

**ARTICLE 8
OFF-STREET PARKING AND LOADING**

8.01 GENERAL REQUIREMENTS

Any building, structure or use of land, when erected or enlarged, shall provide for off-street parking spaces for automobiles in accordance with the following provisions of this Article. A parking plan shall be required for all uses except single-family detached dwellings and two-family dwellings. The parking plan shall be submitted to the Zoning Administrator as part of the application for the site plan review and Zoning Certificate. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, lighting, boundary walls, fences and a screening plan, as appropriate.

Whenever a building or use constructed or established after the effective date of this resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten (10%) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Resolution is enlarged to the extent of twenty-five (25%) percent or more in floor area or in the area used, such building or use shall then comply with the parking requirements set forth herein.

8.02 OFF-STREET PARKING AND SITE ACCESS STANDARDS

All off-street parking facilities including entrances, exits, circulation areas and parking spaces shall be in accordance with the following standards and specifications:

A. Utilization

Required off-street parking facilities as listed in Section 8.04 shall be utilized solely for the parking of motor vehicles in operating condition, of patrons, occupants or employees of such uses.

B. Size

A required off-street parking space shall be a minimum width of nine (9) feet, and minimum length of eighteen (18) feet.

C. Access

There shall be adequate provisions for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access as follows:

1. All parking spaces, except those required for single-family detached dwellings and two-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion. In all cases vehicular access to a property shall adhere to and be governed by the Clermont County Curb Cut and Access Management Regulations.
2. Parking for uses not permitted in a residential zone shall not be permitted in a residential zone, nor shall any Residential District property be utilized as access for uses not permitted in that Residential District.

D. Surfacing

1. All off-street parking areas on residential lots within subdivisions that are comprised of lots that average less than one-half acre shall be paved with a hard surface of concrete or asphalt, including any turnaround areas, and vehicular storage areas.
2. All required off-street parking and vehicle circulation areas for uses other than single family residential shall be paved with a hard surface of concrete or asphalt.

E. Setbacks

The location of off-street parking facilities may be located in the required yards as prescribed elsewhere in this Resolution. Except in the case of single-family and two-family residences, no parking area shall be located closer than twenty (20) feet to any dwelling unit, educational institution, hospital or other institution for human care located on an adjoining lot.

F. Separation

With the exception of single-family and two-family residences, all off-street parking areas shall be separated from public sidewalks and/or the street right-of-way as shown on the Official Thoroughfare Plan or the existing right-of-way, whichever is greater, with a six (6) inch high barrier provided on the parking lot side.

G. Screening

In addition to the setback requirements specified in this Article for off-street parking for more than ten (10) vehicles, screening shall be provided on each side of any parking area that abuts any Residential District.

1. Required off-street parking areas adjacent to residential districts shall be setback a minimum of fifteen (15) feet from the property line adjacent to the residential district and the setback space shall be maintained as a landscaped area. Screening shall be as indicated in Article 7, Bufferyards and Landscaping.
2. All off-street parking areas in non-residential districts located within the required front yards shall be setback a minimum of ten (10) feet from the street right-of-way and the setback space shall be maintained as a permanent landscaped strip. Landscaping shall be maintained to comply with Section 7.21 Sight Triangles.
3. All off-street parking areas, except for single-family and two-family residences, shall maintain a minimum setback of five (5) feet from an adjacent property line.
4. When any portion of the parcel is subject to more than one set of landscape or buffer requirements as set forth in this or any other Article, the most stringent requirement shall control. The most stringent requirements shall be defined as those which require the highest fence, wall or screen or, if no fence, wall or screen is required, the requirements with the greatest quantity of landscaping.

H. Outdoor Lighting

1. Purpose

The purpose of this outdoor lighting section is to regulate outdoor lighting in order to reduce or prevent light pollution and to minimize lighting impacts on surrounding properties while continuing to provide for safe and secure environments.

