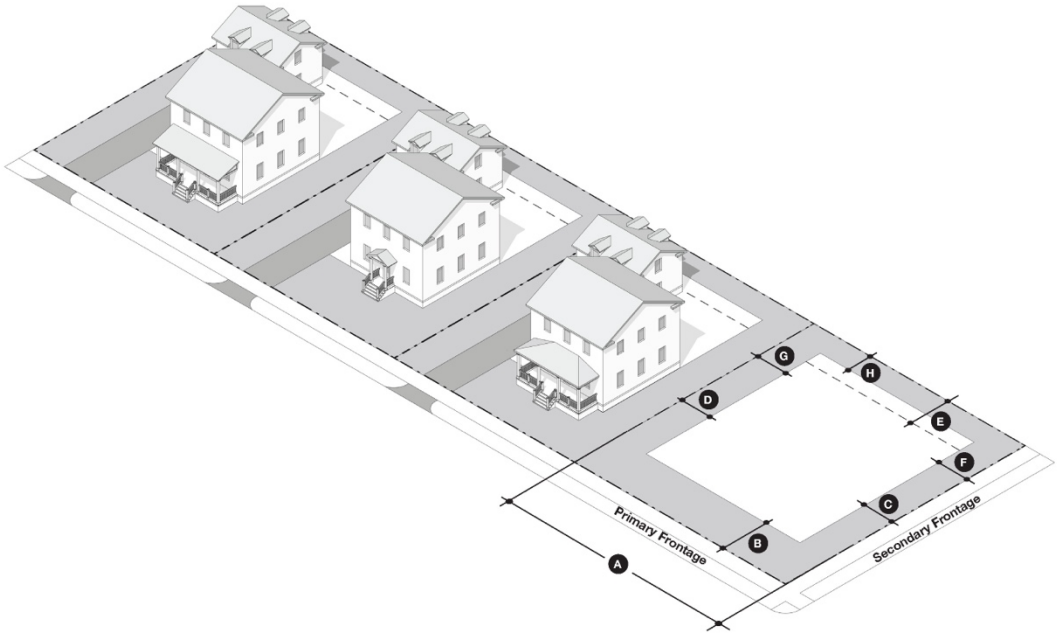
TABLE 9 T2 STANDARDS



	Lot Occupation	
A	Lot Width	See 1406.01
	Lot Coverage	20% max.
	Building Width	35 ft. min
	Density	.25 units per acre
	Buildings	
B	Front Setback	30 ft. min.
C	Sidestreet Setback	30 ft. min.
D	Side Setback	50 ft. min.
E	Rear Setback	50 ft. min.
	Rear Alley Setback	n/a
	Height – residential	2 stories max.
	Ground Floor Glazing	n/a
	Upper Floor Glazing	n/a
	Entry Frequency	n/a

	Accessory Structures	
I	Front Setback	**B** + 50 ft. min.
F	Sidestreet Setback	24 ft. min.
G	Side Setback	20 ft. min.
H	Rear Setback	10 ft. min.
	Rear Alley Setback	n/a
	Height	n/a
	Parking	
	Front Setback	**B** + 20 ft. min.
	Sidestreet Setback	n/a
	Structure Height	n/a

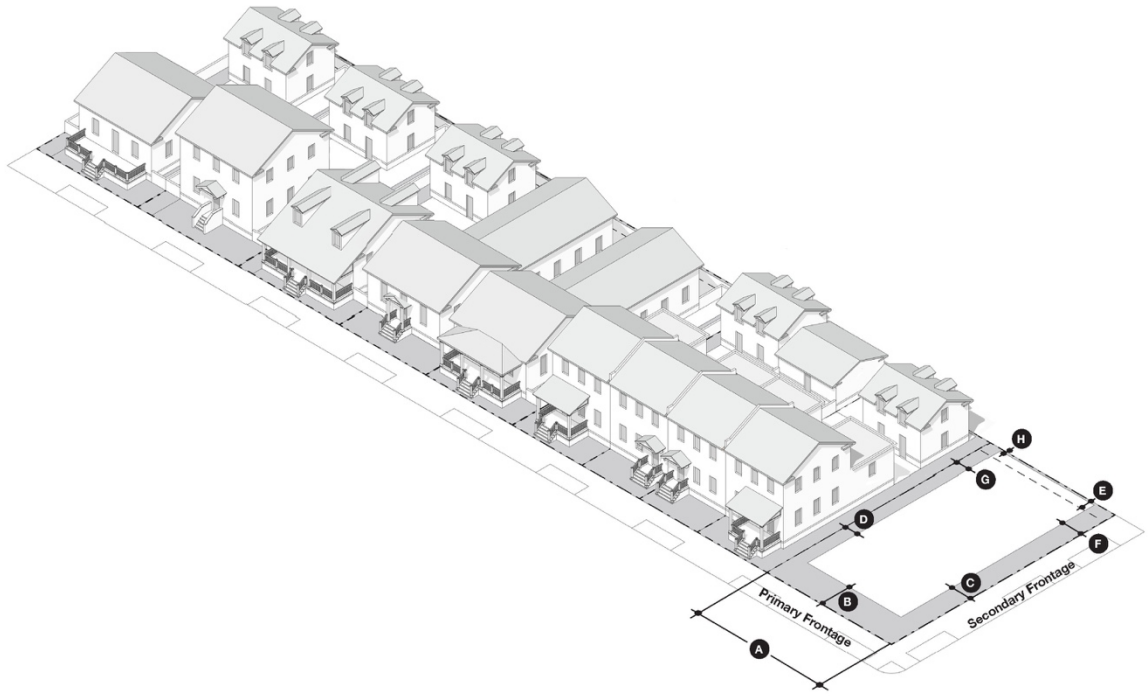
TABLE 10 T3 STANDARDS



	Lot Occupation			Accessory Structures	
A	Lot Width	See 1406.01		Front Setback	**B** + 20 ft. min.
	Lot Coverage	60% max.	**F**	Sidestreet Setback	6 ft. min.
	Buildings		**G**	Side Setback	6 ft. min.
B	Front Setback	20 ft. min.	**H**	Rear Setback	6 ft. min.
C	Sidestreet Setback	12 ft. min.	**H**	Rear Alley Setback	15 ft. min. from centerline
D	Side Setback	8 ft. min.		Height	2 stories max.
E	Rear Setback	12 ft. min.		**Parking**	
E	Rear Alley Setback	15 ft. min. from centerline		Front Setback	**B** + 20 ft. min.
	Height	2 stories max.		Sidestreet Setback	6 ft. min.
	Ground Floor Glazing	n/a		Structure Height	n/a
	Upper Floor Glazing	n/a			
	Entry Frequency	n/a			

