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VILLAGE OF McCOMB

ZONING ORDINANCE

HANCOCK COUNTY, OHIO

Amended Text
Adopted by the Planning Commission
and Certified to Village Council
on May 5, 2004

[\[Effective Date and Council Action Signatures Required on Page 3\]](#)

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VILLAGE OF McCOMB ZONING ORDINANCE

PREAMBLE

Pursuant to the authority conferred by Section 713 of the Ohio Revised Code, and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of McComb, Ohio, by protecting and conserving the character and social and economic stability of the agricultural, residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of the land and undue congestion of population; providing adequate light, air and reasonable access; facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements, and by other means, all in accordance with a comprehensive plan now therefore:

ARTICLE I - ADMINISTRATION

GENERAL PROVISIONS

Title

This Ordinance shall be known and may be cited as the Village of McComb, Ohio Zoning Ordinance.

Purposeⁱ

This Zoning Ordinance shall regulate and restrict the location and use of buildings, structures and lands for trade, industry, agriculture, residence and for public and semipublic or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes to divide the Village into districts and establishing the boundaries thereof; providing for changes in the regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Planning Commission; and imposing penalties for the violation of this Ordinance.

Area of Jurisdiction

This Zoning Ordinance shall govern the incorporated portions of the Village of McComb, Ohio.

Scope

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

Relationship to Other Regulations

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern.

Interpretation

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein. They are hereby declared to be necessary to the preservation or protection of public health, safety and welfare.

Severability

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

Repeal of Conflicting Ordinancesⁱⁱ

All Ordinances or parts of Ordinances in conflict with the 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.

Effective Dateⁱⁱⁱ

Public hearing having been held hereon, the provisions of this Ordinance are hereby made and passed by the Village Council of McComb, Ohio on this 14th day of January, A.D. 1985.

Date Ordinance in Effect: 2-15-85.

Text amendments were adopted by the Planning Commission and certified to Village Council on the 10th of May, A.D. 2004. Public hearing having been held hereon, amendments to this Ordinance are hereby made and passed by the Village Council of McComb, Ohio on this 14th day of June, A.D. 2004.

Date Ordinance Amendments Shall Take Effect: 7-15-04.

ATTEST:

Clerk-Treasurer: _____

ARTICLE I ADMINISTRATION

CHAPTER Error! Main Document Only.

Council President: _____

Mayor: _____

ENFORCEMENT, PERMITS, FEES, AND PENALTIES

Enforcement

The provisions of this Ordinance shall be administered and enforced by the Zoning Inspector or by such deputies of his department as the Zoning Inspector may delegate to enforce the provisions of this Ordinance.

Permits

General Requirements. The following shall apply in the issuance of any permit:

Permits Required. No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a zoning permit shall have been first issued for such work. The terms “altered” and “repaired” shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the State of Ohio Building Codes or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

Permits Not to be Issued. No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.

Permits for New Use of Land. No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

Permits for New Use of Buildings. No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

Application Procedures

General Requirements. All applications for appeals, variances or interpretations must be filed on forms provided by the Zoning Inspector. All such applications shall be submitted to the Zoning Inspector, completed in full and accompanied by the appropriate fees as specified by separate ordinance. In

the event that an application is submitted which is incomplete or which is not accompanied by supporting documents or data as required on the application, it may be returned to the applicant for refiling. It shall be the applicant's responsibility to obtain and submit accurate information.^{iv}

Plot Plan. The Zoning Inspector shall require that all applications for zoning permits shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

The actual shape, location and dimensions of the lot.

The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.

The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

Variance Application.^v The following information will be required as part of a completed application for a variance:

Form completed by applicant which specifies the Variance being requested, the specific section(s) of the Zoning Ordinance on which the Variance is being requested, the details of the Variance and the grounds on which it is claimed that the Variance should be granted.

A plan, drawn to reasonable scale showing the entire property under consideration, the location and names of all abutting streets, the location and dimensions of all existing and proposed structures as well as the acreage and dimensions of the property under consideration.

Appeal Application.^{vi} The following information will be required as part of a completed application for an appeal:

Form completed by applicant which specifies the decision, action or refusal involved as well as the grounds for the appeal pursuant to timing

requirements and other standards contained in **Article I, Section 5.03** (Appeal of Zoning Inspector Decision) or **Article I, Section 5.04** (Appeal of Planning Commission Decision).

Such appeal application shall include all materials required by **Article I, Section 3.03** (Public Hearing) herein in order to provide the required public notice as specified therein.

Zoning Map Interpretation Application.^{vii} The following information will be required as part of a completed application for an interpretation of the Zoning Map:

Form completed by applicant which identifies in specific, the Section or District Boundary in dispute. The Planning Commission may table its decision on any such application which it feels the request is not stated clearly until such time as it is clarified to their satisfaction.

An application shall contain sufficient information to enable the Planning Commission to make the necessary Interpretation.

Final Inspection. The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure, or part thereof, shall notify the Zoning Inspector immediately upon the completion of the work authorized by such permit, for a final inspection.

Certificate of Occupancy. No land, building, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

Certificates Not to be Issued. No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.

Certificates Required. No building or structure (except farm buildings) or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.

Certificates Including Zoning. Certificates of occupancy required by the State of Ohio Building Codes for new buildings or structures, or parts thereof, or for

alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.

Certificates for Existing Buildings. Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.

Record of Certificates. A record of all certificates issued shall be kept on file in the office of the Zoning Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

Certificates for Dwelling Accessory Buildings. Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

Application for Certificates. Application for certificates of occupancy shall be made in writing to the Zoning Inspector on forms furnished by that Department, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

If such certificate is refused for cause, the applicant therefor shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

Fees

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Zoning Inspector in advance of issuance. The amount of such fees shall be established by the Village Council and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

Penalties and Other Remedies

Violations. Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred dollars (\$100.00).

Public Nuisance per se. Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequently to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Fines. The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines herein provided.

Each Day a Separate Offense. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

Rights and Remedies Are Cumulative. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

ADMINISTRATIVE DUTIES

Duties of the Zoning Inspector

The Zoning Inspector shall have the power to grant zoning permits and occupancy certificates, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

The Zoning Inspector shall review all plans and/or applications for any permits or certificates of occupancy in detail prior to approval or denial of such applications and/or plans, and issuance of any such permits or certificates.^{viii}

The Zoning Inspector shall approve proposed projects and determine zoning compliance for completed projects when compliant with this Ordinance, or deny the same in the event of noncompliance. The Zoning Inspector shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.^{ix}

The Zoning Inspector shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of **Article II, Chapter 8** (Nonconforming Lots, Nonconforming Uses of Land, Nonconforming Structures, and Nonconforming Uses of Structures and Premises).

The Zoning Inspector shall be responsible for the inspection of all improvements. Inspectors for the municipality shall be authorized to inspect any work done and all materials furnished. Such inspection may extend to all or any part of the work and to the preparation, fabrication or manufacture of the materials to be used. The Zoning Inspector shall be authorized to call the attention of the contractor to any failure of the work or materials to conform to the specifications and contract. The Zoning Inspector shall have the authority to reject materials which do not meet specification requirements or suspend the portion of the work involved until any question at issue can be decided by the Zoning Inspector. Inspection during the installation of improvements shall be made by the Zoning Inspector to insure conformity with the approved plans and specifications as contained in the applicant's construction agreement.^x

Under no circumstances is the Zoning Inspector permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Zoning Inspector.

The Zoning Inspector shall not be authorized to revoke, alter or waive any requirements of the approved specifications or plans.^{xi}

The Zoning Inspector shall be responsible for the collection of designated fees for certificates, applications, permits and processes described by this Ordinance, and shall ensure the preparation and conveyance of said applications with reports as necessary to the appropriate boards and/or commission, and Village Council.^{xii}

The Zoning Inspector shall prepare and maintain all records necessary and appropriate to the office, including records of the issuance/denial of all certificates of zoning compliance and zoning plan approval and receipt of complaints of violation of this Ordinance and action taken on the same.^{xiii}

The Zoning Inspector shall enforce this Ordinance and take all necessary steps to remedy any condition found in violation by ordering in writing the correction and/or the discontinuance (stop-work order) of illegal uses or illegal work in progress.^{xiv}

Duties of the Planning Commission

Planning Commission Established^{xv}

There shall be a Planning Commission which shall have the power and duties prescribed pursuant to ORC 713 and this Zoning Ordinance.

The Planning Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of the Ohio Revised Code and this Zoning Ordinance.

Powers and Duties^{xvi}

The powers and duties of the Planning Commission with respect to the administration of this Zoning Ordinance shall include making recommendations to Council, approving or denying applications brought before it, and such other rights and powers granted to it by laws of the State of Ohio or Ordinances of the Village of McComb.

The Planning Commission may require additional plans and studies, the costs of which shall be born by the applicant.

The Planning Commission shall hear and decide on applications which require site plan review, in accordance with the provisions of this Zoning Ordinance. In addition, the Planning Commission may hear and decide on applications for a Variance when a development involves subdivision activity and is subject to Site Review, in accordance with the provisions of this Zoning Ordinance.

The Planning Commission shall adopt such rules and requirements for plats, subdivisions, and the laying out of allotments as is deemed necessary and advisable, subject to Council approval. Such rules and requirements shall be placed on file in printed or typewritten form in the Zoning Inspector's office.

The Planning Commission may hear and decide on an application for a change from one nonconforming use to another subject to the provisions of this Zoning Ordinance.

The Planning Commission may approve conditional uses subject to conformance with this Zoning Ordinance.

The Planning Commission shall have the authority to grant variances from the provisions of the Zoning Ordinance.

The Planning Commission shall have the power to hear and decide any question involving the interpretation of any provision of the Zoning Ordinance and/or of the Zoning Map in accordance with the provisions of this Ordinance, including a determination of the exact location of any lot lines or district boundary if there is uncertainty with respect thereto. In considering an interpretation of the Zoning District Map, the Commission shall give due regard to the nature and conditions of all adjacent uses and structures as well as the public interest.

The Planning Commission shall hear and decide all appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Inspector or any other administrative official in carrying out or enforcing any provisions of this Ordinance.

The Planning Commission shall consider all zoning amendments requested and forward recommendations concerning such requests to Village Council.

The Planning Commission may make studies and recommend to Village Council community development plans, goals, and objectives relating to the growth, development, and redevelopment of the Village.

The Planning Commission may develop and recommend to the Council policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.

Period of Validity of Orders^{xvii}

No order of the Planning Commission permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Planning Commission permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building such

order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Appointment and Terms^{xviii}

Composition. As specified by ORC 713.01, the Planning Commission shall be established by Village Council and consist of five (5) members, including the Mayor, one member of Village Council to be appointed by Village Council for the remainder of his term as such member of the Village Council, and three (3) residents of the Village appointed by the Mayor. Members of the Planning Commission shall serve without compensation.

Appointment of Resident Members. A resident member of the Planning Commission serving on the effective date of this Ordinance may complete the term of his or her original appointment, but in the event of the death, removal, or resignation of such member, the Mayor shall appoint a person to fill the vacancy for the unexpired portion of the term of that member. The initial terms of the three resident members of the Planning Commission shall be two years, four years, and six years. Subsequent mayoral appointments shall be for a term of six years, such that the term of one of the three resident members shall expire every two years after the initial appointment. No resident shall be appointed for more than two (2) full consecutive terms.

Removal of Members. Any member absent without excuse from three (3) consecutive meetings or four (4) meetings within any single calendar year may be referred, by majority vote of the Commission, to McComb Village Council for its consideration to remove such member from the Commission. An unexcused absence shall be defined as one in which a member is absent from an announced meeting and has not contacted the Zoning Inspector or another Commission member to report the pending absence prior to that meeting.

Officers^{xix}

Duties of Officers. The officers of the Planning Commission shall consist of a Chairperson, Vice-Chairperson, and Secretary.

The Chairperson shall be the presiding officer over regular business meetings as well as any special meetings called by the Planning Commission.

The Chairperson shall promptly open the meeting at the appointed time by taking the chair, determining that a quorum is present, and calling the meeting to order.

The Chairperson shall announce the sequence of the order of business to take place at the meeting based on the agenda previously set for the meeting.

The Chairperson shall recognize both members of the Commission and audience participants who are entitled to the floor.

The Chairperson shall state and put to a vote all actions and questions that legitimately come before the Commission.

The Chairperson shall protect the meeting from obviously frivolous or irrelevant motions or discussions.

The Chairperson shall be responsible for maintaining order during the meeting.

The Chairperson shall make every effort to expedite the progression of business to come before the Commission, keeping in mind the rights of members and the audience participants.

Whenever necessary, the Chairperson shall authenticate by signature all acts, motions, orders or approvals of the Commission.

The Chairperson shall declare the meeting adjourned or in recess when the Commission so decides and shall declare the time and date of continuation when a matter of business is carried over.

The Chairperson may appoint special ad hoc committees from within the Commission for the purpose of making special studies or reports which may be of benefit to the Commission in its conduct of business.

The Vice-Chairperson shall act for the Chairperson in the event the Chairperson is absent from a meeting or the seat is vacant.

The Secretary shall be responsible for ensuring that the Zoning Inspector properly prepares and circulates an agenda to all members as well as others having a specific interest in the meeting. The Secretary shall be responsible for ensuring that proper records are maintained by the Zoning Inspector pertinent to all official Commission business. The Secretary shall act as the Chairperson in the event that both the Chairperson and Vice-Chairperson are absent from a meeting or their seats are vacant.

Election of Officers. Election of officers shall be held at the first meeting of the Commission in February by a majority vote of the membership.^{xx}

In the event of a vacancy on the Commission at the first meeting in February, the Commission shall postpone the election of officers until the first regular business meeting after all vacant seats on the Commission have been duly appointed and become official.

In the event that any existing officer position becomes vacant during the course of the year, the Commission shall elect a replacement officer to complete the term of office at the first regular business meeting after all vacant seats on the Commission have been duly appointed and become official.

Officer Term of Office. Officers shall serve a one (1) year term and may be reelected to an unlimited number of terms during their membership on the Commission.

Removal of Officers. Any officer may be removed from office by a vote of four of the five members of the Commission.

Meetings^{xxi}

Schedule of Meetings. All meetings of the Planning Commission shall be held at the call of the Chairman and at such other times as the Planning Commission may determine. In the event it is determined that a quorum of members will not be available to attend a scheduled meeting, the meeting may be canceled in advance by the Zoning Inspector.

Special Meetings. The Commission may schedule special meetings as it deems necessary. Such meetings shall be set by a majority vote of the Commission and shall be set at least 48 hours prior to the date and time of the meeting and subject to the prescribed public notice provisions herein.

Public Notice of Meetings. Subject to ORC 713.12, all meetings conducted by said Commission shall be open to the public. Notice of all public hearings shall be given by the Zoning Inspector as prescribed in and subject to **Article I, Section 3.03** (Public Hearings). The Zoning Inspector shall give notice to property owners and cause notice to be printed in the local newspaper and posted in five (5) locations as so specified in **Article I, Section 3.03A** (Notice).

Meeting Agenda. The Zoning Inspector shall prepare an agenda and related materials for each meeting and be responsible for circulating these materials to all members as well as others having a specific interest in the meeting. Business will be taken in the order in which it has been placed on the agenda. The agenda order may be changed at the pleasure of the Commission by way of a majority vote.

The agenda shall be closed seven (7) calendar days prior to the meeting but this does not preclude the addition of other items. No item may be added to the agenda less than twenty-four (24) hours prior to the date of the meeting. In the event that no agenda has been established for a particular meeting, the meeting may be canceled.

