


RESOLUTION R-2-07

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE VILLAGE OF SPENCER ZONING ORDINANCE TO INCLUDE ARTICLE 14, LIGHT INDUSTRIAL DISTRICT (LI-1); ARTICLE 15, LIGHT INDUSTRIAL SITE PLAN REVIEW PROCEDURES; AND ARTICLE 16, LANDSCAPING

BE IT RESOLVED, by the Council of the Village of
Spencer, Ohio, three-fourths (3/4) of its members concurring
herein, as follows:

1. That it is hereby determined to be necessary to
amend the Village of Spencer Zoning Ordinance by adding Article
14, which provides zoning regulations for a Light Industrial
District (LI-1); Article 15, Light Industrial Site Plan Review
Procedures; and Article 16, Landscaping. Copies of Article 14,
Light Industrial District (LI-1); Article 15, Light Industrial
Site Plan Review Procedures; and Article 16, Landscaping, are
attached hereto and incorporated herein as "Exhibit A."

PASSED: February 21, 2007



TOMMY RAMEY, Mayor

ATTEST:



SHERI RAMEY, Village Fiscal Officer

ARTICLE 14

LIGHT INDUSTRIAL DISTRICT (LI-1)

1401.01	Purpose
1401.02	Permitted Uses
1401.03	Conditional Uses
1401.04	Building Height
1401.05	Lot Area, Width, and Yard Requirements
1401.06	Permitted Signs
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1401.14	Certificate of Occupancy

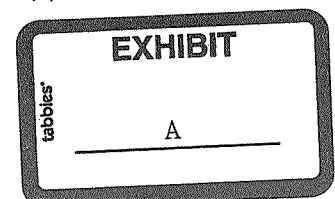
Sec. 1401.01 Purpose

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

Sec. 1401.02 Permitted Uses

Any of the following uses, or those of a similar nature, if conducted within an enclosed building or within an area enclosed on all sides with a solid wall or uniformly painted solid/screened fence not less than eight feet (8') high:

- A. Acoustical material storage; advertising display manufacturing; agriculture; agricultural implements (repair and service); agricultural tillage (contractors); air express service warehouse; airplane (repair and storage); asbestos and asbestos products storage; asphalt siding, shingles, roofing storage; automobiles (assembly of bodies, sales – used – parts and supplies – used –



repair – brakes, electrical, painting, radiators, upholstery, etc.,
storage – dead – warehouse.)

- B. Bakers and baked goods manufacturing; balls and bearing storage; barbeque (bulk preparation and sales); beer and ale distributor (wholesale) and storage; belting (repairing); beverages (bottling); beverages (wholesale and storage); bicycles (repair); biscuit companies (manufacturing); biscuits (wholesale and storage); boat (pleasure, storage); boilers (storage); bookbinders, book publishing (printing); bottles (wholesale); boxes (sales); braces (orthopaedic, manufacturing); brick storage yard; brooms (manufacturing); building contractors (equipment and material storage); burglar alarm systems (installation); bus line shops (garage, repair); business machines (manufacturing, repair service, storage and wholesale); button covering (fabrics).
- C. Cabinet makers; candy (wholesale distribution); canvas goods (fabrication); carpenter's shops and power woodworking; carpet and rug cleaners and storage; carpet and rugs (warehouse); carpet and rugs (wholesale); cement, cement products manufacturing (pipe, blocks, etc.); cement storage; cesspool builders and service equipment yard; chemicals and drugs storage and distribution; cigarette manufacture; cigarette service; cigarette manufacturing (machine rolled); cigars (wholesale and storage); cleaning compounds storage; cleaning and dyeing processing; clock factory; clothing manufacturing; coffee (wholesale and storage); coin machine manufacturing; coin machines (rental and service); cold storage; concrete contractors (storage yards); concrete products (pipe, beams manufacturing); concrete products (storage); concrete transit mixed; confectioners (wholesale); contractors equipment and supplies (storage); corsets and brassieres manufacturing; cotton seed products (storage); cranes (storage yard); crop dusting equipment yards.
- D. Dairies (distributing, commercial); dairies (pasteurization, commercial); decoration (workshop and equipment yard); department store warehouses; desks manufacturing; diaper supply service; diesel engines service, equipment and supplies (not manufacturing); disinfectants (storage and wholesale); display designers and builders shops; distillers (distribution, warehouse); doors, sash and trim, wood manufacturing; draperies manufacturing; drilling company equipment yards; drugs (wholesale storage); dry cleaning establishment (bulk processing); dry goods (wholesale or storage).