TABLE 11 T4 STANDARDS

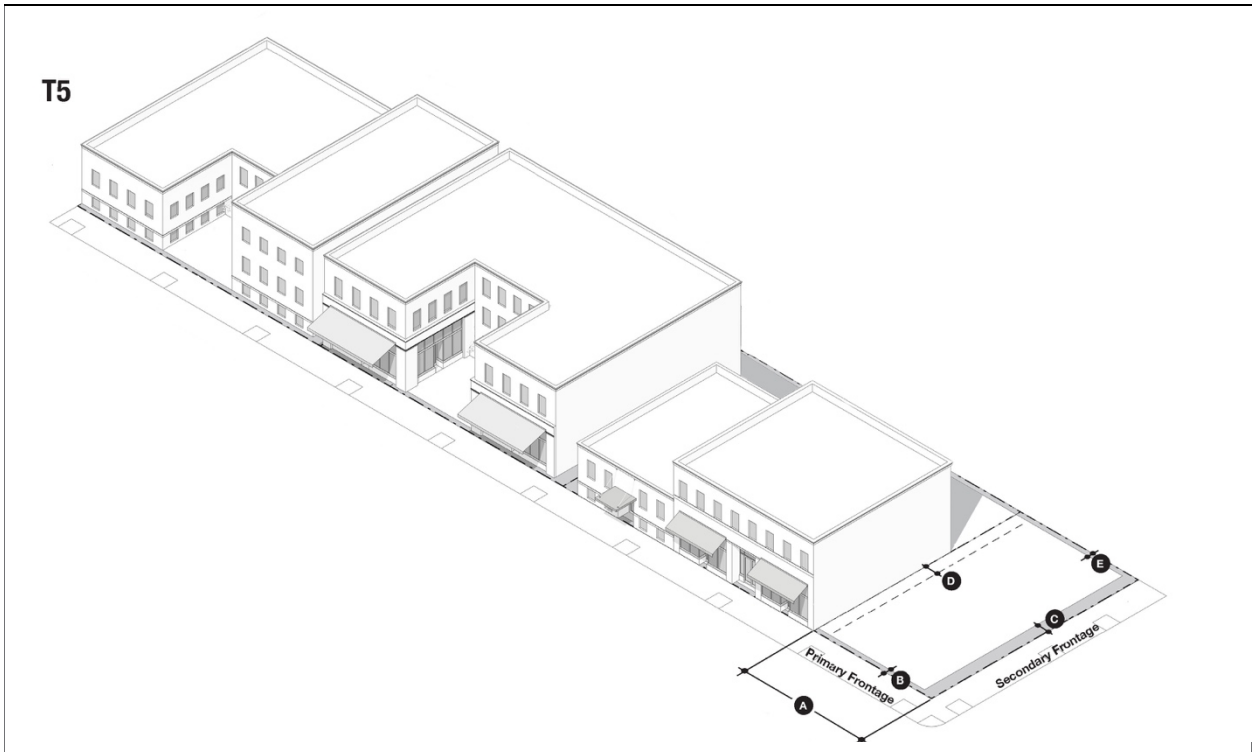
T4



	Lot Occupation	
A	Lot Width	See 1406.01
	Lot Coverage	70% max.
	Buildings	
B	Front Setback	6 ft. - 18 ft.
C	Sidestreet Setback	6 ft. - 18 ft.
D	Side Setback	0 ft. or 5 ft. min.
E	Rear Setback	12 ft. min.
E	Rear Alley Setback	15 ft. min. from centerline
	Height	2 stories max.
	Ground Floor Glazing	15% min.
	Upper Floor Glazing	15% min.
	Entry Frequency	n/a

	Accessory Structures	
	Front Setback	**B** + 20 ft. min.
F	Sidestreet Setback	2 ft. min.
G	Side Setback	0 ft. or 5 ft. min.
H	Rear Setback	5 ft. min.
H	Rear Alley Setback	15 ft. min. from centerline
	Height	2 stories max.
	Parking	
	Front Setback	**B** + 20 ft. min., or **B** within liner buildings and avg. lot slope > 5%
	Sidestreet Setback	6 ft. min.
	Structure Height	n/a

TABLE 12 T5 STANDARDS



	Lot Occupation	
A	Lot Width	See 1406.01
	Lot Coverage	90% max.
	Buildings	
B	Front Setback	2 ft. – 15 ft.
C	Sidestreet Setback	2 ft. – 15 ft.
D	Side Setback	0 ft. or 5 ft. min.
E	Rear Setback	5 ft. min.
E	Rear Alley Setback	15 ft. min. from centerline
	Height	2 stories max.
	Ground Floor Glazing	70% min.
	Upper Floor Glazing	25% min.
	Entry Frequency	75 ft. max.

	Accessory Structures	
	Front Setback	**B** + 20 ft. min.
C	Sidestreet Setback	2 ft. min.
D	Side Setback	0 ft. or 5 ft. min.
E	Rear Setback	5 ft. min.
E	Rear Alley Setback	15 ft. min. from centerline
	Height	2 stories max.
	Parking	
	Front Setback	**B** + 20 ft. min., or **B** within liner buildings
	Sidestreet Setback	8 ft. min.
	Structure Height	40 ft. max.

SECTION 1407 FORM BASED ZONING PREREQUISITES

Form-based zoning districts have specific prerequisites for the availability of public utilities and transportation services. These prerequisites are meant to ensure that the development in these zones is compatible with the existing or planned infrastructure and supports the desired community type. The table below lists the required services and amenities for each zone.

TABLE 13 FORM BASED ZONING PREREQUISITES

	County Water Service	Village Wastewater Service	Transportation Adjacency	Community Adjacency
High Street	Required	Required	Adjacent to an arterial	Adjacent to existing or proposed development
River	Required	Required	Within ¼ mile of an arterial	Adjacent to existing or proposed development
Spring	Required	Required	Within ¼ mile of an arterial	Adjacent to existing or proposed development
Flats	Required	Required	Adjacent to an arterial	Adjacent to existing or proposed development
Hill	Required	Required	Within ¾ mile of an arterial	Within ¼ mile of existing development
Gateway	Required	Required	Adjacent to an arterial	Within ¼ mile of existing development
Northeast	Required	Required	Within 1 mile of an arterial	Not applicable

SECTION 1408 FORM BASED T ZONE AREA REQUIREMENTS

For any development greater than 5.00 acres in area, the percentage of each form-based zone shall be governed by the following table. Any development 4.99 acres or smaller, the form-based zone shall be governed by Map 3.

TABLE 14 FORM BASED T ZONE AREA REQUIREMENTS

Design District	Main Civic Space Type	T2	T3	T4	T5
High Street	Plaza or square	n/a	20 – 40%	30 - 60%	10 - 20%
River	Square or green	0 -10%	20 – 60%	0 -10%	0 -10%
Spring	Square or green	0 -10%	20 – 60%	0 -10%	0 -10%
Flats	Plaza or square	30 - 50%	30 – 50%	0 -10%	n/a
Hill	Square or green	30 – 50%	30 – 50%	0 -10%	n/a
Gateway	Plaza or square	n/a	10 – 30%	30 - 60%	10 - 30%
Northeast	Green	30 - 50%	30 – 50%	0 -10%	n/a

SECTION 1409 TRANSPORTATION STANDARDS

1409.01 RIGHT OF WAY NETWORK

1. General
    a. Rights-of-way are intended for use by pedestrians, bicyclists, public transportation vehicles, trucks and delivery vehicles, and personal vehicles to provide access to lots and civic space.
    b. All rights-of-way must terminate at other rights-of way, forming a network.
    c. The spacing of rights-of-way is limited by the maximum block perimeter in accordance with Section 1412.03.
    d. The Planning Commission may permit cul-de-sacs where natural constraints limit the ability to terminate on other rights-of-way.
    e. The right-of-way network should connect to properties outside of the application area and provide right-of-way stubs for connections to future development on adjacent undeveloped land.
    f. Roadway assemblies must be designed in context with the urban form and mode share of the transect districts through which they pass. The specific design of rights-of-way is regulated by Sections 1409 through 1412 of this Article.
2. Specifications
    a. Right-of-way designs submitted for approval must demonstrate compliance with this Article and the following:
        i. The Manual on Uniform Traffic Control Devices (MUTCD); and
        ii. Municipality road construction specifications.
    b. Rights-of-way must be available for public use at all times; gates and other means of restricting access are not permitted, except by temporary street closure permit.
    c. Rights-of-way that intersect with state-owned and maintained roadways require coordination with the Ohio Department of Transportation.
3. Context
    a. The design standards for transportation facilities differ by area type.
    b. Area type is determined by the transect district a right-of-way passes through, as specified in Table 15, Area Types.
    c. Roads are applicable within rural contexts.
    d. Streets are applicable within walkable urban contexts.
    e. Suburban contexts may utilize road standards in low density areas and street standards in moderate, high density, and commercial areas.
    f. Right-of-way users, uses, and related geometries are prioritized by context as specified in Table 16, Use Prioritization.

