

**ORDINANCE NO. 2005-6**

**AN ORDINANCE ESTABLISHING ZONING REGULATIONS  
FOR THE TOWN OF HANOVER, INDIANA, AND ANY CONTIGUOUS  
UNINCORPORATED AREA LYING OUTSIDE THE CORPORATE LIMITS OF  
SAID TOWN, JURISDICTION OVER WHICH HAS BEEN ASSUMED BY THE  
PLAN COMMISSION OF SAID TOWN, OR WHICH MAY HEREAFTER BE  
ASSUMED PURSUANT TO IC 36-7-4-600 SERIES, AS AMENDED, AND  
REPEALING PREVIOUS DISTRICT ZONING MAPS OR REGULATIONS  
DESIGNATING USE CLASSIFICATION OF ALL PROPERTY IN SAID TOWN  
AND SAID CONTIGUOUS UNINCORPORATED AREAS**

WHEREAS, the Town Council of the Town of Hanover, Indiana, wishes to provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers, for properties in the Town; to lessen or avoid congestion in the public streets; and to promote the public health, safety, comfort, morals, convenience, and general public welfare; and,

WHEREAS, to accomplish such objectives, it is deemed necessary:

1. To classify, regulate and limit the height, area bulk and use of buildings hereafter to be erected;
2. To regulate and determine the area of front, rear and side yards, courts and other open spaces about such buildings;
3. To regulate and determine the use and intensity of use of land and lot areas;
4. To classify, regulate, and restrict the location of trades, callings, industries, commercial enterprises and the location of buildings designed for specified uses;
5. To classify and designate the land amongst agricultural, industrial, commercial, residential, and other uses and purposes; and
6. To divide the Town into districts of such kind, character, number, shape, and area as may be deemed necessary to carry out the purposes hereinbefore enumerated;

**NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE  
TOWN OF HANOVER, INDIANA:**

# **ARTICLE I**

## **TITLE AND INTERPRETATION**

### **SECTION 1.00 – TITLE**

This ordinance shall be known and may be cited as the "Zoning Ordinance of the Town of Hanover, Indiana."

### **SECTION 1.10 – PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS**

In their interpretation and application, the provisions of this ordinance shall be held to the minimum requirements, adopted for the promotion of the public health, safety, and general welfare throughout the Town. Wherever the requirements of this ordinance are at variance or in any other way in conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the higher standards, shall govern.

### **SECTION 1.20 – SEVERABILITY CLAUSE**

Should any section, subsection, paragraph, subparagraph, clause, word 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.

# **ARTICLE II**

## **DEFINITIONS**

### **SECTION 2.00 – APPLICATION AND INTERPRETATION**

- A. For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in the document "Definitions of Terms in Hanover Land Use Regulations", a copy of which is attached hereto and incorporated herein by reference. The just-referenced document also includes definitions of terms which are used in the Subdivision Regulations of the Town of Hanover but may not be applicable to the present zoning ordinance.



- B. Whenever any words and phrases used herein are not defined herein but are defined in the State laws regulating the creation and function of various planning agencies, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.
- C. For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:
1. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.
  2. The masculine includes the feminine.
  3. The present tense includes the past and future tenses; the singular number includes the plural.
  4. The word "shall" is a mandatory requirement; the word "may" is a permissive requirement; and the word "should" is a preferred requirement.
  5. The words "used" or "occupied" include the words "intended, arranged, or designed to be used or occupied."
  6. The word "lot" includes the words "plot," "parcel," and "tract."
- D. Errors and omissions – If a manifest error be discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted or substituted as will conform with the manifest intention, and the provision shall have the same effect as though the correct words were contained in the text as originally published. No such alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

## ARTICLE III

### PROVISIONS FOR OFFICIAL ZONING MAP

#### SECTION 3.00 – OFFICIAL ZONING MAP

The Town is hereby divided into zones, or districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

### **SECTION 3.10 – IDENTIFICATION OF THE OFFICIAL ZONING MAP**

The Official Zoning Map shall be identified by certification and bear the seal of the Town under the following words: "This is to certify that this is the Official Zoning Map referred to in Article Three of Ordinance 2005-6 of the Town of Hanover, State of Indiana," together with the date of adoption of this ordinance. Certification should be by the signature of the President of the Board of Trustees, and attested by the Clerk-Treasurer.

### **SECTION 3.20 – MAINTENANCE OF THE OFFICIAL ZONING MAP**

If, in accordance with the provisions of this ordinance and Chapter 178, Acts of 1979, as amended for cities and towns, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Town Board of Trustees with an entry on the Official Zoning Map as follows: "On (Day, Month & Year) by the official action of the Town Board of Trustees, the following changes were made on the Official Zoning Map": \_\_\_\_\_

\_\_\_\_\_ which entry shall be signed by the President of the Board of Trustees and attested by the Town Clerk-Treasurer. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of any kind by a person or persons shall be considered a violation of this ordinance and punishable as provided under Section 11.50 of this ordinance.

### **SECTION 3.30 – LOCATION OF OFFICIAL ZONING MAP**

Regardless of the existence of purported copies of the Official Zoning Map, which from time to time may be published, the Official Zoning Map shall be located in the office of the Clerk-Treasurer, Town Hall. It shall be the authority as to the current zoning status of land and water areas in the Town.

### **SECTION 3.40 – REPLACEMENT OF THE OFFICIAL ZONING MAP**

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Board of Trustees may by resolution adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The Official Zoning Map shall be identified by the signature of the President of the Board of Trustees, attested by the Town Clerk-Treasurer and bearing the seal of the



Town under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted \_\_\_\_\_ as part of Ordinance 2005-6 of the Town of Hanover, Indiana." Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment in the office of the Clerk-Treasurer.

### **SECTION 3.50 – RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists with respect to the boundaries of districts as shown, on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of thoroughfares or highways, street lines or highway right-of-way lines, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot line.
3. Boundaries indicated as approximately following town limits shall be construed as following such town limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as approximately following flood plain lines shall be construed to follow such contour lines. (In addition to the boundaries shown on the zoning map, the boundary of minor ditches and streams shall be designated as being at least five (5) vertical feet or one hundred (100) horizontal feet from the edge of the water, whichever is the greater distance. In this case, a stream, river, or creek shall be defined as one, which flows at least one hundred eighty (180) days of the year. Further, it is advised that the banks and at least ten (10) feet beyond be left in as natural a state as possible).
7. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 6, above, shall be so controlled. The scale of the map shall determine distances not specifically indicated on the Official Zoning Map.
8. Where physical or cultural features existing on the ground are at variance with those shown as the Official Zoning Map, or in other circumstances not covered by

Subsections 1 through 5, above, the Board of Zoning Appeals shall interpret the boundaries.

9. Where a district boundary line divides a lot, which was in single ownership at the time of passage of this ordinance, the Board of Zoning Appeals may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

### **SECTION 3.60 – ANNEXATION**

All land annexed to the Town subsequent to the adoption of this ordinance shall remain subject to the previous County zoning district until such time as the official Zoning Map is amended according to the provisions of Article VI. All land annexed to the Town which, prior to annexation, is not subject to County zoning, shall have the highest zoning classification of the Town until the Official Zoning Map is amended according to the provisions of Article VI.

### **SECTION 4.00 – ESTABLISHMENT AND PURPOSE OF DISTRICTS**

The following zoning districts are hereby established for the Town of Hanover, Indiana. For the interpretation of this ordinance, the zoning districts have been formulated to realize the general purposes as set forth in the Preamble of this ordinance. In addition, the specific purpose of each zoning district shall be as stated.

### **SECTION 4.10 – RESIDENTIAL DISTRICTS**

These districts are established to meet the purposes identified in Sections 4.11 – 4.16, inclusive. Specific provisions for Residential Districts are set forth in Sections 6.10 – 6.16 inclusive.

### **SECTION 4.11 – AGRICULTURAL RESIDENTIAL DISTRICT (R-A)**

This district is intended to provide locations for the furtherance of agricultural activities and to minimize, to the extent feasible, present and future conflicts between agricultural and non-agricultural activities. The purpose of the district is to permit some degree of residential development in the rural areas where public utilities may not be available. Specific provisions for this district are set forth in Section 6.11.

### **SECTION 4.12 – LOW DENSITY RESIDENTIAL DISTRICT (R-1)**



The purpose of this district is to encourage a low-density residential single family dwelling, but a gross density not to exceed four (4) dwelling units per acre. Centralized water and sewer facilities are required. Specific provisions for this district are set forth in Section 6.12.

#### **SECTION 4.13 – LOW DENSITY RESIDENTIAL DISTRICT (R-4)**

The purpose of this district is to encourage a low-density residential single and two (2) family dwelling, but a gross density not to exceed four (4) dwelling units per acre. Centralized water and sewer facilities are required. Specific provisions for this district are set forth in Section 6.13.

#### **SECTION 4.14 – MEDIUM DENSITY RESIDENTIAL DISTRICT (R-8)**

The purpose of this district is to permit the establishment of a medium-density multiple family dwelling with a gross density not to exceed eight (8) dwelling units per acre. This district is also designed to permit larger, older homes to be converted to two (2) or more dwelling units. Centralized water and sewer facilities are required. Specific provisions for this district are set forth in Section 6.14.

#### **SECTION 4.15 – HIGH DENSITY RESIDENTIAL DISTRICT (R-32)**

The purpose of this district is to allow high-density residential apartment buildings. The major restriction is that the gross density shall not be more than thirty-two (32) dwelling units per acre and that certain restricted commercial uses are permitted. It must abut a collector or arterial street as specified by the Superintendent of Public Works of the Town or the Indiana Department of Transportation (INDOT). Centralized water and sewer facilities are required. Specific provisions for this district are set forth in Section 6.15.

#### **SECTION 4.16 – RESIDENTIAL MOBILE HOME PARK DISTRICT (RMH)**

The purpose of this district is to encourage the development of well-planned mobile home parks. Such districts shall abut upon an arterial or collector street. Mobile home parks shall comply with all state regulations as well as those regulations specified Section 6.16.

#### **SECTION 4.20 – BUSINESS DISTRICTS**

Business districts are established to meet the purposes identified in Sections 4.21 – 4.23, inclusive. Specific provisions for Business Districts are set forth in Sections 6.17 – 6.20, inclusive.

#### **SECTION 4.21 – LOCAL / NEIGHBORHOOD BUSINESS DISTRICT (B-1)**

The purpose of this district is to encourage the establishment of areas for convenience business uses, which tend to meet the daily requirements of the residents of an immediate neighborhood. These districts will be very carefully and strategically located. Allowing specialized business in this district would defeat the purpose. Specific provisions for this district are set forth in Section 6.18.

#### **SECTION 4.22 – GENERAL BUSINESS DISTRICT (B-2)**

The purpose of this district is to encourage the establishment of areas for general business uses to meet the needs of a regional market area. Activities would include large space uses such as department stores, service stations, specialty stores, and the like. Shopping centers are good examples of types of uses in this district. Due to the scale, it is absolutely necessary that these B-2 districts be located on an arterial or collector street as specified by the Superintendent of Public Works of the Town or the INDOT. Specific provisions for this district are set forth in Section 6.19.

#### **SECTION 4.23 – HIGHWAY BUSINESS DISTRICT (B-3)**

The purpose of this district is primarily for the conduct of retail trade catering to the motoring public. Since it is intended that these districts be located on thoroughfares, and each such district will require ingress or egress to the thoroughfare, the location of these districts must be carefully determined. In no case is this district intended to "strip" thoroughfares in the Town; rather, it is to be used at certain major intersections where access can be best controlled. Specific provisions for this district are set forth in Section 6.20.

#### **SECTION 4.30 – INDUSTRIAL DISTRICTS**

These districts are established to meet the purposes identified in Sections 4.31 and 4.32. Specific provisions for Industrial Districts are set forth in Sections 6.21 – 6.23, inclusive.

#### **SECTION 4.31 – LIGHT INDUSTRIAL DISTRICT (I-1)**

The purpose of this district is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, free of hazardous or objectionable elements, operate entirely within enclosed structures and generate little industrial traffic. This district is further designed to act as a transitional use between



heavy industrial uses and less intensive uses such as business or residential. Specific provisions for this district are set forth in Section 6.22.

#### **SECTION 4.32 – HEAVY INDUSTRIAL DISTRICT (I-2)**

The purpose of this district is to encourage the development of major manufacturing, processing, warehousing, and major research and testing operations. These activities require extensive community facilities and reasonably good access to an arterial street. They may also have extensive open storage and service areas and may generate heavy industrial-type traffic. Specific provisions for this district are set forth in Section 6.23.

#### **SECTION 4.40 – ENVIRONMENTAL DISTRICTS**

These districts are established to meet the purposes identified in Sections 4.41, 4.42, and 4.43. Specific provisions for Environmental Districts are set forth in Sections 6.25 – 6.28, inclusive.

#### **SECTION 4.41 – RECREATION DISTRICT (G-1)**

The purpose of this district is to provide areas for recreation and conservation purposes, and areas suitable for non-commercial recreation. This district includes the Flood Hazard Areas as delineated in Hanover by the Department of Housing and Urban Development. Specific provisions for this district are set forth in Section 6.26.

#### **SECTION 4.42 – QUARRY AND MINING DISTRICT (Q-1)**

The purpose of this district is to retain natural resource areas in the Town to the exclusion of other uses, except agricultural and recreation uses, for extracting materials through quarry or mining operations which require the removal of overburden. Specific provisions for this district are set forth in Section 6.27.

#### **SECTION 4.43 – FLOOD PLAIN DISTRICT (F-1)**

The purpose of this district is to guide development in the flood hazard areas to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. Specific provisions for this district are set forth in Section 6.28.

## **ARTICLE IV**

### **APPLICATION OF DISTRICT REGULATIONS**

#### **SECTION 5.00 – GENERAL APPLICATION OF DISTRICT REGULATIONS**

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, 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 with an approved building permit and in conformity with all of 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, or
  - d. To have narrower or smaller rear yards, front yards, side yards, or other open spacesthan herein required, or in any other manner be contrary to the provisions of this ordinance.
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. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.



## **SECTION 5.10 – 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. Section 7.00, the Official Schedule of Uses table, identifies each land use according to whether it is a permitted use, a conditional use, or a prohibited use within each district. The description of each permitted and/or conditional use in Section 6.00, the Specific Application of District Regulations, is followed by an identification number(s) (in parentheses) that refers to the corresponding number within Section 7.00. The conditional uses are of the same general character and will not be detrimental to the district in which they may be located and may be permitted under the provision in Section 11.70.

## **SECTION 5.20 – EXPLANATION OF THE ORIGIN OF THE OFFICIAL SCHEDULE OF DISTRICT REGULATIONS**

The Official Schedule of District Regulation was prepared using a modified form of the Standard System for Identifying and Coding Land Use Activities.

## **SECTION 5.30 – GENERAL RESTRICTIONS, APPLICATION OF ALL USES IN ALL DISTRICTS**

The restrictions set out in Sections 5.31 – 5.43, inclusive, apply to all uses in all districts.

### **SECTION 5.31 – PROPERTY ACCESS**

Any structure erected or moved for use as a dwelling unit or with a replacement cost in excess of Two Thousand Dollars (\$2,000) shall be easily accessible to fire and other emergency equipment, and shall be on a lot adjacent to or with access to a public street, or with access to an approved private street.

### **SECTION 5.32 – LAND USE COMPATIBILITY**

Each proposed land use shall not create an adverse effect upon the surrounding land uses, health, safety or the general welfare of the Town by overburdening the land, existing utilities or the road network. Proposals shall also comply with provisions for lighting, signage, noise, and landscaping.

### **SECTION 5.37 – TRAFFIC GENERATION**

Each proposed land use shall not create such a volume of automotive traffic so as to overburden the surrounding road system. A traffic impact analysis should be conducted in each instance of development where the surrounding road system may be overburdened. A traffic impact analysis shall be regulated and defined by each jurisdiction.

### **SECTION 5.38 – TEMPORARY STRUCTURES**

Temporary structures may be erected on a single lot, provided that a permit has been obtained, approved, and all other requirements of this ordinance relevant to temporary structures shall be met for each structure. Temporary buildings incidental to construction work are also permitted but must be removed upon completion of the construction.

### **SECTION 5.39 – ACCESSORY BUILDING**

No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five (5) feet of any other building.

### **SECTION 5.40 – MINIMUM YARD SETBACK**

No structure except fences, mailboxes, and signposts shall be erected, placed, or moved to within ten (10) feet of any lot line. See specific zoning districts for required setbacks.

### **SECTION 5.41 – SIGNS**

All free-standing billboards or advertising sign boards shall be fifteen (15) feet or more from any public right-of-way line, to avoid confusion and reduce view obstruction.

### **SECTION 5.42 – HILLSIDE DEVELOPMENT**

Any development on a slope equal to or greater than twenty percent (20%) must receive approval from the Town Engineer.

### **SECTION 5.43 – OFF-STREET PARKING**

Each proposed land use shall comply with the off-street parking restrictions and regulations found in Section 9.00 of this ordinance.



## **SECTION 6.00 – SPECIFIC APPLICATION OF DISTRICT REGULATIONS**

The restrictions set out in Sections 6.10 – 6.28, inclusive, apply to uses in the individual districts.

### **SECTION 6.10 – RESTRICTIONS – RESIDENTIAL DISTRICTS**

These districts have been created to preserve and enhance a safe, pleasant living environment for the people of Town of Hanover, Indiana. It is intended to provide a variety and mix of dwelling types. These districts and their restrictions follow in Sections 6.11 – 6.15, inclusive.

#### **A. General Restrictions – All Residential Districts**

##### **1. Home Occupations (111)**

Home occupations shall be governed by the following regulations:

- a. A home occupation is any use conducted entirely within a dwelling and participated in solely by members of the family, when such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and in connection with which there is no commodity sold upon the premises except that which is produced thereon.
- b. Permitted home occupations shall not have more than twenty percent (20%) of the net floor area of the dwelling devoted to the occupation, and none of the required off-street parking shall be used in the conduct of the home occupation.
- c. Permitted home occupations shall have no mechanical equipment used which makes any electrical interference, loud, unnecessary or unusual noise, or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others.
- d. In no way shall the appearance of the structure or the conduct of the occupation within the structure be so altered that it may reasonably be recognized as serving a non-residential purpose (either by color, materials of construction, lighting, sounds, noises, or vibrations).
- e. Permitted home occupations shall not include the employment of a person in addition to the occupant of the dwelling unit in performance of such services, and shall not include exterior display or exterior signs, except as such are permitted by the sign regulations for Residential Districts. There shall be no exterior storage of equipment or materials used in such home operations.