An agenda of the upcoming meeting will be posted at Village Hall and be distributed to Commission members, Village Council, the media, and other persons having an interest in the meeting as soon as it becomes available. Late revisions will be distributed as soon as possible and practical.

In the event that a special meeting is called less than seven (7) calendar days in advance of its date and time, the Chairperson shall announce and thereby set the agenda for the special meeting at the time that the meeting is called. In all other cases, the agenda shall be prepared and distributed as specified above.

Quorum. The presence of three (3) members of the Planning Commission shall constitute the minimum number necessary to transact business or render legitimate any actions voted on or taken by the Commission. The Planning Commission shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it. The

Planning Commission shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this Ordinance.

Quorum Required. A meeting shall not be called to order without a quorum. The Chairperson may wait a reasonable amount of time before deciding that the meeting will have to be canceled due to lack of a quorum. Should this happen, agenda items shall be rescheduled to the next regular business meeting.

Loss of Quorum. If during the course of a meeting the number of Commission members present is less than three, the meeting shall be adjourned by the Chairperson for lack of a quorum. Should this happen, remaining agenda items shall be rescheduled to the next regular business meeting.

Witnesses. The Chairperson of the Planning Commission may direct the Village Solicitor, or his/her designee, to administer oaths and compel by issuance of a Subpoena the attendance of witnesses in all matters coming within the purview of the Commission and take testimony of any and all persons appearing before the Commission.

Voting. All members and officers of the Commission may participate in any discussion and shall be a voting member of the Commission. A final vote of the Planning Commission shall result from a vote of those members in attendance at the time of the vote.

The Commission shall transact all business by an affirmative vote of no less than three members of the Commission. Should a meeting be called to order with only three (3) members present, the Chairperson will explain to the audience that a unanimous vote of those present will be required to transact business.

A tie vote shall be treated as a defeat to the Measure.

Abstentions from voting shall be counted as votes on the side of the applicant or appellant except where the abstention is due to a conflict of interest or some other similar problem and there has been no participation in the deliberations in the case.

The decision of an adjudicatory hearing will take the form of a reversal, an affirmation, or a modification of the administrative decision. The basis

for decisions reached shall be specified by rendering findings of fact and conclusions of law.

Meeting Minutes. The Zoning Inspector, or his representatives, shall keep minutes of Commission proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action.

Records, Files, and Transcripts. The Zoning Inspector shall maintain all records and files of the Planning Commission examinations and other official actions in the office of the Zoning Inspector, all of which shall be a public record open to the public during regular Village Hall business hours. Such information shall include meeting agendas, applications, case files, meeting minutes, resolutions or actions by the Planning Commission as well as correspondence.

Public Hearings^{xxii}

Public hearings, where required by this Ordinance, shall follow adjudicatory hearing procedures pursuant to ORC 713.12 wherein the following procedures shall be followed:

Notice

Publication. At least thirty (30) days written notice of the hearing shall be given to the parties in a newspaper of general circulation in the municipal corporation and shall be posted at five (5) locations designated by Village Council. Notice of hearings published in a newspaper regarding potential amendment to the zoning ordinance text or map shall require publication once a week for not less than two (2) nor more than four (4) consecutive weeks.

Rezoning. Amendments to rezone ten (10) or fewer parcels shall require supplemental notice by first class mail at least twenty (20) days prior to the hearing to property owners within and contiguous to and directly across the street from such parcel or parcels.

Form of Notice. The notice shall reasonably apprise the public of the time, place, and essence of the hearing. In addition, the notice shall state that the public may examine or obtain copies of the relevant text, maps, plans,

reports, and agenda relating to the hearing at the office of the Clerk of Council or such other location as Village Council may designate.

An appellant to a decision of the Zoning Inspector or Planning Commission shall not be liable for reasonable postage or advertising costs associated with the notice requirement;

Record. A record of the proceedings of a public hearing, approved by the Planning Commission and signed by the Secretary of the Planning Commission, shall be maintained in case the decision is appealed. A typical hearing record shall include:

The applicant's request on a properly completed form;

The records of any actions on this request by an administration official or body, including all past records regarding the property such as an earlier request for variance, conditional use approval, or a record of a nonconforming use status;

Records that verify proper notice has been given to the appropriate parties and to neighboring property owners, including any newspaper notice and the affidavit of publishing thereof;

Any relevant maps, exhibits, drawings, or photographs presented and marked as evidence or as a part of the application, and copies of any correspondence received or sent out with regard to the request;

A complete record of all public input made at the hearing submitted by sworn witnesses. The hearing may be tape-recorded for later transcription into minutes or a court stenographer shall be present to prepare a complete record;

A record of what the hearing body saw on any visits it made to the property in question, and a summary of any conversations between the hearing body and parties with an interest in the application;

Copy of a reference to the relevant ordinance requirements;

The findings of fact, the conclusions reached, and the recommendation or decision made on the request by the Planning Commission. Where applicable, any memorandum or report forwarding that recommendation to Village Council on a zoning change or final subdivision, along with the basis

or rationale for it, and any recommended changes or conditions to be imposed through legislation.

A copy of any other correspondence to or from the petitioner regarding the decision.

Format for the Hearing. In order to insure a fair and objective public hearing, the following procedure shall be followed by the Planning Commission:

Open the Hearing. The chairperson opens the hearing, advises the participants that *Robert's Rules of Order* shall cover parliamentary issues, summarizes the hearing procedure, announces the subject, and summarizes the application. If legal council is not present, the Chairman shall announce that if the Planning Commission is in doubt as to how to proceed on a legal issue, it shall recess for an opinion by its own council. At this time, recognition of the required public notice publication should be made for the record.

Call for Abstentions and Ex Parte Contacts

The chairperson shall call for and recognize abstentions by any member of the Planning Commission in the event that there is a personal conflict of interest and the Member shall be responsible for explaining the validity of the nature of the conflict of interest.

The chairman shall call for acknowledgment of any prior ex parte (off-the-record) communications by members of the Planning Commission.

The official receiving the ex parte communication should summarize the nature of an oral communication on the record of the hearing so that its substance may be contested in public by other parties.

Ex parte written materials received by members of the Planning Commission shall be included in the agenda of the hearing or announced by the chairman at the hearing so that all parties can review them.

Ex parte communications do not need to be acknowledged at the hearing when they have been made public by sending a copy or a summary of the nature of an oral communication to the Secretary of the Planning Commission so that the communication could be timely

placed in the applicant's case file for public inspection and to parties required to receive notice by mail.

Staff Report and Summary. The chairperson shall ask staff to present its report. Visual aids, such as flip charts, maps, or projected images should be employed to make or clarify critical points.

Oath of Witnesses. All testimony shall be taken under oath. The chairperson shall direct all persons wishing to present testimony to stand and be sworn at one time. Then, as each person is later recognized to present testimony, the chairperson shall only need ask witnesses to identify themselves, their residence or business address, and the fact they have been sworn in.

Proponents are Recognized. The chairperson shall seek testimony from the applicant and those favoring the proposal.

Presentation time shall be generally limited to three (3) to five (5) minutes for each individual.

Direct testimony shall be taken in the form of reliable, probative, and substantial evidence from experts and non-experts.

Hearsay evidence may not be considered or not admitted in an arbitrary manner. Factors bearing on arbitrariness include whether any party objected to the hearsay; whether both sides take advantage of liberalized evidentiary rules regarding hearsay; whether the hearsay carried an indicia of reliability; and whether the Planning Commission blindly accepted the accuracy of the hearsay evidence.

All testimony shall be subject to cross examination.

Examination of Proponents Through the Chair. The chairperson shall recognize members of the Planning Commission with questions regarding the proponents' presentation. All questions and responses shall be directed through the chairperson. Members of the Planning Commission should probe views of witnesses to separate fact from opinion and lay opinion from expert opinion.

Opponents Are Recognized. The chairperson shall seek testimony from those opposed to the proposal. Individuals who were entitled to receive notice of the hearing or groups represented by spokespersons shall be recognized first.

The same amount of time allowed each proponent should be afforded each opponent.

Examination of Opponents through the Chair. The chairperson shall recognize members of the Planning Commission with questions regarding the opponents' presentation. All questions and responses shall be directed through the chairperson.

Rebuttal and Cross-examination of Witnesses. The chairperson shall recognize both opponents and proponents who desire to submit rebuttal testimony or to cross-examine witnesses. All rebuttal comments or questions to and from members of the hearing body shall be directed through the chairperson. The proponents shall have the final opportunity for rebuttal.

Close the Hearing. Upon motion of a member of the Planning Commission, the chairperson should close the hearing. If pertinent data needs to be obtained, the chairperson shall announce a continuation of the hearing to another specified date, time, and place.

Deliberation and Decision. At the conclusion of the hearing, the Planning Commission shall deliberate upon the application and reach a decision. If time does not permit adequate deliberation, the matter should be continued for a decision at a meeting open to the public at a specified date, time, and place.

STANDARDS FOR CONDITIONAL USES

A Conditional Use shall be subject to such conditions as the Planning Commission may require to preserve and promote the character of the zoning district in question and which otherwise promotes the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of McComb.^{xxiii}

General Standards^{xxiv}

In granting permits for conditional uses, the Planning Commission shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the conditional use is permitted.

The granting of the temporary use shall be in writing, stipulating all conditions as to time, the nature of development permitted, setbacks, land coverage, off-street parking, lighting, and other requirements to be considered, and, if applicable, arrangements for removing the use at the termination of a temporary permit.

No conditional use permit shall be granted without first giving notice to owners of adjacent property of the time and place a public hearing is to be held as further provided for in this Ordinance.

The Planning 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 the use in the proposed location:

Is in fact a conditional use as established under the provisions of the Zoning Ordinance;

Will be harmonious with and in accordance with the general objectives of the zoning district, or with any specific objective of Village planning and/or the Zoning Ordinance;

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 the use will not change the essential character of the same area;

Will not be hazardous or disturbing to existing or future neighboring uses;

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 site shall be able to provide adequately any such services;

Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

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 or odors;

Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Temporary Buildings and Uses

Upon proper application and approval or approval with modifications, the Planning Commission shall permit:

Temporary buildings and uses for periods not to exceed two (2) years in undeveloped sections of the Village and for periods not to exceed six (6) months in developed sections.

Temporary uses which do not require the erection of any capital improvement of a structural nature not otherwise permitted in any district for periods not to exceed twelve (12) months with the potential for twelve (12) month extensions being permissible. In classifying uses as not requiring capital improvement, the Planning Commission shall determine that they are either: demountable structures related to the permitted use of the land; recreation developments, such as, but not limited to golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.^{xxv}

VARIANCES AND OTHER APPEALS

General Requirements^{xxvi}

Rights of appeal shall be as set forth in ORC 713.11 and other applicable sections of the Ohio Revised Code.

The Planning Commission or the Village Council, as is appropriate, shall select a reasonable time and place for the hearing of the appeal and give at least ten (10) days notice thereof to the parties in interest and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

Standards for Variance^{xxvii}

Upon an appeal, the Planning Commission shall have the authority to hear and decide a request for a variance from the strict application of the provisions of this Ordinance due to individual hardships or practical difficulties peculiar to the property for which a variance is sought, to alleviate a situation in which for no public reason zoning for an area burdens one parcel of land more stringently than others, or to provide a relief valve so that zoning, which would otherwise be unconstitutional as applied, can be made constitutional.

General Standards. The Planning Commission shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not:

Impair an adequate supply of light and air to adjacent property; or

Unreasonably increase the congestion in public streets; or

Increase the danger of fire or endanger the public safety; or

Unreasonably diminish or impair established property values within the surrounding area; or

In any other respect impair the public health, safety, comfort, morals or general welfare of the inhabitants of McComb.

Specific Standards for a Use Variance. The Planning Commission shall not have the power to alter or change the uses of a zoning district classification of any property without a finding of an unnecessary hardship, nor to make any change in the terms of this Ordinance, but may in such instances as desired initiate an amendment to the Zoning Ordinance in accordance with **Article I, Chapter 7** (Changes and Amendments). The standard for an “unnecessary hardship” is that the owner, unless granted a use variance, will be unable to profitably use or have beneficial use of the property for the purposes for which it is zoned, resulting in a substantial deprivation of property rights. The standard of “unnecessary hardship” is not met just because a property can be put to a more profitable use with a variance, as long as economically viable alternatives are available without a variance. Absent what would amount to an unconstitutional taking, a use variance shall not be granted.

Specific Standards for an Area Variance. The Planning Commission may approve modification of the yard, lot, height, parking, landscaping, and sign regulations as may be necessary to secure an appropriate improvement of a specific piece of property where the strict application of the regulations enacted would result in

peculiar or exceptional practical difficulties to the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.

The necessity of the area variance shall be by reason of exceptional narrowness, shallowness, shape, area, exceptional topographic conditions or other extraordinary or exceptional conditions of such property, or due to its location with relation to surrounding development or physical characteristics, such that it cannot otherwise be appropriately improved without such modification.

Factors for review of area variances shall include, but are not limited to:

Whether the property will yield a reasonable return; or whether there can be a beneficial use of the property without the variance;

Whether the variance is substantial;

Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a “substantial detriment;”

Whether the variance would adversely affect the delivery of governmental services;

Whether the property owner purchased the property with knowledge of the zoning restriction;

Whether the problem can be solved by some manner other than the granting of a variance;

Whether the variance preserves the “spirit and intent” of the zoning requirement and whether “substantial justice” would be done by granting the variance.

Other Variance Requirements

In granting a variance, the Planning Commission shall expressly state the grounds upon which it justifies the granting of a variance and such conditions regarding the location, character, indefinite or specified duration, and other

features of the proposed structure or use as it may deem reasonable in furtherance of the purpose of this Ordinance.

The Planning Commission may require such evidence and guarantee or bond as it may deem necessary to insure that all such conditions so attached are being and will be complied with.

The Zoning Inspector shall enter the nature of the Variance and of any conditions attached to it on the face of the Zoning Permit, or the Zoning Permit may simply note the issuance of a Variance and refer to the written record of the Variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this chapter.

Variations relating to the subdivision of land shall be referred to the Planning Commission for recommendation and then to the Village Council for decision.

Appeal of Zoning Inspector Decision^{xxviii}

The Planning Commission shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, denial of a permit, decision or refusal made by the Zoning Inspector or any other administrative official in carrying out or enforcing any provisions of this Ordinance.

An appeal of a final order or decision of the Zoning Inspector shall be taken to the Planning Commission by an aggrieved party, as defined herein.

Notice of intent to appeal shall be filed with the Zoning Inspector within five (5) calendar days of the decision. A petition for such appeal shall be filed with the Zoning Inspector within fifteen (15) days from the date of the decision of the Zoning Inspector specifying the grounds thereof. The date and time of filing shall immediately be entered on the application by the Zoning Inspector. The Zoning Inspector shall forthwith transmit to the Planning Commission all of the papers constituting the record upon which the action appealed from was taken within thirty (30) days.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector certifies to the Planning Commission after notice of appeal has been filed that by reason of facts stated in the certificate a stay would impose a danger of imminent peril to life or property, in which case the

proceedings shall not be stayed, except by order of the Planning Commission or a restraining order, which may be granted by a court of record, issued on an application of the party seeking the stay, for due cause shown, after notice to the Zoning Inspector.

The decision by the Planning Commission will take the form of a reversal, an affirmation, or a modification of the administrative decision.