TABLE 15 AREA TYPES

	T2	T3	T4	T5	SD
Rural	■				■
Suburban		■	■		■
Walkable Urban		■	■	■	■

TABLE 16 USE PRIORITIZATION

	T2	T3	T4	T5	SD
Pedestrian	4	2	1	1	1
Cyclist	3	3	2	2	2
Transit	6	5	4	3	3
Automobile	2	4	5	4	4
Truck	1	6	6	6	6
Green Infrastructure	5	1	3	5	5

1409.02 RIGHT OF WAY ASSEMBLIES

1. Rights-of-way are configured as an assembly of elements consisting of:
    a. A roadway, and
    b. Public frontages to either side of the roadway.
2. Assemblies are limited by type, according to Table 17. Assembly Types.
3. Design of the assembly must change along with the underlying transect district.
4. Where transect districts to either side of the assembly differ:
    a. The design of the public frontage must match the standards of the district it is within or adjacent to; and
    b. The design of the roadway must match the standards of the most intense it is within or adjacent to.
5. Rights-of-way must be provided of sufficient width to accommodate all elements of the roadway and public frontages.
6. Where redesign of existing facilities results in excess right-of-way, the additional width should be given to the public frontages.

TABLE 17 ASSEMBLY TYPES

		T2	T3	T4	T5	SD
Roads	Rural Road	■	■			■
Streets	Neighborhood Street		■	■	■	■
	Commercial Street				■	■
	Drive		■	■	■	■
	Avenue		■	■	■	■
	Boulevard		■	■	■	■

■ Permitted

1409.03 ROADWAY REQUIREMENTS

1. Design Speed
    a. Roadways must be designed in accordance with the design speeds specified in Table 18. Design Speed.
    b. Posted speed should match design speed.
2. Automobile Movement
    a. Automobile movement is limited according to Table 19. Design Movement.
3. 1-way movement is limited to:
    a. Paired assemblies to either side of civic space or natural area; and
    b. Modifications of existing facilities where the right-of-way is constrained.
4. Automobile Travel Lanes
    a. The number of automobile travel lanes is limited according to Table 20. Travel Lane Count.
    b. The width of automobile travel lanes is limited according to Table 21. Travel Lane Size except as follows:
        i. Along bus routes, outside curb or parking adjacent lanes must be a minimum of 11 feet;
        ii. Travel lanes adjacent to 45-degree on-street parking must be a minimum of 12 feet in width; and
        iii. Travel lanes adjacent to 60-degree on-street parking must be a minimum of 14 feet in width.
        iv. Continuous left turn lanes are limited to the redesign of existing facilities.

v. Automobile travel lanes are measured to the edge of pavement.

c. On-street Parking Lanes

i. On-street parking lane type is limited according to Table 22. On-street Parking Type.

ii. Angled parking lanes must be 18 feet or less in width.

iii. Parallel parking lane width is limited according to Table 23. Parallel Parking Lanes.

iv. On-street parking lanes are measured to the face of curb, or edge of pavement where no curb exists.

d. Medians

i. Medians are required within avenues.

ii. Medians are optional within highways and boulevards.

iii. Medians must be a minimum of 16 feet in width.

e. Multi-way Boulevards

i. Boulevards may be adjusted to multi-way boulevards by adding medians and access lanes between the roadway and public frontages.

ii. Medians between the roadway and public frontages must be a minimum of 12 feet in width.

iii. The roadway must be configured as follows:

1. The design speed is limited to 45 mph max.;

2. Automobile travel lanes are limited to 2 - 6, excluding access lanes;

3. On-street parking is not permitted within the roadway; and

4. Bicycle facilities are limited to Class 4.

f. Access lanes must be configured as follows:

i. The design speed is limited to 15 - 25 mph;

ii. Automobile travel lanes are limited to 1;

iii. Parallel or angled parking is required along the outside edge of access lanes and optional along the inside edge; and

iv. Bicycle facilities may be Class 2, 3, or 4.

g. Bicycle Facilities

i. Continuity must be provided for bicycle facilities that terminate at site boundaries.

ii. Bicycle facilities must be configured by facility type, according to Table 24. Bicycle Facilities.

TABLE 18 DESIGN SPEED

	T2	T3	T4	T5	SD
Rural Road	35 - 45 mph	30 mph max.			45 mph max.
Neighborhood Street		15 - 25 mph	15 - 25 mph	15 - 30 mph	30 mph max.
Commercial Street				20 - 35 mph	35 mph max.
Drive		20 - 35 mph	20 - 35 mph	20 - 35 mph	35 mph max.
Avenue		20 - 35 mph	20 - 35 mph	20 - 35 mph	35 mph max.
Boulevard		30 - 45 mph	30 - 45 mph	30 - 45 mph	45 mph max.

**The design speed is 5 mph higher than the posted speed when at or above 45 mph.*

TABLE 19 DESIGN MOVEMENT

	T2	T3	T4	T5	SD
2-way Yield		■	■	■	■
2-way Slow		■	■	■	■
1-way Slow		■	■	■	■
2-way Low	■			■	■
1-way Low				■	■
2-way High					■

■ Permitted

TABLE 20 TRAVEL LANE COUNT

	T2	T3	T4	T5	SD
Rural Road	2	2			2
Neighborhood Street		2	2	2	2
Commercial Street				2 - 4	2 - 4
Drive		2	2	2	2
Avenue		2	2	2 - 4	2 - 4
Boulevard		4 - 6	4 - 6	4 - 6	4 - 6

TABLE 21 TRAVEL LANE SIZE

	T2	T3	T4	T5	SD
Yield Movement		14 - 18 ft.	14 - 18 ft.	16 - 18 ft.	14 - 18 ft.
Slow Movement		8 - 10 ft.	8 - 10 ft.	9 - 11 ft.	8 - 11 ft.
Low Movement	10 - 12 ft.			10 - 12 ft.	10 - 13 ft.
High Movement					12 - 14 ft.

TABLE 22 ON-STREET PARKING TYPE

	T2	T3	T4	T5	SD
Rural Road	shoulder	shoulder			shoulder
Neighborhood Street		parallel	parallel	parallel	parallel
Commercial Street				parallel or angled	parallel or angled
Drive		parallel	parallel	parallel or angled	parallel or angled
Avenue		parallel	parallel or angled	parallel or angled	parallel or angled
Boulevard*		parallel	parallel	parallel	parallel

**On-street parking along High Street between Hainesview Drive and Main Street is prohibited.*

TABLE 23 PARALLEL PARKING LANES

	Lane Width
Yield Movement	7 ft.
Slow Movement	7 - 8 ft.
Low Movement	8 ft.
High Movement	n/a

TABLE 24 BICYCLE FACILITIES

	Facility Width	Buffer
Shared Lane	n/a	n/a
Dedicated Lane	5 ft. min.	n/a
Buffered Lane	5 ft. min.	3 ft. min.
Protected Lane	6 ft. min.	3 ft. min.
Shared-use Trail	10 ft. min. 2-way	n/a

SECTION 1410 PUBLIC FRONTAGE REQUIREMENTS

Public frontages consist of sidewalks, planting and furnishing areas, and the roadway edge.

1410.01 SIDEWALKS

1. Sidewalk widths must meet the standards specified in Table 25. Minimum Sidewalk Width.
2. At intersections, sidewalks must connect to 2 separate ramps per intersection quadrant.

1410.02 PLANTING AND FURNISHING AREA

1. Planting and furnishing areas are required by type as specified in Table 26. Planting and Furnishing Area Types.
2. Planting and furnishing areas must meet the minimum width standards of Table 27. Minimum Planting and Furnishing Area Width and the following:
    a. A verge is required, providing allowable locations for infrastructure and furniture outside of pedestrian, bicycle, public transportation, and vehicular access ways;
    b. The verge may overlap into the sidewalk, provided a minimum 5 foot wide pedestrian path is maintained;
    c. Lighting must be located within the verge;
    d. In T5 where the right-of-way is 45 feet wide or less or commercial streets 60 feet wide or less the planting and furnishing area may exclude planting;
    e. Along commercial streets, the spacing of trees may be irregular to avoid visually obscuring shopfronts;
    f. tree spacing may be adjusted up to 20% by administrative waiver to accommodate specific site conditions; and
    g. Bioswales are not permitted in T5

1410.03 BICYCLE RACKS MUST MEET THE FOLLOWING REQUIREMENTS

1. Bicycle racks must be configured to provide two points of contact for locking bicycles.
2. Bicycle racks may not be located within the following areas:
    a. Within 5 feet of fire hydrants;
    b. Within 4 feet of loading zones and bus stop markers;
    c. Within 3 feet of driveways and manholes; and
    d. Within 2 feet of utility meters and tree boxes.
3. Bicycle rack placement may not reduce the pedestrian sidewalk path to less than 5 feet accounting for a 56cm bicycle properly locked to the rack.