- E. Eggs (storage and processing); electric contractors shops; electric equipment assembly; electric plating; electric refrigeration lockers; electrical appliances manufacturing; electrical appliances repairs; enameling and painting (custom); engravers; express companies warehouses; exterminating and fumigating (commercial shops).
- F. Farm implements and machinery assembly; feed (wholesale and storage); fences (metal, wholesale and storage); fertilizers (processed, storage only); filters fabrication; fire escape contractors; firewood (storage); fish (wholesale); flags and banners manufacturing; floor refinishing (contractors shop); food processing (general, see under product listing); food products (brokers and distributors, wholesale); food products (warehouse); freight forwarders warehouses; frozen foods processing; frozen foods (wholesale, storage and distribution); fruit and vegetable juice processing; fruit and vegetable market (wholesale); fruit and vegetable processing (general, see under products listing); fur warehouse; furnaces (cleaning and repairing shops); furniture cleaners; furniture (repairing and refinishing); furniture (wholesale and storage); furs manufacturing (cutting and assembly).
- G. Garment factory; glass blowing; grocers (warehouse); grocers (wholesale); gunsmiths (repairs).
- H. Harness repair; hat manufacturing; hay and straw (sales and storage); heating and ventilating apparatus (assembly and storage); hoists (equipment storage); horseshoeing; hosiery manufacturing; hotel equipment (assembly and custom fabrication); house movers (equipment storage yards).
- I. Ice cream manufacturing; imported goods (warehouse); insecticides (storage and distribution); insulation (contractors equipment yard, storage and wholesale); interior decorators (workshops); iron (custom decorative wrought iron shops); irrigation companies and equipment.
- J. Janitors supplies (storage and warehouse); jewelers (bulk manufacturing); jobbers (bulk materials).
- K. Knit goods manufacturing.
- L. Laboratories (commercial, analytical, experimental and research); ladies ware manufacturing; laundries (processing); laundry equipment and supplies storage; leather goods (manufacturing, fabrication); limb manufacturing (artificial); lime storage; linen

supply laundry service; linoleum storage; liquor (storage and wholesale); lithographers; livestock (supplies, storage and wholesale); locksmiths repair shops; loft buildings; lubrication compounds (storage); lumber (cabinet workings); lumber storage yard; lumber (used and wholesale).

- M. Machine shops; machine tools (storage); machinery rental; machinery (used, storage); markets (exchanges of goods); meat (storage and wholesale); men's clothing manufacturing; metals, processing, light fabrication from standard shapes; machine shop operations, plating, custom and replating, products fabrication and assembly; meters manufacturing, milk bottling plant (other than farm); milliners (wholesale and manufacturing); millinery and artificial flower making; mill work (sale and storage); mirrors (resilvering, custom work); model construction supplies and manufacturing; mortar (bulk preparation and sales); motion picture equipment (storage and manufacturing); motion picture studios; motor freight company warehouses; motorcycles (repairing and sales); mover (warehouses).
- N. Newspaper printing; noodle manufacturing; notions (manufacturing, wholesale); novelties (manufacturing and wholesale); nuts (edible, processing).
- O. Office equipment manufacturing (see also business machines); office furniture (storage and warehouses); oil burners (installation and repair); optical goods manufacturing; ornamental metal work (custom hand fabrication); orthopedic appliances manufacturing; overall manufacturing.
- P. Packing, crating service fabrication; painters equipment and supplies (shops, wholesale and storage); paper storage; paper products (wholesale and storage); pattern shop; paving contractors equipment and storage; paving materials storage yard; photo engraving company, pickles (processed, wholesale and storage); pipe (used, storage and sales); pipe (concrete, manufacturing and storage); pipe (metal storage); plasterer (wholesale and storage); plating works (precious metals); plumbers shops; plumbing fixtures and supplies (wholesale and storage); popcorn manufacturing; potato chips manufacturing; poultry supplies (wholesale and storage); printers equipment and supplies; wholesale product (garden); wholesale produce (warehouse); pumps (repairing and rental); printer.
- Q. Quick freeze plant; quilt (manufacturing).