Appeal of Planning Commission Decision^{xxix}

Appeal of the decisions of the Planning Commission shall be appealed to Village Council by an aggrieved party pursuant to the general provisions for appeal in ORC Chapter 119.

Notice of intent to appeal shall be filed with the Clerk of Council within five (5) days of the decision. A petition for such appeal shall be filed with the Clerk of Council, specifying the facts of the case and the grounds thereof, within fifteen (15) days from the date of the decision by the Planning Commission. The date and time of both filings shall immediately be entered on the notice and the petition by the Village Clerk. Within thirty (30) days, the Zoning Inspector shall forthwith transmit to the Village Clerk all of the papers constituting the record upon which the action appealed from was taken.

The decision by the Village Council will take the form of a reversal, an affirmation, or a modification of the administrative decision.

SITE PLAN REVIEW (ALL DISTRICTS)

Purpose^{xxx}

The purpose of site plan review procedures and requirements are to provide a means and process to review the proposed development of structures and establishment of land uses in a way that protects the public health and safety through consideration of the following concerns and, where necessary, requires modification of development proposals to eliminate or reduce potential land use conflicts and nuisances. The principle areas of concern are:

Balancing of landowners' rights to use their land with the corresponding rights of abutting and neighboring landowners to live without land use conflicts;

The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;

The protection of surface or ground-water from pollution and the adequacy of waste disposal methods;

The protection of natural environmental features on the site and in adjacent areas;

Aesthetic issues regarding the form of the proposed development as it relates to the inclusion of architectural features that are inviting to the public, help create a sense of place and urban character, and provide a more human scale urban environment.

Projects Requiring Site Plan Review^{xxxix}

Except as specifically exempted in this section below, no permit shall be given except in conformity with a site plan approved in accordance with this chapter for the:

Construction of a new building;

Expansion, exterior alteration, or change of use, of any existing building.

Specific Exemptions from Site Plan Review^{xxxix}

Site plan review shall not be required for:

The construction or enlargement of any single-family, two-family or three-family residential dwelling;

One, two and three-family residential dwelling accessory buildings;

The construction or alteration of any building used exclusively for agriculture, horticulture, or floriculture, not involving retail sales;

Home occupations;

The expansion, exterior alteration, or change of use of an existing building which does not involve:

A gross floor space increase of twenty-five (25) percent or more of the existing gross floor area; or

A gross floor space increase of 1,000 square feet or more of gross floor area; or

A property which is within, or which abuts a zoning district that allows single family dwellings; or

The addition of 5 or more required parking spaces; or

Non-residential accessory buildings, less than 1,000 square feet of gross floor area.

Procedure for Approvals^{xxxiii}

An applicant proposing a development which requires a Site Plan Review under this section shall file required plans and documents with the Zoning Inspector at least fourteen (14) days in advance of the next scheduled Planning Commission meeting.

Fifteen (15) copies of the site plan documents are required along with the required application fee.

When other approvals are required, such as conditional uses or variances, any additional required information shall be submitted with the site plan.

After determining that an application for site plan approval is complete, the Zoning Inspector shall transmit copies of the application to the Planning Commission. If all information required is not provided, the Zoning Inspector shall promptly notify the applicant of the items needed.

Following the determination that the application is complete, and after proper notifications are provided, the Planning Commission shall conduct an adjudicative hearing on the matter pursuant to **Article I, Section 3.03** (Public Hearings) and take action. Unless the Applicant agrees to an extension of time in writing, the Planning Commission shall take one of the following courses of action at such meeting:

Approval, in which case the Zoning Inspector may issue a Zoning Permit.

Conditional Approval, setting forth, in writing, the conditions upon which approval is granted. In the case of a Conditional Approval, the Applicant shall submit to the Zoning Inspector a revised site plan showing any and all requirements of the Commission. If the Zoning Inspector determines that all conditions have been satisfied on the amended site plan, a Zoning Permit may be issued.

Disapproval, in which case no Zoning Permit may be issued, and a new site plan must be prepared for consideration by the Commission.

Standards for Review. The Planning Commission shall review the site plan and supporting documents, taking into consideration the reasonable fulfillment of the objectives listed as follows:

Circulation. Convenience and safety of both vehicular and pedestrian movement within the site and satisfactory and harmonious relationship to adjoining ways and properties.

Parking. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control;

Services. Reasonable demands placed on municipal services and infrastructure;

Pollution Control. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes reducing soil erosion both during and after construction;

Nuisances. Protection of abutting properties and Municipal amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, storm water runoff, etc.;

Existing Vegetation. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees;

Amenities. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space;

Community Character. The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding landscape; and

Design Standards. Compliance with the specific municipal Design Standards set forth in this Ordinance for such construction.

The Planning Commission may further require landscaping, fences and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.

Submission Requirements^{xxxiv}

A site plan shall be prepared on standard 24" x 36" sheets at a scale of one (1) inch equal twenty (20) feet or developments greater than five (5) acres may be drawn at a scale of one (1) inch equal fifty (50) feet. Additional fees may be required to defray the expenses associated with the public review of the plans, including the need to retain a registered professional engineer, architect, or landscape architect, or other professional consultant to advise the Planning Commission on any or all aspects of the site plan. The following information shall be included on the site plan:

Name of the project, date, north point, and scale of the plan.

Name and address of the owner of record and developer.

The names, addresses, and seal of the architect, planner, designer, engineer, or person responsible for the preparation of the site plan.

Boundaries, legal description and location maps showing the site location within the Municipality.

Zoning for the subject site and adjacent parcels, including those across the street.

The location and dimensions of all lot and property lines, easements, and rights-of-way, showing the relationship of the subject property to abutting

properties within two-hundred feet (200 ft.) of any property line of the subject property. Include area in acres or square feet and indicate the names and addresses of all owners of record for all parcels shown.

The location, dimensions of height, size, floor area, entrance locations, and use of all existing and proposed structures on the subject property and all existing structures within one hundred (100) feet of the subject property.

Elevation plans at a scale of one-fourth (1/4) inch = one (1) foot or one-eighth (1/8) inch = one (1) foot for all exterior facades of proposed structures and/or anticipated future additions and alterations showing architectural design features and the type and color of materials to be used.

An illustration of traffic flow patterns within the site and within one hundred (100) feet of the site , including driveway entrances and exits, loading and unloading areas, and the location of all present and proposed public and private drives, parking areas, driveways, sidewalks, ramps, curbs and curb cuts, paths, landscaping, walls, and fences. A pedestrian circulation plan shall also be shown.

A landscape plan in accordance with the requirements of **Article II, Chapter 4** (Landscaping and Buffering Requirements).

The location, height, intensity, and bulb type (e.g., fluorescent, sodium, incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.

The location, height, size, materials, and design of all proposed signage.

Location, type, and screening details for all waste disposal containers.

Plans for fire protection, including and emergency vehicle movement and access, designation of fire lanes and signage, and water lines serving fire protection equipment, hydrant locations, sizes and fittings.

The location of all present and proposed utility systems including, sewage or septic systems, water supply system, telephone, cable and electrical systems, storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales.

All existing natural land features, trees, forest cover, and water sources, and all proposed changes to these features including size and type of plant material.

Water sources will include ponds, lakes, streams, wetlands, flood plains, and drainage retention areas.

A table containing the following information must be included:

Area of building to be used for a particular use such as retail operation, office, storage, etc.

Maximum number of employees.

Maximum seating capacity, where applicable.

Number of parking spaces required for the intended use(s).

For larger development projects, the Zoning Inspector may require the following information if deemed necessary:

Copies of Soil logs and percolation tests.

Stormwater runoff calculations and plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties, as applicable.

Existing and proposed topography at a one (1) foot contour intervals. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100-year flood-plain, the area will be shown and base flood elevations given.

Indicate areas within the proposed site and within fifty feet (50 ft.) of the proposed site, where ground removal or filling is required, and give its approximate volume in cubic yards.

An access request study (ARS) may be required for low traffic generators of less than 100 trips in the peak hour of traffic or less than 500 trips on an average day. Such a study is intended to minimize impacts to the roadway system. The ARS can be prepared as part of the site plan and need not require a registered professional engineer specializing in traffic. The scope of the ARS shall concentrate on the subject property and the adjacent properties including properties across the road. Access requests will be reviewed in terms of drive geometry, drive number and locations and as provided and directional

restrictions. The objective is to evaluate the access within the immediate area of the proposed site. All traffic access request studies shall include the following items:

Identification of road details including right-of-way width, both existing and proposed, pavement widths, identification of vehicular lanes, and adjacent traffic control devices including STOP signs and traffic signals.

Identification of adjacent access locations including properties across the road.

A Traffic Impact Study shall be required and shall be submitted by an applicant as part of a proposed site plan in accordance with the following section when:

Proposed development would be expected to generate more than one hundred (100) directional trips during the peak hour of generation or seven hundred fifty (750) trips in an average day. Traffic impact studies are not required for any type of residential subdivision.

New phases or changes to an existing development where a traffic study is more than two (2) years old and roadway conditions have changed significantly (volumes increasing more than two (2) percent annually).

A change or expansion at an existing site where the change or expansion is expected to increase traffic by at least one hundred (100) directional trips in a peak hour or result in at least five hundred (500) additional vehicle trips per day for the entire project.

Traffic Impact Study Contents^{xxxv}

All traffic impact studies shall include the following items:

Description of the Site, Surroundings, and Study Area. Illustrations and a narrative shall describe the characteristics of the site and adjacent roadway system (functional classification, lanes, speed limits, etc.). This description shall include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features and a description of any planned roadway improvements. The study shall define and justify the study area selected for analysis.

Description of the Proposed Development. A description of factors such as the number and types of dwelling units, the gross and usable floor area, the number of employees, and shift change factors. Intended phasing or future expansion shall also be noted.

Description of Existing Traffic Counts. Existing conditions including existing peak-hour traffic volumes (and daily volumes if applicable) on street(s) adjacent to the site. Existing counts and levels of service for intersections in the vicinity, which are expected to be impacted, shall be provided. Traffic count date shall not be more than two (2) years old.

Traffic counts shall be taken on a Tuesday, Wednesday, or Thursday of non-holiday weeks.

Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include land configurations, geometries, signal timing, traffic control devices, posted speed limits, average running speeds, and any sight distance limitations. Existing levels of service shall be calculated for intersections included within the study area.

Existing driveways and potential turning movement conflicts in the vicinity of the site shall be illustrated and described.

The existing right-of-way shall be identified along with any planned expansion of the right-of-way.

Background Traffic Growth. For any project requiring a Traffic Impact Study with a construction completion date beyond one (1) year at the time of the traffic study, the analysis shall also include a scenario analyzing forecast traffic at date of construction completion.

Trip Generation. Forecasted trip generation of the proposed development for the a.m. (if applicable) and p.m. peak hour and average day shall be calculated. This forecast shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE).

Any trip reduction for pass-by trips, transit, ride sharing, other modes, internal capture rates, etc., shall be based both on ITE findings and documented survey results acceptable to the agency reviewers. The community may elect to reduce the trip reduction rates used.

For projects intended to be developed in phases, the trip generation by phase shall be described.

Trip Distribution. The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site access points and nearby intersections where required.

Projected turning movements shall be illustrated in the report.

A description of the application of standard engineering procedures for determining the distribution shall be attached (trip distribution model, market studies, counts at existing driveways, etc.).

Impact Analysis. Level of service or "capacity" analysis at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board shall be provided. Before and after capacity analyses shall be performed for all street intersections where the expected traffic generated at the site will comprise at least five (5) percent of the existing intersection capacity.

Access Design/Access Management Standards. The study shall include a map and description of the location and design of proposed access (driveways or new street intersections) including: any sight distance limitations, dimensions from adjacent driveways and intersections within two hundred fifty (250) feet on either side of the main roadway, data to demonstrate that the number of driveways proposed is the fewest necessary, and support that the access points will provide safe and efficient traffic operation.

Other Study Items. The Traffic Impact Study shall also analyze and report upon the following criteria:

Need for, or provision of, any additional right-of-way where planned or desired by the applicable transportation agency.

Changes that should be considered to the site plan layout.

Description of how the proposed site plan conforms to thoroughfare policies described in the Village Comprehensive Plan and other relevant plans.

If the use involves a drive-through facility, the adequacy of the queuing (stacking) area shall be evaluated.

If a traffic signal is being requested, the applicable traffic signal warrants shall be provided along with an analysis of traffic progression along the roadway through coordination with other signals.

Description of site circulation and available sight distances at site driveways.

Description of opportunities to define pedestrian circulation to and from the site and any anticipated impact relative to existing or planned bike/walking trails and/or dedicated bike lanes in roadways. The weight and relative importance of such considerations shall be proportional to the size of the proposed development and proximity of existing or planned bike or walking trails and/or dedicated bike lanes. Consideration shall also be given to accommodating transit as a mode of transportation when the proposed development is located along a bus route.

Mitigation/Alternatives. The Traffic Impact Study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements shall be described. The mitigation measures may include items such as roadway widening, turn lane geometries, changes to signalization, elimination or combination of access points, or reduction in the proposed intensity of use. Any applicable local or State agency shall review proposed mitigation measures. The responsibility for construction and timing of roadway improvements shall be described.

Qualifications of the Preparer. The preparation of a thorough Traffic Impact Study requires extensive background and experience in traffic analysis. The person responsible for the preparation of the Study shall meet the following requirements:

Any Traffic Impact Study involving roadway or traffic signal design work shall be prepared by, or under the supervision of, a registered engineer (P.E.) with specific training in traffic engineering.

The Traffic Impact Study shall include a resume of the preparer responsible for the report. The Traffic Impact Study may also include relevant experience of the preparer's firm. The study shall also be signed by the preparer with full recognitions of potential liability for the results and recommendations outlined in the report.

Changes to Site Plans^{xxxvi}

After the approval of a Site Plan, the developer, individual property owners or property owners wish to make major or minor modifications to site plans. To distinguish between major and minor modifications, and to provide an abbreviated process through which minor changes to previously approved site plans can be approved, the following procedures shall be followed:

An application for an amendment to an approved Site Plan shall be filed with the Zoning Inspector. The application shall include five copies of revised development plans clearly showing the proposed changes.

Minor Modification. To qualify as a minor modification, the Zoning Inspector shall find that a proposed modification consists of activity that is no more intensive than any of the following:

Adjustments to the size and location of structures, off street loading areas, ponds, pools, decking, dumpster locations, patios and required screening, fencing, lighting, landscaping, accessory structures and other improvements do not:

Result in an increase in the approved number of housing units or non-residential principal structures.

Increase building mass of a principal structure through an increase in height, length or percent of lot coverage.

Move or relocate a principal structure when the subject property abuts land that is used for residential purposes inside or outside of the development.

Move or relocate a principal structure such that the placement of structures will be closer to any one property line than existed before such relocation.

Modifications to approved circulation drives and parking areas do not reduce the number of approved spaces, or encroach into setback areas or designated recreation/open space areas, and the location and number of curb cuts remains unchanged.

Reductions in the size of signs.

The Zoning Inspector may approve minor changes if all of the following conditions are met:

The proposed minor change is in conformity with all administrative regulations and/or policies for such planned unit development issued by the Planning Commission.

The proposed minor change meets with the approval of applicable municipal departments; and,

All conditions for approval of the minor change are acceptable to the applicant.

Otherwise, the Zoning Inspector shall forward the request with the attendant recommendations to the Planning Commission and it shall approve, conditionally approve or reject the minor change request. The Planning Commission shall be advised of all minor changes authorized under the above procedures.