4. Bicycle racks installed parallel to the curb must be set back from the curb a minimum of 3 feet.
5. Bicycle racks installed perpendicular to the curb must allow for a minimum setback of 2 feet between the curb and a 56cm bicycle properly locked to the rack.

SECTION 1411 CURBS

1. Vertical curbing is required in T3, T4 and T5, and optional in SD.
2. Roll-over curbing is optional in T3 and SD.
3. Where automobile travel lanes are directly adjacent to curbs or where curb extensions are used, the minimum curb return radius is as specified in Table 28. Curb Return Radius(a).
4. Where automobile travel lanes are not directly adjacent to curbs, the minimum curb return radius is determined as follows:
    a. The minimum curb return radius specified in Table 28. Curb Return Radius(a) is reduced by accounting for the actual path of vehicle tracking;
    b. The minimum curb return radius must not be reduced below the radii specified in Table 28. Curb Return Radius (b) and (c);
    c. Where on-street parking or bike lanes are on only one leg of an intersection quadrant, the minimum curb return radius is reduced according to the formula in Table 28. Curb Return Radius (d);
    d. Where on-street parking or bike lanes are on both legs of an intersection quadrant in a symmetric configuration, the minimum curb return radius is reduced according to the formula in Table 28. Curb Return Radius (e); and
    e. Where on-street parking or bike lanes are on both legs of an intersection quadrant in an asymmetric configuration, the minimum curb return radius is reduced according to the formula in Table 28. Curb Return Radius (f).

TABLE 25 MINIMUM SIDEWALK WIDTH

	T2	T3	T4	T5	SD
Rural Road	n/a	5 ft.			n/a
Neighborhood Street		5 ft.	6 ft.	6 ft.	5 ft.
Commercial Street				10 ft.	10 ft.
Drive		6 ft.	8 ft.	8 ft.	6 ft.
Avenue		6 ft.	8 ft.	8 ft.	6 ft.
Boulevard		6 ft.	8 ft.	10 ft.	6 ft.

TABLE 26 PLANTING AND FURNISHING AREA TYPES

	T2	T3	T4	T5	SD
Rural Road	Swale	Swale or Continuous			Swale or Continuous
Neighborhood Street		Swale or Continuous	Continuous or Long Planter	Long Planter or Urban	Any
Commercial Street				Urban or Arcaded	Urban or Arcaded
Drive, Avenue, Boulevard		Continuous or Long Planter	Continuous or Long Planter	Long Planter, Urban, or Arcaded	Any except swale

TABLE 27 MINIMUM PLANTING AND FURNISHING AREA WIDTH

	T2	T3	T4	T5	SD
Swale	15 ft.	10 ft.			10 ft.
Planter		8 ft.	8 ft.		6 ft.
Long Planter		8 ft.	6 ft.	6 ft.	6 ft.
Urban				5 ft.	5 ft.
Arcaded				Integrated within the Arcade	

TABLE 28 CURB RETURN RADIUS

		Min. Radius Limit		Radius Reduction Formulae		
	(a) Min. Effective Radius	(b) Curbed	(c) No Curb	(d) 1 Leg	(e) 2 Legs, Symmetric	(f) 2 Legs, Asymmetric
Rural Road	50 ft.	15 ft.	20 ft.	reduced radius = minimum effective radius - (parking lane width + bike lane width)	reduced radius = minimum effective radius - 3 x (parking lane width + bike lane width)	reduced radius = minimum effective radius - 3 x (average width of combined parking and bike lanes on both legs)
Neighborhood Street	25 ft.	5 ft.	15 ft.			
Commercial Street	35 ft.	5 ft.	15 ft.			
Drive	35 ft.	5 ft.	15 ft.			
Avenue	25 ft.	5 ft.	15 ft.			
Boulevard	50 ft.	10 ft.	20 ft.			

SECTION 1412 ROAD NETWORK

1412.01 PEDESTRIAN NETWORK

1. Within T3, T4, and T5 a continuous pedestrian network must provide access to all lots and civic space.

1412.02 BICYCLE NETWORK

1. A bicycle network must be provided, connecting to existing bicycle networks, regional open space, existing trail networks, schools, and the main civic space of each community unit.
2. The bicycle network may consist of dedicated and shared bicycle facilities specified in the transportation element as well as roadway assemblies with a design speed of 30 mph or less.

1412.03 BLOCK STANDARDS

1. All developable land within the application area must be divided into blocks, except land in T1, T2, infrastructure or recreational corridors, and land directly abutting an interstate highway.
2. Block perimeters are defined by rights-of-way or pedestrian ways.
3. Block perimeters are limited to 3,000 feet in length, except as follows:
4. Special districts may be exempt in accordance with special district standards;
5. Blocks containing more than 50% civic space are exempt;
6. Blocks at the perimeter of the planning area may be exempt if connections cannot be made to adjacent properties;
7. Blocks abutting County or State roadways where access is limited are exempt; and
8. Blocks abutting natural waterways and slopes greater than 10% are exempt.
9. Blocks with a perimeter exceeding 2,400 feet must include a pedestrian way traversing the block from the frontage of greatest length.

1412.04 CIVIC SPACE STANDARDS

1. Civic spaces permanently dedicated as public open space are required for each community unit.
2. A minimum of 5% of the developable land within each community unit must be assigned to civic space. No more than 20% of the developable land within each community unit may be assigned to civic space.
3. Civic spaces are permitted within form-based districts according to Table 1, Land Use Summary.
4. Each community unit must contain a main civic space located within 800 feet of the geographic center of the community unit unless topographic conditions, pre-existing right-of-way alignments or other circumstances prevent this location.

5. The main civic space type is limited as specified in Table 14. Form-Based Zone Area Requirements.
6. One playground must be provided for every 20 acres of land within the community unit. Special districts may be exempt from this requirement.
    a. Playgrounds must be distributed throughout the planning area and may be located within other civic spaces.
7. The design, programming, and landscaping of all civic space must comply with Table 40. Civic Space Types.
8. Applications including two or more community units must include one park for every two community units.

1412.05 ALLEYS

1. Alleys are easements that provide access to properties from within a block.
2. Alleys are required to provide access to properties in T4, and T5, except where a single property occupies a full block.
3. Alleys are required to provide access to properties less than 45 feet wide.
4. Alleys are optional in T3 and SD.
5. In T5, alleys must be configured as follows:
    a. Alley aprons should be tapered;
    b. Alley easements must be a minimum of 28 ft. clear;
    c. Alleys must be fully paved; and
    d. Drainage should be provided through inverted crown or sheet flow.
6. In T3 and T4, alleys must be configured as follows:
    a. Alley aprons should be curved;
    b. Alley easements must be a minimum of 24 ft. clear;
    c. Alleys must be paved a width of 12 to 16 feet; and
    d. Drainage should be provided through swales, inverted crown, or sheet flow.

TABLE 29 T3 NEIGHBORHOOD STREET ASSEMBLY – 50'



Assembly	
Assembly Type	Neighborhood Street
Right-of-way	50 ft. min.
Transect Zones	T3
Public Frontage	
Sidewalk	5 ft. min.
Planting & Furnishing	7 ft. min., Continuous
Curb	Vertical

Roadway	
Design Speed	15-20 mph
Movement	Yield
Travel Lanes	1, 12 ft. Shared
Parking Lanes	2, 7 ft. Parallel
Median	None
Bicycle Facilities	Shared Lane
Class	Local

All renderings are provided for general illustrative purposes only and are not intended to establish specific development requirements. The standards and specifications contained in the tables below shall control development. In the event of any inconsistency between a rendering and the applicable table, the table shall govern.