## 2. Signs

- a. Real Estate signs of a temporary nature shall not exceed two (2) in number per lot.
  - b. A sign or signs flat against a building appertaining to a nonconforming use of the premises shall not exceed in the aggregate fifty (50) square feet in area, except as authorized by the Board of Zoning Appeals.
  - c. Small announcement or professional signs shall not exceed six (6) square feet in area, except that an announcement or bulletin board not over eighteen (18) square feet in area, set back at least twenty (20) feet from any highway, street, or road, may be erected in connection with any authorized special uses or non-residential use.
  - d. One nameplate shall not exceed two (2) square feet for each dwelling.
3. Visibility at intersections – On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of three (3) and twelve (12) feet above the established grade determined by a diagonal line connecting two points measured fifteen (15) feet equidistant from the street corner along each lot line.
  4. Fences, walls, and hedges – Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard, provided that driveway entrances are not shielded by fences, walls, and hedges in such a way as to obstruct the view of a driver entering a public road from the drive way; and provided further that no fence, wall or hedge along the sides or front edge of any front yard shall exceed three (3) feet in height.
5. Parking, storage, or use of major recreational equipment:
    - a. Recreational equipment parked or stored in Residential Districts shall be parked in a manner so as not to block pedestrian traffic or interfere with the view of motorists. Recreational equipment will not be used for any purpose other than that intended when manufactured.
    - b. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.
  6. Parking and storage of certain vehicles – Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored for more than seven (7) days on any residentially zoned property other than in completely enclosed buildings with the exception of state licensed antique vehicles.



7. Parking and storage of certain commercial or industrial trucks – Trucks which are used for commercial or industrial purposes and which have a weight of two and one-half (2 1/2) tons or more shall not be parked or stored for more than twelve (12) hours on any residentially zoned property. Refrigerated trucks of all sizes shall not be parked on any residentially zoned property while refrigeration unit is engaged.
8. Apartment building owners must submit in writing a proposed handicapped-parking plan, to meet the requirements of the Americans with Disabilities Act (ADA), to the Town of Hanover Plan Commission for approval at a regularly scheduled Plan Commission meeting.

## **SECTION 6.11 – AGRICULTURAL RESIDENTIAL DISTRICT (R-A)**

### **A. General Restrictions**

1. Floor area ratio – Not to exceed two-tenths (0.20).
2. Lot area – Not less than one and seventy-two hundredths (1.72) acres for churches, schools, or hospitals; or ten thousand (10,000) square feet for all other permitted uses.
3. Lot dimensions – Not less than one hundred fifty (150) feet wide by two hundred (200) feet deep when there is sewer access, and not less than two hundred (200) feet wide by two hundred twenty-five (225) feet deep when sewer access is not available.

### **B. Restrictions for Permitted Uses**

All permitted uses listed in the Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply:

1. Dwelling units and home occupations (110, 111)
  - a. If built on a block or road where previous residential development has taken place:
    - (1) Setbacks shall conform to within twenty-five (25) feet either way of the average setback of the dwelling units located within three hundred (300) feet on each side of said dwelling unit along the same side of the same street or road, but shall in no case be narrower than forty (40) feet from the right-of-way if bordering a collector street or sixty (60) feet from the right-of-way if bordering an arterial street or road.

(2) Side yards shall in no case be less than twenty (20) feet wide.

b. If built on a block or road where no previous residential development has taken place:

(1) Setbacks shall be not less than forty (40) feet from right-of-way of collector streets and sixty (60) feet from right-of-way of arterial streets or roads.

(2) Side yards shall in no case be less than twenty (20) feet wide.

(3) For all side yards, when the structure is in excess of two (2) stories, for each story over the second, the side yard width shall be increased by at least eight (8) feet. (For the purposes of this ordinance, a story, which is more than half below ground level from floor to ceiling, shall not be considered a story.) Example: A three- (3) story house would be required to have side yards of at least twenty-eight (28) feet in width.

c. Home occupations shall be governed by the General Restrictions for all residential districts (Section 6.10.A)

2. Transportation Related Uses (454, 455, 456, 460)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

3. Parks, Playgrounds, Recreation Areas, Farms, Forest Service, and Fisheries (761, 762, 811-816, 818, 841, 921)

These uses are permitted in this district provided that the Plan Commission approves plans for their development and use.

5. Additional restrictions:

a. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.

b. Areas for parking shall not be closer than forty (40) feet from any lot line.

c. At the option of the Plan Commission at such date as the situation may arise, noise buffers may be required to shield adjacent residences from undue noise pollution. This may be in the form of a tall solid fence or heavy vegetation.



### C. Restrictions for Conditional Uses

All conditional uses listed in Section 7.00, Official Schedule of District Regulations, shall conform to the General Restrictions and must be approved by the Plan Commission. In addition, the following restrictions, as appropriate, shall be observed:

#### 1. Boarding Houses, Retirement Homes, Certain Other Group Quarters (121, 123)

These uses may be permitted providing the following restrictions are satisfied:

- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.
- b. Side yards shall be not less than forty (40) feet wide.
- c. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.

#### 2. Kennel and Animal Shelters (340)

Providing that the following restrictions are adhered to, this use may be permitted in this district:

- a. No structure shall be placed within sixty (60) feet of any lot line.
- b. Side yards shall be not less than forty (40) feet wide.
- c. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
- d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.

#### 3. Transportation Related Uses (451, 452, 453, 457, 459)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

#### 4. Various Public and Quasi-Public Utilities and Telecommunication Services (471-476, 479, 481-484)

By adhering to the following restrictions, these uses may be permitted in this

district:

- a. No structure shall be placed within fifty (50) feet of any lot line.
- b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- c. All structures erected, placed, or moved specifically for the operation of the utility to which the lot is devoted shall be completely surrounded or enclosed by a building or fence. A fence shall be at least seven (7) feet high and in compliance with national safety codes governing such construction.
- d. No unsafe, uncomfortable, or offensive, vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
- e. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.
- f. Further, this conditional use should not be allowed in this district if there are other less restrictive districts that could furnish equivalent space with no additional economic expense to the utility. The Plan Commission should closely scrutinize this for each request.

5. Insurance and Real Estate Services (614, 615)

Providing that the following restrictions are adhered to, this use may be permitted in this district:

- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.
- b. Side yards shall be not less than forty (40) feet wide.
- c. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.

6. Cemeteries (626)

Providing that the following restrictions are adhered to, this use may be permitted in this district:

- a. The minimum size for new cemeteries shall be four (4) acres.



- b. No structure shall be placed within fifty (50) feet of any lot line.
  - c. There shall be a maximum of one (1) dwelling unit for purposes of residence upon the site.
  - d. The site shall be completely enclosed by a fence with a minimum height of six (6) feet, and gates shall remain closed between sunset and sunrise.
7. Repair Services (649)
- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.
  - b. Side yards shall be not less than forty (40) feet wide.
  - c. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.

8. Medical and Other Health Services (651, 653)

Providing that the following restrictions are adhered to, these uses may be permitted in this district:

- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.
  - b. Side yards shall be not less than forty (40) feet wide.
  - c. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
  - d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.
9. Professional and Construction Services (659, 661, 662)
- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.
  - b. Side yards shall be not less than forty (40) feet wide.
  - c. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.

#### 10. Protective Functions and Postal Services (672, 673)

With the health, safety, and well being of the citizens foremost in their minds, the Plan Commission and involved protective services should cooperate to determine where best to locate these functions. Should they arrive at a site in this district, the following restrictions must be satisfied:

- a. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
- b. No structure shall be placed within one hundred (100) feet of any structure on an adjacent lot.
- c. Should conform to other regulations pertaining to this district.

#### 11. Schools and Churches (681, 682, 691)

School locations should be determined by the School Board of the appropriate school district based on an independent study of demographics of future school age populations.

##### a. Minimum Yard Requirements

- (1) Lot size should not be less than one and seventy-two hundredths (1.72) acres.
  - (2) Side yards shall in no case be less than ten (10) feet wide in the Low Density Residential District. For exterior lots the side yard on the street side shall be no less than twenty (20) feet wide.
  - (3) For all side yards, when the structure is in excess of twenty (20) feet in height the side yard shall be increased to twelve (12) feet in width.
- b. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.
  - c. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.

#### 12. Cultural Entertainment, Recreational Activities, and Farms (711, 712, 722, 724, 731, 739, 742-744, 749, 751, 752, 817, 821, 829, 831, 832, 839)



Providing that the following restrictions are adhered to, and upon receiving approval from the Plan Commission, these uses may be permitted in this district:

- a. No structure shall be placed within fifty (50) feet of any lot line.
- b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- c. Areas for parking shall not be closer than forty (40) feet from any lot line.
- d. There shall be a maximum of one (1) dwelling unit for purposes of residence upon the site.
- e. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.

## **SECTION 6.12 – SINGLE FAMILY RESIDENTIAL (R-1)**

### **A. General Restrictions**

1. Front yard (setback) – Not less than twenty-five (25) feet.
2. Lot area – Not less than one and seventy-two hundredths (1.72) acres for churches, schools, or hospitals; or ten thousand (10,000) square feet for all other permitted uses.
3. Lot width – Not less than seventy-five (75) feet for interior lots and ninety (90) feet for the exterior lots.
4. Height of buildings – Not more than thirty-five (35) feet for principal buildings or fifteen (15) feet for accessory buildings.
5. Rear yard depth – Not less than twenty-five (25) feet for principal buildings or ten (10) feet deep for accessory buildings.

### **B. Restrictions for Permitted Uses**

All permitted uses listed in Section 7.00, Official Schedule of District Regulations, shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply:

1. Dwelling units and home occupations (110, 111)

- a. Side yards shall in no case be less than ten (10) feet wide in the Low Density Residential District. For exterior lots the street side yard shall be no less than twenty (20) feet wide.
- b. For all side yards, when the structure is in excess of twenty (20) feet in height, the side yard shall be increased to twelve (12) feet in width.
- c. Home occupations shall be governed by the General Restrictions for all residential districts (Section 6.10.A)

2. Transportation Related Uses (451-457, 460)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

C. Restrictions for Conditional Uses

All conditional uses listed in Section 7.00, Official Schedule of District Regulations, shall conform to the General Restrictions and must be approved by the Plan Commission. In addition, the following restrictions, as appropriate, shall be observed:

1. Rooming and Boarding Houses (121)

These uses may be permitted providing the following restrictions are satisfied:

- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.
- b. Side yards shall be not less than forty (40) feet wide.
- c. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.

2. Transportation Related Uses (459)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

3. Various Public and Quasi-Public Utilities and Telecommunication Services (471-476, 479, 481-484)

By adhering to the following restrictions, these uses may be permitted in this



district:

- a. No structure shall be placed within fifty (50) feet of any lot line.
  - b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
  - c. All structures erected, placed, or moved specifically for the operation of the utility to which the lot is devoted shall be completely surrounded or enclosed by a building or fence. A fence shall be at least seven (7) feet high and in compliance with national safety codes governing such construction.
  - d. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
  - e. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.
  - f. Further, this conditional use should not be allowed in this district if there are other less restrictive districts that could furnish equivalent space with no additional economic expense to the utility. The Plan Commission should closely scrutinize this for each request.
4. Insurance and Real Estate Services (614-616)

Providing that the following restrictions are adhered to, this use may be permitted in this district:

- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.
  - b. Side yards shall be not less than forty (40) feet wide.
  - c. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.
5. Protective Functions and Postal Services (672, 673)

With the health, safety, and well being of the citizens foremost in their minds, the Plan Commission and involved protective services should cooperate to determine where best to locate these functions. Should they decide upon a site in this district, the following restrictions must be satisfied:

- a. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
- b. No structure shall be placed within one hundred (100) feet of any structure on an adjacent lot.
- c. Should conform to other regulations pertaining to this district.

6. Schools and Churches (681, 691)

School locations should be determined by the School Board of the appropriate school district based on an independent study of demographics of future school age populations.

a. Minimum Yard Requirements

- (1) Lot size should not be less than one and seventy-two hundredths (1.72) acres.
  - (2) Side yards shall in no case be less than ten (10) feet wide in the Low Density Residential District. For exterior lots the side yard on the street side shall be no less than twenty (20) feet wide.
  - (3) For all side yards, when the structure is in excess of twenty (20) feet in height the side yard shall be increased to twelve (12) feet in width.
- b. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.
  - c. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.

7. Cultural Activities, Sports and Other Public Assembly Uses (711, 722)

Providing that the following restrictions are adhered to, this use may be permitted in this district:

- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.
- b. Side yards shall be not less than forty (40) feet wide.



- c. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.
- d. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.

8. Recreation Areas (742, 743, 761, 762, 769, 790)

These uses are permitted in this district provided that the Hanover Plan Commission approves plans for their development and use. Additional restrictions include:

- a. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- b. Areas for parking shall not be closer than forty (40) feet from any lot line.
- c. At the option of the Plan Commission at such date as the situation may arise, noise buffers may be required to shield adjacent residences from undue noise pollution. This may be in the form of a tall solid fence or heavy vegetation.

**SECTION 6.13 – LOW DENSITY RESIDENTIAL (R-4)**

**A. General Restrictions**

- 1. Front yard (setback) – Not less than twenty-five (25) feet.
- 2. Lot area – Not less than one and seventy-two hundredths (1.72) acres for churches, schools, or hospitals; or ten thousand (10,000) square feet for all other permitted uses.
- 3. Lot width – Not less than seventy-five (75) feet for interior lots and ninety (90) feet for the exterior lots.
- 4. Height of buildings – Not more than thirty-five (35) feet for principal buildings or fifteen (15) feet for accessory buildings.
- 5. Rear yard depth – Not less than twenty-five (25) feet for principal buildings or ten (10) feet deep for accessory buildings.

**B. Restrictions for Permitted Uses**

All permitted uses listed in Section 7.00, Official Schedule of District Regulations, shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply:

1. Dwelling units and home occupations (110, 111)
  - a. Side yards shall in no case be less than ten (10) feet wide in the Low Density Residential District. For exterior lots the street side yard shall be no less than twenty (20) feet wide.
  - b. For all side yards, when the structure is in excess of twenty (20) feet in height, the side yard shall be increased to twelve (12) feet in width.
  - c. Home occupations shall be governed by the General Restrictions for all residential districts (Section 6.10.A)
2. Transportation Related Uses (451- 457, 460)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However; new rights-of-way should be carefully studied due to the tremendous amount of land required.

#### C. Restrictions for Conditional Uses

All conditional uses listed in Section 7.00, Official Schedule of District Regulations, shall conform to the General Restrictions and must be approved by the Plan Commission. In addition, the following restrictions, as appropriate, shall be observed:

1. Rooming and Boarding Houses (121)

These uses may be permitted providing the following restrictions are satisfied:

- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.
  - b. Side yards shall be not less than forty (40) feet wide.
  - c. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.
2. Transportation Related Uses (459)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way



should be carefully studied due to the tremendous amount of land required.

3. Various Public and Quasi-Public Utilities and Telecommunication Services (471-476, 479, 481-484)

By adhering to the following restrictions, these uses may be permitted in this district:

- a. No above-ground structure shall be placed within fifty (50) feet of any lot line.
- b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- c. All structures erected, placed, or moved specifically for the operation of the utility to which the lot is devoted shall be completely surrounded or enclosed by a building or fence. A fence shall be at least seven (7) feet high and in compliance with national safety codes governing such construction.
- d. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
- e. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.
- f. Further, this conditional use should not be allowed in this district if there are other less restrictive districts that could furnish equivalent space with no additional economic expense to the utility. The Plan Commission should closely scrutinize this for each request.

4. Insurance and Real Estate Services (614-616)

Providing that the following restrictions are adhered to, this use may be permitted in this district:

- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.
- b. Side yards shall be not less than forty (40) feet wide.
- c. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.

5. Protective Functions and Postal Services (672, 673)

With the health, safety, and well being of the citizens foremost in their minds, the Plan Commission and involved protective services should cooperate to determine where best to locate these functions. Should they decide upon a site in this district, the following restrictions must be satisfied:

- a. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
- b. No structure shall be placed within one hundred (100) feet of any structure on an adjacent lot.
- c. Should conform to other regulations pertaining to this district.

6. Schools and Churches (681, 691)

School locations should be determined by the School Board of the appropriate school district based on an independent study of demographics of future school age populations.

a. Minimum Yard Requirements

- (1) Lot size should not be less than one and seventy-two hundredths (1.72) acres.
  - (4) Side yards shall in no case be less than ten (10) feet wide in the Low Density Residential District. For exterior lots the side yard on the street side shall be no less than twenty (20) feet wide.
  - (5) For all side yards, when the structure is in excess of twenty (20) feet in height the side yard shall be increased to twelve (12) feet in width.
- b. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.
  - c. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.

7. Cultural Activities, Sports and Other Public Assembly Uses (711, 722)

Providing that the following restrictions are adhered to, this use may be permitted in this district:



- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.
  - b. Side yards shall be not less than forty (40) feet wide.
  - c. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.
  - d. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
8. Recreation Areas (742, 743, 761, 762, 769, 790)

These uses are permitted in this district provided that the Hanover Plan Commission approves plans for their development and use. Additional restrictions include:

- a. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- b. Areas for parking shall not be closer than forty (40) feet from any lot line.
- c. At the option of the Plan Commission at such date as the situation may arise, noise buffers may be required to shield adjacent residences from undue noise pollution. This may be in the form of a tall solid fence or heavy vegetation.

## **SECTION 6.14 – MEDIUM DENSITY RESIDENTIAL (R-8)**

### **A. General Restrictions**

1. Front yard (setback) – Not less than twenty-five (25) feet.
2. Lot area – Not less than eight thousand (8,000) square feet for single-family dwelling units, three thousand five hundred (3,500) square feet for two-family units, one and seventy-two hundredths (1.72) acres for churches, schools, and hospitals or ten thousand (10,000) square feet for all other permitted uses.
3. Lot width – Not less than sixty (60) feet for the interior lot and seventy (70) feet for the exterior lot.

