

600 Special Provisions for Commercial and Industrial Use

1.PERFORMANCE REQUIREMENTS

A. Requirements

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area of adjoining premises; provided, that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements:

1. Fire Hazards: Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
2. Radioactivity or Electrical Disturbance: No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
3. Noise: Noise which is objectionable as determined by the Board due to volume, frequency or beat, shall be muffled or otherwise controlled. Sirens and related apparatus used solely for public purposes are exempt from this requirement.
4. Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
5. Odors: No malodorous gas or matter shall be permitted which is offensive or creates a public nuisance or hazard on any adjoining lot or property.
6. Air Pollution: No pollution of air by flyash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.
7. Glare: No direct or reflected glare shall be permitted which is visible from any property outside an "M" District or from any public street, road or highway.
8. Erosion: No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
9. Water Pollution: Pollution of water shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency.

B. Mineral, Clay, Sand and Gravel Extraction, Storage and Processing

The extraction, storage, and processing of minerals, clay, sand and gravel shall be conducted in accordance with the requirements of this Section.

1. Extraction, storage, and processing of minerals of all types shall be permitted in districts as specified in the Use Regulations of Section 400 of this Ordinance.
2. The performance requirements of Section 600 (A) shall be met.

3. Mineral extraction, storage or processing shall not be conducted closer than five hundred (500) feet from any "R" District; nor closer than one hundred (100) feet from any structure for human occupancy in any district.

4. Building and structures for which no future use is contemplated and for which no other acceptable use is practicable or feasible shall be demolished and removed by the property owner.

5. Excavated areas shall be regarded to remove abrupt and precipitous slopes, and barren areas shall be planted with suitable materials to adequately control erosion. Where such grading is impracticable because of rock formations, the excavated area shall be enclosed by a fence of six (6) feet in height which shall be maintained in good condition.

C. Junk Storage and Sales (Salvage Operations)

1. Junk storage and sales shall be permitted only in an "M-2" District, after permission has been granted by the Board of Zoning Appeals.

2. Junk storage and sales 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 not 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.

D. Temporary Buildings

Temporary buildings and construction trailers used in conjunction with construction work only, may be permitted in any district during the period construction is in progress, but such temporary buildings shall be removed within thirty (30) days upon completion of the work.

E. Open Storage and Display of Material and Equipment

1. The open storage and display of material and equipment incident to permitted or conditional uses in "B" or "M" Districts, shall be permitted provided the area use for open storage and display shall be effectively screened from all adjoining walls, fences and 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.

2. The temporary open storage of contractor's equipment and material shall be permitted on the site upon which buildings or structures are being erected or installed for the duration of the construction period. Storage of such equipment and material beyond the date of completion of the project shall be subject to a special permit authorized by the Board of Zoning Appeals.

F. Telecommunication Tower

In accordance with ORC 303.21, when a tower is planned to be constructed for the provision of cellular telephone communication service, the procedures indicated therein shall be followed. All zoning districts where dwellings of any kind are permitted shall be construed to be an area zoned for residential use. All telecommunication towers are subject to a Site Plan Review and shall meet the following standards when located within a residential district:

1. The applicant shall provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communication Commission, Federal Aviation Administration, Ohio Department of Transportation).

2. The applicant shall demonstrate that no suitable site is available in a non-residential district and shall be located on its own lot which meets the area and setback requirement as approved by the Board of Appeals.
3. All accessory buildings shall be screened with fencing, masonry, shrubbery or other screening as approved by the Board of Appeals.
4. The applicant shall notify the Zoning Inspector within thirty (30) days of ceasing operations at the site. The removal of the structures and buildings is required within ninety (90) days of ceasing operations.
5. No advertising or illumination other than that required by law may be located on the structure.

G. Adult Business Establishments

Adult businesses shall not be located within -

- a. 500 ft. of residential zoned districts;
- b. 1,000 ft. of any other adult business; and
- c. 500 ft. of a day care center, church, public parks, schools, libraries or other public buildings.

The distance shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business.

"Adult Business Establishments" shall follow all of the density, setback, and parking requirements of the respective districts and all other zoning, building, and state requirements.

All building openings, entries, windows, etc. shall be located, covered, or otherwise arranged in such a manner to prevent a view into the interior of the use.

H. Enforcement Provisions

1. The Zoning Inspector or Board of Zoning Appeals, prior to issuance of a zoning certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.