TABLE 30 T4 NEIGHBORHOOD STREET ASSEMBLY – 50'



Assembly	
Assembly Type	Neighborhood Street
Right-of-way	50 ft. min.
Transect Zones	T4
Public Frontage	
Sidewalk	6 ft. min.
Planting & Furnishing	6 ft. min., Long Planter
Curb	Vertical

Roadway	
Design Speed	15-20 mph
Movement	Yield
Travel Lanes	1, 12 ft. Shared
Parking Lanes	2, 7 ft. Parallel
Median	None
Bicycle Facilities	Shared Lane
Class	Local

All renderings are provided for general illustrative purposes only and are not intended to establish specific development requirements. The standards and specifications contained in the tables below shall control development. In the event of any inconsistency between a rendering and the applicable table, the table shall govern.

TABLE 31 T3 NEIGHBORHOOD STREET ASSEMBLY – 70'



Assembly	
Assembly Type	Neighborhood Street
Right-of-way	70 ft. min.
Transect Zones	T3
Public Frontage	
Sidewalk	5 ft. min.
Planting & Furnishing	13 ft. min. Continuous
Curb	Vertical

Roadway	
Design Speed	15-25 mph
Movement	2-way Slow
Travel Lanes	2, 10 ft. each
Parking Lanes	2, 7 ft. Parallel
Median	None
Bicycle Facilities	Shared Lane
Class	Sub-collector or Local

All renderings are provided for general illustrative purposes only and are not intended to establish specific development requirements. The standards and specifications contained in the tables below shall control development. In the event of any inconsistency between a rendering and the applicable table, the table shall govern.

TABLE 32 T4 NEIGHBORHOOD STREET ASSEMBLY – 70'



Assembly	
Assembly Type	Neighborhood Street
Right-of-way	70 ft. min.
Transect Zones	T4
Public Frontage	
Sidewalk	6 ft. min.
Planting & Furnishing	12 ft. min., Cont. or Long
Curb	Vertical

Roadway	
Design Speed	15-25 mph
Movement	2-way Slow
Travel Lanes	2, 10 ft. each
Parking Lanes	2, 7 ft. Parallel
Median	None
Bicycle Facilities	Shared Lane
Class	Sub-collector or Local

All renderings are provided for general illustrative purposes only and are not intended to establish specific development requirements. The standards and specifications contained in the tables below shall control development. In the event of any inconsistency between a rendering and the applicable table, the table shall govern.

TABLE 33 T4 NEIGHBORHOOD STREET ASSEMBLY – 70' WITH SHARED BIKE LANE



Assembly	
Assembly Type	Neighborhood Street
Right-of-way	70 ft. min.
Transect Zones	T4
Public Frontage	
Sidewalk	6 ft. min.
Planting & Furnishing	8 ft. min., Cont. or Long
Curb	Vertical

Roadway	
Design Speed	15-20 mph
Movement	2-way Slow
Travel Lanes	2, 9 ft. each
Parking Lanes	2, 7 ft. Parallel
Median	20 ft. min.
Bicycle Facilities	2, 5 ft. min. Dedicated
Class	Sub-collector or Local

All renderings are provided for general illustrative purposes only and are not intended to establish specific development requirements. The standards and specifications contained in the tables below shall control development. In the event of any inconsistency between a rendering and the applicable table, the table shall govern.

TABLE 34 T5 COMMERCIAL STREET ASSEMBLY



Assembly	
Assembly Type	Commercial Street
Right-of-way	70 ft. min.
Transect Zones	T5
Public Frontage	
Sidewalk	7 ft. min.
Planting & Furnishing	7 ft. min., Urban
Curb	Vertical

Roadway	
Design Speed	15-20 mph
Movement	2-way Slow
Travel Lanes	2, 9 ft. each
Parking Lanes	2, 7 ft. Parallel
Median	None
Bicycle Facilities	2, 5 ft. min. Dedicated
Class	Sub-collector or Local

All renderings are provided for general illustrative purposes only and are not intended to establish specific development requirements. The standards and specifications contained in the tables below shall control development. In the event of any inconsistency between a rendering and the applicable table, the table shall govern.

TABLE 35 T3 AVENUE



Assembly	
Assembly Type	Avenue
Right-of-way	80 ft. min.
Transect Zones	T3
Public Frontage	
Sidewalk	5 ft. min.
Planting & Furnishing	7 ft. min., Continuous
Curb	Vertical

Roadway	
Design Speed	25-30 mph
Movement	2-way Slow
Travel Lanes	2, 12 ft. each
Parking Lanes	2, 8 ft. Parallel
Median	16 ft. min.
Bicycle Facilities	Shared Lane
Class	Collector or lower

All renderings are provided for general illustrative purposes only and are not intended to establish specific development requirements. The standards and specifications contained in the tables below shall control development. In the event of any inconsistency between a rendering and the applicable table, the table shall govern.

TABLE 36 T4 AVENUE



Assembly	
Assembly Type	Avenue
Right-of-way	80 ft. min.
Transect Zones	T4
Public Frontage	
Sidewalk	6 ft. min.
Planting & Furnishing	6 ft. min., Cont. or Long
Curb	Vertical

Roadway	
Design Speed	25-30 mph
Movement	2-way Slow
Travel Lanes	2, 12 ft. each
Parking Lanes	2, 8 ft. Parallel
Median	16 ft. min.
Bicycle Facilities	Shared Lane
Class	Collector or lower

All renderings are provided for general illustrative purposes only and are not intended to establish specific development requirements. The standards and specifications contained in the tables below shall control development. In the event of any inconsistency between a rendering and the applicable table, the table shall govern.

TABLE 37 T5 COMMERCIAL STREET



Assembly	
Assembly Type	Commercial Street
Right-of-way	80 ft. min.
Transect Zones	T5
Public Frontage	
Sidewalk	12 ft. min.
Planting & Furnishing	6 ft. min., Urban
Curb	Vertical

Roadway	
Design Speed	15-25 mph
Movement	2-way Slow
Travel Lanes	2, 12 ft. each
Parking Lanes	2, 7 ft. Parallel
Median	None
Bicycle Facilities	Shared Lane
Class	Collector or lower

All renderings are provided for general illustrative purposes only and are not intended to establish specific development requirements. The standards and specifications contained in the tables below shall control development. In the event of any inconsistency between a rendering and the applicable table, the table shall govern.

SECTION 1413 BUILDINGS AND YARDS

1413.01 BUILDING PLACEMENT

1. Structures must be set back from lot boundaries as specified in Tables 9–12, and as follows:
    a. Front specifies the setback from the lot line associated with the address;
    b. Side street specifies the setback from any lot line abutting a street other than the front lot line;
    c. In T5 and T4, where there are multiple structures on one lot, the side street maximum setback applies to only the nearest structure;
    d. Side specifies the setback from side lot lines other than those qualifying for a side street setback;
    e. Rear specifies the setback from the rear lot line, except where abutting an alley; and

f. Rear Alley specifies the setback from the rear lot line in instances that it abuts an alley.

2. Elements that project from facades are permitted to encroach into setbacks as specified in Section 1413.03(7).
3. In T5, buildings must occupy 70% or more of the lot width within the front setback, excluding the width of required side and side street setbacks.
4. Utility easements may cause buildings to exceed maximum setbacks and may require additional setbacks.
5. Buildings and covered structures are limited in the total area they may occupy as a percentage of the net lot area as specified in Tables 9–12.

1413.02 BUILDING HEIGHT

1. Building height is limited according to Tables 9–12, measured as follows:
    a. Building height is measured in stories above sidewalk grade adjacent to the principal building entrance;
    b. Stories are measured from finished floor to finished ceiling;
    c. Stories are limited to 14 feet high;
    d. Stories exceeding 14 feet are counted as one story for every 14 feet;
    e. For non-residential and mixed-uses:
        i. Ground floor stories must be 11 feet in height or greater;
        ii. Ground floor stories may be up to 25 feet;
        iii. Ground floors exceeding 25 feet in height are counted as one story for every 14 feet; and
        iv. Mezzanines extending beyond 30% of the ground floor area are counted as an additional story;
    f. Below ground stories do not count toward building height provided they do not extend more than 4 feet above sidewalk grade; and
    g. Height limits do not apply to, masts, belfries, clock towers, chimney flues, water tanks, or elevator bulkheads.
    h. No structure shall exceed 40’ in height from natural grade.
2. Parking structure height is limited according to Tables 9–12, measured as follows:
    a. Parking structure height is measured in feet above average adjacent grade; and
    b. Parking structures lined along 80% or more of street facing elevations are limited in height to the eave or parapet of lining buildings.