Major Change. A major change shall be construed as any change that does not satisfy the above criteria for a minor change. All proposed major changes shall be acted upon in the same manner as a new site plan.

Enforcement and Time Limits^{xxxvii}

A bond or other similar performance guarantee may be required to ensure compliance with the plan and stated conditions of approval. Site plan approval issued under this section shall lapse within two (2) years unless a zoning permit is obtained and construction is completed. When a site plan becomes the subject of litigation, this two (2) year time limit shall be tolled until the action of a court determining the merits of the legal action has become final and the time limit for appeal has expired with no notice of appeal being taken.

CHANGES AND AMENDMENTS

General

Wherever the public necessity, convenience, general welfare or good zoning practice require, the Village Council may, by Ordinance and subject to the procedure provided by law, amend, supplement or change the regulations, district boundaries or classifications of property, now or hereafter established by this Ordinance or

amendments thereof in accordance with the provisions of ORC 713.10 et seq. of the Ohio Revised Code as it may be amended from time to time by the Ohio General Assembly.^{xxxviii}

Initiation of Amendments^{xxxix}

Initiation of an amendment to the Zoning Ordinance text or map may occur by the motion of the Village of McComb Planning Commission, by the passage of a resolution by Village Council subsequently certified to the Planning Commission, or by the filing with the Zoning Inspector of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by a proposed amendment.

Fees

At the time an application for a change in the Zoning Ordinance or Map is filed with the Planning Commission, such application shall be accompanied by a fee. The amount of such fee shall be established by the Village Council and shall be sufficient to defray the administrative costs involved in processing the amendment request.

Recommendation by the Planning Commission^{xl}

The Planning Commission shall frame, adopt, and then certify to the Village Council any amendments or changes to the Zoning Ordinance. The Planning Commission shall be given a reasonable time, not less than thirty (30) days, for consideration and report to Village Council.

Legal Form. The legal form of the amended zoning ordinance shall contain both the entire existing text of the ordinance or section to be amended and the recommended text amendment. Where possible for text changes, this shall be accomplished by use of highlight to indicate proposed additions to the text and strikeout to indicate proposed deletions from the text. Where possible, amendment to the Official Zoning Map shall require all changes to be indicated on a duplicate copy of the Zoning Map or a copy of the relevant portion of the map.

When Public Hearing Required. The Planning Commission may review the proposed legislation and act on it at a regular business meeting without any

special notice unless a public hearing with notice, pursuant to **Article I, Section 3.03** (Public Hearings), is required by motion of the Planning Commission, resolution of Village Council, or as otherwise required by this Zoning Ordinance.

Action by Village Council^{xli}

Notice and Public Hearing Required. The Village Council shall not enact a Zoning Ordinance Amendment until it provides notice pursuant to **Article I, Section 3.03A** (Notice) and conducts a public hearing, following the same procedure outlined for the Planning Commission in **Article I, Section 3.03C** (Format for the Hearing).

Adoption, Modification, or Rejection

Adoption.

No ordinance or section thereof may be amended unless the new ordinance contains the entire ordinance or section amended and the ordinance or section so amended must be repealed.

If the ordinance or amendment is in accordance with the recommendations, plan, or report submitted by the planning commission, adoption of the ordinance requires the affirmative vote of a simple majority of the members elected to Council.

Modification. If the measure violates, differs with, or departs from the mandated recommendations, plan, or report of the Planning Commission, then enactment of the ordinance and repeal of the prior ordinance or section requires a vote of not less than three-fourths of the membership of the Village Council. Where the amendments are germane to the subject matter and in accordance with the recommendations of the Planning Commission, no additional notice or public hearing is required.

Rejection. Village Council effectively rejects a recommendation of the Planning Commission when a simple majority of its members fails to vote for the adoption of the Ordinance.

Publication of Zoning Code. Upon the adoption of a Zoning Code amendment:

The Ordinance shall be authenticated by the signature of the Mayor and Clerk of the Village Council and recorded by the Clerk in a book furnished by the Village Council for that purpose.

The Clerk of Council shall publish the amendments to the text and/or the map (if the ordinance does not contain legal descriptions of any map changes), or a succinct summary of each municipal ordinance, following the general procedures of ORC 731.21, ORC 731.22, ORC 731.25, and ORC 731.26.

If published in one or more newspapers published in the Village pursuant to ORC 731.21, the ordinance must be published once a week for two (2) consecutive weeks.

Where such publication is by posting, copies of the amendment shall be posted in not less than five (5) of the most public places in the municipal corporation as determined by the Village Council. The Clerk shall make a certificate as to such posting, and as to the times when and the places where such posting is done, in the manner provided in section 731.24 of the Revised Code, and such certificate shall be prima-facie evidence that the copies were posted as required.

No amendment shall take effect until the expiration of ten (10) days after the first publication of such amendment in a newspaper or fifteen (15) days after posting the amendment in five (5) places in the municipal corporation.

If the required thirty-day notice and public hearing procedures have taken place, Village Council may adopt the ordinance so that it goes into effect immediately, pursuant to ORC 731.30.

Zoning of Newly Annexed Territory^{xlii}

A land use plan shall be prepared for all lands proposed for annexation. No land or property shall be annexed prior to the completion, review, and recommendation of such a proposed future land use plan by the Planning Commission.

Upon annexation of property to the Village of McComb after the effective date of this Zoning Ordinance, the existing zoning regulations of the township or county from which such property is annexed shall remain in full force and shall be enforced by the township or county officials until the Village of McComb either

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officially adopts the existing zoning regulations or new regulations for such annexed land or property.

As soon as practical after annexation to the Village of McComb, proceedings shall be initiated by the Planning Commission, Village Council, or the property owner to include the annexed land into one or more of the zoning districts defined in this Zoning Ordinance.

ARTICLE II - ZONING DISTRICTS AND MAP

ZONING DISTRICTS ESTABLISHED

For the purpose of this Ordinance, the Village of McComb is hereby divided into the following districts:

R-1 One-Family Residential District

The R-1 and R-2 One-Family Residential Districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominately low-density, one-family detached dwellings along with other residentially-related facilities which serve the residents in the district.

R-2 One-Family Residential District

The R-1 and R-2 One-Family Residential Districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominately low-density, one-family detached dwellings along with other residentially-related facilities which serve the residents in the district.

RT Two-Family Residential District

The RT, Two-Family Residential Districts are designed to afford a transition of use in existing housing areas by permitting new construction or conversion of existing structures between adjacent residential and commercial, office, thoroughfares or other uses which would affect residential character. This district allows the construction of new two-family residences where slightly greater densities are permitted.

RM-1 Multiple-Family Residential District

The RM-1 Multiple-Family Residential Districts are designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and lower density Single-Family Districts. The Multiple-Family District is further provided to serve the

limited needs for the apartment type of unit in an otherwise medium density, single-family community.

MHP Manufactured Home Park District^{xliii}

The purpose of the MHP Manufactured Home Park District is to provide an appropriate location for manufactured homes in a designated district within the village.

B-1 Local Business District

The B-1 Local Business Districts are designed to cater to the needs of a nearby consumer population, and are generally characterized by low intensity businesses that serve adjacent residential areas.

B-2 General Business District

The B-2 General Business Districts are designed to provide sites for more diversified business types which would often be incompatible with the neighborhood service character in the Local Business District.

PB Planned Business Park District^{xliiv}

The PB Planned Business Park District is intended to apply to the State Route 235 business park and other premier business park development sites in the Village of McComb. Development in this District will provide for the convergence of light industrial, office and limited commercial uses developed in a campus-like setting with distinct architectural design and planned site development. This District is created to achieve, to the greatest possible degree, land development that is responsive to the natural and environmental assets of a site, and to encourage imaginative and innovative site planning and arrangement of compatible industrial and related land uses.

I-1 Light Industrial District

The I-1 Light Industrial Districts are designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect in a

detrimental way any of the surrounding districts. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, or treatment of finished or semi-finished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.

The general goals of this use district include, among others, the following specific purposes:

To provide sufficient space, in appropriate locations, to meet the needs of the Village's expected future economy for all types of manufacturing and related uses.

To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.

To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.

To protect the most desirable use of land in accordance with a well considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the Village's tax revenue.

I-2 General Industrial District

The I-2 General Industrial Districts are designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The I-2 District is so structured as to permit the manufacturing, processing and compounding of semifinished or finished products from raw materials as well as from previously prepared material.

PUD Planned Unit Development Overlay District

The purpose of the Planned Unit Development Overlay District (PUD) is to achieve land development that is responsive to the natural and environmental assets and

liabilities of a given site. The PUD provides an alternative overlay zoning category that is intended to encourage imaginative design of development. The PUD shall be a well-integrated development in terms of major design elements such as roads, drainage systems, utilities, and open space. The PUD allows greater design flexibility so that natural features may be protected and development concentrated in an innovative and efficient manner.

PERMITTED AND CONDITIONAL USES

The following table provides a matrix for various land uses allowed in each zoning district. Each land use is categorized in the first column by type of use. The zoning districts are ordered from the least intense districts on the left to the most intense districts on the right. Conditional land uses shall require review and approval by the Planning Commission pursuant to **Article I, Chapter 4** (Standards for Conditional Land Uses). All cells in the matrix which are blank are generally prohibited land uses; however, the cells which contain an “X” indicate land uses that are specifically prohibited land uses.^{xlv}

Types of Uses <i>P = Permitted Use C = Conditional Use X = Prohibited Use (No Variance Allowed)</i>	Zoning Districts									
	R-1 One Family	R-2 One Family	RT Two Family	RM-1 Multiple Family	MHP Manuf'd Home Park ^{xlvi}	B-1 Local Business	B-2 General Business ^{xlvii}	PB Planned Business	I-1 Light Industrial	I-2 General Industrial
<u>Residential Uses:</u>	P	P	P	P						
One-Family Detached Dwellings	P	P	P	P						
Two-Family Dwellings			P	P						
Multiple-Family Dwellings				P						
Residential units located above a commercial use ^{xlviii}							C			
Group Homes: Convalescent home facilities for human care				C		P	P			
Group Homes: Housing for the Elderly				C						
Group Homes: Orphanages				C						
Group Homes: Rest home facilities for human care.						P	P			
Group Homes: Sanitarium facilities for human care.						P	P			
Manufactured Homes ^{xlix}					P					
<u>Public and Semi-Public Uses:</u>										
Cemeteries which lawfully occupy land at the time of adoption of this Zoning Ordinance	P	P	P	P						

ARTICLE II ZONING DISTRICTS AND MAP

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Community buildings for noncommercial use ⁱ					P					
Institutions providing social, cultural, or educational services ⁱⁱ								P		
Libraries, Publicly owned and operated	P	P	P	P						
Parks, publicly owned and operated	P	P	P	P						
Parking lots and/or similar facilities as a principal use ⁱⁱⁱ							C	C		
Private Clubs, fraternal organizations, and lodge halls						P	P			
Publicly owned buildings and uses without storage yards				C			C			
Publicly owned buildings and uses, including outdoor storage.									P	P
Public utility and public service buildings without storage yards, when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.	C	C	C							
Public utility offices without storage yards, including telephone exchange buildings, electrical transformer stations and substations, or gas regulator stations				C			C			
Public utilities, including buildings, necessary structures, storage yards, and other related uses									P	P
Public utility: Water supply and treatment plants, reservoirs, sewage disposal treatment plants					C				P	P
Recreational facilities, where noncommercial ⁱⁱⁱ				P	P					
Recreational facilities, where publicly owned and operated	P	P	P	P						
Religious institutions, places of religious worship, and other facilities normally incidental thereto ^{iv}	C	C	C	C	C	C	P	P		
Schools: Child care facility Type B home ^{iv}	P	P	P	P						
Schools: Nursery schools, child care facility Type B homes, and child care centers ^{vi}				C	C	C	C	C	C	
Schools: Public, parochial, and other private schools offering courses in general education	P	P	P	P					P	P
Schools: Trade or vocational								P	P	P

ARTICLE II ZONING DISTRICTS AND MAP

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schools and technical colleges ^{lvii}											
Telecommunication antenna or equipment shelter on an existing tower with a height greater than 50 feet ^{lviii}	C	C	C	C	C	C	C	C	C	C	C
Telecommunication facilities with a height greater than 50 feet ^{lix}									C	C	
<u>Retail, Service, and Office Uses:</u>											
Automobile convenience drive-through ^{lx}								C			
Automobile salesroom, showroom, or office and similar uses								P			
Automobile service station for the sale of gasoline, oil, and minor accessories only, and where no repair work is done, other than incidental service								C			
Automobile wash when completely enclosed in a building and similar uses								P			
Drive-in or open front store								C			
Eating and drinking establishments with drive-up, drive-through, or drive-in facilities ^{lxi}								C	X		
Eating and drinking establishments without drive-up, drive-through, or drive-in facilities ^{lxii}						P	P				
Financial institutions, including those with drive-up or drive-through facilities ^{lxiii}							C	P	C		
Financial institutions without drive-up or drive-through facilities ^{lxiv}							P	P	P		
Golf Courses	C	C	C	C	C						
Hospitals and medical center campuses ^{lxv}							P	P	P		
Mortuary establishments								C			
Motels and Hotels								C			
Offices: Administrative and business offices, including corporate office headquarters ^{lxvi}							P	P	P		
Offices: Professional offices, such as offices of doctors, dentists, attorneys, and accountants ^{lxvii}							P	P	P		
Outdoor sales space for exclusive sale of new, used, or secondhand automobiles mobile homes, camper trailers, or rental of trailers and/or automobiles, or similar								C	X		

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property										
Personal service establishments such as, but not limited to barbershops and health salons						P	P			
Pharmacies with a drive-up or drive-through window or bay ^{lxviii}						C	C			
Retail businesses that serve the convenience needs of a surrounding neighborhood, such as food stores, drug stores, laundromats, dry cleaning establishments, and other similar uses.						P	P			
Retail businesses whose principal activity is the sale of merchandise in an enclosed building and similar uses							P			
Retail plant materials nursery for the sale of plant materials not grown on site							C			
Retail sales of lawn furniture, playground equipment and garden supplies							C			
Service establishments of an office, showroom, or workshop nature, such as for an electrician, decorator, dressmaker, tailor, baker, painter, or home appliance repair, and similar service establishments that require a retail adjunct.						P	P			
Sexually oriented businesses ^{lxix}	X	X	X	X	X	X	X	X	P	P
Veterinary hospitals or clinics							C			
<u>Agricultural Uses</u>										
Farms and farming operations not including live commercial confinement operations	P	P	P	P				P		
Greenhouses									P	P
Kennels: Commercial kennels and uses of a similar character with outdoor runs ^{lxx}									C	P
Kennels: Commercial kennels and uses of a similar character without outdoor runs ^{lxxi}							P			
<u>Manufacturing and Processing Uses:</u>										
Automobile engine and body repair, and undercoating shops when									C	P

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completely enclosed											
Blast furnace, steel furnace, blooming or rolling mill										P	
Central dry cleaning plants or laundries									P	P	
Grain elevators										P	
Heating and electric power generating plants										P	
Junk or salvage yards and incinerator plants for garbage or refuse										C	
Laboratories for research, experiment, or testing provided that no physical effect of the experimental or testing activity can be detected beyond the confines of the associated building or appear to be other than that normally incidental to an office use ^{lxxii}									P	P	P
Manufacturing, compounding, processing, assembly, packaging, repair, or treatment of products conducted wholly within a completely enclosed building that are to a considerable extent clean, quiet, and free of objectionable or hazardous elements. ^{lxxiii}									P	P	P
Manufacture of corrosive acid or alkali, cement, lime, gypsum, or plaster											P
Metal Plating, buffing and polishing, and uses of a similar character subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances										C	P
Mining or quarrying operations, including gravel extraction ^{lxxiv}									X		P
Oil and gas wells, drilling operations necessary for their storage and skimming ^{lxxv}									X		P
Petroleum or other flammable liquids, production, refining, or storage.									X		P
Printing and Publishing Plants									P	P	P
Railroad transfer and storage tracks, rights-of-way, and freight terminals										C	P
Recycling of hazardous waste originating from an off-site									X		P