4. Height of buildings – Not more than thirty-five (35) feet for principal buildings or fifteen (15) feet for accessory buildings.
5. Rear yard depth – Not less than twenty-five (25) feet.

#### B. Restrictions for Permitted Uses

All permitted uses listed in Section 7.00, Official Schedule of District Regulations, shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply:

1. Dwelling units and home occupations (110, 111)
  - a. Side yards shall in no case be less than ten (10) feet wide in the Medium Density Residential District. For exterior lots the side yard on the street side shall be no less than twenty (20) feet wide.
  - b. For all side yards, when the structure is in excess of twenty (20) feet in height the side yard shall be increased to twelve (12) feet in width.
1. Home occupations shall be governed by the General Restrictions for all residential districts (Section 6.10.A)
2. Transportation Related Uses (451- 457, 460)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

#### C. Restrictions for Conditional Uses

All conditional uses listed in Section 7.00, Official Schedule of District Regulations, shall conform to the General Restrictions and must be approved by the Plan Commission. In addition, the following restrictions, as appropriate, shall be observed:

1. Rooming and Boarding Houses (121)

These uses may be permitted providing the following restrictions are satisfied:

- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.
- b. Side yards shall be not less than forty (40) feet wide.
- c. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property



owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.

- d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.

2. Residential Hotels, Apartments and Condominiums (130)

These uses may be permitted providing the following restrictions are satisfied:

- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.
- b. Side yards shall be not less than forty (40) feet wide.
- c. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.
- d. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.

3. Other Transportation or Rapid Transit Related Uses (412, 459)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

4. Various Public and Quasi-Public Utilities and Telecommunication Services (471-476, 479, 481-484)

By adhering to the following restrictions, these uses may be permitted in this district:

- a. No above-ground structure shall be placed within fifty (50) feet of any lot line.
- b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- c. All structures erected, placed, or moved specifically for the operation of the utility to which the lot is devoted shall be completely surrounded or enclosed by a building or fence. A fence shall be at least seven (7) feet high and in

compliance with national safety codes governing such construction.

- d. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
- e. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.
- f. Further, this conditional use should not be allowed in this district if there are other less restrictive districts that could furnish equivalent space with no additional economic expense to the utility. The Plan Commission should closely scrutinize this for each request.

5. Real Estate, Insurance and Investment Services (614-616)

Providing that the following restrictions are adhered to, this use may be permitted in this district:

- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.
- b. Side yards shall be not less than forty (40) feet wide.
- c. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.

6. Protective Functions and Postal Services (672, 673)

With the health, safety, and well being of the citizens foremost in their minds, the Plan Commission and involved protective services should cooperate to determine where best to locate these functions. Should they decide upon a site in this district, the following restrictions must be satisfied:

- a. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
- b. No structure shall be placed within one hundred (100) feet of any structure on an adjacent lot.
- c. Should conform to other regulations pertaining to this district.

7. Schools and Churches (681, 682, 691)

School locations should be determined by the School Board of the appropriate



school district based on an independent study of demographics of future school age populations.

a. Minimum Yard Requirements

- (1) Lot size should not be less than one and seventy-two hundredths (1.72) acres.
- (2) Side yards shall in no case be less than twelve (12) feet wide. For exterior lots, the side yard on the street side shall be no less than twenty (20) feet wide.
- (3) For all side yards, when the structure is in excess of twenty (20) feet in height the side yard shall be increased to twelve (12) feet in width.

b. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.

c. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.

8. Cultural Activities, Sports and Other Public Assembly Uses (711, 722)

Providing that the following restrictions are adhered to, this use may be permitted in this district:

- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.
- b. Side yards shall be not less than forty (40) feet wide.
- c. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.
- d. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.

9. Recreation Areas (742, 743, 761, 762, 769, 790)

These uses are permitted in this district provided that the Hanover Plan Commission approves plans for their development and use. Additional

restrictions include:

- a. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- b. Areas for parking shall not be closer than forty (40) feet from any lot line.
- c. At the option of the Plan Commission at such date as the situation may arise, noise buffers may be required to shield adjacent residences from undue noise pollution. This may be in the form of a tall solid fence or heavy vegetation.

## **SECTION 6.15 – HIGH DENSITY RESIDENTIAL (R-32)**

### **A. General Restrictions**

1. Front yard (setback) – Not less than twenty-five (25) feet.
2. Lot area – Not less than eight thousand (8,000) square feet for single-family dwelling units, three thousand and five hundred (3,500) square feet per unit for duplex dwelling units, or three thousand and four hundred (3,400) square feet per dwelling unit for the first two (2) units and two thousand (2,000) square feet per dwelling unit for structures with three (3) or more units. Churches, schools, and hospitals shall not be less than one and seventy-two hundredths (1.72) acres. All other permitted uses shall not be less than ten thousand (10,000) square feet.
3. Lot width – Not less than sixty (60) feet for an interior lot and seventy (70) feet for and exterior lot.
4. Height of buildings – Thirty-five (35) feet for principal building, and fifteen (15) feet for accessory buildings.
5. Rear yard depth – For principal buildings, not less than twenty-five (25) feet, plus one (1) foot for every foot the building exceeds thirty-five (35) feet in height. For accessory buildings, not less than ten (10) feet.

### **B. Restrictions for Permitted Uses**

All permitted uses listed in Section 7.00, Official Schedule of District Regulations, shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply:

1. Dwelling units and home occupations (110, 111)



- a. Side yards in no case shall be less than ten (10) feet wide in the High Density Residential District. For exterior lots, the side yard on the street side shall be no less than twenty (20) feet wide.
- b. For side yards where the structure is in excess of twenty (20) feet in height the side yard shall be increased to twelve (12) feet in width.
- c. Home occupations shall be governed by the General Restrictions for all residential districts (Section 6.10.A)

2. Rapid Rail and Transportation Related Uses (412, 451-457, 460)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

C. Restrictions for Conditional Uses

All conditional uses permitted in the Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions and must be approved by the Plan Commission. In addition, the following restrictions, as appropriate, shall be observed:

1. Fraternity, Sorority Houses and Residence Halls, Retirement Homes, Orphanages, Religious Quarters, Residential Hotels, Apartments and Condominiums (122-123, 130)

- a. Side yards shall be no less than fifteen (15) feet wide. For exterior lots the side yard on the street side shall be no less than twenty (20) feet wide.
- b. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of surrounding dwelling units.
- c. Necessary lighting should not adversely affect any adjacent property. The Plan Commission should approve such devices prior to installation. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.

2. Railroad and Other Transportation Related Uses (411, 413, 459)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

3. Various Public and Quasi-Public Utilities and Telecommunication Services (471-476, 479, 481-484)

By adhering to the following restrictions, these uses may be permitted in this district:

- a. No structure shall be placed within fifty (50) feet of any lot line.
- b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- c. All structures erected, placed, or moved specifically for the operation of the utility to which the lot is devoted shall be completely surrounded or enclosed by a building or fence. A fence shall be at least seven (7) feet high and in compliance with national safety codes governing such construction.
- f. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
- g. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.
- f. Further, this conditional use should not be allowed in this district if there are other less restrictive districts that could furnish equivalent space with no additional economic expense to the utility. The Plan Commission should closely scrutinize this for each request.

4. Retail Food Related Uses (541-546, 549)

Providing that the following restrictions are adhered to, this use may be permitted in this district:

- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.
- b. Side yards shall be not less than forty (40) feet wide.
- c. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.
- d. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty



(50) feet from any adjacent property line.

5. Real Estate, Insurance and Real Estate Services (614-616)

Providing that the following restrictions are adhered to, this use may be permitted in this district:

- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.
- b. Side yards shall be not less than forty (40) feet wide.
- c. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.

6. Medical and Other Health Services (651, 653)

These uses may be permitted providing the following restrictions are satisfied:

- a. Side yards shall be not less than twenty (20) feet wide. For exterior lots, the side yard on the street side shall be no less than twenty-five (25) feet wide.
- c. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.
- d. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.

7. Protective Functions and Postal Services (672, 673)

With the health, safety, and well being of the citizens foremost in their minds, the Plan Commission and involved protective services should cooperate to determine where best to locate these functions. Should they arrive at a site in this district, the following restrictions must be satisfied:

- a. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.

b. No structure shall be placed within fifty (50) feet of any structure on an adjacent lot.

c. Should conform to other regulations pertaining to this district.

8. Schools and Churches (681, 683, 691)

School locations should be determined by the appropriate school district based on an independent study of demographics of future school age populations.

a. Side yards shall in no case be less than twelve (12) feet wide plus one (1) foot for every foot the building height exceeds thirty-five (35) feet in the High Density Residential Districts.

b. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.

c. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.

9. Cultural Activities, Entertainment, Sports and Other Public Assembly Uses (711, 721, 722)

Providing that the following restrictions are adhered to, these uses may be permitted in this district:

a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.

b. Side yards shall be not less than forty (40) feet wide.

c. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.

d. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.

10. Parks and Recreational Activities (742, 743, 761, 762, 769, 790)

These uses are permitted in this district provided that the Plan Commission



approves plans for their development and use. Additional restrictions include:

- a. Lighted areas shall be approved by the Plan Commission prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- b. Areas for parking shall not be closer than forty (40) feet from any lot line.
- c. At the option of the Plan Commission at such date as the situation may arise, noise buffers may be required to shield adjacent residences from undue noise pollution. This may be in the form of a tall solid fence or heavy vegetation.

## **SECTION 6.16 – RESIDENTIAL MOBILE HOME PARK (RMH)**

### **A. General Restrictions**

1. Mobile home park area – Not less than one (1) acre 43,560 square feet.
2. Floor area ratio – Not to exceed four-tenths (0.4).
3. Lot area – Not less than three thousand (3,000) square feet.
4. Lot width – Determined by setbacks.

### **B. Restrictions for Permitted Uses**

All permitted uses listed in the Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply:

1. Mobile Home Parks (140)
  - a. Each mobile home park shall have a maximum density of eight (8) mobile homes per acre, calculated from the gross acreage included within the boundaries of the proposed mobile home park.
  - b. No mobile home may be located closer than twenty (20) feet to any boundary line of the mobile home park.
  - c. No mobile home shall be located closer than twenty (20) feet to any permanent structure within the mobile home park.
  - d. No mobile home shall be placed closer than ten (10) feet from any lot or site line.

- e. No mobile home shall be located closer than fifteen (15) feet to the right-of-way of any mobile home park street.
- f. If the mobile home park is designed to be occupied by ten (10) mobile homes or more, not less than fifteen percent (15%) of the gross land area of the park shall be improved for recreational activities for the residents of the park.
- g. No less than two (2) mobile homes shall constitute a mobile home park.
- h. There shall be no additional mobile home or mobile home site within the zoning jurisdiction of the Town of Hanover unless said mobile home or mobile home site is approved by the Plan Commission as a conditional use. ("Zoning jurisdiction" shall mean all lands within two (2) miles of the corporate limits of the Town, as said limits now or hereafter exist.)
- i. There shall be no mobile home parks located within the corporate limits of the Town or within the zoning jurisdiction of the Town unless said mobile home park is approved by the Plan Commission and Board of Zoning Appeals pursuant to this ordinance and requirements of the Indiana Mobile Home Parks Act, as amended, and the Indiana State Board of Health Regulations, as amended.

## 2. Transportation Related Uses (455, 456, 457, 460)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

## C. Restrictions for Conditional Uses

All conditional uses listed in the Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions and must be approved by the Plan Commission. In addition, the following restrictions, as appropriate, shall be observed:

### 1. Other Streets and Highways (459)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

### 2. Various Public or Quasi-Public Utility Buildings or Facilities, Excluding Transmission Lines and Transportation Related Utilities, and Telecommunication Services (471-476, 479, 481-484)



Provided that the following restrictions are adhered to, these uses may be permitted in this district:

- a. No above-ground structure shall be placed within fifty (50) feet of any lot line.
- b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- c. All structures erected, placed, or moved specifically for the operation of the utility to which the lot is devoted shall be completely surrounded or enclosed by a building or fence. A fence shall be at least seven (7) feet high and in compliance with national safety codes governing such construction.
- d. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
- e. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.
- f. Further, this conditional use should not be allowed in this district if there are other less restrictive districts that could furnish equivalent space with no additional economic expense to the utility. The Plan Commission should closely scrutinize this for each request.

3. Protective Functions (672)

With the health, safety, and well being of the citizens foremost in their minds, the Plan Commission and involved protective services should cooperate to determine where best to locate these functions. Should they decide upon a site in this district, the following restrictions must be satisfied:

- a. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
  - b. No structure shall be placed within one hundred (100) feet of any structure on an adjacent lot.
  - c. Should conform to other regulations pertaining to this district.
4. Parks, Playgrounds, and Recreation Areas (742, 743, 761, 762, 769, 790)

Provided that the following restrictions are adhered to, these uses may be permitted in this district:

- a. No structure shall be placed within fifty (50) feet of any lot line.
  - b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
  - c. Areas for parking shall not be closer than forty (40) feet to any lot line.
  - d. There shall be a maximum of one (1) dwelling unit for purposes of residence upon the site.
  - e. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
  - f. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
5. Real Estate Offices and Laundering Services (615, 621)

Providing that the following restrictions are adhered to, this use may be permitted in this district:

- a. Setbacks shall be not less than sixty (60) feet from the right-of-way line.
- b. Side yards shall be not less than forty (40) feet wide.
- c. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.

## **SECTION 6.17 – RESTRICTIONS – BUSINESS DISTRICTS**

These districts have been created to provide areas for certain commercial and other service functions necessary in the Town and to provide a means of regulating the amount



of land coverage and the height of buildings. It is intended to provide these functions where they are needed most and to preserve, enhance, and encourage the usefulness and vitality of these areas. These districts and their restrictions follow in Sections 6.17 – 6.19, inclusive.

A. General Restrictions – All Business Districts

1. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibrations, refuse matter, or water-carried waste.
2. In any commercial district where a commercial building is located on a lot, which abuts property, zoned for residential use, and every time it abuts a residential land use, use opaque fencing. A height of six (6) feet shall be provided along any side and/or rear lot line contiguous to the property zoned for residential use.
3. No sign shall project beyond a lot line to obstruct in any way a driver's vision of the road, or hinder his passage in any way. Further, no sign shall be placed so as to hinder or obstruct any pedestrian path. In addition, all signs should always be properly maintained. The bottom of a sign over a pedestrian pathway must be ten (10) feet above the path and fifteen (15) feet above the street.
4. Visibility at intersections – On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of three (3) to twelve (12) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and the line joining points along said street lines fifteen (15) feet from the point of the intersection.
5. Fences, walls, and hedges – Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard, provided that driveway entrances are not shielded by fences, walls, and hedges in such a way as to obstruct the view of a driver entering a public road from the driveway; and provided further that no fence, wall or hedge along the sides or front edge of any front yard shall exceed three (3) feet in height.
6. Off-street loading – On the same premises with every building or structure hereafter erected and occupied for uses involving the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading in order to avoid undue interference with public use of the street or alley. Such space, unless otherwise adequately provided for, shall include a ten (10) foot by twenty-five (25) foot loading space with a fourteen (14) foot height distance.
7. Residential uses located in all Business Districts shall have the same front, side and rear yard requirements as those in the R-32 High Density Residential District.

## **SECTION 6.18 – LOCAL / NEIGHBORHOOD BUSINESS DISTRICT (B-1)**

### **A. General Restrictions**

1. Lot area – Not less than six thousand (6,000) square feet per building.
2. Lot width – Not less than one hundred (100) feet per building.
3. Height of buildings – Not more than thirty-five (35) feet for a principal building. An accessory building should not exceed fifteen (15) feet.
4. Front yard (setback) – For a principal building, not less than twenty-five (25) feet from the right-of-way line or seventy-five (75) feet from a major highway (arterial or higher).
5. Side yard width – Not less than twenty-five (25) feet for a principal building when abutting a Residential District.
6. Rear yard depth – Not less than thirty-five (35) feet for a principal building.
7. Signs intended to be seen outside lot lines:

Advertising signs are permitted provided they advertise only the use, service, articles or products offered within the building upon the premises whereon the sign is located, subject to the following requirements:

- a. Billboards are not permitted.
  - b. The aggregate area of such signs shall not exceed twenty-five (25) square feet for the first twenty-five (25) feet of frontage of the building site and one (1) additional square foot of sign area for each additional front of footage of the building site.
  - c. All signs shall be attached to the main building and shall not project in excess of four (4) feet from building, nor more than five (5) feet above the roof or cornice of the building on the site.
8. Residential uses located in all Business Districts shall have the same front, side and rear yard requirements as those in the R-32 High Density Residential District.

### **B. Restrictions for Permitted Uses**



All permitted uses listed in the Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as appropriate, shall be observed:

1. Rapid Transit and Other Transportation Related Uses (412, 451-457, 460)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

2. Telecommunication Related Uses (471-475)

These uses are permitted in this district provided the Plan Commission approves plans for their development and use.

3. Eating Places (582) and Banking Services (611)

The lot lines immediately bordering residential lots shall be screened completely with a fence, wall, or vegetation at least seven (7) feet in height.

C. Restrictions for Conditional Uses

All conditional uses listed in the Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions and must be approved by the Plan Commission. In addition, the following restrictions, as appropriate, shall be observed:

1. Communications, Transportation, and Utilities (459, 476, 481, 482, 483, 484)

The B-1 District should be reserved for local business, but when it becomes necessary, the above uses, properly justified and restricted, are permitted. The restrictions will be the same as the most restrictive of those presented in any contiguous Residential District (Sections 6.11 — 6.16, inclusive) for public and quasi-public utilities.

2. Food Trade (541-549)

These uses are permitted in this district provided the Plan Commission approves plans for their development and use.

3. Automobile Repair and Services (641)

- a. The lot lines immediately bordering residential lots shall be screened completely with a fence, wall, or vegetation at least seven (7) feet in height.

- b. The hours that the station may remain open shall be restricted to the period between 6:00 a.m. and 9:00 p.m.

4. Drinking Places (Alcoholic Beverages) (583)

This use is permitted in this district provided the Plan Commission approves plans for its development and use.