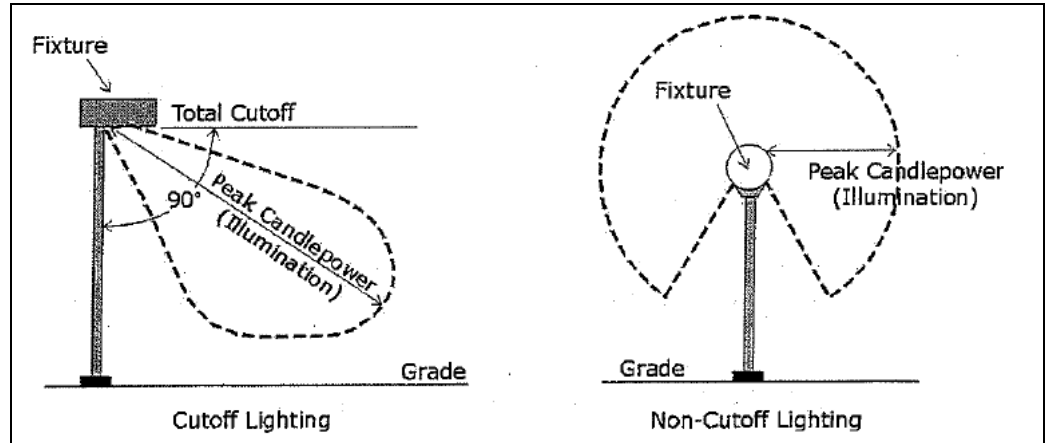
2. Applicability

The regulations of this Section shall apply to all lighting that illuminates the exterior of a building, structure, open space, parking and loading areas, or other feature of a lot. These regulations shall apply to those uses or activities that require site plan approval per Article 38.

3. Lighting Standards

- a. All outdoor lighting shall be designed, located, and mounted at heights no greater than 12 feet above grade for non-cutoff lights and 24 feet above grade for cutoff lights. See Figure H-3a.

Figure H-3a Cutoff and Non-Cutoff Lighting



- b. Variation of heights greater than as specified above shall be subject to approval by the Board of Zoning Appeals based upon a lighting plan designed by an architect or engineer citing reasons for variations and methods used to comply with other Sections of this Article.
 - c. Outdoor lights shall be shielded so that substantially all the directly emitted light falls within the property line.
 - d. Lighting levels at the property line shall not exceed 1.0 footcandles, except if adjacent to a residential district or use, the lighting levels shall not exceed 0.5 footcandles at the property line adjoining such use or district. However, at driveways and entrances additional footcandles may be permitted if determined by the Zoning Administrator that site conditions warrant such increase for safety reasons.
4. A plan illustrating proposed light fixture type, style, height, and a photometric plan illustrating proposed illumination on the site and at the property lines shall be submitted for approval for all uses that require site plan review per Article 38, unless determined by the Zoning Administrator that the scope of the project does not warrant such review.
 5. No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.
 6. Uniform lighting shall be provided to prevent various intensities of lighting throughout the parking area. Such uniform lighting shall be illustrated in the required lighting plan.
 7. Non-cutoff lighting affixed to a wall shall be prohibited.

8. In the case of an existing fixture, a nonconforming use of lighting may continue until the luminaire is replaced unless such fixture is a nuisance or considered to be a safety hazard.

I. Interior Parking Area Landscaping

Landscaping shall be provided within the interior of parking areas in accordance with the provisions of this Article.

1. Parking areas containing less than twenty (20) parking spaces shall be exempt from the requirements of this Section.
 - a. Where the total parking provided is located in more than one location on a site and each location contains less than twenty (20) parking spaces, each such area shall be exempt from this Section if separated on all sides by at least twenty (20) feet of non-paved areas.
 - b. Where an existing parking area containing less than twenty (20) contiguous parking spaces is expanded and thereby contains twenty (20) or more contiguous parking spaces, landscaping for the entire area shall be provided and not merely to the extent of its expansion.
2. Landscaping shall be provided within or adjacent to parking areas. The total amount of landscaping required is 22 square feet per parking and stacking space. Interior and streetscape landscaping count toward the minimum square feet of landscaping required.
3. All parking spaces must be within 125 feet of a landscaped area, and landscape areas shall be a minimum of 100 square feet in size.
4. A minimum of one (1) deciduous tree, a minimum of two inches in caliper, shall be provided for each 15 parking spaces, and three (3) shrubs for each required tree. Any fractional number of trees should be calculated to the next highest whole number.
5. All parts of unenclosed off-street parking areas which are unusable, either for parking or for traffic, shall be landscaped with plantings of grass, flowers, shrubs and/or trees, which shall be continuously maintained.

