

**CHAPTER 1143
Manufacturing District Regulations**

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1143.01 INTENT.

The Manufacturing Districts include the M-1 Office/Limited Manufacturing, M-2 General Manufacturing, M-3 Urban Manufacturing, and M-4 Open Space/Heavy Manufacturing. The regulations set forth in this Chapter are established in order to achieve, among others, the following purposes:

- (a) To promote the most desirable and beneficial use of the land and structures in accordance with the objectives of the City of Wooster Comprehensive Plan;
- (b) To provide appropriate and convenient districts of sufficient size to carry on research, manufacturing processes, and distribution activities to serve the community, thereby promoting employment and strengthening the economy of the community;
- (c) To improve the manufacturing environment by discouraging unrelated and incompatible uses in such areas, thereby making land more readily available for industry;
- (d) To protect adjacent residential districts by restricting types of manufacturing uses nearby to only those which will not create objectionable influences beyond their district boundaries and will be properly buffered and screened;
- (e) To protect manufacturing and related development against congestion by requiring setbacks and limiting the bulk and density of development in relation to adjacent buildings and available land and by requiring sufficient off-street parking and loading facilities.
- (f) To carry out the following specific purposes:
 - (1) To provide an M-1 Office/Limited Manufacturing District for office and industrial uses in areas suitable for such development by reason of location, topography, soil conditions and the availability of adequate utilities and transportation systems. The intent is to permit office and other uses such as limited light industrial and warehouse activities that are office-like in physical appearance, service requirements, and operational characteristics; uses that can be carried on wholly within enclosed buildings and subject to those

regulations necessary to reduce congestion and for the protection of adjacent residential and business activities. This district also permits accessory retail and service uses to serve as support services for the adjacent office/industrial uses. The uses allowed are those that because of their normally unobjectionable characteristics can be operated in relatively close proximity to residential districts. The M-1 District is designed to encourage the development of office/light industrial parks/subdivisions by including reduced standards for lots that are part of a development and which have access onto a new internal street.

- (2) To provide an M-2 General Manufacturing District for industrial and other uses that by virtue of their external effects, noise, glare, fumes, smoke, dust, odors, truck and/or rail traffic, should be isolated from residential and commercial uses. These uses perform essential functions for the City, including employment, and should be provided for in areas that are best suited for industrial development by reason of location, utilities and transportation systems.
- (3) To provide M-3 Urban Manufacturing District for the continuation and reasonable expansion of existing industries located in proximity to Downtown, and to enable the establishment of new industries within the existing industrial area which can locate in the area in compliance with performance and development standards, in ways that are compatible with the existing urban nature of the Downtown area.
- (4) To provide M-4 Open Space/Heavy Manufacturing Districts for industrial and other uses that by virtue of their necessity for open spaces and impermanent structures, as well as their external impacts, such as noise, dust, truck and/or rail traffic, and impact upon the environment, should be isolated from residential and commercial uses until reclamation plans are implemented. Such uses typically are intensive industrial establishments that utilize products, materials and/or processes which may involve dust, smoke, fumes, glare, odors or other objectionable characteristics, but which through the use of greater separation between industries do not create any danger to the health, safety and general welfare of the surrounding neighborhoods. Uses in the M-4 Districts typically generate outdoor activities and outdoor storage in association with permitted principal uses.

1143.02 USE REGULATIONS.

- (a) Uses Permitted by Right. A use listed in Table 1143.02 permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other city ordinances and this Planning and Zoning Code have been met;
- (b) Conditional Uses. A use listed in Table 1143.02 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Planning Commission first makes the determination that the requirements of Chapter 1147 have been met according to the procedures set forth in Chapter 1107;
- (c) Accessory Uses. A use listed in Table 1143.02 shall be permitted as an accessory use in a district when denoted by the letter "A". Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in other sections of this Planning and Zoning Code.
- (d) Table of Permitted Uses.

Table 1143.02 Permitted Uses				
	M-1 Office/Limited Manufact'g	M-2 General Manufact'g	M-3 Urban Manufact'g	M-4 Open Space/ Heavy Manufact'g
A. Offices/Retail/Services				
1. Administrative/professional offices, but not including medical and dental offices	P	--	P	--
2. Car wash	C	--	--	--
3. Drive-thru facility in association with a permitted use	C	--	--	--
4. Financial institution/Banks	C	--	C	--
5. Gasoline station/ pumps	C	C	--	--
6. Kennel with outdoor run	C	C	--	P
7. Restaurant, indoor or other type of eating and drinking establishment	C	--	C	--
8. School, commercial, business, or trade	P	--	P	--
9. Service establishment, business	P	--	--	--
10. Service establishment, personal ¹	C	--	--	--
11. Veterinary office, animal hospital	P	P	P	--
B. Industrial/Warehousing Uses				
1. Light industrial processing, assembly	P	P	P	P

(d) Table of Permitted Uses.