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location ^{lxxvi}										
Research and development uses charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building								P	P	P
Smelting of copper, iron, or zinc ore										P
Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, and other uses of a similar and no more objectionable character								X	P	P
Tool, die, gauge, and machine shops and other uses of a similar and no more objectionable character									P	P
Trucking terminals ^{lxxvii}										P
Trucking distribution facilities conducted entirely within a fully enclosed building, including parcel delivery facilities, which do not serve as trucking or transfer terminals, motor freight garages, or maintenance terminals								P	P	
Uses determined by the Village Council after recommendation from the Planning Commission, to be of the same general character as other permitted uses in the District. The Council may impose any required setback and/or performance standards so as to insure public health, safety and general welfare. ^{lxxviii}						P	P	P	P	P
Warehouses and wholesale establishments									P	P
Warehouse, storage, and transfer facilities									P	P
<u>Accessory Structures and Uses</u>										
Accessory buildings and uses customarily incident to any of the <u>permitted</u> uses in this district ^{lxxix}	P	P	P	P	P	P	P	P	P	P
Accessory buildings and uses customarily incident to any of the <u>conditional</u> uses in this	C	C	C	C	C	C	P	C	P	P

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district ^{lxxx}										
Home occupations	C	C	C	C						
Mortuary caretakers residence within the main building of the mortuary establishment							C			
Pools or ponds	C	C	C	C	P	C	C	C	C	
Telecommunication facilities with a height less than 50 feet ^{lxxxi}	P	P	P	P	P	P	P	P	P	P
Tennis Courts					P					
Water and gas tank holders								X	P	P

AREA AND BULK REGULATIONS^{lxxxii}

Schedule of Regulations. The following table provides regulations for the minimum lot size and frontage, maximum structure height, minimum yards, minimum floor area, and maximum lot coverage. The standards are provided for each zoning district with footnotes provided in **Article II, Section 3.02** (Notes to Schedule of Regulations).

SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT									
Zoning District	Minimum Zoning Lot Size Per Dwelling Unit		Maximum Height of Structures (a)		Minimum Yard Setback (per lot in feet)			Minimum Floor Area Per Unit (sq. ft.)	Maximum % of Lot Area Covered by All Buildings
	Area In Sq. Ft. or Acres	Width In Feet	In Stories	In Feet	Front	Each Side	Rear		
R-1 One-Family Residential	10,400 (b, c)	80 (c)	2	25	30 (d, e)	8 (d)	35 (d)	1,200	25%
R-2 One-Family Residential	7,200 (b, c)	60 (c)	2	25	25 (d, e)	5 (d)	35 (d)	980	30%
RT Two-Family Residential	5,500 (b)	55	2	25	25 (d, e)	8 (d)	35 (d)	700	30%
RM-1 Multiple-Family Residential	1,200 x No. of "rooms" but not less than 7,200 (b, f)	60 (f)	2	28	30	20 (g)	30 (g)	1 BR - 500 2 BR - 700 3 BR - 900 4 BR - 1100	25%
MHP Manufactured Home Park	See Section 8.12 (Supplemental Regulations for Manufactured Home Parks)								
B-1 Local Business	-	-	-	30 (h)	25 (l)	(j, k)	(l)	-	-
B-2 General Business	-	-	-	30 (h)	30 (l)	(j, k)	20 (l)	-	-
PB Planned Business Park	-	-	-	35 (h)	50(m,n,o)	25 (k,n,p)	25(k,n,p)	-	70% (q)

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SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT									
I-1 Light Industrial	-	-	-	40 (h)	40 (o)	30 ®	40 ®	-	-
I-2 General Industrial	-	-	-	60 (h)	60 (o)	30 ®	60 ®	-	-

Notes to Schedule of Regulations

Height Limit Exception. The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, or public monuments; provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a conditional use.^{lxxxiii}

In those instances where public sanitary sewer and water systems are not provided, all lots per dwelling shall equal a minimum of twenty thousand (20,000) square feet.

See **Article II, Section 7.25A** (Averaged Lot Size) and **Article II, Section 7.25D** (Subdivision Open Space Plan).

For all uses permitted other than single-family residential, the setback shall equal the height of the main building or the setback required in **Article II, Section 7.23** (Religious Land Uses) or **Article II, Section 7.25D** (Subdivision Open Space Plan), whichever is greater.

In the case of a corner lot, the front setbacks abutting a street shall not be less than the minimum front yard setback of the district in which located and all regulations applicable to a front yard shall apply.^{lxxxiv}

For lots with a multi-family building, the minimum width specification shall apply to each multi-family building. For the purpose of computing the minimum lot size for a multi-family building, the following room assignments shall be imputed to each type of dwelling unit.^{lxxxv}

Type of Dwelling Unit	Room Assignments	Notes
Efficiency =	1 room	All units, except efficiency units, shall have at least one (1) living room and one (1) bedroom. Not more than ten (10) percent of the units in a multi-family building may be an efficiency type.
One Bedroom =	2 rooms	
Two Bedroom =	3 rooms	
Three Bedroom =	5 rooms	Plans presented showing 1, 2, 3 or 4 bedroom units and including a “den”, “library” or other extra room shall count such extra rooms of eighty (80) square feet or more as a bedroom.
Four Bedroom =	7 rooms	

In no instance shall the distance between buildings be less than thirty (30) feet. In the RM-1 Multiple-Family District, off-street parking is permitted in the required side or rear yards.

As a conditional use subject to Planning Commission review, structures may exceed thirty-five feet (35') provided that:

- (1) The site will have a maximum building floor area ratio of two to one (2:1), meaning that the total usable floor space within all structures will not exceed twice the total lot area; and
- (2) All required yards shall be increased by one foot (1') for each one foot (1') of building height more than thirty-five feet (35'); and
- (3) No site plan shall be approved which includes buildings more than thirty-five feet (35') in height unless approved by the fire chief.

Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line as indicated on the Comprehensive Plan.

No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Ohio Building Code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

Where a lot borders on a residential district or a street, there shall be provided a setback of not less than twenty (20) feet on the side bordering the residential district or street.

Off-street parking shall be permitted in a required side yard setback.

Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.

For all property that has a front lot line that adjoins a state/federal highway, the minimum front yard shall be seventy feet (70') from the front lot line or right-of-way. In the case of a

corner lot on the intersection of public highways, both yards fronting on such highways shall be a minimum of seventy feet (70').

All accessory structures shall be located at least twenty-five feet (25') from any side or rear lot line and may not be located closer to a road right-of-way than the principal structure.

Off-street parking for visitors, over and above the number of spaces required under **Article II, Section 5.02** (Minimum Number of Off-Street Parking Spaces), may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line.

Within all areas zoned PB, buffer strips shall be constructed along all side and/or rear lots lines in accordance with the requirements of **Article II, Section 4.06** (Buffer Yard Establishment), when the side and/or rear lot lines adjoin land that is either zoned to permit residences or has a residence (other than nursing homes, motels, or similar facilities) within one hundred feet (100') of such property line.^{lxxxvi}

The maximum coverage of all buildings, including accessory buildings, and all impervious areas, such as parking and loading areas shall not exceed seventy percent (70%) of the gross lot area.

The minimum setback shall be the lessor of the stated standard or the height of the average of the various heights of the industrial masses (excluding towers, chimneys, stacks and the like) immediately abutting upon and adjacent to such yard.^{lxxxvii}

LANDSCAPING AND BUFFERING REQUIREMENTS^{lxxxviii}

Purpose

The intent of these regulations and requirements is to promote the public health, safety, and welfare by establishing minimum standards for the maintenance of existing natural amenities, and design and installation of landscape improvements. Landscaping is a critical element of the physical environment contributing to: development quality; compatibility between land uses; reduction of negative physical, visual, noise, and lighting impacts; slowing the effects of erosive winds and storm water runoff pollution; preservation of existing natural areas such as woodlands, wetlands and floodplains within and adjacent to a development site; re-establishment of native plants; energy conservation by providing shade from the sun and shelter from the wind; stability of property values; and the overall improved

character of the Village of McComb. The standards set forth herein define, articulate, and integrate outdoor spaces, architectural elements, and other various site design elements.

Applicability

The required provisions of this Section shall be approved as met prior to the issuance of a Zoning Permit for any site development, or construction or improvement of any building, structure, or vehicular use area.

With the exception of individually platted single-family and two-family dwellings, this Section shall apply to new property development and any collective substantial expansion or improvements of existing structures involving:

New subdivisions and planned unit developments;

Any land dedicated for a public park or open space.

Any new land use which also requires the provision of five (5) or more parking spaces pursuant to **Article II, Chapter 5** (Off-Street Parking and Loading Requirements); and

Substantial improvements to existing land uses, but only to the extent of the alteration or expansion, and not for the entire property, unless the alteration or expansion is substantial. An alteration or expansion to an existing building or structure shall be deemed substantial based on the following criteria:

When Existing Structure is.... **A Substantial Expansion is...**

0 - 1,000 Sq. Ft.	50% or Greater
1,001 - 10,000 Sq. Ft.	40% or Greater
10,001 - 25,000 Sq. Ft.	30% or Greater
25,001 - 50,000 Sq. Ft.	20% or Greater
50,001 Sq. Ft. and larger	10% or Greater

General Requirements

Any property to which this Section applies shall submit a Landscaping Plan for approval prior to the issuance of a zoning permit.

Registered Landscape Architect. When new development, or the expansion of an existing structure, involves the construction of more than 50,000 square feet of gross floor area the applicant shall furnish a separate detailed Landscaping Plan prepared by a landscape architect registered in the State of Ohio.

The Landscaping Plan shall contain the following information:

Plans must be at a reasonable scale to indicate all proposed landscaping improvements at a minimum of 1" = 20' and shall include the following minimum information:

North arrow and scale.

The name of applicant/owner.

The name, address and phone number of the person or firm responsible for the preparation of the landscaping plans.

The dates the plans are submitted or revised.

All existing and proposed buildings and other structures, paved areas, planted areas, utility poles, fire hydrants, light standards, signs, fences and other permanent features to be added and/or retained on the site.

All existing plant material to be removed or retained and all proposed additions or changes to landscaping, buffering, and walkways, illustrating existing natural land features including, but not limited to: trees, forest cover, and water resources. (Water resources include ponds, lakes, streams, wetlands, flood plains, drainage ditches and retention areas, rivers, and any other body of water or waterway.)

All existing and proposed streets, sidewalks, curbs and gutters, railroad tracks, drainage ditches and other public or semi-public improvements within and immediately adjacent to the site.

Contour lines shall be shown if the grades are in excess of six percent (6%) slope.

Proposed elevation changes at specific relevant locations and existing elevations of the site to clearly show the existing and proposed drainage patterns.

All property lines and easements.

Included on all plans shall be a schedule of all new landscaping materials to be installed. This shall include the common and botanical names, specified installation sizes, on center planting dimensions when applicable, and other

remarks as appropriate to describe the plant material selection. When the list of plant material to be removed contains existing trees, the Landscape Plan shall justify that building location and placement has been developed with due consideration given to minimizing removal of trees. Quantities required shall be referenced on the plan;

Details shall be shown for the planting of trees, shrubs and ground cover within the buffered or landscaped area.

The plans shall also include any proposed irrigation plan which shall include the following:

- Location and type of all sprinkler heads.
- Size of mainline and irrigation piping.
- Location and size of water meter.
- Location of back flow prevention device.
- Location and size of all valves.
- Location of irrigation controller.

Location and description of any and all storm water management or low impact development techniques used in site design (i.e. rain gardens, detention/retention ponds, filter strips, et cetera) shall be shown;

Any other information which is determined necessary by the Zoning Inspector or the Planning Commission to adequately review the proposal.

Landscaping Materials and Installation Standards

General Requirements

Existing Vegetation. Existing landscaping material or natural vegetation shown on a site plan that is in satisfactory condition may be used to satisfy any requirements of this Article in whole or in part, as determined by the Zoning Inspector, if protected and maintained in accordance to generally accepted nursery industry principles and procedures during the construction phase of the development.

New Plant Material. All new plant material shall conform to the latest standards of the American Standard for Nursery Stock (ANSI Z60.1) and the American Association of Nurserymen and shall have passed any inspection required

under state regulations. Plant material shall be of standard quality or better, true to name and type of the required species or variety, and free of disease, insects, and/or damage.

Alternatives to these materials that can be shown to meet both the intent and requirements of this Zoning Ordinance may be approved as part of a Landscaping Plan.

Plant material selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.

All required new landscaping, screening, and buffering materials shall be installed in accordance with generally accepted nursery industry principles and procedures.

Nursery stock identification tags shall not be removed from any planting prior to inspection and approval of final installation by the Village.

Vision Clearance Areas. All landscaped areas on corner lots and in buffer yards or median strips must meet traffic safety vision clearance standards set forth in **Article II, Section 7.05** (Corner Clearance). Low shrubs, pursuant to **Subsection 4.04B3(a)(2)** (Shrubs and Hedges), shall be substituted for the otherwise required buffering within such areas requiring vision clearance.

Vegetative Landscaping Materials: The following items are suitable vegetation for screening use individually or in combination with each other provided they create the desired density of screening, subject to review and approval by the Zoning Inspector.

Grass and Ground Cover.

Grass of the Red Fescue or Bluegrass family shall be planted in species normally grown as permanent lawns in Hancock County. Grass species shall be selected to assure slow growth and low water consumption whenever possible.

In swales or other areas subject to erosion, solid sod, erosion reducing net, or suitable mulch shall be used and nursegrass seed shall be sown for immediate protection until complete coverage otherwise is achieved and

shall be reviewed by the Hancock County Soil and Water Conservation District.

The installation of grass shall require commercial fertilizer of 12-12-12 standard, applied at the rate of twenty (20) pounds per one thousand (1,000) square feet.

Seeding shall be applied at the rate of six (6) pounds per thousand square feet, and shall consist of a mix pursuant to the Ohio Department of Transportation (ODOT) Construction and Materials Manual, Chapter 659, Urban Mix.

Grass sod shall be clean and free of weeds and noxious pests or diseases.

Ground cover shall be provided in two and one-fourth (2-1/4) inch peat pots planted a maximum spacing of one (1) foot on center and present a finished appearance to provide seventy-five (75) percent complete coverage after one (1) complete growing season.

If approved as part of a Landscaping Plan, ground cover may also consist of rocks, pebbles, wood chips, and/or other natural material.

Vines. Vines are generally used in conjunction with walls, fences, or other screening and shall be provided in 2-year #2 containers at planting.

Shrubs and Hedges

Shrubs and hedges shall be at least thirty-six (36) inches average in height and spread at the time of planting. Where required for buffering or screening, all shrubs and hedges shall be designed to provide a continuous, year-round, solid visual screen of the requisite level of opacity.

High shrubs must reach a mature height of at least six (6) feet within four (4) years after the date of the final approval of each planting.

Low shrubs must reach a mature height of at least three (3) feet within two (2) years after the date of the final approval of each planting.