5. Protective Functions and Postal Service (672, 673)

These uses are permitted in most districts by special exception; therefore, they should not need to be located in the B-1 District, which is very small. However, if it is absolutely necessary and the Plan Commission gives its approval, then they may be permitted, subject to the restrictions for their particular uses in neighboring residential districts.

6. Religious Activities (691)

This use is permitted in this district provided the Plan Commission approves plans for its development and use.

7. Cultural, Entertainment, and Recreational Activities (711, 721, 722, 761, 762, 769, 790)

Provided that the following restrictions are adhered to, these uses may be permitted in this district:

- a. No structure shall be placed within fifty (50) feet of any lot line.
- b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- c. Areas for parking shall not be closer than forty (40) feet to any lot line.
- d. There shall be a maximum of one (1) dwelling unit for purposes of residence upon the site.
- e. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
- f. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.



## SECTION 6.19 – GENERAL BUSINESS DISTRICT (B-2)

### A. General Restrictions

1. Lot area – Not less than six thousand (6,000) square feet per building.
2. Lot width – Not less than fifty (50) feet per building.
3. Height of buildings – Not more than fifteen (15) feet for an accessory building.
4. Front yard (setback) – For principal building, not less than twenty-five (25) feet from a right-of-way line or seventy-five (75) feet from an arterial highway.
5. Side yard width – For a principal building, not less than twenty-five (25) feet to the right-of-way when abutting a Residential District.
6. Rear yard depth – Not less than thirty-five (35) feet for a principal building.
7. Signs intended to be seen outside lot lines:

Advertising signs are permitted provided they advertise only the use, service, articles, or products offered within the building upon the premises whereon the sign is located, subject to the following requirements:

- a. Billboards are not permitted.
- b. The aggregate area of such signs shall not exceed two hundred (200) square feet in area.
- c. The structures supporting signs not attached to buildings shall be located at least five (5) feet from the front property line and no such self-supporting sign shall project over a street right-of-way.

### B. Restrictions for Permitted Uses

All permitted uses listed in the Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions.

### C. Restrictions for Conditional Uses

All conditional uses listed in the Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions and must be approved by the Plan Commission.

## SECTION 6.20 – HIGHWAY BUSINESS DISTRICT (B-3)

### A. General Restrictions

1. Lot area – Not less than ten thousand (10,000) square feet per building.
2. Lot width – Not less than one hundred (100) feet per building.
3. Height – Not less than fifteen (15) feet for an accessory building.
4. Front yard – Not less than seventy-five (75) feet from an arterial highway right-of-way.
5. Side yard – Not less than twenty-five (25) feet from right-of-way.
6. Rear yard – Not less than thirty-five (35) feet from right-of-way.
7. Signs intended to be seen outside lot lines:

Advertising signs are permitted provided they advertise only the use, service, articles, or products offered within the building upon the premises whereon the sign is located, subject to the following requirements:

- a. Billboards are not permitted.
- b. The aggregate area of such signs shall not exceed one hundred (100) square feet in area.
- c. For the purposes of this district, only, aggregate area shall mean total area of any one sign face, or letter, or monogram, within a total sign.
- d. The structures supporting signs not attached to buildings shall be located at least five (5) feet from the front property line and no such self-supporting sign shall project over a street right-of-way.

### B. Restrictions for Permitted Uses

All permitted uses listed in the Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, every use in the district shall be subject to review by the Plan Commission before a permit is issued for a structure, or alteration of any existing structure. The procedure for conditional uses shall be followed.

### C. Restrictions for Conditional Uses

All conditional uses listed in the Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions and must be approved by the



Plan Commission. The Plan Commission may also impose special restrictions in addition to the General Restrictions.

## SECTION 6.21 – RESTRICTIONS – INDUSTRIAL DISTRICTS

These districts have been created in order to provide areas where industrial uses efficiently locate with a minimum of adverse effects to other uses in the vicinity. Certain harmful or nuisance pollutants are limited accordingly. These districts and their restrictions follow in Sections 6.21 – 6.23, inclusive.

### A. General Restrictions – All Industrial Districts

1. No lot, parcel, or tract of land shall be used, and no building or structure shall be erected, altered or remodeled for any of the following uses: Manufacture or storage of fireworks or explosives; dumping of garbage, dead animals, offal, or refuse; ore reduction; manufacture of nitrocellulose; manufacture of sauerkraut; manufacture or treatment of tallow, grease, or lard; curing, or storage of rawhides or skins; distillation of tar.
2. No activities involving the storage, utilization, or manufacture of materials or products, which decompose by detonation, shall be permitted, except such as are specifically permitted by the Plan Commission. Such materials shall include, but shall not be confined to all primary explosives such as lead azide, lead styphnate, fulminates, and tetrocene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof such as cellulose nitrate of a nitrogen content of twelve and one-half percent (12.5%) or greater, boron hydrides, hydrazine, and its derivatives; pyrotechnics and fireworks such as magnesium powder, blasting explosives such as dynamite and Nitroglycerine, unstable organic compounds such as acetylides, tetrazoles, perchloric acids; perchlorates, hydrogen peroxide in concentrations greater than thirty-five percent (35%); and nuclear fuels, fissionable materials, and products and reactor elements such as Uranium 235 and Plutonium 239.
3. No building, structure, or land within one hundred (100) feet of any lot line of a lot located in a Residential District shall be used in connection with the operations of any establishment. Off-street parking and off-street loading spaces may be located within this setback area in accordance with paragraph 9 of this section.
4. Any use established in an Industrial District hereinafter shall be operated in such a manner as to comply with applicable performance standards, as hereinafter set forth, governing noise, smoke, and particulate matter, toxic or noxious matter, odors, fire and explosive hazards, or vibration, or glare or heat; and no use already established on the effective date of this ordinance shall be so altered or modified as to conflict with such applicable performance standards. Certification approved

by the Plan Commission, indicating compliance with the applicable performance standards, shall accompany an application for a building permit.

5. Signs intended to be seen outside the lot lines:
  - a. No sign shall project beyond a lot line, obstruct in any way a driver's vision of the road, or hinder his passage in any way. Further, no sign shall be placed so as to hinder or obstruct any pedestrian path.
  - b. Signs should always be properly maintained.
6. No manufacturing use structure, except fences and signposts, shall come within thirty-five (35) feet of any Residential District boundary line.
7. Visibility at intersections – On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of three (3) and twelve (12) feet above the established grade determined by a diagonal line connecting two (2) points measured fifteen (15) feet equidistant from the street corner along each lot line.
8. Fences, walls, and hedges – Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard, providing that driveway entrances are not shielded by fences, walls and hedges in such a way as to obstruct the view of a driver entering a public road from the driveway.
9. Off-street loading – On the same premises with every building or structure hereafter erected and occupied for uses involving the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading in order to avoid undue interference with public use of the street or alley. Such space, unless otherwise adequately provided for, shall include a ten (10) foot by twenty-five (25) foot loading space with a fourteen (14) foot height distance for every twenty thousand (20,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of floor area or land areas used for the aforementioned purposes.
10. Owners of industrial business buildings must submit in writing a proposed handicapped-parking plan, to meet the requirements of the Americans with Disabilities Act (ADA), to the Plan Commission of the Town of Hanover for approval at a regularly scheduled Plan Commission meeting.

## **SECTION 6.22 – LIGHT INDUSTRIAL DISTRICT (I-1)**

### **A. General Restrictions**



1. Lot area – Building coverage will not exceed thirty percent (30%) of the lot area per building.
2. Lot width – Not less than one hundred (100) feet per building.
3. Height – No restriction.
4. Front yard – Not less than forty (40) feet from the right-of-way line for a principal building.
5. Side yard – Not less than twenty (20) feet in width when abutting a Residential District.
6. Rear yard – Not less than twenty (20) feet in depth if abutting a non-Residential District and forty (40) feet when abutting a Residential District.

**B. Restrictions for Permitted Uses**

All permitted uses listed in the Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply:

1. Signs
  - a. Advertising signs – The aggregate area of such signs shall not exceed five hundred (500) square feet in area.
  - b. The structures supporting signs not attached to buildings shall be located at least five (5) feet from the front property line and no such self-supporting sign shall project over a street right-of-way.
  - c. Billboards – The aggregate area of such signs shall not exceed six hundred (600) square feet in area.
  - d. There shall be at least five hundred (500) feet between billboards.

**C. Restrictions for Conditional Uses**

All conditional uses permitted in the Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions and must be approved by the Plan Commission. The Plan Commission may also impose special restrictions in addition to the General Restrictions.

**SECTION 6.23 – HEAVY INDUSTRIAL DISTRICT (I-2)**

#### A. General Restrictions

1. Lot area – Building coverage will not exceed thirty percent (30%) of the lot area per building.
2. Lot width – Not less than one hundred (100) feet per building.
3. Height – No restriction.
4. Front yard – Not less than forty (40) feet from the right-of-way line for a principal building.
5. Side yard – Not less than forty (40) feet in width when abutting a Residential District.
6. Rear yard – Not less than twenty (20) feet in depth in a non-Residential District and forty (40) feet in depth when abutting a Residential District.

#### B. Restrictions for Permitted Uses

All permitted uses listed in the Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply.

1. Signs – The provisions of Section 6.21-A.5, Signs, shall apply to the Heavy Industrial District.

#### C. Restrictions for Conditional Uses

All conditional uses permitted in the Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions and must be approved by the Plan Commission. The Plan Commission may also impose special restrictions in addition to the General Restrictions.

1. Automobile Wrecking Yards, Junk, and Scrap Metal Yards (361)

Where land is used for the purposes of an automobile wrecking yard, junk yard, scrap metal yard or similar use, the storage of derelict automobiles, scrap metal, junk or similar materials shall not be carried out in that part of the land designated herein as the "front yard," "side yard," or "rear yard," and a natural or artificial screen or buffer shall be provided to obscure the subject property from the street on which the lands abut and from any opposite or adjoining properties to the side or rear of the subject property. The following restrictions shall apply:



- a. The whole of the storage and wrecking operation shall be surrounded by a solid fence, not less than ten (10) feet and not greater than fifteen (15) feet in height, unpierced except for gates necessary for access..
- b. Said fence shall be located not closer than ten (10) feet from the front lot line, nor closer than five (5) feet from side and rear lot lines, and the land between the fence and any lot line not required for entrance and exit driveways shall be used for no other purpose than landscaping.
- c. No material shall be piled higher than the height of the surrounding fence and closer to said fence than ten (10) feet.

## **SECTION 6.24 – PERFORMANCE STANDARDS**

### **A. General Restrictions**

Permitted and conditional uses enumerated in the Industrial Districts, and uses accessory thereto, are subject to the following performance standards and procedures.

Any other use, existing or proposed, which the Building Inspector or the Plan Commission has reasonable grounds to believe violates performance standards shall also be subject to these performance standards procedures.

#### **1. Prior to Construction and Operation**

Any application for a building permit for a use, which shall be subject to performance standards, shall be accompanied by a sworn statement by the owner of subject property that said use will be operated in accordance with the performance standards set forth herein.

#### **2. Determination of Violation**

The person appointed by the Plan Commission shall investigate any purported violation of performance standards and, if there are reasonable grounds for the same, shall notify the Plan Commission of the occurrence or existence of a probable violation thereof. The Commission shall investigate the alleged violation. If after public hearings on due notice the Commission finds that a violation occurred or exists, such violation shall be terminated as provided herein.

#### **3. Termination of Violation**

All violations, as ascertained in accordance with subsection above, shall be terminated within thirty (30) days of the decision of the Plan Commission or shall be deemed a separate violation for each day following and subject to fines as set forth herein, except that certain uses established before the effective date of this

ordinance and non-conforming as to performance standards shall be given a reasonable time in which to conform therewith as determined by the Plan Commission.

## B. Regulations of Nuisance Elements

### Definition of Elements

1. No land or building in any Industrial District which shall be used or occupied for manufacturing purposes shall be operated in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, dirt or other form of air pollution; electrical or other disturbance; glare; or other substance, condition or element in such amount as to adversely affect the surrounding area or premises (referred to herein as "dangerous or objectionable elements"); provided that any use permitted by this ordinance may be undertaken and maintained in the Industrial Districts if it conforms to the regulations of this subsection limiting dangerous and objectionable elements at the specified point or points of the determination of their existence.
2. The determination of the existence of any dangerous and objectionable elements shall be made at:
  - a. The point or points where such elements shall be most apparent for fire and explosion hazards, for radioactivity and electrical disturbances, for smoke and other forms of air pollution.
  - b. The property lines of the use creating such elements for this noise, for vibration, for glare, and for odors.

## C. Standards to be enforced

### 1. Radioactivity or Electrical Disturbance

No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than or the creator of such disturbance. All applicable Federal regulations shall be complied with.

### 2. Noise

A permitted or conditional use in this district shall not create noise which, when using the "A" scale of the standard noise level meter, exceeds the following decibel limits: On the boundary line when adjoining residentially zoned property, 55 db; on the boundary line when adjoining property zoned business, 62 db; and on the boundary line when adjoining property zoned industrial, 69 db. Motor



vehicular traffic on property subject to said limitations, including the transportation of goods and processing of products (motorized), shall be exempt.

The above noise levels apply to normal operations on property and do not apply to noise created as a result of an emergency or an unusual event outside of the normal operating routine of the use for said property.

### 3. Fire and Explosion Hazards

All activities involving, and all storage of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in this industry. Burning of waste materials in open fires is prohibited. The relevant provisions of state and local laws and regulations shall also apply.

### 4. Smoke, Particulate Matter, and Other Forms of Air Pollution

All permitted and conditional uses shall comply with the Air Quality standards as set by the appropriate Indiana State laws and regulatory agencies. If said standards are exceeded by a permitted or conditional use of property, then the use may be considered in violation of Air Quality standards in the Town of Hanover and shall be considered a violation of the Zoning Ordinance.

### 5. Toxic or Noxious Matter

No use shall, for any period of time, discharge across the boundaries of the lot on which it is located toxic or noxious matter, such as sewage, in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business.

### 6. Odors

No emission shall be permitted of odorous gasses or other odorous matter in such quantities as to be readily detectable without instruments at the property line of the zone lot from which they are emitted.

### 7. Glare

No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, so as to be visible at the points of measurement specified herein, shall be permitted. This restriction shall not apply to signs otherwise permitted by the provisions of this ordinance.

### 8. Violations

When rough tests by a duly constituted enforcement officer indicate to the Plan Commission a possible violation of the performance standards, the Plan Commission may require the manufacturer to obtain and bear the cost of the appropriate technical assistance to ascertain the exact amount of emissions of noxious effects at the lot lines of the manufacturing property. The Plan Commission shall approve this technical assistance in writing before tests are conducted. Results of said tests shall be presented to the Plan Commission in writing. Any test result in excess of the appropriate performance standard shall be considered a violation of this ordinance.

## **SECTION 6.25 – RESTRICTIONS – ENVIRONMENTAL DISTRICTS (G1 AND Q1)**

These districts have been created in order to protect and improve upon open space lands within the Hanover Planning Area and to retain natural resource areas for purpose of extracting materials. These districts and their restrictions follow in Sections 6.26 and 6.27.

### **A. General Restrictions – All Environmental Districts**

1. No activities will be permitted that are not related to the operation or enhancement of these districts. Allowable uses include park facilities and quarry or mining operations.
2. Energy-related mining operations will be permitted if, under evaluation by the Plan Commission, their operation will not dramatically harm the surrounding environment or if there is an immediate regional need for such energy resource.
3. When concluded, mining operations will be required to regrade such impacted land back to its original contour, replace topsoil and, in vegetated areas, provide natural vegetation similar to the surrounding area's character. The Plan Commission will monitor such land reclamation.
4. Visibility at intersections – On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of three (3) to twelve (12) feet above the established grade determined by a diagonal line connecting two (2) points measured fifteen (15) feet equal distant from the street corner along each lot line.
5. Fences, walls, and hedges – Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard, providing that driveway entrances are not shielded by fences, walls, and hedges in such a way as to obstruct the view of a driver entering a public road from the driveway.



6. Parking, storage, or use of major recreational equipment – Major recreational equipment may be parked or stored anywhere on a lot in this district provided that they do not violate any other sections of this ordinance and that not more than three (3) pieces of equipment are present for any period of time in excess of twenty-four (24) hours. Further, no such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a lot.
7. Parking and storage of certain vehicles – Automotive vehicles or trailers of non-agricultural kind or type without current license plates shall not be parked or stored for more than seven (7) days on Any environmentally zoned property other than in completely enclosed buildings, with the exception of licensed antique vehicles.

## **SECTION 6.26 – RECREATION DISTRICT (G-1)**

The Recreation District is designed for those areas including those around public and private reservoirs, ponds, streams, and lakes in which recreation activities are exclusively permitted by the owner.

### **A. General Restrictions**

Within any Recreation District, no building shall be used, or arranged, or designed to be used except for one or more of the uses listed in the Section 7.00 Official Schedule of District Regulations, which shall be subject to all regulations, and requirements for permit of this ordinance.

### **B. Restrictions for Permitted Uses**

All permitted uses listed in the Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply:

1. Except as required, no building shall be erected within fifty (50) feet of the right-of-way of any public street, road, or highway; nor within twenty-five (25) feet, or one (1) foot for each foot of building height, whichever is the greater, of any lot line. The side yard shall be no less than twenty-five (25) feet wide, and the rear yard shall be no less than thirty-five (35) feet deep.
2. Any building shall be so placed as to offer the minimum obstruction to the flow of waters and shall be firmly anchored to prevent the building from being moved or destroyed by the flow of water.
3. Real estate signs of a temporary nature shall not exceed two (2) in number per lot. The signs shall not exceed twenty (20) square feet in area pertaining to a permitted recreation use or authorized special use. Such signs shall be set back at

least thirty (30) feet from any right-of-way. There shall be distance of three hundred (300) feet between all such signs.

#### C. Restrictions for Conditional Uses

All conditional uses permitted in the Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions and must be approved by the Plan Commission. Special restrictions may also be imposed.

### **SECTION 6.27 – QUARRY AND MINING DISTRICT (Q-1)**

This district is provided for the purpose of retaining natural resource areas in the Town of Hanover to the exclusion of other uses, except agricultural and recreation uses, for the purpose of extracting materials through quarry or mining operations, which required the removal of overburden.