- R. Radio equipment assembling; radio repair shop; refrigeration equipment custom installation; refrigerators (servicing); refrigerators (wholesale, storage); restaurant equipment (installation and repair); road building equipment (storage yard); rubber stamps manufacturing.
- S. Scaffolds (equipment and storage); scales (commercial weighing); school equipment and supplies (wholesale); screens, doors and windows manufacturing; screw and bolt manufacturing; seed (wholesale and retail garden supplies); septic tanks (contractors, construction); service station equipment (wholesale); sewer pipe storage; sheet metal work (custom fabrication); shirt factory; shoe repairing equipment and supplies (wholesale); shoe manufacturing; sign erectors (contractors shops); sign painters shops; sign maintenance service shops; signs (neon and metal fabrication); skylights (custom manufacturer); slip covers (custom manufacturing); soaps (wholesale and storage); sporting goods manufacturing; soda water manufacturing; specialties (see coin machines); spices (wholesale and storage); spraying supplies equipment yard; springs (replacement and repairs); stair builders (wood); steel awnings (custom manufacturing); steel erectors equipment yards; steel fabricators (light sections); storage warehouse; storage shops, store and office fixtures (contractors shops); stoves and ranges (wholesale and storage); surgical supplies (wholesale distributors).
- T. Tank coating equipment yard, tanks (erection, contractors yard); taxidermists; tents and awnings and manufacturing; termite control contractor shops; terrazzo contractor shops; thermometers manufacturing (wholesale, storage); tool grinding and sharpening; tools (wholesale and distribution); towels (supply and service); tractors (rentals); trailers (repairing); transfer business; truck freight movers (see express also); trunks manufacturing.
- U. Underwear (wholesale and manufacturing); upholsterers (custom).
- V. Wall board (wholesale and storage); wallpaper manufacturing; warehouses; watches manufacturing; water (distilled, processing); water (mineral, drinking or curative, bottling and distribution) water coolers (drinking fountains, repair and service); water heaters (service and repairing); water softening equipment (service and repairing); water supply systems (contractors shops); waterproofing (material, storage); weighers (commercial);

welding (commercial); welding (equipment and supplies storage) well drilling (equipment yard); wholesale produce storage or market; commercial winches (equipment rentals); window display (installations, studio and shops); wines (storage, bottling and wholesale); wood (storage yard); woodworking (cabinet and custom millwork); woodworking (equipment, wholesale); woven goods (fabrication and assembly).

- W. Restricted Manufacturing.
- X. Research and Development Facilities.
- Y. Printing.
- Z. Commercial Semi-Truck Sales and Service.
- AA. Agricultural or Construction Related Equipment Sales and Service.
- BB. Warehousing.
- CC. Other uses of a similar nature.

Sec. 1401.03

Conditional Use

Retail operations not requiring a separate building or structure that are directly related and subordinate to any use permitted under this section. The commencement duration of any such conditional use shall be coterminous with the permitted use to which it is related.

Sec. 1401.04

Building Height

Buildings shall not exceed thirty-five feet (35') in height. Chimney, tanks, communication and other type towers may be permitted to a greater height upon approval by the Zoning Board of Appeals.

Sec. 1401.05

Lot Area, Width and Yard Requirements

A. Lot area and width

1. Every lot in an LI-1 District shall contain a minimum area of one (1) acre and a lot frontage and width of one hundred feet (100').

B. Corner Lots

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

C. Yards Required

1. Yards of the following widths or depths shall be provided for all permitted uses unless permitted by this Ordinance.

a) Front Yard

- i. The minimum setback building line shall be fifty feet (50') from the street right-of-way line, and shall be appropriately landscaped and maintained. Such minimum space shall remain open and unoccupied by any principal or accessory building or use including parking areas, other than driveways and sidewalks.

b) Side Yards

- i. There shall be two (2) side yards, each having a width of not less than twenty-five feet (25') as measured from the side lot line to the nearest point of any structure. Where the lot abuts any residential district, there shall be fifty feet (50') on the side abutting the residential district. In addition, there shall be a buffer strip constructed on the side yard that abuts any residential district.
- ii. The buffer strip on the side yard that abuts any residential district shall be constructed in accordance with the requirements of the Planning Commission. It is intended that there be a mounded tree barrier with adequate trees planted so as to visually obstruct the view as between the residential district and the light industrial district. The buffer strip requirement in a LI-1 District shall be installed and completed by the

developer at the start of any development project.

c) Rear Yards

- i. There shall be a rear yard of not less than fifty feet (50'). Rear yards used for parking shall be appropriately surfaced with a durable dust-free material (asphalt or concrete) and shall be graded and drained to dispose of all surface water in the area. In addition, there shall be a buffer strip constructed on the rear yard that abuts any residential district.
- ii. The buffer strip on the rear yard that abuts any residential district shall be constructed in accordance with the requirements of the Planning Commission. It is intended that there be a mounded tree barrier with adequate trees planted so as to visually obstruct the view as between the residential district and the light industrial district. The buffer strip requirement in a LI-1 District shall be installed and completed by the developer at the start of any development project.

Sec. 1401.06 Permitted Signs

The provisions of Article 8 of the Spencer Village Zoning Ordinance shall apply in this district.

Sec. 1401.07 Off-Street Parking and Loading Requirements

The provisions of Article 7 of the Spencer Village Zoning Ordinance shall apply in this district.

Sec. 1401.08 Percentage of Lot Coverage

Buildings, together with their accessory uses and enclosed structures in an LI-1 District, shall cover not more than forty percent (40%) of the area of any lot.