The height at installation of the planting shall be measured from the level of the surface of the plant base at the edge closest to the screening.

Shrubs and hedges shall be permitted in all zoning districts, but shall not be located within a no-build zone, conservation zone, no-disturb zone, drainage easement, floodway, flood plain or other area which would be detrimental to the public health and safety.

Species: The perennial deciduous and evergreen shrubs listed in the following table are desired within the landscaped or buffer yard area. Each shrub is tolerant in Zones 5 and 6 of the United States Department of Agriculture Plant Hardiness Zone Map and grows at least three (3) feet in height.

<u>Desired Deciduous Shrubs</u>		
Burning Bush	Glossy Abelia	Spirea Species
Doublefile Viburnum	Quince	Spreading Cotoneaster
Forsythia Species	Shrub Cinquefoil	Winterberry Barberry
<u>Desired Evergreen Shrubs</u>		
Anglojap Yew	Japanese Holly	Leatherleaf Viburnum
Blue Holly	Japanese Yew	Mugho Pine
Chinese Juniper	Korean Boxwood	Spreading Yew

Trees. Trees shall be desired species which are resistant to insects and disease and should not be placed in locations which could cause interference with above and below ground utilities or street lighting.

Every development shall retain all existing trees eighteen (18) inches in diameter or more unless during the Site Plan review process, it is determined that the retention of such trees would unreasonably burden the development.

Size: Required trees shall have the following specifications at the time of planting:

Deciduous trees shall have a minimum caliper of at least two (2) inches for canopy shade and shade trees and a minimum caliper of two (2)

inches for small accent and ornamental trees (as measured six inches above ground). If deciduous trees are to be used for screening purposes, additional materials listed in this Section must be used to create a dense buffer. It is advised that a tree with an ultimate height of less than forty (40) feet be used.

Evergreen trees shall be a minimum of six (6) feet in height at the time of planting. Evergreen plantings shall be planted at a maximum distance of fifteen (15) feet on center to provide an effective, dense screen within four (4) years of planting.

Species: Maintaining diversity of trees is important to preservation of woodland habitat and can be achieved by preventing an over-dependence on a few species. The over-use of a few species is inevitable without a conscious effort to vary plant species and families. The use of several varieties adds interest to the plantings within the Village and insures against the loss of all trees in case of an epidemic disease or insect infestation striking any one species. The International Society of Arboriculture’s “Diversification Formula” shall be used as a guideline to prevent over planting of a single species or family. This formula states that no more than ten (10) percent of the total planting, should be from one tree family, and no more than five (5) percent should be of any one species.

Desired Street Trees. The deciduous trees listed in the following table are desired along the public right-of-way, pedestrian walkways, or parking lots due to the fact they do not present hazards to pedestrians, vehicles, or public utilities. These trees are also acceptable in other landscaped areas. Each tree is hardy in Zones 5 and 6 of the United States Department of Agriculture Plant Hardiness Zone Map and reaches a mature height as indicated.

<u>Desired Street Trees</u>		
Small	Medium	Large
<u>Under 30'</u>	<u>Between 30'-50'</u>	<u>Over 50'</u>
Hedge Maple	European Hornbeam	Red Maple
Serviceberry	Paperbark maple	Norway Maple
Ohio Pioneer Dotted Hawthorn	Yellowwood	Sugar Maple
“Winter King” Hawthorn	Thornless Honeylocust	European Beech
Crabapples	Japanese Zelkova	Red Oak

Japanese Pagoda Tree	Pin Oak
Callery Pear	London Planetree
Littleleaf Linden	Scarlet Oak
	Willow Oak
	Shumardi Oak
	Shingle Oak
	Gingko Biloba (Male Only)
	Elm

Desired Flowering Trees. The deciduous trees listed in the following table are desired within the landscaped or buffer yard area. Each tree is hardy in Zones 5 and 6 and reaches a mature height not exceeding thirty (30) feet.

<u>Desired Flowering Trees</u>		
Callery Pear	Dogwood	Saucer Magnolia
Crabapple	Lilac	Star Magnolia
Eastern Redbud	Witch Hazel	Green Hawthorne
Downy Serviceberry	Golden Raintree	Sweetbay Magnolia
Allegheny Serviceberry	Sargent Cherry	

Desired Evergreen Trees. The evergreen trees listed in the following table are desired within the landscaped or buffer yard area. Each tree is hardy in Zones 5 and 6, can reach a mature height over thirty (30) feet, and can create a screen from the ground level up if the lower limbs are not removed.

<u>Desired Evergreen Trees</u>		
American Holly	Carolina Hemlock	Norway Spruce
Australian Pine	Eastern Red Cedar	Scotch Pine
Canadian Hemlock	Colorado Blue Spruce	Southern Magnolia
White Fir	White Pine	

Undesirable Trees with Potentially Harmful Characteristics. Trees which produce nuts, seeds, or fruit, or large root systems can create undesirable hazards to pedestrians, vehicles, and/or public utilities. The undesirable species of trees identified in the following table shall not be planted in such a manner that the natural dripline of an

average adult tree of the species planted will be any closer than three (3) feet of a public right-of-way, pedestrian walkway, or parking lot.

<u>Undesirable Trees with Potentially Harmful Characteristics</u>	
Ailanthus	Osage-Orange
American Elm	Pear, Bradford
Apple Common	Plum
Box Elder or Ash Leaved Maple	Poplar
Catalpa	Sassafras
Black Cherry	Siberian Elm
Chestnut	Silver Maple
Cottonwood	Sumac
Gingko Biloba (Female)	Sweetgum
Hickory	Thorned Hawthorns
Kentucky Coffee Tree	Tree of Heaven
Locust Common	Tulip Tree or Tulip Poplar
Mulberry	Walnut
Oregon Maple	Willow

Prohibited Species: No person shall plant any trees which the State Department of Natural Resources has quarantined or placed on alert. Any person who is the owner of any such tree in the Municipality shall cause the same to be removed, killed or girdled within sixty days after notice from the Zoning Inspector.

Tree Installation Specifications:

Whenever possible, planting should be done during the months of April, May, October or November.

Trees normally should not be planted closer than forty feet to each other. No tree should be planted closer than twenty-five feet to the squared sidewalk corner of a street intersection. Present and future approaches to dwellings and garages shall be considered in location of new trees.

Trees shall be acquired balled in burlap wrap according to American Nurseryman Standards. Burlap and any wire baskets shall be

removed from the upper one third of the root ball prior to planting. Tree pits shall be dug to a minimum of two to three times the diameter of the root ball and sloped towards the center of the pit dug to a maximum depth equal to that of the root ball, so that when planted, the root ball rests on solid undisturbed soil and will not settle. Identify the root flare or first lateral root to determine the ground level at which the tree should be planted.

Backfill shall consist of the same on-site soil with all undesirable material removed and replaced with topsoil. Soil shall be replaced gently around the root ball for stability and to eliminate air space. A water ring shall be placed just outside the root ball no higher than three (3) inches.

Trees shall require an open space of four feet square around the base of the trunk for the free passage of water and air to the roots. For any tree eighteen (18) inches in diameter or more, no excavation or other subsurface disturbance may be undertaken within the drip line unless compliance with this subsection would unreasonably limit reasonable use of the site.

Staking or Guying. Trees shall not be staked or guyed unless it is essential for support or protection. Staking shall keep the tree upright, but allow trunk movement for better taper. Stakes shall not be driven through the root ball.

Non-Vegetative Landscaping Materials:

Earth Mounds. Earth mounds are preferable to walls or fencing as a physical barrier to buffer or screen views and noise. Differences in elevation between areas requiring screening does not constitute an earth mound. Earth mounds shall be constructed of earthen materials and shall conform to the following standards:

The maximum side slope shall be three horizontal to one vertical (3:1) and the design shall be reviewed by the Zoning Inspector to ensure that proper erosion prevention and control practices have been utilized.

Earth mounds shall be designed with physical variations in height and alignment throughout their length.

Landscaped plant materials shall be arranged and installed on earth mounds in an irregular pattern to accentuate the physical variations in height and alignment and achieve a more natural appearance.

The Landscape Plan shall show sufficient detail, including a plan and profile of earth mounds, soil types and construction techniques to demonstrate compliance with the above provisions.

Earth mounds shall be located and designed to minimize the disturbance to existing trees located on the site or adjacent thereto.

No part of any berm or earth form which is elevated more than eighteen (18) inches above natural grade shall be located within twenty (20) feet of any right-of-way or property line.

Ground cover shall be used and maintained to prevent erosion of the earth mound.

Walls and Fences

When walls or fences are used to fulfill screening requirements, they shall be detailed on the Landscaping Plan and subject to Planning Commission approval. They are to be of weather-proof materials. This includes pressure treating or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware.

No fence or wall shall be constructed in any platted no-build zone, conservation/no disturb zone, floodway, floodplain or drainage easement for any parcel or subdivision which would be detrimental to the public health and safety. A fence or wall shall not be located so as to adversely affect the vision of drivers on the public streets or from driveways intersecting public streets.

Supporting members for fences and walls shall be located so as not to be visible from the adjoining property unless the fence is designed such that the supporting members are identical in appearance on both sides of the fence or wall.

All portions of the property shall remain accessible from outside the fence area by means of a gate or other opening.

Fences and walls shall be permitted in any required yard, or along the edge of any yard. Except as otherwise specifically permitted herein, the height of a fence or wall shall not exceed:

Front Yard. Three (3) feet in height above the established grade forward of the principal structure or in a required front yard;

Side Yard. Six (6) feet in height above the established grade in the required side yard adjacent to the principal structure;

Rear Yard. Six (6) feet in height in the required rear yard projected forward to a line parallel to the rear side of the principal structure.

The height of a fence shall be measured from the established grade line to the highest point of the fence including posts and finials. The height of the fence in a side or rear yard may not be artificially increased by the use of mounding unless otherwise required by this section or specifically approved by the Zoning Inspector.

Residential Fences:

Fences in all residential districts which enclose property and/or are within a required side or rear yard shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, or whichever is greater.

Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within a residential area shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not exceed twenty-five (25) percent opacity.

Chain Link Fences:

Chain link fences shall only be permitted in commercial and industrial zoning districts.

Chain link fences with or without wooded or synthetic slat material shall not be used to satisfy screening, buffer yard, and/or landscaping requirements.

Such fences may not be placed forward of the primary structure and are restricted to side and rear yards.

Such fences may be erected parallel to and on, or approximately on, the common property line.

Solid fences. Solid fences of an approved type shall be permitted in all zoning districts only in side and rear yards and/or to enclose a deck, patio, or pool. Solid fences shall not be located within a required front yard.

Brick, Stone or Masonry Walls. Brick, stone or masonry walls are not permitted forward of the building line.

Prohibited Fencing. Electrified, barbed wire, razor wire, and stockade fences are hereby prohibited in all zoning districts. This prohibition shall not be construed to prohibit electrified and/or barbed wire fences when used in conjunction with a purely agricultural use.

Maintenance of Landscaping and Buffer yards

All landscaping materials shall be installed and maintained according to generally accepted nursery industry procedures.

The owner/lessee or responsible party of the property shall be responsible for the continued property maintenance of all landscaping materials (both vegetative and non-vegetative) and landscaped areas, and shall keep them in a proper, neat and orderly appearance, in a weed-free condition, clear of undesirable undergrowth, and free from refuse and debris at all times.

All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first. All replacement plants shall conform to the standards that govern the original installation.

All plant growth in landscaped areas shall be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a hazard.

All non-vegetative materials used in landscaping, screening, or buffering shall be maintained in a suitable condition to continuously meet original installation standards. Any repairs or replacements needed to maintain such standards

shall be made within six months of notice of violation by the Zoning Inspector.

Violation of these installation and maintenance provisions shall be grounds for the Zoning Department to refuse a zoning permit, require replacement of the landscaping material or institute legal proceedings to enforce the provisions of this Section.

Street Trees

Street trees shall be required in all tree lawns (the space between the outermost right-of-way line and the edge of the road pavement) eight (8) feet in depth or greater. Along both sides of all newly created streets, the developer shall either plant or retain sufficient trees parallel to the centerline of the street so that at full maturity there is at least an average of one deciduous tree with a twelve (12) inch trunk diameter for every thirty (30) feet of street frontage.

Tree Specifications

Location: Street trees shall be placed within the tree lawn, unless restricted due to underground utility locations. Shrubs shall not be permitted in tree lawns.

Size. Street trees shall have been grown as a straight-trunk street tree in the nursery row and have a height between ten (10) to twelve (12) feet with lowest branching between four (4) and six (6) feet.

Species: Uniform street tree plantings are desirable, but are subject to the diversity requirements set forth herein. Options for street trees are limited to those *Desired Street Trees and Desired Flowering Trees* listed above. Species not on these lists must be approved by the Planning Commission. *Undesirable Species with Potentially Harmful Characteristics*, listed above, are prohibited for installation as street trees.

Street Tree Maintenance Standards. Without permission in writing from the Zoning Inspector, except in the case of immediate necessity for the protection of life or property, trees located in a public street right-of-way shall be protected in the following manner:

Trees may not be removed, cut, pruned, climbed with spurs, sprayed with any chemicals or insecticides, or be otherwise injured, disturbed, interfered, or misused in any way;

In the erection or repair of any building or structure or the excavation for same the owner thereof shall place such guards around all nearby trees on the public street as shall effectually prevent injury to them.

No salt water or chemical shall be applied upon any public street or sidewalk in such a way as to injure any tree planted or growing in the public right-of-way.

Buffer Yard Establishment

Purpose: This Zoning Ordinance requires landscaping, planting screens, landscaped buffer yards, walls, or fences in order to separate incompatible land uses and buffer a less intense use from one of greater intensity and physical impact. Required buffering and landscaping shall consist of maintained living vegetative material such as trees, shrubs, ornamental plants, earth mounding, or fencing. This section provides minimum landscaping, buffering, and screening standards for the protection of the health, safety and welfare of the municipality through the reduction of noise, air and visual pollution, and artificial light glare.

General Buffering Standards:

Once buffering or screening has been approved by the Zoning Inspector and established by the owner, it may not be used, disturbed or altered for any purpose.

A buffer yard consists of an area within a required interior setback adjacent to a property line and having a depth equal to the amount specified by the level of buffering required and containing a length equal to the length of the property line of the abutting use or uses.

A buffer yard may only be occupied by utilities, screening, sidewalks, walkways, and bikeways, and landscaping. No buildings (primary or accessory) or parking areas shall be allowed in a buffer yard. Upon the approval of the Planning Commission, an accessway may encroach upon a buffer yard. Required landscaping may be placed wholly or partially in utility or other easements providing all requirements can be fulfilled and approval is granted by the holder of the easements. Trees placed under overhead utility wires must be from the *Desired Flowering Trees* List.

Landscaping must be placed in the required area between the property line and the front, rear and side yard setbacks.

Buffering may be located in required front, rear, and side yards.

Where vegetative and/or topographic conditions that provide a natural buffer exists prior to development of properties in question, every effort shall be made to retain such conditions.

The requirement for the installation of buffer yards may be waived if equivalent buffering is provided by existing or planned parks, parkways, recreation areas or by topography or their natural conditions.

Buffering Mixed Uses: In determining the buffering or screening requirements that apply between a mixed use and another adjacent use, the Planning Commission shall proceed as if the principal uses that comprise the mixed use were not mixed and reach its determination accordingly. When two or more principal uses are combined to create a mixed use, buffer yards shall not be required between the component principal uses, unless they are clearly separated physically, but adequate screening shall be required instead.