#### A. Permitted Uses

All permitted uses are listed in Section 7.00 Official Schedule of District Regulations and shall conform to the General Restrictions.

#### B. Permits Required

1. All quarries or mines, etc., operating at the effective date of this resolution, which have not acquired the proper permit, shall be required within one hundred and twenty (120) days of the passage of this ordinance to register with the Town Building Inspector the following information in order to obtain a permit:
  - a. Legal description of tract being excavated.
  - b. Name of owner and operator (if different).
  - c. Date of inception of operation.
  - d. Description of operation.
2. Existing operations may continue for a period not to exceed five (5) years from date of this ordinance at which time a new permit shall be applied for as in the case of any new mining or quarry operation.
3. A permit for mining and quarrying operations shall be required for all new operations or reopening of previously abandoned operations.

#### C. Requirements



1. All proposed quarries and mining operations must be permitted under the applicable requirements of the Indiana Department of Environmental Management.
2. A plat of the proposed operations shall be submitted to the Town Building Inspector showing:
  - a. Boundary of entire tract to be operated, including effective operations in contiguous tracts.
  - b. Vehicular access routes and surfacing.
  - c. Prevailing wind directions.
3. A general plan of operations shall be submitted to the Town Building Inspector including blasting hours, removal plan, and hours of operation.
4. A plan of restoration shall be submitted to the Town Building Inspector. At the time an application is made for a permit, the applicant shall submit a general plan for restoration of the area to be excavated or used in any way the activity permitted. Included in this plan shall be:
  - a. A plan showing the finished topography of the restored area including grades and slopes.
  - b. A general timing for restoring the various excavation pits and overburden, for a continuing use. Upon abandonment, restoration shall be initiated within ninety (90) days and completed within one (1) year.
  - c. The amount and type of planting to be done on the restored area, or other approved restoration uses or methods.
5. If open excavation is greater than ten (10) feet, a substantial fence shall be erected at least fifty (50) feet outside the edge of the excavation; which fence shall be at least a six-wire, four (4) foot-high fence, with posts not more than a rod (16.5 feet) apart, gates effectively controlling access to the area in which such excavation is located.

#### **SECTION 6.28 – FLOOD PLAIN DISTRICT (F-1)**

The purpose of this district is to guide development in the flood hazard areas to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief.

A. General Restrictions

Refer to Town of Hanover Ordinance 1993-9, An Ordinance Establishing Floodplain Management Regulations (located at the end of this Section)

B. Permitted Uses

1. Agriculture, including customary agriculture buildings and structures; nurseries and greenhouses; baseball or football fields, provided that the location of the field is at least two hundred (200) feet from any lot in an "R" District, or any lot occupied by a dwelling or by any school, church, or institution for human care.
2. Single family dwellings in that portion of the district officially identified as floodway fringe.
3. Public parks, playgrounds and community centers, private recreation areas and facilities, including country clubs, golf courses, riding stables, fishing lakes, and boat docks.

C. Conditional Uses

All conditional uses must be approved by the Plan Commission.

1. Outdoor rifle or skeet shooting ranges.
2. Any other uses which, in the opinion of the Plan Commission, will not, when located, constructed and operated as proposed, be inconsistent with the intended purposes of the district or in conflict with Town of Hanover Ordinance 1993-9.

D. Signs

All regulations governing signs in the B-1 and G-1 Districts shall apply to F-1.

ORDINANCE NO. 1993 - 9

AN ORDINANCE OF THE TOWN OF HANOVER, INDIANA  
ESTABLISHING FLOODPLAIN MANAGEMENT REGULATIONS

Be it ordained by the Town Council of the Town of Hanover, Indiana, as follows:

SECTION 1. STATUTORY AUTHORIZATION.

The Indiana Legislature granted the power to local units of government (IC 36-7-4) to control land use within their jurisdictions in order to accomplish the following.



## SECTION 2. STATEMENT OF PURPOSE.

The purpose of this ordinance is to guide development in the flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the Hanover Town Council hereby adopts the following floodplain management regulations in order to accomplish the following:

- a. to prevent unwise developments from increasing flood or drainage hazards to others;
- b. to protect new buildings and major improvements to buildings from flood damage;
- c. to protect human life and health from the hazards of flooding;
- d. to lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- e. to maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and
- f. to make federally subsidized flood insurance available for structures and their contents in the Town by fulfilling the requirements of the National Flood Insurance Program.

## SECTION 3. DEFINITIONS.

For the purpose of this ordinance, the following definitions are adopted:

- a. Building - see "structure"
- b. Development - any man-made change to improved or unimproved real estate including but not limited to:
  - 1. construction, reconstruction, or placement of a building or any addition to a building valued at more than \$1,000;
  - 2. installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
  - 3. installing utilities, erection of walls and fences, construction of roads, or similar projects;
  - 4. construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;

5. mining, dredging, filling, grading, excavation or drilling operations.
6. construction and/or reconstruction of bridges or culverts;
7. storage of materials; or
8. any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation or the construction of permanent buildings.

- c. Existing manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.
- d. Expansion to an existing manufactured home park or subdivision the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).
- e. FBFM - Flood Boundary and Floodway Map.
- f. FEMA - Federal Emergency Management Agency.
- g. FHBM - Flood Hazard Boundary Map.
- h. FIRM - Flood Insurance Rate Map.
- i. Flood - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
- j. Floodplain - the channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.
- k. Flood Protection Grade or the "FPG" - the elevation of the regulatory flood plus two feet at any given location in the SFHA.
- l. Floodway - the channel of a river or stream and those portions of the floodplains



adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

m. Floodway fringe - those portions of the floodplain lying outside the floodway.

n. Letter of Map Amendment (LOMA) - An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.

o. Letter of Map Revision (LOMR) - An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations and elevations.

p. Lowest Floor - the lowest of the following:

1. the top of the basement floor;
2. the top of the garage floor, if the garage is the lowest level of the building;
3. the top of the first floor or of the buildings elevated on pilings or constructed on a crawl space with permanent openings; or
4. the top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
  - a. the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
  - b. such enclosed space shall be usable for the parking of vehicles and building access.

q. Manufactured home - 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 attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

r. New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance.

s. Recreational vehicle - a vehicle which is (1) built on a single chassis; (2) 400 square

feet or less when measured at the largest horizontal projections; (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.

t. Regulatory Flood - the flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Section 5 of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood".

u. SFHA or Special Flood Hazard Area - those lands within the jurisdiction of the Town that are subject to inundation by the regulatory flood. The SFHA's of the Town are generally identified as such on the Flood Insurance Rate Map of Jefferson County prepared by the Federal Emergency Management Agency and dated October 1, 1992. The SFHA's of those parts of unincorporated Jefferson County that are within the extraterritorial jurisdiction of the Town or that may be annexed into the Town are generally identified as such on the Flood Insurance Rate Map prepared for Jefferson County by the Federal Emergency Management Agency and dated October 1, 1992.

v. Structure - a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

w. Substantial Improvement - 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. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a historic structure.

#### SECTION 4. DUTIES OF THE ADMINISTRATOR.

The Building Inspector shall implement this ordinance and hereafter be referred to as the Zoning Administrator. The Zoning Administrator for the Town of Hanover is appointed to review all development and subdivision proposals to insure compliance with this ordinance, including, but not limited to, the following duties:

a. Ensure that all development activities within the SFHA's of the jurisdiction of the Town meet the requirements of this ordinance.

b. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.



- c. Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to Section 7 of this ordinance, and maintain a record of such authorization (either copy of actual permit or letter of recommendation).
- d. Maintain a record of the "as-built" elevation of the top of the lowest floor (including basement) of all new and/or substantially improved buildings constructed in the SFHA. Inspect before, during and after construction.
- e. Maintain a record of the engineer's certificate and the "as-built" floodproofed elevation of all buildings subject to Section 8 of this ordinance.
- f. Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this ordinance. Submit reports as required for the National Flood Insurance Program.
- g. Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and letters of recommendation, federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this ordinance.

#### SECTION 5. REGULATORY FLOOD ELEVATION.

This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Department of Natural Resources for review and approval.

- a. The regulatory flood elevation and floodway limits for the SFHA's of those parts of unincorporated Jefferson County that are within the extraterritorial jurisdiction of the Town or that may be annexed into the Town shall be according to the best data available as provided by the Department of Natural Resources.
- b. If the SFHA is delineated as "Zone A" on the County Flood Insurance Rate Map, the regulatory flood elevation and floodway limits shall be according to the best data available as provided by the Department of Natural Resources.

#### SECTION 6. IMPROVEMENT LOCATION PERMIT.

No person, firm, corporation or governmental body not exempted by state law shall commence any "development" in the SFHA without first obtaining an Improvement Location Permit from the Zoning Administrator. The Zoning Administrator shall not issue an Improvement Location Permit if the proposed "development" does not meet the requirements of this ordinance.

a. The application for an Improvement Location Permit shall be accompanied by the following:

1. A description of the proposed development. ~
2. Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams.
3. A legal description of the property site.
4. A site development plan showing existing and proposed development locations and existing and proposed land grades.
5. Elevation of the top of the lowest floor (including basement) of all proposed development. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum (NAVD). In either case the conversion formula should be included.

b. Upon receipt of an application for an Improvement Location Permit, The Zoning Administrator shall determine if the site is located within an identified floodway, floodway fringe or within the floodplain where the limits of the floodway have not yet been determined.

1. If the site is in an identified floodway the Zoning Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway, unless the applicant is seeking to reconstruct an abode or residence that is not substantially damaged (as defined in 44 CFR Part 59.1 as in effect on January 1, 1993) by a means other than floodwater, or unless the person is constructing an addition to an abode or residence that meets the requirements contained in I.C. 13-2-22-13.4(b).

Under the provisions of IC 13-2-22 a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the building.

No action shall be taken by the Zoning Administrator until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the Building Official may issue the local Improvement Location Permit, provided the provisions contained in Sections 7 and 8 of this ordinance have been met. The Improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

2. If the site is located in an identified floodway fringe, then the Zoning Administrator



may issue the local Improvement Location Permit provided the provisions contained in Sections 7 and 8 of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade (FPG).

3. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown as Zone A on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one square mile, the Zoning Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment.

No action shall be taken by the Zoning Administrator until either a permit for construction in the floodway or a letter of recommendation citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources.

Once the Zoning Administrator has received the proper permit or letter of recommendation approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the Improvement Location Permit are not less restrictive than the conditions received from Natural Resources and the provisions contained in Sections 7 and 8 of this ordinance have been met.

#### SECTION 7. PREVENTING INCREASED DAMAGES.

No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

a. Within the floodway identified on the Flood Boundary and Floodway Map or the Flood Insurance Rate map, the following standards shall apply:

1. No development shall be allowed which alone or in combination with existing or future development, will cause any increase in the elevation of the regulatory flood; and

2. For all projects involving channel modifications or fill (including levees) the Town shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

b. Within all SFHA's identified as A Zones (no 100 year flood elevation and/or floodway/floodway fringe delineation has been provided) the following standard shall apply:

1. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one foot and will not increase flood damages

or potential flood damages.

c. Public Health Standards in all SFHA's

1. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a floodproofed storage tank or building constructed according to the requirements of Section 8 of this ordinance.

2. New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings are located above the FPG, or those which are located below the FPG are watertight.

SECTION 8. PROTECTING BUILDINGS.

In addition to the damage prevention requirements of Section 7, all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

a. This building protection requirement applies to the following situations:

1. construction or placement of any new building valued at more than \$1,000;
2. structural alterations made to an existing building that increase the market value of the building by more than 50% (excluding the value of the land);
3. any subsequent alterations;
4. reconstruction or repairs made to a damaged building that are valued at or more than 50% of the market value of the building (excluding the value of the land) before damage occurred;
5. installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
6. installing a travel trailer or recreational vehicle on a site for more than 180 days.

b. This building protection requirement may be met by one of the following methods. The Zoning Administrator shall maintain a record of compliance with these building protection standards as required in Section 4 of this ordinance.

1. A residential or non-residential building may be constructed on a permanent land-fill in accordance with the following:



(a) The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.

(b) The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG.

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.

(d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(e) The top of the lowest floor including basements, (see definition of lowest floor in Section 3. Definitions) shall be at or above the FPG.

2. A residential or nonresidential building may be elevated in accordance with the following:

(a) The building or improvements shall be elevated on posts, piers, columns, extended walls or other types of similar foundation provided:

(1) Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.

(2) Any enclosure below the elevated floor is used for storage of vehicles and building access.

(b) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as buoyancy, current, waves, ice and floating debris.

(c) All areas below the FPG shall be constructed of materials resistant to flood damage. The top of the lowest floor (including basement) and all electrical, heating, ventilating, plumbing and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps and other waterproofed service utilities may be located below the FPG.

3. Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:

(a) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement applies to all manufactured homes to be placed on a site;

(1) outside a manufactured home park or subdivision;

(2) in a new manufactured home park or subdivision;

(3) in an expansion to an existing manufactured home park or subdivision; or

(4) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.

(b) This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

4. Recreational vehicles placed on a site shall either:

(a) be on the site for less than 180 consecutive days;

(b) be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

(c) meet the requirements for "manufactured homes" in paragraph (3) of this section.

5. A non-residential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:

(a) a Registered Professional engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The



building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures and impacts from debris or ice.

(b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

## SECTION 9. OTHER DEVELOPMENT REQUIREMENTS.

a. The Zoning Administrator shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined elsewhere by ordinance. If the Zoning Administrator finds the subdivision to be so located, the Zoning Administrator shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Zoning Administrator shall require appropriate changes and modifications in order to assure that:

1. it is consistent with the need to minimize flood damages;
2. all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
3. adequate drainage is provided so as to reduce exposure to flood hazards;
4. onsite waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

b. Developers shall record the 100 year flood elevation on all subdivision plats containing lands (identified elsewhere by this ordinance) within a flood hazard area prior to submitting the plats for approval by the Plan Commission.

c. All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the community's FHBM or FIRM shall develop an evacuation plan for those lots located in the SFHA and file it with the local Plan Commission and have it filed with and approved by the appropriate community emergency management authorities.

## SECTION 10. VARIANCES.

a. The Board of Zoning Appeals may consider issuing a variance to the terms and provisions of this ordinance provided the applicant demonstrates that:

1. there exists a good and sufficient cause for the requested variance;
2. the strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant, and

3. the granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public or conflict with existing laws or ordinances.

b. The Board of Zoning Appeals may issue a variance to the terms and provisions of this ordinance subject to the following standards and conditions:

1. No variance or exception for a residential use within a floodway subject to Section 7 (a) or (b) of this ordinance may be granted.

2. Any variance or exception granted in a floodway subject to Section 7 (a) or (b) of this ordinance will require a permit from the Department of Natural Resources.

3. Variances or exceptions to the Building Protection Standards of Section 8 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

4. Variance or exception may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts and Objects;

5. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and

6. The Board of Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of increased flood insurance premiums.

#### SECTION 11. DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the community, the Department of Natural Resources or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

#### SECTION 12. VIOLATIONS.

Failure to obtain an Improvement Location Permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as



such in accordance with the provisions of the Zoning Code for the Town of Hanover. All violations shall be punishable by a fine not exceeding \$2,500.00.

- a. A separate offense shall be deemed to occur for each day the violation continues to exist.
- b. The Hanover Planning Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- c. Nothing herein shall prevent the Town of Hanover from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

#### SECTION 13. ABROGATION AND GREATER RESTRICTIONS.

This ordinance repeals and replaces other ordinances adopted by the Town Council to fulfill the requirements of the National Flood Insurance Program. However, this ordinance does not repeal any part of the zoning ordinance (Ordinance no. 1979-7, Section XVIII) for the Town, the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this ordinance repeal, abrogate or impair any existing easements, covenants or deed restrictions. Where this ordinance and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall take precedence. In addition, the Town Council shall assure that all National Flood Insurance Program regulations and laws (310 IAC 6-1-1, IC 13-2-22 and IC 13-2-22.5) are met.

#### SECTION 14. SEPARABILITY.

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

#### SECTION 15. EFFECTIVE DATE.

This ordinance shall take effect upon its passage by the Hanover Town Council. Passed and enacted by the Town Council of the Town of Hanover, Indiana on the 4th day of August, 1993.



