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## ARTICLE 10. REQUIREMENTS FOR BUSINESS AND MANUFACTURING USES

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### **Section 1000. Screening of Areas for Outdoor Sales and Outdoor Storage**

Areas for Outdoor Sales and Outdoor Storage require approval by the Planning Commission prior to the issuance of Zoning Certificates. Such areas shall be effectively screened from all adjoining properties in any "R" District by means of walls, fences or plantings. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. In lieu of such wall or fence a strip of land not less than ten (10) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted. Outdoor Sales and Outdoor Storage areas are not intended for display of merchandise toward the street or elsewhere off the premises. See Use Regulations, Article 4, Conditional Uses, Article 13 and Planning Commission, Article 17.

### **Section 1001. Regulations for Automobile Wrecking and Salvaging, Sales and Storage, and for Recycling Centers and Salvage Operations**

Automobile Wrecking and Salvaging, Sales and Storage, and Recycling Centers and Salvage Operations require approval by the Planning Commission prior to the issuance of Zoning Certificates. See Use Regulations, Article 4, Conditional Uses, Article 13 and Planning Commission, Article 17.

**1001.1 Screening and Buffers for Automobile Wrecking, Salvage And Storage and Recycling Centers or Salvage Operations** shall be effectively screened on all sides by means of walls, fences or plantings. Walls or fences shall be a minimum of eight (8) feet in height with no advertising thereon. In lieu of such wall or fence, a strip of land no less than fifteen (15) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six (6) feet in height may be substituted. Storage of materials shall not exceed the height of the screening.

### **Section 1002. Mineral Extraction, Storage and Processing, and Oil and Gas Extraction**

Mineral Extraction, Storage and Processing, and Oil and Gas Extraction require approval by the Planning Commission prior to the issuance of Zoning Certificates. See Use Regulations, Article 4, Conditional Uses, Article 13, and Planning Commission, Article 17.

**1002.1 Setbacks For Mineral Extraction.** Mineral Extraction, Storage or Processing, and Oil and Gas Extraction shall not be conducted closer than five hundred (500) feet from any "R" District, nor closer than two hundred (200) feet from any structure used for human occupancy in any other district.

**1002.2 Fencing For Mineral Extraction, Storage and Processing, and Oil and Gas Extraction.** When determined to be necessary for the protection of public safety, the Planning Commission may require fencing to be erected and maintained around the entire site or portions thereof where Mineral Extraction, Storage and Processing, and Oil and Gas Extraction are conducted.

**1002.3 Site and Restoration Plan for Mineral Extraction, Storage and Processing, and Oil and Gas Extraction.** The operator of the proposed use shall submit with the application for a Conditional Use Permit a plan providing the items required by Article 13 and the provisions of this section:

- (a) **Site Plan.** A site plan which clearly shows areas where materials are to be extracted, stored and processed, and the location of adjacent properties, streets and natural features.
- (b) **Topographical Map of Excavation.** The anticipated depth of excavations and the location and probable effect on the existing water table, public utilities, streets and surface drainage.

(c) **Restoration Plan.** A detailed plan for the restoration of the area where materials are to be extracted, stored and processed, which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet, the type and number per acre of trees or shrubs to be planted, and the location of future streets, drives, drainage courses, or other improvements.

**1002.4 Performance Bond For Mineral Extraction, Storage and Processing, and Oil and Gas Extraction.**

The operator shall file with the Council a bond payable to the municipality and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate, per acre of property where materials are to be extracted, stored and processed, of the required bond shall be as fixed by Ordinance of the Council. The bond shall be released upon written certification by the Council that the restoration is complete and in compliance with the restoration plan. It shall be the responsibility of the applicant to submit a written request to the Zoning Inspector for release of the bond.

(a) **Application for Release of Performance Bond for Mineral Extraction, Storage and Processing, and Oil and Gas Extraction.** An application for a Zoning Certificate shall contain two (2) collated sets of the information listed below. Applicants are encouraged, but not required, to contact the Zoning Inspector to review the requirements for applications prior to submittal.

- An application form, available from the Zoning Inspector, to be completed and signed by the applicant and property owner(s).
- A site and building plan as described in this section.
- A fee as required in this Ordinance.

(b) **Process for Review of Release of Performance Bond for Mineral Extraction, Storage and Processing, and Oil and Gas Extraction.** Applications for release of bonds shall be processed as follows:

- The applicant shall submit the application to the Zoning Inspector. The Zoning Inspector shall determine whether the application is complete within seven (7) business days.
- If the application is determined to be complete, the Council shall schedule a hearing and shall give at least ten (10) days public notice thereof in a newspaper of general circulation in the municipality and at least ten (10) days notice to property owners and occupants of land within two hundred (200) feet of the premises in the application.
- If the application is deemed to be incomplete, it shall be the responsibility of the applicant to request a refund of the application fee from the Zoning Inspector.
- The Council shall decide to approve or disapprove the application. As part of the review process, the Council may require additional information, and/or submit the application to the Tuscarawas Regional County Planning Commission for recommendation.
- The Council shall decide to approve or disapprove the application within sixty (60) days of the date of determination that the application is complete.
- If the proposed application is approved by the Council, the Zoning Inspector shall release the bond. If the application is denied by the Council, the Zoning Inspector shall inform the applicant in writing of the refusal and the reasons for the determination.
- The Zoning Inspector shall mark all sets of the application and attachments as "approved" or "disapproved" and shall sign the documents. The Zoning Inspector shall maintain one set of the approved or disapproved application, and the determination of the Council on file in the Village offices. One set of approved documents shall be transmitted to the applicant.

**Section 1003. Excavation of Fill for Street Construction**

Excavation of fill for street construction outside of rights-of-way shall be permitted only with approval of a Site Plan Review by the Planning Commission prior to the issuance of a Zoning Certificate. The construction contractor shall provide proof that the source of community water supply shall not be adversely affected due to lowering the water table or contaminating the supply before permission for excavation is granted. The contractor shall also

submit a plan and description as to the manner in which public utilities, streets, and surface drainage are to be restored in those instances where such facilities are to be disturbed by the excavation.

**Section 1004. Site Plan Review for Developments in "B" and "M" Districts**

Certain projects in "B" and "M" districts shall be submitted to the Planning Commission for review and approval prior to the issuance of a Zoning Certificate, as provided in this section. See Planning Commission, Article 17.

**1004.1 Projects Required for Site Plan Review:** Site Plan Review is required for the development of projects in "B" and "M" districts which consist of more than one building, and/or are located on sites of three or more acres which are under unified ownership or development.

**1004.2 Approval Criteria for Site Plan Review for Non-residential Developments:** The Planning Commission shall use the following standards when reviewing the site plan:

**(a) Non-residential Uses Near Property Zoned for Residential Use:** Sites for non-residential uses shall be designed to minimize hazard, nuisance and inconvenience to nearby property zoned for residential use as follows:

- Locate drive-up windows, loading docks and overhead doors away from property zoned for residential use.
- Locate driveways and parking facilities away from property zoned for residential use.
- Locate trash bins, dumpsters and storage areas away from property zoned for residential use.
- Locate office portions of a facility nearest to property zoned for residential use.

**(b) Setbacks Reviewed on Site Plan:** Required setbacks shall be maintained around the perimeter of the group of main buildings and the boundary of the parcel. No minimum distance between the group of main buildings is required; however, such intervening space shall allow for adequate circulation and emergency access around each building.

**(c) Safe Vehicular Access Reviewed on Site Plan:** Points of access or other means of vehicular ingress and egress shall be situated to provide safe and convenient access, and to maintain adequate sight distances.