J. Drainage

All parking spaces, together with driveways, aisles and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system. Drainage facilities shall be approved by the County Engineer.

K. Barriers

Wherever a parking lot extends to a property line, fencing, wheelstops, curbs or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line and from destroying the screening materials or required landscaping.

L. Visibility

Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible by any pedestrian or motorist approaching the access or driveway from a public street, private street, alley or sidewalk.

M. Marking

All parking areas with a capacity over ten (10) vehicles shall be striped between stalls to facilitate the movement in and out of the parking stalls.

N. Maintenance

Any owner of property used for parking areas shall maintain such areas in good condition without holes and free from all dust, trash, weeds, and other debris.

O. Signage

Where necessary, due to multiple curb cuts, the entrance, exits and the intended circulation pattern shall be clearly marked in the parking area. Signage shall consist of pavement markings or freestanding directional signs in accordance with Article 40, Signs, of this Resolution.

P. Repair and Service, Disabled Vehicles and Trailer Storage

1. No motor vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or in association with any off-street parking area.

2. The parking of a disabled vehicle within the Township shall be prohibited, unless such vehicle is stored in an enclosed garage or other enclosed accessory building.
3. With the exception of industrial districts, no tractor trailer, which is usable or unusable, shall be stored or used for storage of any items therein on any lot or parcel of ground unless it is within a completely enclosed building or structure.

Q. Pedestrian Circulation

1. Sidewalks and/or pedestrian paths shall be constructed and located in order to provide a pedestrian path between parking area and building entrance. Whenever a pedestrian path or a bike path traverses a parking lot, a pedestrian system shall be clearly designated.
2. Sidewalks shall be required for all new developments whenever the parcel has frontage on a public street. In the case of frontage on a public street the sidewalk shall be constructed the entire distance the property abuts the street.
3. Sidewalks for single-family detached residential uses shall be regulated in accordance with the Clermont County Subdivision Regulations.
4. Sidewalks are not required in the I Industrial District or the M-I Major Industrial District.

R. Traffic Impact Study

The Township may require the applicant to provide a traffic impact study, under the following conditions.

1. If the proposed development or redevelopment may increase the number of trips entering or leaving the property by ten (10%) percent or more.
2. If the proposed development or redevelopment may adversely change the type of traffic generated within the property, for example, addition of truck traffic.
3. The scale or use of the proposed development might cause deterioration of service levels on the street and/or deterioration of safety or service levels at intersections in the vicinity.
4. The proposed development is in the vicinity of a street or intersection with a history of safety and/or accident problems.

- 5. The geometry of existing or proposed improvements might cause a safety hazard.

S. Vehicular Access

Acceleration, deceleration, and / or left turn lanes may be required if the Township finds that such improvements are necessary to preserve safety, and/or the traffic carrying capacity of the existing street is diminished below acceptable levels of service based on the recommendations of a traffic impact study and the recommendation of the Clermont County Engineer.

8.03 DETERMINATION OF REQUIRED SPACES

In computing the number of parking spaces required by this Resolution, the following shall apply:

- A. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross leasable horizontal area of all floors of a non-residential building.
- B. Where seating capacity is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated for, each twenty (20) lineal inches of seating facilities.
- C. Fractional numbers shall be increased to the next highest whole number.
- D. Parking space requirements for a use not specifically mentioned in this Resolution shall be determined by using the most similar and restrictive parking space requirement as specified by the Zoning Administrator based on the intended use, the location of the use, the traffic arteries leading into the premises and the expected patronage or use by individuals operating motor vehicles.
- E. When the building floor area is designated as the standard for determining parking space requirements and that number is less than the minimum standard, at least one parking space shall be provided on the premises.