## SECTION 7.00 – OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

Key: P = Permitted Use, C = Conditional Use, [ ] = Prohibited Use		RESIDENTIAL						BUSINESS			MANUFAC		ENVIRON	
		RA	R-1	R-4	R-8	R32	RMH	B-1	B-2	B-3	I-1	I-2	G-1	Q-1
NO.	CATEGORY													
110	Dwelling Unit	P	P	P	P	P								
111	Home Occupations	C	C	C	C	C	C							
121	Rooming & Boarding Houses	C	C	C	C	C								
122	Fraternity, Sorority Houses, Residence Halls or Dormitories					C								
123	Retirement Homes, Orphanages, Religious Quarters	C				C								
130	Residential Hotels, Apartments, Condominiums				C	C				P				
140	Mobile Home Parks or Courts						P							
211	Manufacturing - Meat Products										C	P		
212	Manufacturing - Dairy Products										C	P		
213	Canning & Preserving of Fruits, Vegetables & Sea Foods										C	P		
214	Manufacturing - Grain Mill Products										C	P		
215	Bakery Products - Wholesale										C	P		
216	Manufacturing - Sugar										C	P		
217	Manufacturing - Confectionary & Related Products - Wholesale										C	P		
218	Manufacturing - Beverage										C	P		
219	Manufacturing - Other Food Preparations & Kindred Products										C	P		
221	Manuf'g - Other Small Wares (Cotton, Man-Made Fibers, Silk, Wool)										C	P		
222	Manufacturing - Knit Goods										C	P		
223	Dyeing & Finishing of Textiles (Except Wool Fabrics & Knits)										C	P		
224	Manufacturing - Floor Coverings (Rugs & Carpets)										C	P		
225	Manufacturing - Yarns & Threads										C	P		
229	Manufacturing - Other Textile Goods										C	P		
231	Manufacturing - Men's, Boy's Suits, Coats & Overcoats										C	P		
232	Manufacturing - Men's, Boy's Furnishings, Work Clothing, Etc.										C	P		
233	Manufacturing - Women's, Children's Outerwear										C	P		
234	Manufacturing - Hats, Caps and Millinery										C	P		
235	Manufacturing - Leather and Leather Products											P		
236	Manufacturing - Fur Goods and Tannery											P		
237	Manufacturing - Miscellaneous Apparel & Accessories										C	P		
238	Manufacturing - Other Fabricated Textile Products										C	P		
241	Sawmills and Planing Mills										C	P		
242	Manufacturing - Millwork, Veneer & Other Wood Products										C	P		
243	Manufacturing - Wood Containers										C	P		
249	Manufacturing - Other Wood Products (Except Furniture)										C	P		
251	Manufacturing - Household Furniture										C	P		
252	Manufacturing - Office Furniture										C	P		
253	Manufacturing - Public Building & Related Furniture										C	P		
254	Manuf'g - Partitions, Shelving, Lockers & Office & Store Fixtures										C	P		
259	Manufacturing - Other Furniture & Fixtures										C	P		
261	Manufacturing - Pulp													
262	Manufacturing - Paper (Except Building Paper)													
263	Manufacturing - Paperboard													
264	Manuf'g - Converted Paper & Paperboard Prods. (Exc. Containers)													
265	Manufacturing - Paperboard Containers & Boxes													
266	Manufacturing - Building Paper & Building Board										P	P		
271	Newspapers: Publishing, Publishing & Printing									P	P	P		
272	Periodicals: Publishing, Publishing & Printing									P	P	P		
273	Books: Publishing, Publishing & Printing									P	P	P		
274	Commercial Printing									P	P	P		
275	Manifold Business Forms									P	P	P		
276	Manufacturing - Greeting Cards									P	P	P		
277	Manufacturing - Bookbinding & Related Industries									P	P	P		
278	Printing Trade Service Industries									P	P	P		



Key: P = Permitted Use, C = Conditional Use, [ ] = Prohibited Use		RESIDENTIAL						BUSINESS			MANUFAC		ENVIRON	
NO.	CATEGORY	RA	R-1	R-4	R-8	R32	RMH	B-1	B-2	B-3	I-1	I-2	G-1	Q-1
279	Other Printing and Publishing									P	P	P		
281	Manufacturing - Industrial Inorganic & Organic Chemicals										C	P		
282	Manufacturing - Plastics, Synthetic Rubber, Resins, or Fiber										C	P		
283	Manuf'g - Soap, Detergents, Perfumes, Cosmetics & Other Toiletries										C	P		
284	Manuf'g - Paints, Varnishes, Lacquers, Enamels & Allied Products										C	P		
285	Manufacturing - Gum and Wood Chemicals											C		
289	Manufacturing - Agricultural Chemicals											C		
291	Manufacturing - Petroleum Refining										C	P		
292	Manufacturing - Paving and Roofing Materials											C		
299	Other Petroleum Refining and Related Industries										C	P		
311	Manufacturing - Tires & Inner Tubes											C		
312	Manufacturing - Rubber Footwear										C	P		
313	Reclaiming Rubber										C	P		
314	Manufacturing - Miscellaneous Plastic Products										C	C		
319	Manufacturing - Miscellaneous Plastic Products										C	P		
321	Manufacturing - Flat Glass										C	P		
322	Manufacturing - Glass & Glassware (Pressed or Blown)										C	P		
323	Manufacturing - Cement (Hydraulic)										C	P		
324	Manufacturing - Structural Clay Products										C	P		
325	Manufacturing - Pottery & Related Products										C	P		
326	Manufacturing - Concrete, Gypsum & Plaster Products											C		
327	Manufacturing - Cut Stone & Stone Products											C		
328	Manuf'g - Abrasive, Asbestos & Misc. Nonmetallic Mineral Products											C		
331	Blast Furnace, Steel Works & Rolling & Finishing Ferrous Metals											C		
332	Iron & Steel Foundries											C		
333	Primary Smelting & Refining of Nonferrous Metals											C		
334	Secondary Smelting & Refining of Nonferrous Metals & Alloys											C		
335	Rolling, Drawing & Extruding of Nonferrous Metals											C		
336	Nonferrous Foundries											C		
339	Other Primary Metal Industries											C		
340	Kennel and Animal Shelter	C							C	C		C		
342	Manufacturing - Machinery (Except Electrical)										C	P		
343	Manufacturing - Electrical Machinery, Equipment & Supplies										C	P		
344	Manufacturing - Transportation Equipment										C	P		
349	Manufacturing - Other Fabricated Metal Products										C	P		
351	Manufacturing - Engineering, Scientific & Research Equipment										C	P		
352	Manufacturing - Optical Instruments & Lenses										P	P		
353	Manufacturing - Surgical, Medical & Dental Instruments & Supplies										P	P		
354	Manufacturing - Ophthalmic Goods										P	P		
355	Manufacturing - Photographic Equipment & Supplies										P	P		
356	Manufacturing - Watches, Clocks, Devices & Parts										P	P		
361	Junk, Automobile or Salvage yard of any kind										P	P		
391	Manufacturing - Jewelry, Silverware & Plated Ware											C		
392	Manufacturing - Musical Instruments & Parts										P	P		
393	Manufacturing - Toys, Amusement, Sporting & Athletic Goods										P	P		
394	Manufacturing - Pens, Pencils & Other Office & Artists Supplies										P	P		
395	Manufacturing - Novelties & Misc. Notions (Except Precious Metals)										P	P		
396	Manufacturing - Tobacco										P	P		
397	Motion Picture Production										C	P		
399	Other Miscellaneous Manufacturing							C	C		P	P		
411	Railroad Transportation					C					P	P		
412	Rapid Rail Transit & Street Railway Transportation				C						P	P		
413	Railroad Passenger Terminals			C	P		P	P	P	P	P	P		
414	Bus Transportation Terminals				C						P	P		
415	Motor Freight Transportation								P	P	P	P		
429	Other Motor Vehicle Transportation								P	P	P	P		



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		RA	R-1	R-4	R-8	R32	RMH	B-1	B-2	B-3	I-1	I-2	G-1	Q-1
NO.	CATEGORY													
431	Airports & Flying Fields										C	C		
439	Other Aircraft Transportation										C	C		
441	Marine Terminals										C	C		
449	Other Marine Craft Transportation													
451	Freeways (Highway & Interstates)	C	P	P	P	P		P	P	P	P	P		
452	Expressways	C	P	P	P	P		P	P	P	P	P		
453	Parkways	C	P	P	P	P		P	P	P	P	P		
454	Arterial Streets	P	P	P	P	P		P	P	P	P	P		
455	Collector/Distributor Streets	P	P	P	P	P	P	P	P	P	P	P		
456	Local Access Streets	P	P	P	P	P	P	P	P	P	P	P		
457	Alleys	C	P	P	P	P	P	P	P	P	P	P		
459	Other Highway & Street Right-of-Way	C	C	C	C	C	C	C	C	C	C	C		
460	Automobile Parking	P	P	P	P	P	P	P	P	P	P	P	C	
471	Telephone Communication (Local)	C	C	C	C	C	C	P	P	P	P	P		
472	Telegraph Communication	C	C	C	C	C	C	P	P	P	P	P		
473	Radio Communication	C	C	C	C	C	C	P	P	P	P	P		
474	Television Communication	C	C	C	C	C	C	P	P	P	P	P		
475	Radio & Television Communication (Combined System)	C	C	C	C	C	C	P	P	P	P	P		
476	Relay Towers & Transmitting Stations (TV, Radio and Telephone)	C	C	C	C	C	C	C	C	C	C	C		
479	Other Communication	C	C	C	C	C	C	C	C	C	C	C		
481	Electric Utility	C	C	C	C	C	C	C	C	C	C	C		
482	Gas Utility	C	C	C	C	C	C	C	C	C	C	C		
483	Water Utilities & Irrigation	C	C	C	C	C	C	C	C	C	C	C		
484	Sewage Disposal										C	C		
485	Solid Waste Disposal										C	C		
486	Major Utilities, Stations & Plants										C	C		
489	Other Utilities										C	C		
491	Other Pipeline Right-of-Way & Pressure Control Stations										C	C		
492	Transportation Services										C	C		
493	Transportation										C	C		
499	Other Transportation Communication & Utilities										C	C		
511	Wholesale - Motor Vehicles & Automotive Equipment										C	C		
512	Wholesale - Drugs, Chemicals & Allied Products										C	C		
513	Wholesale - Dry Goods & Apparel										P	P		
514	Wholesale - Groceries & Related Products										P	P		
515	Wholesale - Farm Products (Raw Materials)										P	P		
516	Wholesale - Electrical Goods										P	P		
517	Wholesale - Hardware, Plumbing, Heating Equipment & Supplies										P	P		
518	Wholesale - Machinery, Equipment & Supplies										P	P		
519	Wholesale - Other Wholesale Trade (Junkyard)											C	C	
521	Retail - Lumber & Other Building Materials										P	P		
522	Retail - Heating & Plumbing Equipment										P	P		
523	Retail - Paint, Glass & Wallpaper										P	P		
524	Retail - Electrical Supplies										P	P		
525	Retail - Hardware & Farm Equipment										P	P		
531	Retail - Department Stores										P	P		
532	Retail - Mail Order Houses										P	P		
533	Retail - Limited Price Variety Stores										P	P		
534	Retail - Merchandise Vending-Machine Operations										P	P		
535	Retail - Direct Selling Organizations										P	P		
539	Retail - Other Trade - General Merchandise										C	C		
541	Retail - Groceries						C		C	P	P			
542	Retail - Meats and Fish						C		C	P	P			
543	Retail - Fruits and Vegetables						C		C	P	P			
544	Retail - Candy, Nut and Confectionery						C		C	P	P			
545	Retail - Dairy Products						C		C	P	P			



Key: P = Permitted Use, C = Conditional Use, [ ] = Prohibited Use

NO.	CATEGORY	RESIDENTIAL						BUSINESS			MANUFAC		ENVIRON	
		RA	R-1	R-4	R-8	R32	RMH	B-1	B-2	B-3	I-1	I-2	G-1	Q-1
546	Retail - Bakeries					C		C	P	P				
549	Retail - Other Food Trade					C		C	C	C				
551	Retail - Motor Vehicles								P	P				
552	Retail - Tires, Batteries & Accessories								P	P				
553	Retail - Gasoline Service Stations								P	P				
559	Retail - Other Automotive, Marine Craft, Aircraft & Accessories								P	P				
561	Retail - Men's & Boy's Clothing & Furnishings								P	P				
562	Retail - Women's Ready-to-Wear								P	P				
563	Retail - Women's Accessories & Specialties								P	P				
564	Retail - Children's & Infants Wear								P	P				
565	Retail - Family Clothing								P	P				
566	Retail - Shoes								P	P				
567	Retail - Custom Tailoring								P	P				
568	Retail - Furriers & Fur Apparel								P	P				
569	Retail - Other Apparel & Accessories Trade								P	P				
571	Retail - Furniture, Home Furn'gs, Equipment, Household Appliances								P	P				
572	Retail - Radios, Televisions & Music Supplies								P	P				
581	Retail - Hotels, Tourist Courts, Motels & Other Transient Housing								P	P				
582	Retail - Eating Places								P	P				
583	Retail - Drinking Places (Alcoholic Beverages)							P	P	P	P	P		
591	Retail - Drug and Proprietary							C	P	P				
592	Retail - Liquor								P	P				
593	Retail - Antiques & Secondhand Merchandise								P	P				
594	Retail - Books and Stationery								P	P				
595	Retail - Sporting Goods & Bicycles								P	P				
596	Retail - Farm and Garden Supplies								P	P				
597	Retail - Jewelry								P	P				
598	Retail - Fuel and Ice								P	P				
599	Retail - Other Trade								C	C				
611	Banking & Bank-Related Functions								C	C				
612	Credit Services (Other than Banks)							P	P	P				
613	Security and Commodity Brokers, Dealers, Exchanges & Services								P	P				
614	Insurance Carriers, Agents, Brokers & Services								P	P				
615	Real Estate & Related Services	C	C	C	C	C			P	P				
616	Holding & Investment Services	C	C	C	C	C	C		P	P				
619	Other Finance, Insurance & Real Estate Services			C	C	C			P	P				
621	Laundering, Dry Cleaning & Dyeing Services								C	C				
622	Photographic Services (Including Commercial)						C		P	P				
623	Beauty & Barber Services								P	P				
624	Funeral & Crematory Services								P	P				
625	Apparel Repair, Alteration & Cleaning, Shoe Repair								C	C				
626	Cemeteries								P	P				
631	Advertising Services	C												
632	Consumer & Merc'le Credit Reporting Adjustment & Collection Serv's								P	P				
633	Duplicating, Mailing & Stenographic Services								P	P				
634	Dwelling & Other Building Services								P	P				
635	News Syndicate Services								P	P				
636	Employment Services								P	P				
637	Warehousing & Storage Services								P	P				
638	Petroleum Prod. Dist. Plants							C	C	C	P	P		
639	Other Business Services										C	C		
641	Automobile Repair & Services								C	C				
649	Other Repair Services							C	C	C				
71	Medical & Other Health Services	C							C	C				
72	Legal Services	C							C	C				



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		RA	R-1	R-4	R-8	R32	RMH	B-1	B-2	B-3	I-1	I-2	G-1	Q-1
NO.	CATEGORY													
653	Sanitariums, Convalescent & Rest Home Services	C							C	C				
659	Other Professional Services	C							C	C				
661	General Contract Construction Services	C							C	C				
662	Special Construction Trade Services	C							C	C				
671	Executive, Legislative & Judicial Functions								P	P				
672	Protective Functions & Their Related Activities (Police & Fire)	C	C	C	C	C	C	C	C	C	C	C		
673	Postal Services	C	C	C	C	C		C	P	P	C	C		
674	Correctional Institutions													
675	Military Bases & Reservations													
681	Nursery, Primary & Secondary Education	C	C	C	C	C								
682	University College, Junior College & Professional School Education	C			C									
683	Special Training & Schooling					C			C	C	C	C		
691	Religious Activities	C	C	C	C	C		C	C	C				
692	Welfare & Charitable Services								C	C				
699	Other Miscellaneous Purposes													
711	Cultural Activities	C	C	C	C	C		C	C	C				
712	Nature Exhibitions	C												
721	Entertainment Assembly					C		C	C	C				
722	Sports Assembly	C	C	C	C	C		C	C	C				
723	Public Assembly, Miscellaneous Purposes									C	C			
724	Drive-In Movies	C									C			
729	Other Public Assembly										C			
731	Fairgrounds & Amusement Parks	C									C			
739	Other Amusements	C									C			
742	Playgrounds & Athletic Areas	C	C	C	C	C	C						P	
743	Swimming Areas (Public)	C	C	C	C	C	C		C	C			P	
744	Marinas	C										C	C	
749	Other Recreation (Including Camping & Picnic Areas)	C										C	C	
751	Resorts	C										C	C	
752	Group or Organized Camps	C										C	C	
761	Parks - General Recreation	P	C	C	C	C	C	C	C	C	C	C	C	P
762	Parks - Leisure & Ornamental	P	C	C	C	C	C	C	C	C	C	C	C	P
769	Other Parks		C	C	C	C	C	C	C	C	C	C	C	C
790	Other Cultural, Entertainment & Recreational		C	C	C	C	C	C	C	C	C	C		
811	Farms (Predominant Crop - Fibers)	P												
812	Farms (Predominant Crop - Cash Grains)	P												
813	Farms (Field Crops Other than Fiber or Cash Grain Crops)	P												
814	Farms (Predominant Crop - Fruits, Tree Nuts or Vegetables)	P												
815	Farms (Predominantly Dairy Products)	P												
816	Farms & Ranches (Livestock Other than Dairy)	P												
817	Farms (Predominantly Poultry)	C												
818	Farms (General - No Predominance)	P												
819	Other Agricultural & Related Activities													
821	Agricultural Processing	C										C	P	
822	Animal Husbandry Services										C			
823	Confinement Feeding													
829	Other Agricultural Related Activities	C										C	C	
831	Commercial Forestry Production	C												
832	Forestry Services	C												
839	Other Forestry Activities	C												
841	Fisheries & Marine Products	P												
849	Other Fishery Activities & Related Services													
851	Metal Ore Mining													
852	Coal Mining													
853	Crude Petroleum & Natural Gas													
854	Mining & Quarrying of Nonmetallic Minerals (Except Fuels)													P



Key: P = Permitted Use, C = Conditional Use, [ ] = Prohibited Use		RESIDENTIAL						BUSINESS			MANUFAC		ENVIRON	
NO.	CATEGORY	RA	R-1	R-4	R-8	R32	RMH	B-1	B-2	B-3	I-1	I-2	G-1	Q-1
855	Mining Services													
890	Other Resources Production & Extraction													P
921	Forest Reserves													P
931	Flood Plains	P												
941	Sanitary Landfill											P		

## SECTION 8.00 – PLANNED UNIT DEVELOPMENT (PUD) .

The purpose of this section is to provide regulation for Planned Unit Developments (PUD), which are of a significantly different character than traditional land developments. Specific standards and exceptions have been developed to govern the actions and recommendations of the Plan Commission regarding such developments.

### A. General Restrictions

It shall be the policy of the Town of Hanover to promote progressive development of land and construction thereon by encouraging Planned Unit Developments to achieve:

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

### B. Planned Unit Development Restrictions

Whenever there is a conflict or difference between the provisions of this section and those of the other sections of this ordinance, the provisions of this section shall prevail. The respective provisions found elsewhere in this ordinance shall govern subjects not covered by this section.

A Planned Unit Development shall conform to the following:

1. The number of dwelling units erected shall not exceed the number permitted by the regulations of the district in which it is located unless a density increase is permitted.
2. All uses that may be allowed within the land use district may be permitted within a PUD.
3. Up to ten percent (10%) of the gross land area in a Residential District may be directed to business, industrial, and public and quasi-public uses that are not allowed within the land use district, provided there is a favorable finding by the Plan Commission:
  - a. That the uses permitted by such exceptions are necessary or desirable and are appropriate with respect to the primary purpose of residential development.
  - b. That the uses are not of such nature or so located as to exercise a detrimental influence either on the development or on the surrounding neighborhood.
  - c. That the uses are intended to serve principally the residents of the PUD.
  - d. That the uses are planned as an integral part of the PUD.
  - e. That the uses be located and so designed as to provide direct access to a collector or an arterial street without creating traffic congestion or hazard.
4. A minimum parcel area of ten (10) acres is required for a PUD.
5. There shall be at least ten percent (10%) of the land area in the development provided for park and recreational purposes, and this area shall not be covered by buildings, parking lots, driveways, or streets. No more than fifty percent (50%) of this useable open space shall be covered by water.
6. If any open space or recreational facility is to be used solely by the residents of the project, adequate provisions shall be made for assessments against the property within the project so that such facilities can be properly maintained and operated.
7. All utilities, including communication and electric systems, shall be placed underground within the limits of the development. Appurtenances to these systems that can be effectively screened may be accepted.
8. The design and designation of private streets shall be subject to the approval of the Plan Commission.