Buffering Subdivisions: When undeveloped land is subdivided and only undeveloped lots are sold, the subdivider shall install required buffer yards along the perimeter, but shall not be required to install any internal buffer yards. Internal buffer yards shall be required, if at all, only when the lots are developed, and the responsibility for installing such buffer yards shall be determined in accordance with the Landscaping Requirement Matrix herein.

Flexibility in Requirements

Due to the wide variety of types of developments and the relationships between them, the Planning Commission may permit deviations from the presumptive requirements of this section and may either require more intensive or allow less intensive buffering whenever it finds such deviations are more likely to satisfy the requirements of the Landscaping Requirements Matrix without imposing unnecessary financial burden on the developer.

Without limiting Subparagraph (1), the Planning Commission may modify the presumptive requirements for:

Commercial or industrial developments proposed for location adjacent to non-conforming residential uses in commercial zoning districts;

Incompatible commercial uses proposed for location adjacent to other commercial uses within the same zoning district;

Manufactured home parks;

Uses located within planned unit developments.

In special instances where extensive buffering of both visual and physical impacts is needed to protect abutting sensitive uses in areas and where there is little space for separation, a high masonry wall or wooden fence may be substituted in such instances for the buffer. This standard requires a 6 foot high masonry wall or wooden fence along the interior side of the landscaped area.

Whenever the Planning Commission allows or requires a deviation from the presumptive requirements set forth in the Landscaping Requirements Matrix, it shall enter on the face of the zoning permit the buffering requirement that it imposes to meet the standards set forth herein and the reasons for allowing or requiring such deviation.

Types of Buffer Yards: The following types of buffering standards are established and referenced in the Landscaping Requirements Matrix :

Level 1 Buffering: General Landscaping (B1)

Intent: The B1 standard is a landscape treatment for open areas. It is intended to be applied in situations where distance is used as the principal means of separating uses or development. While primarily consisting of vegetative ground cover, it may also include a mixture of trees, high shrubs, and low shrubs.

Installation Patterns: B1 Buffers shall be a minimum depth of thirty (30) feet. The B1 standard has two different requirements for trees and shrubs. Ground cover plants must fully cover the remainder of the landscaped area.

Where the area to be landscaped is less than forty (40) feet deep, the standard is one tree per thirty (30) linear feet.

Where the area is forty (40) feet deep or greater, the requirement is one (1) tree per eight hundred (800) square feet and either two high shrubs or three low shrubs per four hundred (400) square feet of landscaped area.

Where landscaping or buffering is required, pursuant to this Section, for any business district, industrial district, or commercial or industrial land use adjacent to a public right-of-way, private or public street, the minimum area to be buffered shall be ten (10) percent of the total front yard area.

Level 2 Buffering: Intense Landscaping (B2)

Intent: The B2 standard is a landscaped buffer which uses a combination of distance and low level screening to separate uses, structures, or developments. The standard is applied where a low level of screening is adequate to soften the impact of the use or development, or where it is intended to create a strong impression of separation while retaining some degree of visual contact between the spaces.

Installation Pattern: An B2 standard requires a screen that is one hundred (100) percent opaque from the ground to a minimum height of three (3) feet, with intermittent visual obstruction above the opaque portion to a total height of one-half (½) the building height of the structure being screened. The required level of opacity for intermittent visual obstruction shall be maintained to a maximum height of twelve (12) feet. Level 2 Buffers shall be a minimum of twenty (20) feet in depth, however, on a site specific basis the Planning Commission may determine that a depth up to fifty (50) percent lesser or greater than twenty (20) feet shall be required. The following minimum standards are required along each side, rear, or front yard of a site requiring this level of buffering:

Intermittent visual obstruction shall provide fifty (50) percent opacity to be maintained year around;

Trees shall be planted at a ratio of one tree per thirty (30) lineal feet on center or as appropriate to provide a tree canopy over the landscaped area, and surrounded with assorted shrubbery.

Five (5) high shrubs shall be planted on center for every twenty (20) lineal feet.

Ground cover plants must fully cover the remainder of the landscaped area.

A three (3) foot high masonry wall, low shrubs, fence, or a landscaped earth berm mounded shall be used for the low level screening, along with required trees and ground cover plantings.

When applied along street or lot lines, the screen, mounding, or wall shall be placed along the interior side of the landscaped area.

Earth mounds shall be at a slope of three feet horizontal to one foot vertical (3:1). The provision of landscaped earthen mounding along the full width of the lot shall be required.

Both mounding and decorative landscape treatments shall adhere to vision clearance standards as set forth in **Article II, Section 7.05** (Corner Clearance).

Side yard buffer yards shall begin at the setback line and extend the full length of the lot line.

Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The buffer may contain deciduous plants.

The Planning Commission may approve substitution of evergreen trees from the *Desired Evergreen Trees* list for up to a maximum of fifty (50) percent of the required trees, and/or a substitution of evergreen shrubs from the *Desired Evergreen Shrubs* list for up to a maximum of fifty (50) percent of the required shrubs.

Level 3 Buffering: Opaque Landscaping (B3)

Intent: The B3 standard is a landscaped buffer which uses continuous physical screening to provide complete visual separation between uses or development. A Level 3 Buffer is intended to exclude all visual contact between uses and to create a strong impression of spatial separation.

Once buffering has been approved by the Planning Commission and established by the owner, it may not be used, disturbed or altered unless it complies with the regulations of this Section.

General Standards: Level 3 Buffers shall contain vegetative plantings and/or architectural screening which meets the following requirements for buffering:

One hundred (100) percent opacity shall be maintained to a height of six (6) feet year around with intermittent visual obstruction above the opaque portion to a total height of one-half ($\frac{1}{2}$) the building height of the structure being screened. The required level of opacity shall be maintained to a maximum height of twelve (12) feet.

At maturity, any portion of intermittent visual obstructions above the six (6) foot level should not contain any completely unobstructed openings more than ten (10) feet wide.

A minimum of seventy-five (75) percent opacity shall be maintained year around for intermittent visual obstructions;

The portion of intermittent visual obstructions may contain deciduous trees.

The Level 3 Buffer shall be located entirely within the higher intensity use lot and abutting a lower intensity use lot, or adjacent right-of-way. However, the buffer may be placed in the lower intensity use lot or partially on both lots if both lots and entire required minimum buffer width are within common ownership and a permanent easement is provided over any portion of the buffer area not on the higher intensity use lot.

A driveway required to serve the principal structure on the site may exist in the buffer area provided, however, that the driveway shall not lessen the effectiveness of any required buffering.

Level 3 buffers shall be maintained in a natural condition free of structures, loading or storage areas, parking, roads, or driveways except as provided for in **Paragraph (6)** above.

Level 3 buffers required by this section shall be applied equally to all similarly situated properties.

Level 3 buffers shall be a minimum of 40 feet in depth, however, on a site specific basis the Planning Commission may determine that a depth up to fifty (50) percent lesser or greater than forty (40) feet shall be required. When the acreage of a site is significantly larger than the area proposed for physical improvements or active usage, buffers shall be reserved as required by this section. However, to achieve the intent of this section, the Planning Commission may require an alternative location and design for required screening and plantings.

Installation Pattern:

Trees shall be planted as appropriate to provide a tree canopy over the landscaped area and surrounded with assorted shrubbery planted at various positions along the horizon to provide the required opacity and tree canopy over landscaped areas and/or mounding. Trees and vegetation may be grouped. Tall evergreen trees should be stagger planted, with branches touching the ground and no more than ten (10) feet between trees.

A landscaped earth berm mounded at a slope of 3:1 (horizontal:vertical) shall be used for the low level screening and may be used for screening up to a height of six (6) feet. A masonry wall may be substituted for the up to four (4) feet. In both cases, the non-vegetative screening shall be installed along with required trees and ground cover plantings. Natural materials planted on mounding shall be stagger planted.

Ground cover plants must fully cover the remainder of the exterior landscaped area.

Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation.

Landscaping Requirement Matrix. The following Landscaping Requirement Matrix indicates the type of landscaping and buffering required between a proposed land

use and an adjacent zoning district. Where such buffering is required of a proposed development in the matrix, this responsibility is referred to as the “burdened use,” and the adjacent property is referred to as the “Benefitted Use.” To determine the type of buffering a proposed development must install, begin under the burdened column with the proposed use and follow that line across the page to its intersection with the use that adjoins the property to be developed. For each intersecting square that contains a buffering requirement, the developer must install the appropriate level of buffering indicated.

The minimum buffer yard depth requirement for all land uses shall be a distance that is twice the maximum height of the principal building plus twenty (20) feet for every one hundred (100) feet of the side of the building adjacent to the burdened use.

Conflicts in Requirements. When an activity or land use falls under more than one of the categories listed in the matrix, the most stringent of the requirements shall be applied.

Landscaping Requirement Matrix	Be ne fitt ed Us	R-	R-	R-	R-	M	M	B-	B-	PB	I-1	I-2
		1	2	T	-1	HP	1	2				
Burdened Use												
Residential Uses												
Single Family and Two Family												
Multiple Family	B2	B2	B2		B2							
Institutional Residence or Care Facilities												
Group Residential Facilities	B2	B2	B2									
Hospitals, Clinics, and Other Medical Care Institutions	B2	B2	B2	B1	B2	B1						
Public and Quasi-Public Uses												
Educational Institutions	B1	B1	B1	B1	B1							
Libraries, Museums, Art Galleries, Art Centers, and Other Similar Uses	B1	B1	B1	B1	B1							
Governmentally Owned and Operated Uses	B2	B2	B2	B2	B2							
Commercial Uses												
Automotive-Oriented Uses	B3	B3	B3	B3		B1		B1				
General Commercial Uses	B2	B2	B2	B2	B2							
Neighborhood Commercial	B2	B2	B2	B1	B2							
Offices	B2	B2	B2	B2	B2							
Sexually Oriented Businesses	B3	B3	B3	B3		B2						
Veterinarian Hospital or Clinic, or Kennel with Outside Confinement	B3	B3	B3	B3	B3	B2		B2				
Industrial Uses												
Agricultural Uses, including Livestock	B2	B2	B2	B2								

Agricultural Uses, excluding Livestock										
Light Manufacturing	B3	B3	B3	B3	B3	B1	B1			
Planned Business Park	B3	B3	B3	B2	B2					
Warehousing	B3	B3	B3	B3	B3	B2				
Outdoor Storage										
Outdoor Storage as a principal use	B3	B3	B3	B3	B3	B2	B2	B3		
Junk Yards, Scrap yards, and Salvage Yards	B3	B3	B3	B3	B3	B2	B2	B3	B1	B1

Landscaping for Parking Areas

Landscaping for any outdoor parking area shall be provided around the perimeter. Landscaping within parking areas is necessary not only to reduce the generation of heat and water runoff, but to visually break up the expanse of paved areas.

Parking areas containing five (5) spaces or more shall provide for perimeter landscaping and/or ornamental walls or fences to promote harmony with adjacent development. Parking areas containing more than six thousand (6,000) square feet of area or twenty (20) or more vehicular parking spaces, whichever is less, shall provide interior landscaping of parking islands or peninsulas strategically placed throughout the parking lot. The use of shade trees in these landscape areas is encouraged. For each one hundred (100) square feet or fraction thereof of vehicular use area, at least five square feet of landscape area shall be provided.

All off-street parking areas, access drives or other vehicle use areas shall be landscaped with plantings of grass, shrubs or trees. Grass or ground cover shall be planted on all portions of the easements not occupied by other landscaped material. Such material may fulfill interior or perimeter landscaping requirements.

Parking areas greater than fifty (50) parking spaces shall be provided with shade and visual relief through the use of trees planted in landscaped dividers, islands and along walkways and the parking lot perimeter.

Parking must be thirty (30) percent partially shaded by deciduous trees (either retained or planted) that have or will have when fully mature a trunk at least twelve (12) inches in diameter. Retained existing trees will be credited according to their actual crown radius or expected crown radius at maturity. New shade trees shall be credited to shade a circular area of seven hundred seven (707) square feet based on a crown radius of fifteen (15) feet with the trunk of the tree as the center. Ornamental trees shall be credited to shade their expected crown radius at maturity. New

or existing trees on the perimeter of the parking lot are credited for having only half a crown over the vehicle accommodation area.

Parking areas shall be designed and detailed to prevent vehicles from striking trees. Parked vehicles may hang over the interior landscaped area no more than two and one-half (2-1/2) feet. Concrete or other wheel stops shall be provided to ensure no greater overhang or penetration on the landscaped area.

All landscaped islands within parking areas must be irrigated to provide an adequate water source, or must otherwise be designed with Low Impact Development standards to ensure the long-term survival of landscaping materials.

Buffering Vehicular Use Areas:

A Level 2 Buffer (B2) shall be provided and remain unoccupied, except for landscape treatments such as trees, plantings, earth mounds, terraces, shrubs, permitted signs, and driveways (generally perpendicular to the right-of-way line).

Landscape materials shall be installed to provide a minimum of fifty (50) percent winter opacity and a seventy (70) percent summer opacity, to a height of four (4) feet within four (4) years after installation.

When a parking area is located within twenty (20) feet of a side or rear lot line, perimeter buffering shall effectively conceal parking areas and interior driveways from adjoining residential property or any other incompatible land uses along the entire lot line by the use of perimeter buffer zones of a minimum width of six and one-half (6-1/2) feet containing earth mounds, a planting strip, hedge, or evergreen plant material that will achieve an effective, opaque screen to a height of at least three (3) feet at the time of installation to provide visual separation from adjoining property. Perimeter buffer zone shall also contain deciduous trees planted one tree per thirty (30) lineal feet or as deemed appropriate by the Planning Commission as appropriate to provide a tree canopy over the landscaped area.

Screening

Screening Required

Outdoor storage as an accessory use, pursuant to **Article II, Section 7.18** (Outdoor Storage and Display), shall be screened in all zoning districts.

In special instances where extensive buffering is required and where there is little space for separation, or where otherwise specifically required, screening may be substituted for the required buffer pursuant to **Section 4.06E** (Flexibility in Requirements) of this Chapter.

General Standards

Whenever uses or structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping.

Screening established with plant materials shall provide seventy-five (75) percent opacity within two (2) years of planting. All other types of screening shall completely screen outdoor storage uses or service structures with one hundred (100) percent opacity.

Any walls, fencing or other structural means employed to screen exterior structures and components shall appear as integrated parts of the buildings and shall be constructed of complementary and durable materials and finished in a texture and color scheme complementary to the overall architectural design.

Vegetative and non-vegetative landscaping materials used in screening shall generally extend one foot greater in height than the height of the enclosed use or structure to be screened, but shall not be required to exceed eight (8) feet in height.

Where a screening standard requires a combination of non-vegetative landscaping, such as a fence or wall, along with vegetative landscaping, the screening shall consist of a continuous planting of an evergreen hedge or intermittently planted deciduous shrubs on the exterior side of a required fence or wall, or atop an earthen mound, and must enclose any use or structure to be screened on all sides, unless such structure or materials must be frequently moved or accessed, in which case the point of access to such structure or materials shall be provided, where possible, by a gate of at least seventy-five (75) percent opacity.

Curbs to Protect Screening Material

Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regular basis, a curb to contain the placement of the container shall be provided within the screening material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.

Modifications

The Planning Commission may approve modifications to the landscaping, screening, and buffering requirements. The Planning Commission shall base its decision on the following criteria:

Specific conditions which are unique to the applicant's land.

The manner in which the strict application of the provision of this Section would deprive the applicant of a reasonable use of the land in a manner equivalent to the use permitted other landowners in the same district.