Sec. 1401.09

Requirements for Fire Department

In any LI-1 District, the following requirements shall be completed:

- A. Fire hydrants shall be installed every four hundred feet (400') to six hundred feet (600') along any developed street.
- B. Any facility in a LI-1 District that utilizes or handles specialized or hazardous materials or agents shall provide the local fire department adequate training for addressing fire emergencies that are presented by these materials or agents and shall have available for use by the fire department any specialized agents other than water that may be needed to put out a fire caused by these hazardous materials or agents.
- C. Fire hydrants installed in the LI-1 District shall be installed utilizing a loop system; the loop system shall be installed and completed when engineers hired by the Village determine that completion of the loop system is reasonably necessary.

Sec. 1401.10

Submission of Plans

The provisions of Articles 11 and 12 of the Spencer Village Zoning Ordinance shall be in full force and effect in this district.

Sec. 1401.11

Site Plan Review

A site plan and site plan review shall be required in the LI-1 District. The site plan and site plan review shall be conducted in accordance with the provisions of Article 15 of the Spencer Village Zoning Ordinance.

Sec. 1401.12

Landscaping

Landscaping in the LI-1 District shall be provided in accordance with Article 16 of the Spencer Village Zoning Ordinance.

Sec. 1401.13

Communication Towers and Antennas Permitted in Industrial Zoning Districts

Communication towers, antennas, and base units are allowed as a permitted use in all industrial zoning districts, provided they meet the following requirements:

- A. Freestanding communication towers and antennas, including antennas mounted on light poles and similar structures that are not façade-mounted, provided that towers and antennas do not exceed one hundred feet (100').
- B. The tower site and setback shall be of adequate size to contain guyed wires, debris, and the tower in the event of a collapse. Communication towers shall maintain a minimum distance from the nearest residential structure equal to twice the height of the tower. For the purposes of this article, residential structures shall also include any parking or accessory structure attached to a principal residential structure.
- C. No part of any communication tower, antenna, base unit, equipment, guyed wires or braces shall extend across or over any part of a public right-of-way.
- D. Communication towers, antennas, and base units shall comply with applicable regulations as established by the Federal Aviation Administration and minimum yard requirements of the district in which they are located.

Sec. 1401.14

Certificate of Occupancy

The provisions of Article 11, Section 1114, shall be in full force and effect in this District.

ARTICLE 15

LIGHT INDUSTRIAL SITE PLAN REVIEW PROCEDURES

1501.01	Conditions for Review
1501.02	Procedure for Site Plan Review
1501.03	Access Control Requirements
1501.04	Traffic Impact Study
1501.05	Enforcement

Sec. 1501.01 Conditions for Review

Site plan review shall be required in any district where the construction, alteration, expansion of any principal or accessory building or use is proposed, or when six (6) or more parking spaces are being required for new or existing uses.

Sec. 1501.02 Procedure for Site Plan Review

Formal submission and approval of a site plan is required before any zoning permit may be issued. Submission and approval of a site plan includes following the review procedures and submission requirements defined herein.

If site plan review involves any land that is annexed from a township pursuant to a CEDA agreement, the township trustees or their representative shall be invited to attend site plan review meetings for input with respect to zoning and/or site plan review issues.

An applicant seeking site plan approval shall follow the preliminary and final review process for site plan review as defined in this Article. For developments also requiring conditional use approval, the procedure established in Article 9 shall be followed. The Planning Commission may concurrently address the issue of site plan approval and consider a recommendation on a conditional use approval, and in such case, the approval of the site plan shall be contingent upon conditional use approval. If a variance is required, the applicant shall be required to seek a variance in accordance with Article 12 before submitting plans for formal site plan approval in accordance with this Article.

A. Optional Concept Review

1. At any time prior to the formal submission and review of a site plan, an applicant may engage the Planning Commission in an optional concept review process. In order to receive this review, the applicant shall submit a sketch site plan to the Planning Commission. The applicant shall be required to submit the sketch plan at least twenty-one (21) days before the next scheduled monthly meeting in order to be placed on the agenda for review. The purpose of such a sketch site plan is to provide an opportunity to conceptually discuss a proposed development and to provide general guidance to assist in the preparation of a formal site plan. There are no applied standards to the site sketch plan, however, the applicant is encouraged to provide enough detail in order to be able to accurately represent the concept. All comments and suggestions shall be considered informal by the applicant and shall not be a binding agreement with the Planning Commission for approval. This concept review is a service provided to benefit the applicant, and formal site plan approval is dependent upon the outcome of the Preliminary Plan Review and Final Site Plan Review described herein.

B. Preliminary Plan Review

1. The applicant shall be required to submit a plan for preliminary site plan review. In order for the application to be deemed complete, the application form, permit fees, and twelve (12) copies of the plan shall be submitted to the Responsible Authority at least twenty-one (21) days before the next regularly scheduled monthly meeting in order to be considered for placement on the agenda for review. If the applicant fails to provide a complete application as described herein, the Responsible Authority shall notify the applicant promptly of the missing items. An additional fee shall be required to defray the expenses associated with the municipal review of the plans, including the need to retain a registered professional engineer, architect, or landscape architect, or other professional consultant to advise the Village on any or all aspects of the site plan.