1413.03 FRONTAGE REQUIREMENTS

1. Frontage requirements regulate the following:

a. Building facades nearest the front and side street lot lines.

b. Elements that project from building facade into front and side street setbacks such as porches, terraces, stoops, awnings, canopies, and bay windows.

c. Landscape elements between front and side street lot lines and building facades nearest those lot lines.

2. A frontage type must be specified for each building facade facing a street as follows:

   a. Frontage types are specified as a combination between a frontage yard and frontage elements along the facade;

   b. Frontage yards must be configured according to Table 38. Frontage Yards;

   c. Frontage elements must be configured according to Table 39. Frontage Elements;

   d. Multiple frontage types may be used sequentially along a facade; and

   e. A shopfront frontage is required for all ground floor retail uses.

3. Buildings located within 30 feet of streets and civic spaces must comply with the following:

   a. Building entries must be provided from streets and civic spaces at the minimum frequency specified in Tables 9–12;

   b. Buildings on corner lots are exempt from entry frequency requirements along the shorter facade if it is less than 75 feet in length; and

   c. Entries may be recessed from the facade up to 8 feet in depth.

4. Facades must meet the minimum clear glass requirements of Tables 9–12, and as follows:

   a. Glass percentage is calculated individually for each facade and is measured between two and ten feet in height above grade along the length of the facade;

   b. The entire frame and structure of doors, windows, and storefront systems are considered glass for this calculation;

   c. Shopfronts must have a minimum of 70% clear glass; and

   d. Tinted, mirrored and reflective glass, and glass covered by screening sheets, white, or UV protection film are prohibited.

5. Blank walls visible from the public sidewalk must not exceed 50 linear feet. Walls along interior side lot lines with a zero setback are exempt from this requirement.

6. Where building facades do not occupy the entire frontage length in T5, a streetscreen is required to occupy the remaining frontage as follows:

   a. Streetscreens must be between 4 and 8 feet in height;

b. Openings in the streetscreen for vehicular access may be no wider than 30 feet; and

c. Streetscreens must be opaque or include planting towards the lot interior to increase opacity.

7. Encroachments.

   a. Minor facade elements may encroach into setbacks as follows:

      i. Roof overhangs, cornices, window and door surrounds, and other facade decorations may encroach into setbacks up to 2 feet beyond the structure they are attached to; and

      ii. Minor facade elements must not encroach into rights-of-way.

   b. Major facade elements may encroach into setbacks as follows:

      i. Major facade elements may encroach according to frontage type as specified in Table 38. Frontage Yards and Table 39. Frontage Elements; and

      ii. Major facade elements include bay windows, bow windows, display windows, balconies, stoops, porches, awnings, galleries, and arcades.

   c. Ground floor retail uses may utilize the public sidewalk for seating, serving, displays of merchandise, and other business related activities provided a 5 foot clear pedestrian path is maintained.

8. All outdoor electrical, plumbing, and mechanical equipment must be located behind the front facade or concealed from street view with a screen or wall. These facilities may not encroach into any setback.

9. Drive-through facilities and lanes must be located behind the building relative to sidewalks.

   a. Queuing lanes must not interfere with pedestrian circulation.

   b. Queuing lanes may not be located in front of the building.

   c. Drive-through canopies and other structures, where present, must be constructed from the same materials as the building, and with the same level of architectural quality and detailing.

10. Shopfront frontages not combined with other frontage types may include awnings as follows:

    a. Awnings must be fabric;

    b. Awnings may be movable;

    c. Awnings must extend a minimum of 6 feet from the building facade;

    d. Awnings must be set back from the curb a minimum of 2 feet;

    e. A minimum of 10 foot clearance must be maintained above the sidewalk; and

f. Awnings must span the shopfront area up to 80% of its width without gaps, except between tenants.

TABLE 38 FRONTAGE YARDS

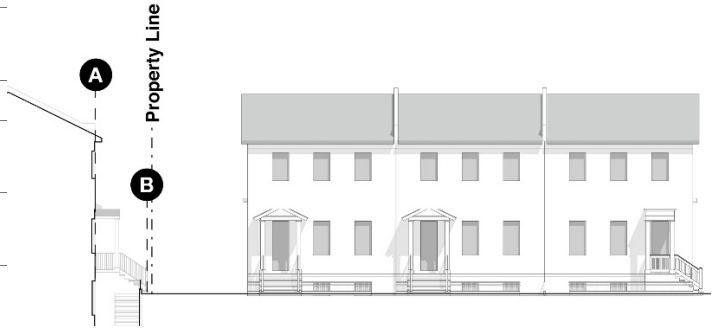
No Yard

	Transect District	T5
	Elements	Arcade, gallery, urban terrace, forecourt, shopfront
A	**Max. Setback**	N/A
B	**Encroachment**	Elements up to 100% of setback; may extend into ROW by permit
	Surface	Paved, unit paver or to match sidewalk
	Fencing	None



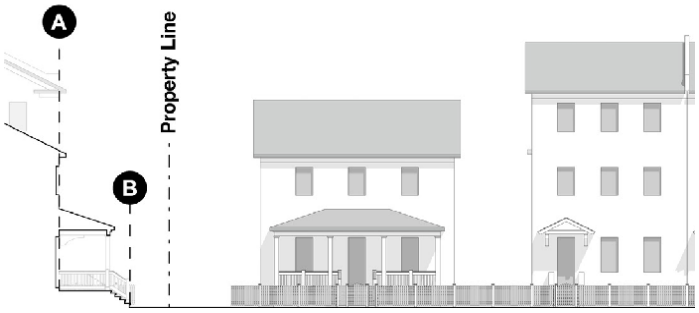
Urban Yard

	Transect District	T5, T4
	Elements	Stoop, porch, urban terrace, light well
A	**Max. Setback**	8 ft.
B	**Encroachment**	Elements up to 100% of setback
	Surface	Paved, raised planter, landscaped optional in T4
	Fencing	Permitted where landscaped in T4



Shallow Yard

	Transect District	T4, T3
	Elements	Stoop, porch, terrace, light well
A	**Max. Setback**	18 ft.
B	**Encroachment**	Elements up to the greater of 8 ft. or 60% of the setback
	Surface	Landscaped
	Fencing	Optional



Common Yard

	Transect District	T4, T3
	Elements	Stoop, porch, terrace
A	**Min. Setback**	18 ft.
B	**Encroachment**	Elements up to the greater of 8 ft. or 40% of the setback
	Surface	Landscaped
	Fencing	None

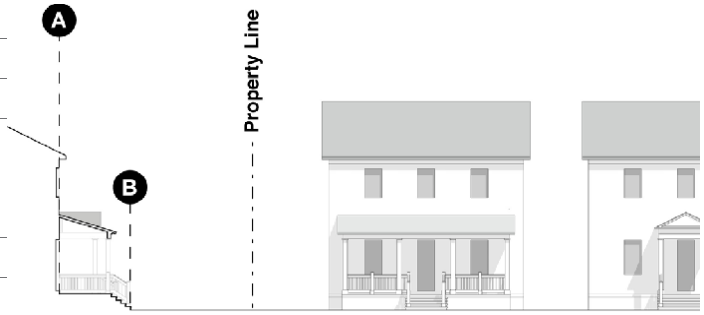


TABLE 39 FRONTAGE ELEMENTS

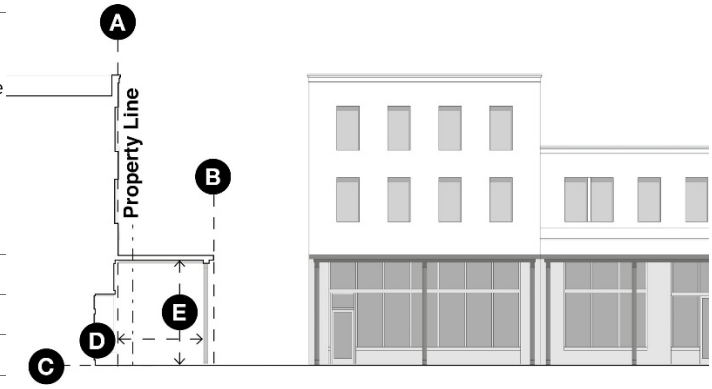
Arcade

Combinations	Shopfront, common entry
A Max. setback	N/A
B Encroachment	Building and arcade to within 2 feet of the curb; outdoor display, bay and display windows 100% of the setback; seating by permit
C Entry condition	By combination
D Horizontal clear	8 ft. min.
E Vertical clear	10 ft. min.
Special Conditions	Utility coordination required