8.04 OFF-STREET PARKING REQUIREMENTS

The optimal number of off-street parking spaces for each use in Batavia Township shall be as follows. The applicant may vary from the optimal number of parking spaces in accordance with Section 8.05 Off-street parking requirements shall be as follows:

Use	Number of Spaces Required
A. Automobile Service Station	

	and Repair	Two spaces for each service bay and two spaces for each gasoline pump. Stations which primarily dispense petroleum products and have no under-roof facilities for repair or service of motor vehicles shall require four spaces. Stations with automobile car washes shall provide sufficient stacking spaces for three vehicles per washing unit.
B.	Bed and Breakfast	One space for each guest room plus three spaces for the permanent residents.
C.	Medical Offices	One space for each 200 square feet of floor area of examination, treating room, office and waiting room.
D.	Club	One space for each 200 square feet of floor area.
E.	Commercial School or Trade School	One space for each 300 square feet of floor area.
F.	Community Social Service Facility or Group Home	One space for each two beds.
G.	Business, Convenience	One space for each 200 square feet of floor area.
H.	Day Care	One space for each employee on the maximum shift plus one off-street parking space for each 5 children.
I.	Educational Institution	Two spaces for each classroom plus one space for each four seats in the auditorium. High schools shall also include one space for each ten students at design capacity. College and universities shall provide five spaces for each classroom plus one space for each four seats in the auditorium.
J.	Financial Institution	One space for each 200 square feet of floor area plus sufficient stacking space at a drive-through facility to accommodate the number of automobiles equal to five times the number of drive-through teller windows.
K.	Funeral Home.	One space for each 100 square feet of parlor floor area plus one reserved space for each hearse or company vehicle.
L.	Hospitals	One space for each two beds.

M.	Hotels and Motels	One space for each sleeping room plus one space for each 400 square feet of public meeting area and/or restaurant space.
N.	Manufacturing, Warehousing or Similar Establishments.	One space for each 3,000 square feet of floor area.
O.	Office	One space for each 400 square feet of floor area.
P.	Personal Service	One space for each 200 square feet of floor area.
Q.	Public Assembly Hall	One space for each 50 square feet of floor area.
R.	Public Buildings	One space for each 400 square feet of floor area.
S.	Recreational, Non-Commercial	One space for each participant at maximum utilization.
T.	Recreational, Commercial	One space for each three seats or one space for each 100 feet of floor area, whichever is greater.
U.	Religious Places of Worship	One space for each five seats in the place of assembly.
V.	Residential, Multi-family	Two and one half (2.5) spaces for each dwelling unit.
W.	Residential, Single-family, detached	Four spaces for each dwelling unit.
X.	Residential, Single-family, attached	Two and one half (2.5) spaces per dwelling unit.
Y.	Residential, Two-family	Three spaces for each dwelling unit.
Z.	Residential Subdivision Pool	One space per 100 square feet of water area or one space per ten dwelling units, whichever is less.
AA.	Research and Development Laboratories	One space for each 500 square feet of floor area.
BB.	Restaurants	One space for each 200 square feet of floor area.
CC.	Restaurants, Fast Food	One space for each 100 square feet of floor area plus sufficient stacking space for five vehicles at each drive-through window.
DD.	Retail Business	One space for each 200 square feet of floor area.
EE.	Self-Service Storage Facility	One space for each 10 storage units.
FF.	Shopping Center	One space for each 300 square feet of floor area.

GG.	Swimming Club	One space for each 300 square feet of pool and promenade area.
HH.	Taverns	One space for each 100 square feet of floor area.
II.	Truck Terminals	One space for each 500 square feet of floor area.
JJ.	Veterinary Hospital or Clinic	Two spaces for each examination room.
II.	Rest Home/Convalescent Care/ Assisted Living Facilities	One space per two beds.