- a) A site plan shall be prepared at a scale of one inch equals twenty feet (1" = 20') (developments more than five (5) acres may be drawn at a scale of one inch equals fifty feet [1" = 50']), on standard twenty-four inch by thirty-six inch (24" x 36") sheets, with narrative on eight and one-half inch by eleven inch (8½" x 11") sheets as necessary. All site plans shall be prepared by a registered professional engineer, architect, or landscape architect. Minimum information to be provided in the site plan drawing includes:
- i. The location of the proposed development in relation to existing community facilities, thoroughfares, and other transportation modes, shopping centers, manufacturing establishments, residential development; and existing natural features such as vegetation, general soil conditions, and topography in the neighboring area.
 - ii. Applicable zoning district/proposed zoning district.
 - iii. Width and names of public rights-of-way that are adjacent to the site and/or will be used for access.
 - iv. The layout and acreage of the site and proposed location of all uses, along with parking areas, and planned access and traffic circulation on the site, and planned changes that will take place in any existing public right-of-way.
 - v. The location of all existing and proposed buildings and structures on and adjacent to the site.
 - vi. The location of utilities, if available, and the location and size and capacity of the sewer and water lines that are proposed to serve the development.
 - vii. The scale, title, a north arrow, and date of submission.

- viii. Name, address, phone number, and fax number of all applicants, developers, and their representatives.
- ix. Adjoining land uses and zoning.
- x. A rendered building elevation drawing shall be provided showing exterior finishes and colors.

2. Responsible Authority Review

- a) The Responsible Authority shall review the application for compliance to all applicable sections of this Ordinance within fifteen (15) days of receipt of the application, based on the information provided in the application. If the Responsible Authority finds that the plan will not comply with this Zoning Ordinance, the Responsible Authority shall notify the applicant of the discrepancies of the site plan. If the applicant disagrees with the Responsible Authority's decision or chooses to seek a variance, he or she can appeal to the Zoning Board of Appeals for such relief, as described in Article 12 as a separate process. Submission of the preliminary plan to the Planning Commission shall not be permitted unless the Responsible Authority determines that the plans are in compliance with this Ordinance or an appeal or variance has been granted from the Zoning Board of Appeals.

3. Planning Commission Review

- a) The Responsible Authority shall forward the preliminary application to the Planning Commission for review and discussion, after determining that the application is complete and the applicant complies with this Ordinance, based on the information required and provided at this stage of review. Within sixty (60) days of receipt of the preliminary application and plan from the Responsible Authority, the Planning Commission shall meet and shall consider the proposed site plan according to the following criteria:

- i. The adequacy of the information presented to determine the impacts of the proposed site.
- ii. The impacts of the proposed development compared with the following standards:
 - (1) Traffic: Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
 - (2) 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.
 - (3) Services: Reasonable demands placed on municipal services and infrastructure.
 - (4) Pollution Control: Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface water and groundwater. This includes controlling soil erosion both during and after construction.
 - (5) Nuisances: Protection of abutting properties from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, storm water runoff, etc.
 - (6) 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.

- (7) Amenities: The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside planting, and the retention of other green areas.
 - (8) 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.
- 4. Final Action of the Preliminary Site Review shall consist of either:
 - a) Approval to prepare the site plan for Final Plan Review, in accordance with all applicable regulations and developmental requirements imposed by this Zoning Ordinance.
 - b) Approval to prepare the site plan for Final Plan Review, conditional to incorporation of all conditions as set forth by the Planning Commission, and all applicable regulations imposed by this Zoning Ordinance.

C. Final Site Plan Review Procedure

- 1. The applicant shall prepare the final site plan in accordance with any conditions set by the Planning Commission in the Preliminary Review and all other applicable sections of this Ordinance. All applicants are required to follow final site plan review procedures before receiving final approval of site plans, and approval for a zoning permit. All applicants shall be required to submit a completed application, a final site plan (12 sets), and an application fee to the responsible authority twenty-one (21) days before the next regularly scheduled meeting in order to be placed on the agenda for review. An additional fee shall be required to defray the expenses associated with the municipal review of the plans, including the need to retain a registered professional engineer, architect, or

landscape architect, or other professional consultant to advise the Village on any or all aspects of the site plan.