Gallery

Combinations	Shopfront, common entry
A Max. Setback	6 ft.
B Encroachment	Gallery to within 2 feet of the curb; outdoor display, bay and display windows 100% of the setback; seating by permit
C Entry Condition	By combination
D Horizontal Clear.	8 ft. min.
E Vertical Clear.	10 ft. min.
Special Conditions	Utility coordination required



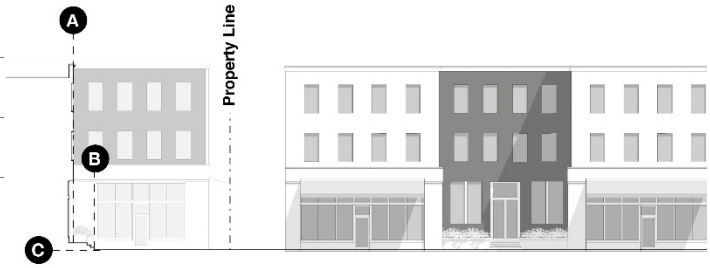
Urban Terrace

Combinations	Shopfront, awning, canopy
A Min. Setback	10 ft.
B Encroachment	Terrace and seating 100% of setback; outdoor display, bay and display windows up to 4 ft.
C Entry Condition	At grade entry
D Horizontal Clear.	N/A
E Vertical Clear.	N/A
Special Conditions	Wall permitted along frontage to 42 in. high



Forecourt

Combinations	Arcade, gallery, urban terrace, shopfront, common entry
A Max. Setback	60 ft.
B Encroachment	By combination
C Entry Condition	By combination
Special Conditions	Courtyard 400 - 1,600 sq.ft., maximum 40% of frontage buildout width



Shopfront

Combinations	Arcade, gallery, urban terrace, forecourt
A Max. Setback	By district
B Encroachment	Seating by permit; bay and display windows to lot line; awning and canopy by element
C Entry Condition	At grade entry
D Horizontal Clear.	N/A
E Vertical Clear.	N/A
Special Conditions	Band, window, or blade sign required



Awning or Canopy

Combinations	Shopfront, urban terrace, forecourt, common entry
A Max. Setback	N/A
B Encroachment	Awning or canopy to within 2 ft. of curbs
C Entry Condition	N/A
D Horizontal Clear.	8 ft. min.
E Vertical Clear.	8 ft. min.
Special Conditions	Awning must be fabric and exclude side panels.



Terrace

	Combinations	None
A	**Min. Setback**	10 ft.
B	**Encroachment**	Terrace the greater of 8 ft. or 40% of setback
C	**Entry Condition**	Raised entry
D	**Horizontal Clear.**	N/A
E	**Vertical Clear.**	N/A
	Special Conditions	Wall or fence permitted along the terrace edge; 400 sq.ft. maximum area



Stoop

	Combinations	Light well, terrace
A	**Min. Setback**	3 ft.
B	**Encroachment**	Landing, cover, and stairs up to 100% of setback in T4 and T5, and up to 10 ft. in T3 and T2
C	**Entry Condition**	Raised entry
D	**Horizontal Clear.**	Landing 5 ft. min.
E	**Vertical Clear.**	Covered stoop 8 ft. min.
	Special Conditions	Stoop may be engaged into the building volume.



Porch

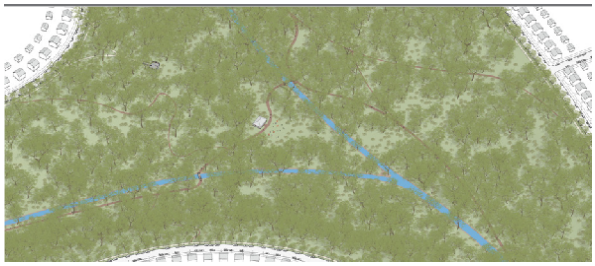
	Combinations	None
A	**Min. Setback**	10 ft.
B	**Encroachment**	Porch up to the greater of 8 ft. or 60% of the setback
C	**Entry Condition**	Raised entry
D	**Horizontal Clear.**	Porch 8 ft. min.
E	**Vertical Clear.**	Porch 8 ft. min.
	Special Conditions	None



TABLE 40 CIVIC SPACE TYPES

Conservation Park

Transect district	T1
Size in acres	8 min.
Proportion	N/A
Edge condition	N/A
Surface	Planted, pervious paths and maintenance roads
Buildings	Pavilions and picnic areas



Park

Transect district	T2, T3, T4, T5
Size in acres	5 min.
Proportion	1:5 max. in T5
Edge condition	Rights-of-way required on all sides in T5
Surface	Planted, pervious and non- pervious paths, paved gathering spaces, sports facilities
Buildings	Pavilions, picnic areas, storage, rest rooms, food service



Green

Transect district	T3, T4, T5
Size in acres	1/2 min., 5 max.
Proportion	N/A
Edge condition	Right-of-way required on at least one side
Surface	Planted, paved 15% max., pervious paving recommended
Landscape	40% mature canopy required



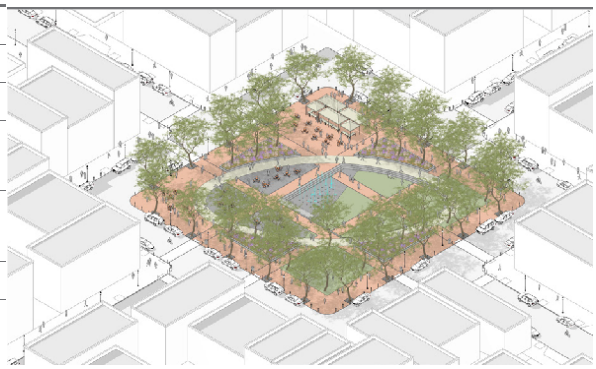
Square

Transect district	T4, T5
Size in acres	1/4 min., 4 max.
Proportion	1:5 max.
Edge condition	Rights-of-way required on two sides, min.
Surface	Paved 50% max., pervious paving recommended
Landscape	30% mature canopy required



Plaza

Transect district	T5
Size in acres	1/8 min., 3 max.
Proportion	1:4 max.
Edge condition	Rights-of-way required on two sides, min.
Surface	Paved 50% min., pervious paving recommended
Landscape	20% mature canopy required
Buildings	Pavilions, storage, rest rooms, food service, vending



Neighborhood Multipurpose Field

Transect district	T3, T4, T5
Size in acres	3 min., 10 max.
Proportion	1:5 max.
Edge condition	Rights-of-way required on two sides, min.
Surface	Planted, sports fields and courts, paved 20% max.
Landscape	20 foot landscape zone at perimeter, canopy trees required. Fields may serve secondary purpose as stormwater management.