9. The development plan shall include a common water supply and distribution system, either public or private, which shall meet the approval of the Plan Commission and shall be built at no expense to the local government.
  10. The development plan shall include a sanitary sewer system connected to a public sewer system, if available within a reasonable distance from the project, or it shall provide for a central collection and treatment system in accordance with the requirements of the Plan Commission.
  11. The plan of the project may provide for the integral and harmonious design of buildings in business and industrial areas, and the parcels shall be developed in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas, and other such features from the adjoining and surrounding residential areas.
  12. No building is permitted to exceed the height limit of the district in which it is located by more than ten percent (10%).
  13. All previously noted parking standards shall remain in effect for all PUDs.
  14. Non-residential areas must be developed in equal ratio to residential areas. This is required to avoid the total development of residences without the accompanying services.
- C. Increased Residential Density Through Design Incentives

To provide for an incentive for a quality PUD, the Plan Commission may authorize an increased residential density of up to twenty percent (20%) of the allowable number of dwelling units. In allowing for density increase, the Commission shall be guided by the following criteria:

1. If open space provided exceeds twenty percent (20%) of the land area, an additional five percent (5%) increase in residential density is allowed.
  2. If land donated or dedicated for public purposes such as public buildings, schools and parks exceeds twenty percent (20%), an additional five percent (5%) increase in residential development is allowed.
  3. If there is significant landscaping, screening, and site planning in the development, an additional five percent (5%) increase in residential development is allowed.
  4. If community facilities and amenities such as trails, lakes, plaza fountains, tennis courts, etc., are provided, an additional five percent (5%) increase in residential development is allowed.
- D. Procedure for Approval of PUD

1. Submit a preliminary site plan in triplicate (*see IC 36-7-4-1511*) to the Plan Commission that includes, but is not restricted to, the following information:
  - a. Location and boundaries of the tract to be developed, showing the general layout of streets, and the existing and proposed zoning of all areas.
  - b. Tentative placement of all improvements on the site, showing how recommendations of this ordinance and any requirements of the Plan Commission have been utilized.
  - c. General proposals on densities of both residential and other uses. (To allow for sufficient flexibility, the Plan Commission may allow minor shifts in use, locations and densities provided, however, that the general overall plan is adhered to.)
  - d. Proposed schedule for the development of the site.
2. If the Plan Commission approves the preliminary development plan, the plan, together with the recommendations of the Plan Commission, shall be embodied in a report to the Board of Zoning Appeals stating the reasons for the approval of the plan and application, and specific evidence and facts showing that the proposed PUD plan has considered and made provision for the following essential elements:
  - a. That the appropriate use of property adjacent to the area included in the plan will be fully safeguarded.
  - b. That the plan is consistent with the intent of this ordinance to promote public health, safety, and the general welfare.
  - c. That the tract, collectively, meets the minimum space requirements for the specific district(s).
3. The Plan Commission shall give notice of acceptance or rejection of the proposal within sixty (60) days. Reasons for rejection, along with suggestions for revisions, shall be given. The developer may resubmit plans after the suggested corrections or additions are made.
4. The developer shall submit a final site plan.
5. The Plan Commission shall give notice of acceptance or rejection of the final proposal within sixty (60) days. Reasons for rejection, along with suggestions for revisions, shall be given. The developer may re-submit plans after corrections. After final approval, the developer may proceed with construction.



## SECTION 9.00 – OFF-STREET PARKING REQUIREMENTS

These requirements are effective upon the erection or enlargement of a structure, or the use thereof changed to any permitted use or special use within a district. Each required off-street automobile storage space shall have all-weather surfaces and have free access to a public right-of-way. No required off-street automobile storage space shall be located within a required front yard in any district.

### A. Off-Street Parking Space Location:

1. Residential: All required spaces shall be located on the same parcel with the residential use.
2. Business: Required spaces may be located on the same parcel as the commercial use, or on an area not more than four hundred and fifty (450) feet from the building.
3. Industrial: Permitted uses – Required spaces may be located on the same parcel with the permitted Industrial use, or on an area not more than one thousand (1,000) feet from the parcel.
4. Commercial building owners must submit in writing a proposed handicapped-parking plan, to meet the requirements of the Americans with Disabilities Act (ADA), to the Plan Commission of the Town of Hanover for approval at a regularly scheduled Plan Commission meeting.
5. The off-street parking requirements are shown in Table 9-1. Any other use shall generally provide enough parking to more than handle the ordinary load, but not necessarily the maximum.

**TABLE 9-1**  
**OFF STREET PARKING REQUIREMENTS**

<b>LAND USE</b>	<b>UNIT OF MEASURE</b>	<b>REQUIRED SPACES</b>
Single Family Dwellings	Per Dwelling	2
Two Family Dwellings	Per Dwelling	3
Multi-Family Dwellings	Per Dwelling Unit	1.5
Churches	Per four seats	1
Elementary Schools	Per Classroom*	2
Jr. High Schools	Per Classroom*	2
High Schools	Per Classroom	10
Hospitals and Clinics	Combination of	
	Per Doctor	1
	Per Each Three Regular Employees	1
	Per 500 SF gross floor area	1
Public Utilities and Other Service Facilities	Per 500 SF of Gross Floor Area or	1
	Per Each Three Regular Employees	2
	Whichever is greater	
Dormitories	Per Guest Room	1
Fraternities and Sororities	Per Every Two Members	1
Private Nurseries, Day Schools, Kindergartens, and Children Homes	Per Regular Employee*	1
Convalescent Homes and Homes for the Aged	Per Each Four Beds*	1
Professional Offices	Per 250 SF of gross floor area	1
Retail Business	Per 250 SF of gross floor area	1
Tourist Courts and Motels	Per Rental Unit	1
Hotels	Per Two Guest Rooms	1



TABLE 9-1 OFF STREET PARKING REQUIREMENTS (continued)		
LAND USE	UNIT OF MEASURE	REQUIRED SPACES
Eating and Drinking Places	Per five seats in B Districts	1
Barber and Beauty Shops	Per two chairs	1
Laundries	Per four washing machines	1
Wholesale Stores	Per each 200 SF of floor area devoted to sales	1
Industrial Uses	Per 600 SF of Gross floor area or	1
	Per two regular employees on largest shift, whichever is greater	1
Special Uses	To be determined by the Board of Zoning Appeals, but in no case shall the required parking be less than for permitted uses.	
Combination of Uses on same Parcel	The sum total of the number required for each use as determined according to the requirements set out in this zoning ordinance.	
*An off-street Passenger loading and unloading area is also required.		

## SECTION 10.00 – NON-CONFORMING USE SPECIFICATIONS

Within the districts established by this ordinance, or amendments that may later be adopted, there exists non-conforming uses of land or structures 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 thereto. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, and not be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district.

## **SECTION 10.10 – CHANGE**

Whenever a non-conforming use has been changed to a conforming use, it shall not thereafter revert to a non-conforming use.

## **SECTION 10.20 – EXTENSION**

Non-conformities are declared by this ordinance to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment of a building, premises or 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 10.30 – ERECTION AND RE-ERECTION OF STRUCTURE**

Where a building exists that is a non-conforming use, no additional building devoted to a non-conforming use can be erected on that premises. No building that is located upon any such premises and that has been damaged by fire or other causes to the extent of more than fifty percent (50%) of its appraised replacement valuation shall be repaired or rebuilt, except in conformity with regulations of this ordinance. Damaged buildings can only be repaired or rebuilt by the same owner and to the same square footage as the previous building, and this must be done within six (6) months for a building or sixty (60) days for a trailer.

## **SECTION 10.40 – RIGHT TO CONSTRUCT IF PERMIT ISSUED**

Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has heretofore issued and the construction of which has been diligently prosecuted within one (1) year of the date of such permit and which entire building shall be completed according to such plans, as filed, within three (3) years of the issuance of the permit. 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 diligently. Actual construction is hereby defined as work done which is beyond the preparation stage and into that stage where the changes or additions are made permanent.

## **SECTION 10.50 – NON-CONFORMING USES OF STRUCTURES**

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. If no structural alterations are made, any non-conforming use of a structure or structure and land may, upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this ordinance.
2. When a non-conforming use of a structure or structure and land in combination is discontinued or abandoned for a continuous period of six (6) months, or, in the case of a mobile home in the Town, more than 60 days (except when government action impedes access to the premises), the structure or structure and land combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.
3. Where non-conforming use status applies to a structure and land in combination, removal, or destruction of the structure shall eliminate the non-conforming status of the land.

#### **SECTION 10.60 – DISCONTINUANCE OF NON-CONFORMING USE OF LAND**

The lawful use of land for open storage purposes, which does not conform to the provisions of this ordinance, shall be discontinued within five (5) years from the date of passage of this ordinance, and the use of land for storage purposes, which may become a non-conforming use by reason of an amendment to this ordinance, shall be discontinued within five (5) years from the date of passage of such amendment.

#### **SECTION 10.70 – NON-CONFORMING USE CREATED BY AMENDMENT**

These provisions apply in the same manner to a use, which may become a non-conforming use due to a later amendment to this ordinance.

### **ARTICLE V**

## **ADMINISTRATION**

#### **SECTION 11.00 – ENFORCEMENT OF THE ORDINANCE**

It shall be the duty of the Town Building Inspector, or any other public official so designated by the Town Council, to enforce this ordinance. He shall receive applications required by this ordinance, review applications for compliance with the provisions of this ordinance, approve or disapprove applications, issue permits, and furnish the prescribed certificates. He shall examine areas for which permits have been issued, and shall make necessary inspections (regardless of permit) to see that the provisions of this ordinance are being upheld. He may be assisted by the Town Marshall in enforcing orders and the Town Attorney in prosecuting violations.

For the purpose of this ordinance, the Building Inspector or an official designee of the Town Council shall have the following duties:

1. Inspect and examine any building, structure, place, or premise.
2. Upon finding that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation(s).
3. Order discontinuance of illegal uses of land, buildings, or structures.
4. Order removal of illegal buildings or structures or illegal additions or structural alterations.
5. Order discontinuance of any illegal work being done.
6. 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 improvement location and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

#### **SECTION 11.10 – PROCEDURES AND REQUIREMENTS FOR PERMITS**

- A. It shall be unlawful to construct, make additions to, demolish, or repair a structure without first filing with the Building Inspector an application in writing and obtaining a formal improvement building permit.
- B. Before an improvement building permit is issued a permit fee therefor shall be paid to the Town Clerk as set forth in Schedule A filed herewith and made a part hereto.

#### **SCHEDULE A**

1. A fee of Ten Dollars (\$10.00) plus three cents (\$0.03) per square feet of building area shall be paid and collected.
  2. In no event however shall any applicant be required to pay an improvement building permit fee in excess of Five Hundred Dollars (\$500.00).
- C. Plans – Applications for permits shall be filed with and maintained by the Building Inspector and shall be accompanied by such drawings of the proposed work as the Building Inspector may require.
  - D. Accompanying each application shall be a plot plan in a form and size suitable for filing permanently with the application to assist the Building Inspector in his on-site inspection. The applicant shall conspicuously and properly mark each corner of the proposed building site. The plot plan shall show the property lines, all recorded easements and other interest on the property, the proposed buildings, and building setback lines. Applications shall include in



writing the proposed use or uses of the proposed building or premises. The Building Inspector may require proof of ownership of the site and a survey.

- E. Within five (5) days after the receipt of an application, the Building Inspector shall either approve or disapprove the application. The Building Inspector shall retain the plans. If the application is approved, the Building Inspector shall issue a placard to the applicant. It is to be posted in a conspicuous place on the property in question, and will attest to the fact that the use or alteration is in compliance with the provisions of this ordinance. If the application is denied, the reason shall be stated on the application and the applicant so notified.
- F. If work has not begun one (1) year from the date of issuance of the permit, that permit shall expire and be revoked by the Building Inspector. If work has not been substantially completed within three (3) years from the date of issuance of the permit, that permit shall expire and be revoked by the Building Inspector. In each case, written notice shall be given to the applicants with the stipulation that work may not begin or continue (whichever case applies) until a new permit has been obtained.
- G. It shall be unlawful to use, occupy, or permit the use or occupancy of any non-residential building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued by the Building Inspector. Upon application for a certificate of occupancy, the Building Inspector shall approve, disapprove, or issue a temporary permit within thirty (30) days. The certificate of occupancy shall state that the proposed use of the building or land conforms to the requirements of this ordinance and that the Building Inspector has inspected the property and attested to that fact.
- H. The Building Inspector may issue a temporary certificate of occupancy for a period not exceeding six (6) months pending completion of modifications in order to comply with this ordinance.
- I. The Building Inspector shall maintain a complete record of all improvement building permits and certificates of occupancy and copies shall be furnished or presented for review to any person making a request.
- J. Failure to obtain either a improvement building permit or a certificate of occupancy shall be a violation of this ordinance and will be punishable under the provisions of Section 11.50 of this ordinance and shall be reason for issuance of a stop work order by the Building Inspector. The Building Inspector shall provide the property owner or his authorized representative notification of the ordinance violation and issue a stop work order immediately. Said stop work order shall be posted on or near the property in question in a conspicuous place and no further construction shall proceed until a valid permit is obtained. Where such building or construction has proceeded without receiving a valid permit, the fees for subsequent permit shall be doubled.
- K. Improvement building permits issued on the basis of plans and applications approved by the Building Inspector authorize only the use or arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangements, or construction. Any use,



arrangement, or construction contrary to that authorized shall be deemed a violation of this ordinance and be punishable under the provisions of Section 11.50 of this ordinance. The Building Inspector may issue a stop work order.

- L. Any persons may file a written complaint whenever a violation of this ordinance occurs or is alleged to have occurred. The complaint shall state fully and accurately the causes and basis thereof, and be filed with and recorded by the Building Inspector who shall immediately investigate and take action upon such complaint as provided in this ordinance.

## **SECTION 11.11 – BOARD OF ZONING APPEALS**

The Advisory Board of Zoning Appeals is designated as an official entity of the Town of Hanover under the provisions of IC 36-7-4-901.

## **SECTION 11.12 – COMPOSITION AND APPOINTMENT**

The Board of Zoning Appeals shall consist of five (5) members as follows:

1. Three citizen members appointed by the Town Council of whom one (1) must be a member of the Plan Commission and two (2) must not be members of the Plan Commission.
2. One (1) citizen member who must not be a member of the Plan Commission, appointed by the Town Council President.
3. One (1) member appointed by the Plan Commission from the Plan Commission's membership who must be a citizen member who resides in and represents the unincorporated area on the Plan Commission.

None of the members shall hold other elective or appointed offices in the Town, County, or State government.

Upon establishment of the Board of Zoning Appeals, the Town representatives shall be appointed for the following terms: One (1) for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, and one (1) for a term of four (4) years. The term of the representative of the unincorporated area shall be for a period of four (4) years. The terms of these members shall expire on the first day of January of the first, second, third or fourth year, respectively, following their appointment. Thereafter, as their terms expire, each new appointment shall be for a term of four (4) years. Members of the Board may be removed from office by the appointing authority for cause. The appointing authority must mail notice of the removal along with written reasons for the removal, to the member at his residence address. A member who is removed may appeal his removal to the circuit court or superior court of the County within thirty (30) days after receiving notice of the removal.

A member of a Board of Zoning Appeals serves until his successor is appointed and qualified. A



member is eligible for reappointment.

If a vacancy occurs among the members of the Board of Zoning Appeals, the appointing authority shall appoint a member for the unexpired term of the vacating member. In addition the appointing authority may appoint an alternate member to participate with the Board in any hearing or decision if the regular member it has appointed has a disqualification under this section or is unable to participate in the hearing or decision. An alternative member shall have all the powers and duties of a regular member while participating in the hearing or decision.

A member of the Board of Zoning Appeals may not participate in a hearing or decision of the Board concerning a matter in which he has a direct or indirect financial interest. The Board shall enter into its records:

1. The fact a regular member has such a disqualification; and
2. The name of the alternate member, if any, who participates in the hearing or decision in place of the regular member.

#### **SECTION 11.13 – ORGANIZATION**

At the first meeting of each year, the Board of Zoning Appeals shall elect a chairman and a vice chairman from its members. The vice chairman shall have authority to act as chairman during the absence or disability of the chairman.

A majority of members shall constitute a quorum. However, no action shall be official unless authorized by a majority of the full Board.

The Town Council shall provide suitable offices for the holding of hearings and the preservation of records, documents, and accounts. The Town Council may appropriate funds to carry out the duties of the Board of Zoning Appeals. The Town Council may compensate the members of the Board of Zoning Appeals for their service. The Board shall have authority to expend all sums appropriated to it for purposes and activities authorized by this ordinance in accordance with regular Town procedures. The Board may appoint and fix the compensation of an attorney, secretary, and such employees as are necessary for the discharge of its duties in conformity and compliance with salaries and compensations theretofore fixed by the Town Council.

#### **SECTION 11.14 - RULES OF PROCEDURE**

- A. The Board of Zoning Appeals shall adopt rules for its procedure which may not be in conflict with the Zoning Ordinance concerning:
  1. Filing of appeals.
  2. Application for variances.

3. Giving of notice.
  4. Conduct of hearings.
  5. Determination of whether a variance application is for a variance of use or for a variance from the development standards (such as height, bulk, or area).
- B. Rules adopted by the Board of Zoning Appeals shall be printed and be made available to all applicants and other interested persons.

#### **SECTION 11.15 – MEETINGS AND RECORDS**

All meetings of the Board of Zoning Appeals shall be open to the public. The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare findings, and record the vote of all actions taken. All minutes and records shall be filed in the office of the Board and shall be a public record.