- a) Final Site Plan Content: Site plan shall include the following data, details, and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. A site plan shall be prepared at a scale of one inch equal twenty feet (1" = 20') (developments more than five (5) acres may be drawn at a scale of one inch equal fifty feet [1" = 50']) or as determined by the Village engineer, on standard twenty-four inch by thirty-six inch (24" x 36"), with narrative on eight and one-half inch by eleven inch (8½" x 11"), sheets as necessary. All site plans shall be prepared by a registered professional engineer, architect, or landscape architect. Items required for submission include:
- i. Name of the project, boundaries, and location maps showing the site's location in the Village, date, north arrow, and scale of the plan.
 - ii. Name, address, phone number, and fax number of the owner of record, developer, engineer, architect, landscape architect, and seal of the engineer, architect, or landscape architect who prepared the site plan.
 - iii. The legal description of the site that will be developed.
 - iv. Existing or proposed deed restrictions or covenants associated with the development.
 - v. Names and addresses of all owners of record of abutting parcels and those within three hundred feet (300') of the property lines.
 - vi. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, and abutting land uses.
 - vii. The location and use of all existing and proposed buildings and structures within the

development, including building footprints, overhangs, site coverage, building-ground contact, and area. A brief description of the use of the site shall be included with an estimate of the number of employees.

- viii. All dimensions of heights and floor area, and showing all exterior entrances.
- ix. Illustrations of traffic movement, ingress and egress, and the location of all present and proposed public and private drives, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls, and fences.
- x. Illustrations of the proposed changes in any public right-of-way, and typical pavement sections and plans showing other improvements, including new streets and infrastructure to be constructed for the development which shall be dedicated to public use.
- xi. The location, height, intensity, lighting pattern, and bulb type (e.g. florescent, sodium, incandescent) of all external lighting fixtures.
- xii. The location, height, size, materials, and design of all proposed signage.
- xiii. The location of all present and proposed utility systems, including sewage or septic systems; water supply system; telephone, cable and electrical systems; and storm drainage system, including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales, detention areas, and storm system design calculations.
- xiv. 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

watertable, and flooding of other properties, as applicable.

- xv. Existing and proposed topography upon and within seventy-five feet (75') of the site at a one foot (1') contour interval. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the one hundred (100) year flood plain, the area will be shown, and base flood elevations given. If the area is not located within the one hundred (100) year flood plain, this fact shall be noted on the plan.
- xvi. A landscape plan showing all existing natural land features, trees, and forest cover, and water resources, and all proposed changes to these features, including size and type of plant material. Water resources will include ponds, lakes, streams, wetlands, floodplains, and drainage retention areas.
- xvii. A plan for Erosion and Sedimentation Control during and after construction shall be included with all other plans upon application for a zoning permit for residential subdivisions and all commercial and industrial development. The following principles shall be followed in developing and carrying out the plan:
 - (1) The smallest practical area of land should be exposed at any one time during development.
 - (2) When land is exposed during development, the exposure should be kept to the shortest practical period of time.
 - (3) Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.

- (4) Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.
 - (5) Provisions shall be made to effectively accommodate the increased run-off.
 - (6) The permanent final vegetation and structures shall be installed as soon as practical in the development.
 - (7) The development plan shall be fitted to the topography.
 - (8) Wherever feasible, natural vegetation should be retained and protected.
- xviii. For new construction or alterations to any existing building, a table containing the following information must be included:
- (1) Area of building to be used for a particular use such as retail operation, office, storage, etc.
 - (2) Maximum number of employees.
 - (3) Maximum seating capacity, where applicable.
 - (4) Number of parking spaces existing and required for the intended use.
 - (5) Three (3) complete sets of building drawings and plans as approved by the State of Ohio.
 - (6) One (1) set of scaled building elevation drawings shall be provided showing the exterior finishes and colors.

2. Review by the Responsible Authority

- a) The Responsible Authority shall review the application for compliance to all applicable sections of this Ordinance, and all previous conditions imposed by the Planning Commission in the Preliminary Review, within fifteen (15) days of receipt of the application. Such review shall be based on the information provided by the applicant. If the Responsible Authority finds that the plan will not comply with this Zoning Ordinance or the applicant has not met all previous conditions as stated in the Preliminary Review, the Responsible Authority shall notify the applicant of the discrepancies of the site plan. Final review of the site plan by the Planning Commission shall not be permitted unless the applicant complies with this Ordinance and any prior conditions established as a result of the preliminary review.
 - i. Notification of Adjoining Property Owners. Within five (5) days following the determination that the application is complete, notices of the meeting to be held by the Planning Commission on the proposed development may be sent, by first class mail, to all adjoining property owners within three hundred feet (300') of the proposed development.
 - ii. Within sixty (60) days of receipt of an accurate and complete final plan from the Responsible Authority, the Planning Commission shall take a final action. The final action shall consist of either:
 - (1) Approval of the site plan based upon a determination that the proposed plan will constitute a suitable development and the plan meets all standards set forth in this Zoning Ordinance and agreements during the preliminary review process.
 - (2) Approval of the site plan subject to any additional conditions,

modifications, and restrictions as required to ensure that the project meets the standards for review.

- iii. If the site plan is approved subject to conditions, the Responsible Authority shall not issue a permit until the site plan has been redrawn and resubmitted and checked for compliance with the imposed conditions.