8.05 ADJUSTMENTS TO OFF-STREET PARKING REQUIREMENTS

- A. Each applicant is required to provide an adequate number of parking spaces for the proposed use or expansion of uses. The adequate number of parking spaces shall be demonstrated by submitting to the Zoning Administrator a parking plan that provides the number of optimal parking spaces required per Section 8.04, unless an adjustment is approved by the Zoning Administrator as outlined in this Section.
- B. The applicant for all uses except single-family and two-family dwellings may vary from the optimal number of required parking spaces in accordance with the following provisions.
 - 1. Parking in Excess of Optimal Number of Spaces
 - a. The applicant may provide a number of parking spaces equal to the optimal number of spaces or up to 10 percent more as of right.
 - b. The Zoning Administrator may permit a number of spaces in excess of 10 percent of the optimal number of spaces required. The applicant shall be required to demonstrate a need for additional spaces and shall provide additional landscaping equal to two times the amount of landscaping required in Section 8.02 I. 4. Interior Parking Area Landscaping.
 - 2. Parking Spaces Less than the Optimal Number of Spaces

The applicant may provide a number of parking spaces equal to the optimal number of spaces or up to 10 percent less as of right.
- C. Alternate Parking Plan for Reduced Parking
 - 1. In lieu of providing the optimal number of parking spaces required per Section 8.04, the applicant for all uses except single-family, two-family

and multi-family dwellings may submit a parking plan and a written analysis of the proposed parking requirements for a specific use to the Zoning Administrator to request a reduced amount of parking spaces. The parking plan and analysis shall be prepared by a qualified professional and shall address the following information:

- a. Building square footage for each specific use to be served by off-street parking.
 - b. Hours of operation.
 - c. Estimated number of patrons/customers at peak hours of operation.
 - d. Maximum numbers of employees present on one shift.
 - e. Availability of joint parking areas.
 - f. Building occupancy loads.
 - g. Any additional information as requested by the Zoning Administrator.
2. The Zoning Administrator has the authority to reject a reduced parking plan request if the Zoning Administrator deems that an adequate amount of parking has not been provided. The Zoning Administrator shall provide, in writing, the reasons for the rejection.

The applicant may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals.

8.06 RESTRICTED PARKING LOTS - CONDITIONAL USE

The Board of Zoning Appeals may permit the use of land lying in a zoning district in which parking lots otherwise are not a permissible use as restricted parking lots.

- A. The Board's approval of a restricted parking lot must be based on a finding that:
 1. The parcel to be used is located not more than fifty (50) feet from the parcel on which is located the land use requiring such parking facilities.
 2. The parking lot or parking lots shall be for use in connection with a permissible use in an adjacent district (whether such adjacent district is within the territory subject to this Resolution or is within a territory subject to the zoning restrictions of another zoning authority). Such parking lot shall be used solely for the parking of private passenger vehicles.

3. The parking lot shall not be used for repair work or vehicle servicing or loading of any kind, and no advertising signs of any kind shall be erected on the lot.
 4. The parking lot shall be closed between 11 PM and 7 AM; except as may be otherwise permitted by the Board of Zoning Appeals.
- B. Application for a Conditional Use certificate shall be treated, processed, noticed and heard in the manner prescribed for in Article 5.07 hereof.
 - C. The Board shall impose further conditions, such as screening and landscaping, as may be necessary and appropriate, in order to reduce the adverse effect of a parking lot upon the preservation of the residential character and development of the Residential District in which the parking lot is proposed to be located.

8.07 MIXED OCCUPANCIES AND USES NOT SPECIFIED

In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Where a use is not specifically mentioned in Section 8.04, the requirements for a use which is so mentioned, and to which said use is similar shall apply. Off-street parking facilities for one use shall not be considered as providing requirements for any other use, except as specified for joint use.

8.08 JOINT OR COLLECTIVE PARKING FACILITIES

The joint or collective parking provision of required off-street parking areas shall comply with the following standards and requirements:

- A. All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or jointly by two (2) or more buildings or establishments, the required spaces may be located not farther than 500 feet from the building served.
- B. The total of such off-street parking spaces supplied collectively may be less than the sum of the requirements for the various uses computed separately. However, in no case shall the sum of the requirements for the various uses be reduced to a point greater than 15% of the required parking for uses when computed separately.

8.09 DRIVE-THROUGH FACILITIES

- A. Uses that include drive-up, drive-through, or other services to customers in vehicles shall be designed to provide adequate on-site stacking spaces. Stacking

spaces shall be designed so that vehicles waiting for service do not interfere with traffic on public streets, and do not interfere with vehicular or pedestrian access or circulation on the site.