#### **SECTION 11.16 – POWERS AND DUTIES OF THE BOARD**

- A. The Board of Zoning Appeals shall have the following powers and it shall be its duty to hear and determine appeals from and review:
1. Any order, requirement, decision, or determination made by an administrative official, hearing officer, or staff member under the Zoning Ordinance.
  2. Any order, requirement, decision, or determination made by an administrative board or other body except a Plan Commission in relation to the enforcement of the Zoning Ordinance.
  3. Any order, requirement, decision, or determination made by an administrative board or other body except a Plan Commission in relation to requiring the procurement of an improvement location or occupancy permit.
- B. The Board of Zoning Appeals shall approve or deny all variances to the terms of the ordinance upon which the Board is required to act.
- C. The Board of Zoning Appeals shall approve or deny variances of use from the terms of the Zoning Ordinance. The Board may impose reasonable conditions as a part of its approval. A variance may be approved under this section only upon a determination in writing that:
1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;



2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
  3. The need for the variance arises from some condition peculiar to the property involved;
  4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
  5. The approval does not interfere substantially with the Comprehensive Plan.
- D. A Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the Zoning Ordinance. A variance may be approved under this section only upon a determination in writing that:
1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
  2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
  3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. However, the Zoning Ordinance may establish a stricter standard than the "practical difficulties" standard prescribed by this subdivision.
- E. In exercising its powers, the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all the powers of the Building Inspector from whom the appeal is taken.

## **SECTION 11.20 – PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES**

Appeals and variances shall conform to the procedures and requirements of Sections 11.21 – 11.30, inclusive, of this ordinance. As specified in Section 11.16, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

## **SECTION 11.21 – APPEALS**

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this ordinance may be taken by any persons aggrieved or by any officer or bureau of the Town Council affected by any decision of the Building Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Building Inspector and with the Board of Zoning Appeals a notice of appeal specifying the grounds upon which the appeal is being taken. The Building Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

## **SECTION 11.22 – STAY OF PROCEEDINGS**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building 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 Building Inspector from whom the appeal is taken or due cause shown.

## **SECTION 11.23 – VARIANCES**

The Board of Zoning Appeals may authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming 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 11.24 – 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 for a variance is submitted to the Building Inspector and the Board of Zoning Appeals containing:

1. Name, address, and phone number of the applicants.
2. Legal description of the property.
3. Description of the nature of the variance requested.
4. 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 building involved and which are not applicable to other lands, structures, 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 properties in the same district under the terms of this ordinance.
  - c. That special conditions and circumstances do not result from the actions of the



applicant.

- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings.

A variance shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by Sub-section 4 of this section have been met by the applicant.

#### **SECTION 11.25 – 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 11.50 of this ordinance.

#### **SECTION 11.26 – PUBLIC HEARING BY THE BOARD OF ZONING APPEALS**

The Board of Zoning Appeals shall hold a public hearing within forty-five (45) days after the receipt of an application for an appeal or variance from the Building Inspector or an applicant. However, the public hearing shall not be held sooner than fifteen (15) days after its receipt.

#### **SECTION 11.27 – NOTICE OF PUBLIC HEARING IN NEWSPAPER**

Before holding the public hearing required in Section 11.26, notice of such hearing shall be given in the newspaper of general circulation in the Town of Hanover at least fifteen (15) 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. The Board of Zoning Appeals may require the party making the appeal to assume the cost of public notice.

#### **SECTION 11.28 – NOTICE TO PARTIES IN INTEREST**

Before holding the public hearing required in Section 11.26, written notice of such hearing shall be mailed by the applicant, by registered mail, at least ten (10) days before the day of the hearing to each person who owns an interest in real estate adjoining the property involved in such petition including owners of real estate at corners, and across streets, alleys or easements, as well as others who may share a common boundary; all other persons who, in the opinion of the applicant, have an interest in the outcome of the petition; and any owner of real estate who did not join as an original petitioner or who did not file a waiver of notice of hearing prior to the day of public hearing.

#### **SECTION 11.29 – NO EX PARTE COMMUNICATION WITH THE BOARD**

A person may not communicate with any member of the Board of Zoning Appeals before the hearing with the intent to influence the member's action on a matter pending before the Board. Not less than five (5) days before the hearing however, the Building Inspector may file with the Board a written statement setting forth the facts or opinions relating to the matter.

## **SECTION 11.30 – COMMITMENTS**

1. In the case of a petition or an application for a variance from the terms of the Zoning Ordinance, a Board of Zoning Appeals may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel.
- B. The Board of Zoning Appeals may:
1. Adopt rules governing the creation, form, recording, modification, enforcement, and termination of commitments.
  2. Adopt rules designating which specially affected persons and classes of specially affected persons are entitled to enforce commitments.
- C. Commitments shall be recorded in the office of the County Recorder and take effect upon the approval of the exception, use, or variance. Unless modified or terminated by the Board of Zoning Appeals, a commitment is binding on:
1. The owner of the parcel.
  2. A subsequent owner of the parcel.
  3. A person who acquires an interest in the parcel.
- A commitment is binding on the owner of the parcel even if it is unrecorded. However, an unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment. A commitment may be modified or terminated only by a decision of the Board made at a public hearing after notice as provided by rule.
- D. By permitting or requiring commitments, the Board of Zoning Appeals does not obligate itself to approve or deny any request.
- E. Conditions imposed on the granting of an exception, a use, or variances are not subject to the rules applicable to commitments.
- F. This section does not affect the validity of any covenant, easement, equitable servitude, or other land use restriction created in accordance with law.



#### **SECTION 11.40 – PROCEEDINGS OF THE PLAN COMMISSION**

The Plan Commission shall continue to operate under its existing rules of operation. 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 of public record and be immediately filed in the office of the Plan Commission.

#### **SECTION 11.41 – DUTIES OF THE PLAN COMMISSION**

- A. Initiate proposed amendments to this ordinance.
- B. Review all proposed amendments to this ordinance and make recommendations to the Town Council.

#### **SECTION 11.50 – PENALTIES FOR VIOLATION OF ORDINANCE**

- A. Any person or corporation who violates or fails to comply with any provisions of the Town of Hanover Zoning Ordinance or Subdivision Control Regulations for the Town of Hanover shall be guilty of an infraction and shall be subject to a penalty of a fine of \$2500 there under. Each day such violation exists shall constitute a separate offense.
- B. Any person or corporation being required by the Town of Hanover Zoning Ordinance or Subdivision Control Regulations for the Town of Hanover to submit plans or plats to either the Building Inspector, Board of Zoning Appeals, or Plan Commission, who builds, reconstructs, removes, or structurally alters any building or develops land in a manner other than shown by approved plans or plats, shall be guilty of an infraction and subject to a penalty of a fine of \$2500 thereunder. Each day such noncompliance exists shall constitute a separate offense.
- C. The Town Plan Commission, the Board of Zoning Appeals, the Building Inspector, any designated enforcement official of the Town of Hanover may institute suit or injunctive relief in the Jefferson Circuit Court to restrain an individual, corporation, or government unit from violating the provisions of the Town of Hanover Zoning Ordinance or the Subdivision Control Regulations for the Town of Hanover.

#### **SECTION 11.60 – SCHEDULE OF FEES, CHARGES, AND EXPENSES**

The Town Council shall, by ordinance or resolution, establish a schedule of fees, charges, and expenses and a collection procedure for improvement location permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, legal, advertising postage, and other expenses. The schedule of fees shall be posted in the office of the Town Clerk and may be altered or amended only by the Town Council. Until all applicable fees, charges, and

expenses have been paid in full, no action shall be taken on any application or appeal. All fees other than for improvement location permits are set forth in Schedule B.

#### **SCHEDULE B**

1. Variance Permit and Renewals	\$30.00
2. Conditional Use Permit	\$30.00
3. Rezoning fee per parcel per application	\$75.00
4. Demolition Permit or Removal	\$30.00
5. Applications for Appeals	\$30.00
6. Copy of Zoning Ordinance	\$30.00
7. Copy of Subdivision Control Ordinance	\$30.00
8. Copy per page of surveys, maps, plat maps, blueprints and any copy larger than 11" by 17"	\$ 5.00
9. Filing fees for preliminary, amended, and final plats and replats of subdivisions - \$100.00 plus \$5.00 per lot	

The Plan Commission or Board of Zoning Appeals shall consider no petition without the fees having been paid in advance. The applicant shall be responsible for payment of all mailing and legal advertising costs.

#### **SECTION 11.70 – PROCEDURES AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USES**

Conditional uses shall conform to the procedures and requirements of Sections 11.71 – 11.77, inclusive, of this ordinance.

#### **SECTION 11.71 – GENERAL**

It is recognized that an increasing number of new kinds of 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 V, shall follow the procedures and requirements set forth in Sections 11.71 – 11.77, inclusive. Conditional uses, while requiring special consideration by the



Plan Commission, shall be deemed permitted uses in the district in which they are provided.

#### **SECTION 11.72 – CONTENTS OF APPLICATION FOR A CONDITIONAL USE PERMIT**

An application for a conditional use permit shall be filed with the Building Inspector and the Plan Commission by at least one (1) owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of the applicant.
2. Legal description of the property.
3. Description of the existing use.
4. Zoning district.
5. Description of the proposed conditional use.
6. A plan of the proposed site for the conditional use showing the location of all property lines, rights-of-way, or other interests in the property, setback lines, buildings, parking and loading areas, traffic access and traffic circulation, open space, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board of Zoning Appeals may require to determine if the proposed conditional use meets the intent and requirements of this ordinance and is appropriate for the location at which it is proposed.
7. A narrative statement evaluating the effects 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.

#### **SECTION 11.73 – GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES**

The Plan Commission 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 V and appears on the Official Schedule of District Regulations adopted by Section 7.00 for the zoning district involved.
2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Town's Comprehensive Plan and/or the Zoning Ordinance.

3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate 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, streets, 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 expense 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 operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
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 the destruction, loss, or damage of natural, scenic, or historic features of major importance.

#### **SECTION 11.74 – SUPPLEMENTARY CONDITIONS AND SAFEGUARDS**

In granting any conditional use, the Plan Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms upon which the conditional use is granted, shall be deemed a violation of this ordinance and punishable under Section 11.50 of this ordinance.

#### **SECTION 11.75 – NOTICE OF PUBLIC HEARING**

Upon receipt of the application for a conditional use permit specified in Section 11.72, the Plan Commission 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 Sections 11.26 – 11.28, inclusive, of this ordinance.

#### **SECTION 11.76 – ACTION BY THE BOARD OF ZONING APPEALS**

- A. The Board of Zoning Appeals shall make a decision on any matter that it is required to hear under Sections 11.16 either:
  1. At the meeting at which that matter is first presented; or



2. At the conclusion of the hearing on that matter, if it is continued.
- A. Within five (5) days after making any decision, the Board of Zoning Appeals shall file in the office of the Board a copy of its decision.

#### **SECTION 11.77 – EXPIRATION OF CONDITIONAL USE PERMIT**

A conditional use permit shall be deemed to authorize only one (1) particular use and said permit shall automatically expire if, for any reason, the use has not commenced within one (1) year.

### **ARTICLE VI AMENDMENTS**

#### **SECTION 12.00 – PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES**

This ordinance may be amended utilizing the procedures specified in Sections 12.01 – 12.09, inclusive, of this ordinance.

#### **SECTION 12.01 – GENERAL**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Town Council may by ordinance after receipt of recommendations thereon from the Plan Commission, and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and zoning district boundaries or classification of property.

#### **SECTION 12.02 – 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 Plan Commission.
2. By adoption of a resolution by Town Council.
3. For zoning maps, by the filing of a petition with the Plan Commission by at least fifty percent (50%) of the owners of property within the area proposed to be changed by said amendment.

### **SECTION 12.03 – CONTENTS OF APPLICATION**

Applications for amendments to the Official Zoning Map adopted, as part of this ordinance by Section 3.00 shall contain at least the following information:

1. Name, address, and phone number of the applicant;
2. Filing fee as established by Town Council according to Section 11.60 of this ordinance.
3. Present use.
4. Present zoning district.
5. Proposed zoning district.
6. Vicinity map at scale approved by the Building Inspector showing property lines, thoroughfares, existing and proposed zoning within three hundred (300) feet, and such other items as the Building Inspector may require.
7. List of all property owners 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.
8. Statement on how the proposed amendment relates to the Comprehensive Plan.

### **SECTION 12.04 – TRANSMITTAL TO PLAN COMMISSION**

Immediately after the filing of a petition for amendment, said petition or application shall be transmitted to the Plan Commission.

### **SECTION 12.05 – PUBLIC HEARING BY PLAN COMMISSION**

The Plan Commission shall schedule a public hearing after a petition is received. Said hearing shall not be less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application. Notices shall be in the newspaper as described in Section 12.06.

### **SECTION 12.06 – NOTICE OF PUBLIC HEARING IN NEWSPAPER**

Before holding the public hearing required in Section 12.05, notice of such hearing shall be given in the newspaper of general circulation in the Town of Hanover at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, the geographic area to which the proposal applies, and a summary of the proposed amendment.



The Plan Commission shall give notice of the hearing by publication under IC 5-3-1. The notice must state:

1. If the proposal contains or would add or amend any penalty or forfeiture provisions, the entire text of those penalty or forfeiture provisions.
2. The place where a copy of the proposal is on file for examination before the hearing.
3. That written objections to the proposal that are filed with the Secretary of the Plan Commission before the hearing will be considered.
4. That oral comments concerning the proposal will be considered.
5. That the hearing may be continued from time to time as may be found necessary.

#### **SECTION 12.07 – NOTICE PARTIES IN INTEREST**

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the applicant, by registered mail, at least twenty (20) days before the day of the public hearing to each person who owns an interest in real estate adjoining the property involved in such petition including owners of real estate at corners, and across streets, alleys or easements, as well as others who may share a common boundary; all other person who, in the opinion of the applicant, have an interest in the outcome of the petition; and any other owners of real estate who did not join as an original petitioner or who did not file a waiver of notice of hearing prior to the day of public hearing. The failure to deliver the notification, 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 12.06 of this ordinance.

#### **SECTION 12.08 – RECOMMENDATION BY PLAN COMMISSION**

Within ten (10) business days after the Plan Commission determines its recommendation, the Commission shall transmit its recommendation to the Town Council. The Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

#### **SECTION 12.09 – ACTION BY TOWN COUNCIL**

The Town Council shall vote on a recommended amendment proposal from the Plan Commission within ninety (90) days after the Plan Commission transmits its recommendation. The Town Council shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal.

If the proposal is to amend or partially repeal the text of the Zoning Ordinance the following procedures shall be followed:

A. If the Plan Commission submits a recommendation in favor of the amendment, and:

1. The Town Council adopts the recommendation, it takes affect as other ordinances of the Town Council; or
2. The Town Council fails to act within ninety (90) days, it takes affect as if it had been adopted ninety days (90) after receipt from the Plan Commission; or
3. The Town Council rejects the recommendation or amends the proposal, it shall be returned to the Plan Commission for its consideration. The Plan Commission has forty-five (45) days in which to consider the rejection or amendment and to report to the Town Council as follows:
  - a. If the Plan Commission approves the amendment or fails to act in forty-five (45) days, the proposal stands as amended by the Town Council as of the date of the filing or at the end of the forty-five (45) day period.
  - b. If the Plan Commission disapproves of the rejection or amendment, the action of the Town Council stands only if confirmed by another vote of the Town Council within forty-five (45) days after the Plan Commission certifies its disapproval. If the Town Council fails to confirm its action, the ordinance takes effect as originally proposed.

B. If the Plan Commission submits an unfavorable recommendation or no recommendation with the proposal to the Town Council, and:

1. The Town Council adopts the proposal, it takes effect as other ordinances of the Town Council; or
2. The Town Council rejects the proposal or fails to act within ninety (90) days, it is defeated; or
3. The Town Council amends the proposal, it shall be returned to the Plan Commission for its consideration. The Plan Commission has forty-five (45) days in which to consider the amendment and report back to the Town Council as follows:
  - a. If the Plan Commission approves the amendment or fails to act in forty-five (45) days, the ordinance stands as passed by the Town Council as of the date of the filing or at the end of the forty-five (45) day period.
  - b. If the Plan Commission disapproves the amendment, the action of the Town Council stands only if confirmed by another vote of the Town Council within forty-five (45) days after the Plan Commission certifies its disapproval. If the Town Council fails to confirm its action, the proposal is defeated.



If the proposal is to change the Official Zoning Map incorporated by reference in the Zoning Ordinance, the following procedures shall apply:

A. If the Plan Commission provides a favorable recommendation, and:

1. The Town Council adopts the proposal, it takes effect as other ordinances of the Town Council.
2. The Town Council rejects the proposal, it is defeated.
3. The Town Council fails to act within ninety (90) days, the proposal takes effect at the end of the ninety (90) day period.

B. If the Plan Commission provides an unfavorable or no recommendation, and:

1. The Town Council adopts the proposal, it takes effect as other ordinances of the Town Council.
2. The Town Council rejects the proposal, it is defeated.
3. The Town Council fails to act within ninety (90) days, it is defeated.

Any proposal for a Zoning Map amendment that is defeated under the provisions of this section may not be resubmitted for a period of one (1) year.

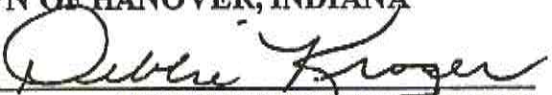
#### **SECTION 12.20 – REPEAL OF CONFLICTING ORDINANCE, EFFECTIVE DATE AND ENACTMENT**

All ordinances or parts of ordinance in conflict with this Zoning Ordinance 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 on August 3, 2005.

Passed and adopted by the Town Council of the Town of Hanover, Indiana, on this 2nd day of August, 2005.

**TOWN COUNCIL  
TOWN OF HANOVER, INDIANA**

  
DEBBIE KROGER, President

  
BRENDA HENSLEY, Council Member

Attest:

  
JEFFREY FANT, Council Member

  
Ralph Seifert, Clerk/Treasurer  
Town of Hanover, Indiana

  
MARGARET SEIFERT, Council Member

  
L. S. THURMAN, Council Member