Sec. 1501.03 Access Control Requirements

General standards for parking areas, circulation, and access shall be incorporated as part of the site plan. These standards are found in Article 7 of this Ordinance. As part of the site plan review process, access shall be reviewed relative to the distance from other drive approaches and from roadway intersections. The preferred method of providing access to parcels is to minimize or eliminate driveways by using service roads, rear access roads, or shared driveways. The Planning Commission may, as part of the site plan review process, require that driveways be moved, combined, re-aligned, or eliminated to reduce the potential for accidents.

A. Conditional Approval of Driveways

1. As part of the site plan review process, the Planning Commission may approve a site plan with a specific driveway location, with the condition that an agreement be first entered into between the property owner and the Village of Spencer requiring that if a service road is constructed in the future, or if the opportunity for a shared driveway should present itself with development of adjacent property, one (1) or more approved driveways shall be closed and measurements taken to utilize such service road or shared drive. Approval of driveways may also include restrictions on turning movements, locations, or other requirements to ensure safe and efficient traffic movement.

B. Construction and Use of Service Roads.

1. When a service road is required, such improvement shall be constructed by the developer of the involved property before any zoning occupancy or zoning use permit is granted. When a service road is provided, all access to an adjacent property

shall use that service road and no direct access to the main thoroughfare shall be provided.

Sec. 1501.04

Traffic Impact Study

A traffic impact study shall be a requirement for site plan review if the expected trip generation of the use is one hundred (100) or more cars per hour as identified in the Institute of Traffic Engineers (ITE) Manual. A traffic impact study shall be prepared by a qualified professional engineer at the developer's expense. The traffic impact study shall investigate the feasibility and benefits of improvements such as signals, turn lanes, driveway movement limitations, and other relevant information to the site to protect the safety of the traveling public. The traffic impact study shall include the following elements:

- A. A description of the site and study area.
- B. Anticipated development of adjacent parcels.
- C. Trip generation and distribution, including a description of all assumptions used to generate findings of trip distribution.
- D. Modal split (if applicable).
- E. Traffic assignment resulting from the development.
- F. Projected future traffic volumes.
- G. An assessment of the impact that would result from driveway alternatives.
- H. Recommendations for site access and transportation improvements needed to maintain traffic flow within and past the site at an acceptable and safe level of service.
- I. An evaluation of the effects that the proposed development will have on the level of service and roadway capacity.

Sec. 1501.05

Enforcement

The Village of Spencer may require the posting of a bond or other similar performance guarantee to ensure compliance with the plan and stated conditions of approval. It may suspend any zoning permit when work is not performed as required. Site plan approval issued under this section

shall lapse within one (1) year if a substantial use thereof has not commenced, except for good cause.

ARTICLE 16 LANDSCAPING

1601.01	Landscaping
1601.02	Special Exceptions Landscaping
1601.03	Screening of Service Courts, Storage Areas and Loading Docks
1601.04	Screening of Trash Container Mechanical Equipment Receptacles
1601.05	Interior Parking Area
1601.06	Plant Material Specifications
1601.07	Screening of Exterior Mechanical Equipment
1601.08	Maintenance and Replacement Requirements

Sec. 1601.01 Landscaping Requirements

Consistent with the objectives established in this Article, landscaping shall be provided according to the following standards for the following districts, with the new construction, enlargement, addition, or alteration of any principal building:

- A. B-1 General Business District
- B. LI-1 Light Industrial District
- C. I-1 General Industrial District

Sec. 1601.02 Special Exceptions

The Village of Spencer shall recognize that, in some cases, the landscaping requirements may be difficult or impractical to meet due to specific site characteristics. In these cases, an alternative landscaping plan may be approved by the Planning Commission as part of the site plan review process.

Sec. 1601.03 Screening of Service Courts, Storage Areas, and Loading Docks

For all uses that include areas used for service, loading, and unloading activities, such areas shall be screened along the entire rear lot line and side lot lines from the rear lot line to the rear building line to the following minimum standards:

- A. The width of the screening area shall be a minimum of five feet (5'). Screening shall consist of walls, hedges, fences, vegetation, or an acceptable combination of these elements, provided that screening must be at least seven feet (7') in height.
- B. Vegetation used for screening shall have a minimum opaqueness of seventy-five percent (75%) at all times within two (2) years of planting.

Sec. 1601.04

Screening of Trash Container Receptacles.

Trash containers shall be screened according to the following minimum standards:

- A. Trash containers designed to service more than one (1) residential unit or to service a non-residential structure shall be screened on four (4) sides by walls, fences, gates, or natural vegetation or an acceptable combination of these elements.
- B. The height of such screening shall be at least six feet (6'). The maximum height of walls and fences shall not exceed ten feet (10'). Vegetation shall have a minimum opaqueness of seventy-five percent (75%) at all times within two (2) years of planting. The use of evergreen vegetation is encouraged. Vegetation shall be a variety and size that will attain six feet (6') in height within two (2) years of planting.