B. Conditional use approval by the Board of Zoning Appeals shall be required for drive-through uses.

C. The following standards shall apply to businesses that contain a drive-through facility, regardless if the drive-through is part of another use (e.g., restaurant or financial institution) or if it is a stand-alone use (e.g., automatic teller machine).

1. General Standards:

- a. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 300 feet of any residential dwelling unit.
- b. All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area, shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.
- c. An opaque fence or screen a minimum of six (6) feet in height shall be constructed along any property line abutting a residential district.

2. Stacking Space and Lane Requirements:

- a. The number of required stacking spaces shall be as provided for in the table below.

Activity	Minimum Stacking Spaces (Per Lane)	Measured From
Financial Institution or ATM	5	Teller or Window
Fuel or Gasoline Pump Island	2	Pump Island
Full Service Automotive Washing Establishment	6	Outside of Washing Bay
Restaurant	6	Pick-Up Window
Self-Service Automotive Washing Establishment	2	Outside of Washing Bay
Other	As determined by the Zoning Administrator	

- b. Stacking spaces do not count towards the parking spaces required in this article.
- c. Stacking lanes shall be provided for any use having a drive-through facility and shall comply with the following standards:
 - i. Drive-through stacking lanes shall have a minimum width of 10 feet.
 - ii. Stacking lanes shall be set back 25 feet from rights-of-way.
 - iii. Stacking spaces shall be a minimum of nine (9) feet by 18 feet in size.
- d. A bypass lane with a minimum width of 10 feet shall be provided for all drive-through uses.

3. Menu Board Signs

- b. One menu board sign for each stacking lane shall be allowed provided it does not exceed 35 square feet in sign area. Any additional attachments such as pictures or photographs of food and other items shall be included within the maximum signage area.
- c. Menu board signage shall not be included in the total calculated allowed signage for a property.
 - 1. No menu board sign shall exceed seven (7) feet in height measured from the grade of the adjacent driving surface to the top of the sign.
 - 2. Illuminated menu board signs shall be internally illuminated.
 - 3. Menu boards shall be reviewed and approved as part of the zoning certificate for the drive-through facility or, when a menu board is to be added, as part of a separate zoning certificate application.

8.10 OFF-STREET LOADING SPACES REQUIRED

In connection with every building or part thereof hereafter erected, except dwellings, there shall be provided, on the same lot with such buildings, off-street loading spaces or berths, for uses which customarily receive or distribute material or merchandise by vehicle, in accordance with the requirements of Sections 8.10 and 8.11 of this Article.

8.11 OFF-STREET LOADING REQUIREMENTS

Off-street loading requirements shall be as follows:

BUILDING AREA	MINIMUM NUMBER OF SPACES REQUIRED
Less than 1,000 square feet	None required
More than 1,000 square feet but less than 10,000 square feet	One space
More than 10,000 square feet but less than 40,000 square feet	Two spaces
40,000 square feet or more	Three spaces, plus one space for each 30,000 square feet over 40,000 square feet of building area

8.12 OFF-STREET LOADING DESIGN STANDARDS

All off-street loading spaces shall be in accordance with the following standards and specifications:

A. Dimension

Each off-street loading space shall be at least ten (10) feet in width by twenty-five (25) feet in length having a vertical clearance of fifteen (15) feet or more, plus adequate area for ingress or egress.

B. Surfacing

All open loading spaces, including any turnaround areas and vehicular storage areas, shall be graded and provided with a durable and dustless hard surface of asphalt or concrete capable of withstanding 1,000 pounds per square inch (psi).

C. Drainage

All loading spaces shall be provided with adequate drainage facilities as approved by the County Engineer.

D. Location

All required loading spaces shall be off-street and shall be located on the same lot as the specific use to be served. No loading space shall be located within a required front yard or rear yard when such yard is adjacent to a Residential District. If the facility is designed in a manner that provides for all loading and unloading to occur within the perimeters of the building, no outdoor loading spaces shall be required.

E. Access

All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle entering and leaving the premises shall be traveling in a forward motion.

F. Screening

In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with the requirements of Article 7, Bufferyards and Landscaping, of this Resolution.

G. Lighting

Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from any adjacent properties or right-of-way in accordance with Section 8.02.