Greenway

Transect district	T3, T4, T5
Size in feet	50 min. in width, 1,000 min. in length
Proportion	N/A
Edge condition	Rights-of-way or pedestrian way required on one side, min.
Surface	Lawn, paved 20% max.
Landscape	20% mature canopy required



Pocket Park

Transect district	T3, T4, T5
Size in square feet	2,000 min., 8,000 max.
Proportion	1:5 max.
Edge condition	Rights-of-way or pedestrian way required on one side, min.
Surface	Planted, play equipment, paved 30% max.
Landscape	40% mature canopy required



Community Garden

Transect district	T3, T4, T5
Size in acres	N/A
Proportion	N/A
Edge condition	N/A
Special requirement	Water supply required
Landscape	75% noon-time solar exposure

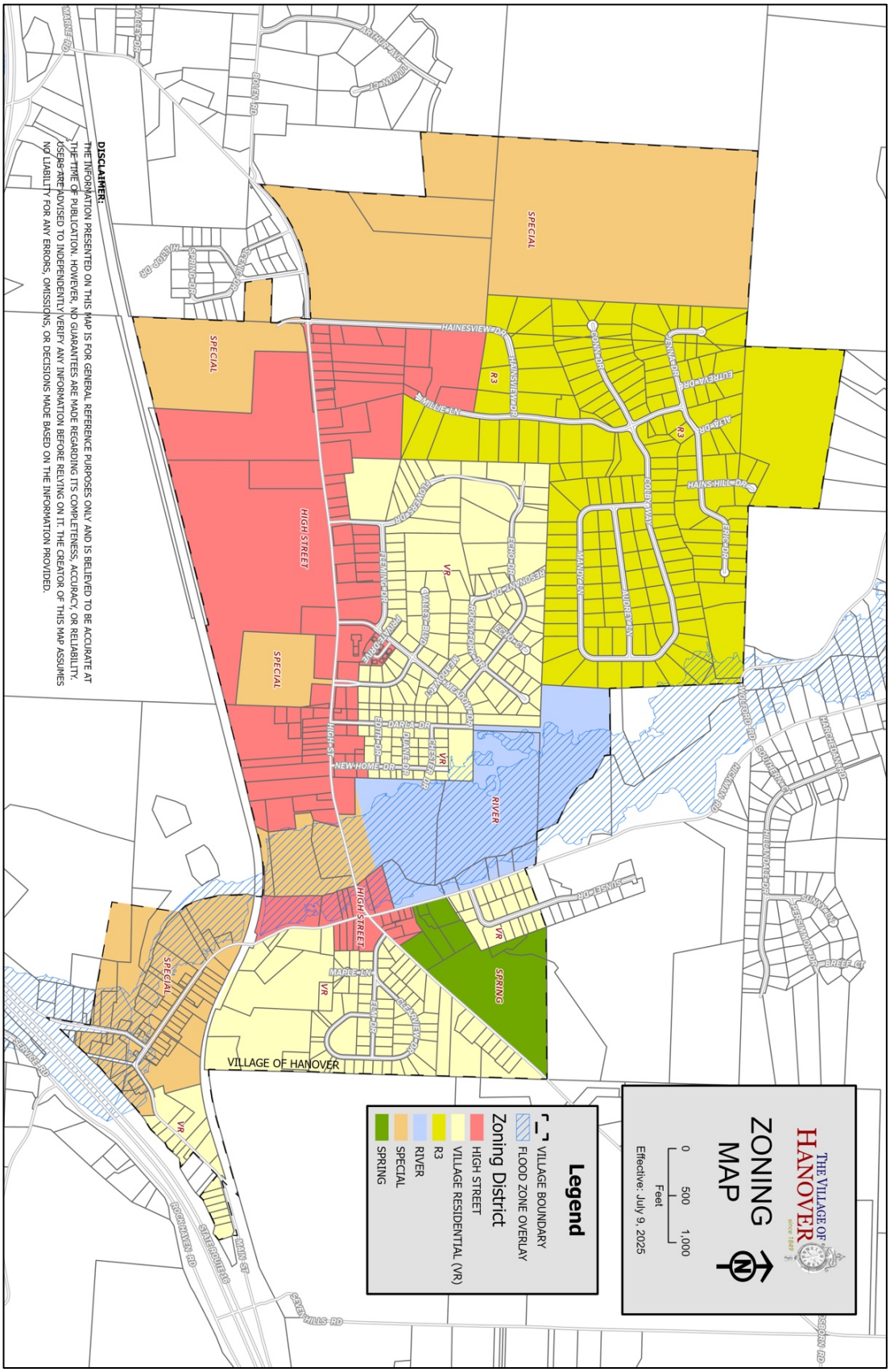


Pedestrian Passage

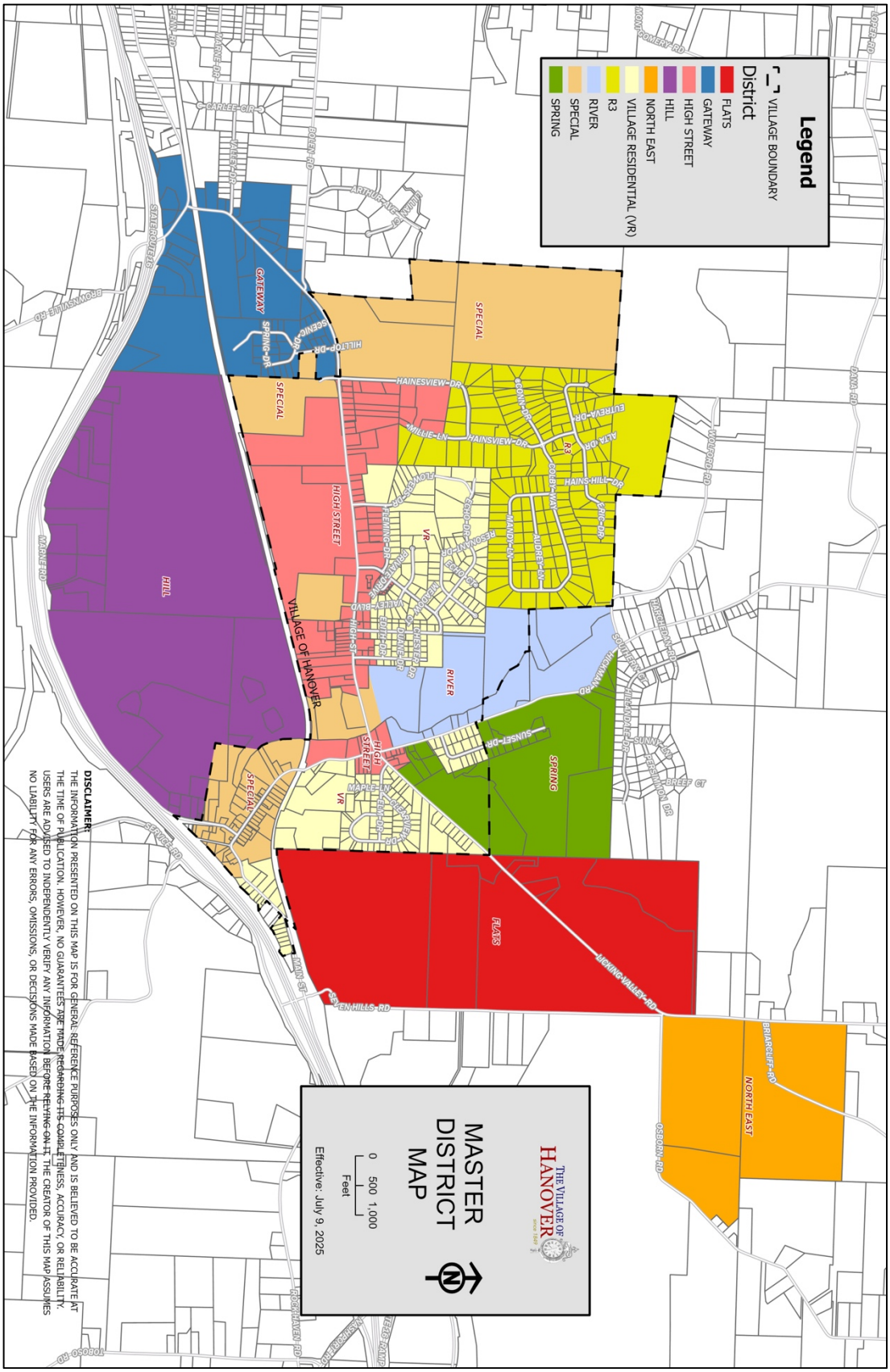
Transect district	T3, T4, T5
Size in acres	N/A
Width	8 ft. min. in T3 and T4, 20 ft. min. in T5
Surface	Continuous paved walkway required, seating and gathering places encouraged, planted opportunistically



MAP #1 – ZONING MAP



MAP #2 – MASTER DISTRICT MAP



MAP #3 – ZONE TYPE MAP