Sec. 1601.05

Interior Parking Area Landscaping

Landscaping within parking areas, whether ground cover or upright plant material, is necessary not only to reduce the generation of heat and water runoff, but to break up visually the expanse of paved areas. The use of parking islands or peninsulas strategically placed throughout the parking lot is required to landscape parking lot interiors. The use of shade trees in these landscape areas is encouraged. Any open parking area containing more than six thousand square feet (6,000 sq. ft.) of area or fifteen (15) or more parking spaces shall provide the following interior landscaping in addition to the required perimeter screening:

- A. An area equal to five percent (5%) of the total area devoted to parking space and parking lanes shall be landscaped and permeable.

- B. Whenever possible, large parking areas of thirty thousand square feet (30,000 sq. ft.) or larger shall be designed so as to break up their visual expanse and create the appearance of smaller parking lots. This distinction or separation can be achieved by interspersing yard space and buildings in strategic areas and by taking advantage of natural features such as slope, existing woodland or vegetation, drainage courses, and retention/detention areas that contain water throughout the year.
- C. Landscaping in parking areas shall be dispersed throughout in peninsulas or islands. The minimum island or peninsula size shall be one hundred eighty-square feet (180 sq. ft.) with a two foot (2') minimum distance between all trees or shrubs and the edge of pavement where vehicles overhang and should have a minimum width of ten feet (10'). Islands shall typically be located every ten (10) to twelve (12) parking spaces and may be curbed.
- D. The required plant materials for the interior of parking areas shall be one (1) deciduous tree for every three thousand square feet (3,000 sq. ft.). Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least five feet (5') above the ground, and the remaining required landscape areas shall be planted with shrubs or ground cover not to exceed two feet (2') in height.
- E. Areas located between any parking area and public right-of-way shall be landscaped with elements such as mounding, trees, ground cover, and shrubs.

Sec. 1601.06

Plant Material Specifications

The following sections include specifications for plant materials. Alternatives to these materials that can be shown to meet both the intent and requirements of this Ordinance may be approved as part of a site plan:

- A. Shrubs: Shrubs shall be at least twenty-four inches (24 in.) average height and spread at the time of planting and, where required for screening, shall form a continuous, year-round, solid visual screen within five (5) years after planting.
- B. Ground Cover and Grass: Ground cover shall be planted a minimum of eight inches (8") on center and shall be planted in such a manner to present a finished appearance and seventy-five percent (75%) coverage after one (1) complete growing season.

If approved as part of a site plan, ground cover may also consist of rocks, pebbles, wood chips, and other material. Grass shall be planted in species normally grown as permanent lawns.

C. Prohibited Tree Species: Within any required landscaping, the following tree species may not be used:

1. Box Elder
2. Popular
3. Tree of Heaven
4. Willow
5. Catalpa
6. Hickory
7. Mountain Ash
8. Black Locust
9. Mulberry
10. Black Walnut

In addition to the species listed above, trees which produce nuts, seeds, or fruit that can create a hazard to pedestrians or vehicles, shall not be planted in such a manner that the natural drilling of an average adult tree of the species planted will be any closer than three feet (3') of a pedestrian walkway or parking lot.

1601.07 Screening of Exterior Mechanical Equipment

Exterior components of plumbing, processing, heating, cooling, and ventilating systems (including, but not limited to piping, tanks, stacks, collectors, heating, cooling, and ventilating-equipment fans, blowers, ductwork, vents, louvers, meters, compressors, motors, incinerators, ovens, etc.) shall not be directly visible at ground level. Any landscaping or structural means employed to screen exterior components of plumbing, processing, heating, cooling, and ventilating systems from direct view shall appear as integrated parts of the buildings; shall be constructed of complementary and durable materials; and finished in a texture and color scheme complementary to the overall architectural design. Any exterior components of plumbing, processing, heating, cooling, and ventilating systems, and their screening devices which will be visible from upper floors of adjacent buildings shall be kept to a visible minimum; shall be installed in a neat and compact fashion; and shall be painted such a color as to allow their blending with their visual backgrounds.

1601.08 Maintenance and Replacement Requirements

The owner shall be responsible for maintaining all landscaping in good condition to present a healthy, neat, and orderly appearance. This should be accomplished by the following standards:

- A. 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.
- B. All planted areas shall be maintained in a weed-free condition, clear of undesirable undergrowth; and free from refuse and debris.
- C. Replacement plants shall conform to the standards that govern original installation. Dead or unhealthy plants shall be replaced within the next planting season.
- D. Representatives of the Village of Spencer shall have the authority to inspect landscaping and check it against the approved plan on file.