Unique conditions and circumstances that are not the result of actions of the applicant subsequent to the adoption of this Section.

Reasons that the modification shall preserve, not harm, the public safety and welfare, and shall not alter the essential character of the neighborhood.

A demonstration that the applicant has provided a buffer that achieves the spirit of this Section.

The Planning Commission may also approve the use of existing trees within the proposed buffer area if the tree is not included on the desired tree list, and if such tree is native and hardy to zones 5 and 6 of the United States Department of Agriculture Plant Hardiness Zone Map.

OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-Street Parking Required

There shall be provided in all districts, at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access

to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided prior to the issuance of a certificate of occupancy as hereinafter prescribed.

Off-street parking spaces may be located within a rear yard or within a side yard which is in excess of the minimum side yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted within a front yard or a side yard setback unless otherwise provided in this Ordinance.

Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.

Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of **Article II, Section 7.02** (Accessory Buildings) of this Ordinance.

Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.

Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Planning Commission may grant an exception.^{lxxxix}

For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.^{xc}

When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including

one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

For the purpose of computing the number of parking spaces required, the definition of “usable floor area” in **Article III, Section 2** (Definitions) shall govern.

Minimum Number of Off-Street Parking Spaces^{xci}

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

USE	MINIMUM PARKING SPACES REQUIRED
RESIDENTIAL	
Residential, One-family and Two-family Dwelling	<ul style="list-style-type: none"> * One (1) for each 0-BR or 1-BR unit. * Two (2) for each dwelling unit with more than 1-BR plus one additional space per room rented out. * No more than four (4) vehicles owned or leased by occupants of each dwelling unit may be parked outdoors.
Residential, Multiple- Family Dwellings	<ul style="list-style-type: none"> * One and one-half (1.5) for each 0-BR or 1-BR unit. * Two (2) for each dwelling unit with more than 1-BR. * Plus one (1) per bedroom for each bedroom over a third bedroom. * Plus one (1) guest parking space for every two apartments.
Boarding Houses, Rooming Houses, Dormitories, and Fraternity Houses which have sleeping rooms	<ul style="list-style-type: none"> * One (1) per each bedroom or one (1) per three (3) persons housed on the premises, whichever is more.
Housing Restricted to the Elderly	<ul style="list-style-type: none"> * One (1) for each two (2) units, and one for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.
Homes for the Aged and Convalescent Homes	<ul style="list-style-type: none"> * One (1) space for each two (2) beds (except facilities serving children under 16 require one (1) parking space for every three (3)

USE	MINIMUM PARKING SPACES REQUIRED
	beds, plus 1 space for every two (2) employees on the maximum work shift.
Manufactured Home Park	* Two (2) for each manufactured home site and one (1) for each employee of the manufactured home park.
PUBLIC AND QUASI-PUBLIC	
Religious Land Uses (including associated residential structures for religious personnel and associated buildings, but not including elementary or secondary school buildings)	* One (1) space for each four (4) seats in the portion of the religious building to be used for services, plus spaces for any residential use as determined in accordance with the parking requirements set forth for dwellings, plus one (1) space for every two hundred (200) square feet of gross floor area designed to be used neither for services nor residential purposes.
Hospitals, clinics, other medical (including mental health) treatment facilities in excess of 10,000 s.f. of floor area	* One (1) per each 2 beds for patients, plus one (1) for each staff doctor, plus one (1) for other employees on the maximum working shift.
Libraries, museums, and art galleries	* Ten (10) spaces plus one (1) additional space for each 300 s.f. of floor area in excess of 2,000 s.f.
Nursery School, Child Care Facilities, or Child Care Centers	* Four (4) spaces, <u>plus</u> one (1) space for every employee on the maximum work shift, <u>plus</u> one (1) space for every ten (10) persons within the regulated capacity of the facility, designed for the safe and convenient loading and unloading of persons.
Private Clubs or Lodge Halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local or state fire, building or health codes.
SCHOOLS	
Elementary and junior high schools	* One and three-fourth (1.75) spaces for each classroom, including portables, in addition to the requirements for auditoriums.
High schools	* One (1) for every ten (10) students and one for each teacher and employee; or one (1) space for each

USE	MINIMUM PARKING SPACES REQUIRED
	auditorium or stadium seat, whichever is greater.
Business, technical and trade schools	* One (1) per each student classroom, one (1) per each employee, and one (1) per each five (5) students; or one (1) space for each auditorium or stadium seat, whichever is greater.
Colleges, universities	* 5 per classroom plus 3 for each administrative office, plus 1 for each 3 fixed seats in auditoriums and other places of assembly; or one (1) space for each auditorium or stadium seat, whichever is greater.
RECREATIONAL OR ENTERTAINMENT	
Auditoriums and theaters	* 1 per every 4 persons of the maximum permitted occupancy.
Bowling alleys	* Four for each alley or lane plus one additional space for each 100 sq. ft. of the area used for restaurant, cocktail lounge, or similar use
Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls, and assembly halls without fixed seats	* One (1) for each two (2) persons allowed within the maximum occupancy load as established by local or state fire, building or health codes.
Driving Range	* One (1) space per tee plus one (1) space per 200 square feet in building gross floor area.
Golf courses open to the general public, except miniature or “par-3” courses	Six (6) for each golf hole and one (1) for each one (1) employee on the maximum shift, plus spaces required for each accessory use, such as a restaurant or bar.
Miniature or “par-3” golf course, skateboard park, water slide, or similar uses	* 1 space per 300 SF of outdoor activity area plus 1 space per 200 SF of building gross floor area.
Laundromats and coin operated dry cleaners	One (1) for each two (2) washing and/or dry-cleaning machines.
Parks and Playgrounds	* 10 spaces for the first acre plus 2 spaces for each additional acre. Parking area available along park roads or private drives may be used to fulfill this requirement.
Private golf clubs, swimming pool clubs, tennis clubs or other similar uses	* One (1) space for each two hundred (200) square feet of gross floor area within enclosed buildings, plus one (1) space for every three persons that the facilities are designed to accommodate when used to the maximum capacity.
COMMERCIAL	
Automobile or machinery sales and/or service establishments	* One (1) space for each two hundred (200) square feet of showroom floor area plus three (3) spaces for

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<u>USE</u>	<u>MINIMUM PARKING SPACES REQUIRED</u>
	each service bay, plus one (1) space for each employee, plus one (1) for each vehicle used in the business and kept on the premises.
Automobile fueling station with or without service bays	One (1) for each gasoline pump, plus two (2) for each lubrication stall, rack, or pit, plus one (1) for each employee on the largest shift.
Automobile wash (automatic)	One (1) for each (1) employee on the maximum work shift. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, or the length in feet of each wash line divided by twenty (20), whichever is less.
Automobile wash (self-service or coin operated)	* Three (3) spaces for each washing stall in addition to the stall itself plus two (2) stacking spaces of twenty (20) feet length per stall.
Beauty parlor or barber shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1½) spaces for each additional chair, plus one (1) space for each employee on the maximum shift.
Contractor establishments	* Two (2) spaces for customers; plus one (1) space for each employee on the maximum work shift, plus one (1) space for each vehicle stored on the premises.
Eating and drinking establishments	* 1 space for every 3 seats for patron use at inside and outside tables, plus 1 space for every seat at a counter, plus 1 space per employee on the maximum working shift, plus 11 stacking spaces for drive-through facilities with a minimum of 5 of the stacking spaces designated for the ordering station.
Financial institutions	* One (1) for each 200 sq. ft. of floor area plus three (3) stacking spaces of twenty (20) feet length for each for each drive-up or drive-through window or bay.
Mortuary establishments	* One (1) per three (3) persons capacity.
Retail stores, Convenience	* One (1) for each one hundred fifty (150) s.f. of GFA, plus one (1) for each two (2) employees on the maximum work shift.
Retail stores: Small, portable items	* One (1) for each two hundred fifty (250) s.f. of GFA, plus one (1) space for each two (2) employees on the maximum work shift.
Retail stores: Large and bulky items (such as furniture, carpet, major appliance, and showrooms of a	* One (1) space for each four hundred (400) s.f. of GFA, plus one (1) space for each two (2) employees on the maximum work shift.

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<u>USE</u>	<u>MINIMUM PARKING SPACES REQUIRED</u>
plumber, decorator, electrician, or similar tradesperson)	
Motel, hotel, or other commercial lodging establishments	* One (1) for each guest room without kitchen facilities and one and one-half (1.5) spaces for each guest room with kitchen facilities, plus one (1) space per each 100 s.f. of banquet, assembly, meeting or restaurant seating area, plus one (1) space for each employee on the maximum shift.
Kennels	* One (1) for each 1,000 s.f., but no fewer than four (4) spaces. Of this required number of spaces, parking and access area of five-hundred (500) s.f. shall be provided for a minimum of four (4) car and trailer combinations.
Offices or clinics of physicians, dentists or similar medical professions	* One (1) for each fifty (50) square feet of usable floor area in waiting rooms, and one (1) for each examining room, dental chair or similar use area to be occupied by patients or employees, plus one (1) per each employee present on the maximum shift.
Offices and services designed to attract and serve customers and clients on the premises	One (1) for each two hundred (200) s.f. of usable floor space.
Offices and services designed to attract little or no customer or client traffic other than employees of the entity operating the principle use	* One (1) space for each four hundred (400) s.f. of usable floor space.
Planned commercial or shopping center	<p>* Three and one-half (3.5) spaces for each one thousand (1,000) s.f. of GLA for the first 100,000 s.f. of GLA; or four (4) spaces for each one thousand (1,000) s.f. of GLA for centers having 100,001 to 400,000 s.f. of GLA; or four and one-half (4.5) spaces for each one thousand (1,000) s.f. of GLA for centers in excess of 400,000 s.f. of GLA.</p> <p>* Plus for centers with cinemas occupying up to ten (10) percent of the total center GLA:</p> <ul style="list-style-type: none"> · If the center has up to 100,000 s.f. of GLA, three (3) additional spaces for every one hundred (100) cinema seats; <p>If the center has 100,001 to 200,000 s.f. of GLA, three (3) additional spaces for every one hundred (100) seats for cinemas with over four hundred fifty (450) seats; · If the center has over 200,000 s.f. of GLA, three (3) additional spaces for every one hundred (100) seats for cinemas with over seven hundred fifty (750) seats.</p> <p>* Plus for centers with food services occupying up to ten (10) percent of the total center GLA:</p> <ul style="list-style-type: none"> · If the center has up to 100,000 s.f. of GLA, ten

	<p>(10) additional spaces for every one thousand (1,000) s.f. of food service tenant area;</p> <ul style="list-style-type: none"> · If the center has 100,001 to 200,000 s.f. of GLA, six (6) additional spaces for every one thousand (1,000) s.f. devoted to food service tenant area; · If the center has 200,001 to 600,000 s.f. of GLA, no additional spaces for every one thousand (1,000) s.f. devoted to food service tenant area; · If the center has over 600,000 s.f. of GLA, reduce the parking requirement by four (4) spaces for every one thousand (1,000) s.f. devoted to food service tenant area;
Plant Nursery	* 1 space per one thousand (1,000) s.f. of total sales area, plus one (1) space per two thousand (2,000) s.f. of land area.
Sexually Oriented Business	* One space per patron, based upon the maximum occupancy load established by fire, building or health code, whichever is greatest, plus one space per employee on the largest working shift.
INDUSTRIAL	
Industrial or research establishments, and related accessory offices	* One (1) per one thousand (1,000) s.f. of GFA, or one (1) per employee on the maximum working shift, whichever is greater; plus one (1) per each three hundred (300) s.f. of office area, plus one (1) per two hundred (250) s.f. of retail space.
Warehouse establishments	* One (1) per two thousand (2,000) s.f. of GFA, plus one (1) per employee on the maximum shift, plus 1 per company vehicle operating from the premises.
Wholesale establishments and related accessory offices	* One (1) per one thousand (1,000) s.f. of GFA, plus one (1) per employee on the maximum shift, plus 1 per company vehicle operating from the premises.

Off-Street Parking Space Layout, Standards, Construction and Maintenance

Whenever the off-street parking requirements in **Article II, Section 5.02** (Minimum Number of Off-street Parking Spaces) above require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

No parking lot shall be constructed unless and until a permit therefor is issued by the Zoning Inspector. Applications for a permit shall be submitted to the Planning Commission in such form as may be determined by the Zoning Inspector and shall be accompanied with two (2) sets of site plans for the development and

construction of the parking lot showing that the provisions of this Section will be fully complied with.

Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° (parallel parking)	12 ft.	8ft.	23 ft.	20 ft.	28 ft.
30° to 53°	12 ft.	8 ft. 6 in.	20 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	8 ft. 6 in.	20 ft.	36 ft. 6 in.	58 ft.
75° to 90°	22 ft.	9 ft.	20 ft.	42 ft.	62 ft.

[See Parking Facility Layout Illustrations on page 77]

Accessible Parking Spaces^{xcii}

Number of Spaces. The Americans with Disabilities Act Accessibility Guidelines generally requires the following number of accessible spaces for most commercial uses. Fractional spaces shall be rounded up to require an additional space.

ADAAG Requirements for Accessibility of Parking Spaces	
Total Parking Spaces in Lot	Minimum Number of Accessible Spaces
1 to 100	1 per 25 spaces
101 to 200	Above total, plus 1 per 50 additional spaces
201 to 500	Above total, plus 1 per 100 additional spaces
501 to 1,000	Two (2) percent of total
1,001 and over	20, plus 1 for each 100 over 1,000

Location. Accessible parking spaces must be distributed to serve at least fifty (50) percent of all accessible building entrances and must in each case be located on the shortest possible route to the accessible entrance.

Required Adjacent Access Aisle. Accessible spaces are required to be eight (8) feet wide with an adjacent access aisle that is five (5) feet wide. However, one in every eight (8) accessible spaces, shall have an access aisle eight (8) feet wide. The access aisle must be demarcated with paint striping.

Signage. ADA signage is required for every accessible parking space. Any required eight (8) foot access aisle shall also contain “van accessible” on the sign.

Slope. Accessible parking spaces cannot be placed on any floor surface exceeding a 1:50 (2 percent) slope in any direction.

Crosswalk and Curb Ramps. An accessible parking space which requires a path of travel across a vehicular drive to reach the accessible building entrance shall demarcate an accessible route. Curb ramps shall be installed and other barriers removed along the path of travel.

Access To Off-Street Parking

All spaces shall be provided adequate access by means of maneuvering lanes.

Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Access of driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such lot shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street. The entrances and exits to the parking area shall be clearly marked.^{xciii}

Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single-family residential district.

Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall not cross adjacent land zoned for single-family residential use.

Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Backing directly onto a street or alley shall be prohibited.^{xciv}

Interior vehicular circulation by way of access roads shall maintain the following minimum standards:

ONE WAY TRAFFIC - For one way traffic, the minimum width of fourteen (14) feet except for forty-five (45) degree parking in which case the minimum width of the access road shall be seventeen (17) feet.^{xcv}

TWO WAY TRAFFIC - Access roads for two way traffic shall have a minimum width of twenty-four (24) feet. Parking areas having more than one aisle or driveway shall have direction signs or markings in each aisle or driveway.^{xcvi}

The entire parking area, including parking spaces and maneuvering lanes, required under this Section shall be provided with a permanent and durable surfacing in accordance with specifications approved by the Village Engineer. The parking area shall be surfaced within one (1) year of the date the occupancy permit is issued.

Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.

ARTICLE II ZONING DISTRICTS AND MAP

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