Table 1143.02 Permitted Uses				
	M-1 Office/Limited Manufact'g	M-2 General Manufact'g	M-3 Urban Manufact'g	M-4 Open Space/ Heavy Manufact'g
2. Manufacturing and production with outdoor activities (open space)	--	--	--	P
3. Manufacturing and production within enclosed building	P	P	P	P
4. Manufacturing using raw materials, including saw mill, asphalt plant, etc.	--	--	--	P
5. Metal, steel alloy fabrication	--	P	--	P
6. Outdoor storage of materials & general merchandise	--	P	--	P
7. Scientific research, development, training and testing facility	P	P	P	P
8. Transport and truck terminal	--	P	--	P
9. Self-storage facility, indoor	--	C	--	C
10. Warehousing	P	P	P	P
11. Wholesale sales & distribution, indoor	P	P	P	P
12. Wholesale sales & distribution, outdoor	--	P	--	P
C. General Commercial Uses:				
1. Agriculture/farm supplies and services	--	P	--	P
2. Business equipment sales and service	P	P	P	P
3. Business maintenance services	P	P	P	P
4. Cemetery monuments works	P	P	--	P
5. Cleaning establishments - laundry, carpet, other cleaning service	--	P	P	P
6. Commercial greenhouse	P	P	--	P
7. Construction trade, contractor's facility	P	P	P	P
8. Grain elevator, feed mill	--	--	--	P
9. Printing and publishing	P	P	P	P
10. Retail establishment	P ²	--	--	--
11. Sale of building materials	P	P	P	P
D. Vehicle/Equipment Sales, Service, Storage				
1. Outdoor storage of fleet vehicles/equipment used in operation of principal use	--	C	--	P

(d) Table of Permitted Uses.

Table 1143.02 Permitted Uses				
	M-1 Office/Limited Manufact'g	M-2 General Manufact'g	M-3 Urban Manufact'g	M-4 Open Space/ Heavy Manufact'g
2. RV, farm implement, construction equipment, or other large equipment sales, service and commercial storage	--	P	--	P
3. Vehicle repair garage	P	P	P	P
4. Motor vehicle body shop	P	P	P	P
E. Other Use Types:				
1. Agriculture	--	P	--	P
2. Crematorium	--	P	--	P
3. Mineral excavation, quarry operations	--	C	--	P
4. Plant nursery/greenhouse	--	P	--	P
5. Public safety facility	P	P	P	P
6. Utility substation/distribution facility, indoor & outdoor	P	P	P	P
7. Public service/maintenance facility	--	P	--	P
8. Oil and gas wells	--	--	--	P
9. Campgrounds	--	C	--	P
10. Recycling collection/processing facility	--	C	--	P
11. Radio and TV Stations	--	P	--	P
12. Wireless telecommunication facility	See Chapter 1173			
F. Accessory Uses:				
1. Day care facility, child and/or adult	A	A	A	A
2. Outdoor sales and display	--	A	--	A
3. Off-street parking and loading facilities	A	A	A	A
4. Signs	A	A	A	A
5. Accessory medical clinics, lunchrooms, cafeterias, and recreational facilities in association with a permitted use	A	A	A	A
P = Permitted by right C = Conditional A = Accessory -- = Use not permitted in District				

(d) Table of Permitted Uses.

Table 1143.02 Permitted Uses				
	M-1 Office/Limited Manufact'g	M-2 General Manufact'g	M-3 Urban Manufact'g	M-4 Open Space/ Heavy Manufat'g
<u>Notes to Table 1143.02:</u>				
<p>¹ This use shall be permitted by-right when part of a multi-establishment building, and it is not the principal use of a building. If the use is proposed to be the principal use in any building (i.e. occupying the majority of gross floor area), then the use is a conditional use.</p> <p>² This use shall be permitted by-right only when part of a multi-establishment building and when it is not the principal use of a building (i.e. occupying the majority of gross floor area). Otherwise, it is a prohibited use.</p>				

1143.03 LOT REQUIREMENTS.

All lots in the Manufacturing Districts shall comply with the minimum requirements set forth in Table 1143.03.

(a) Table 1143.03 Minimum Lot Requirements.

Table 1143.03 MINIMUM LOT REQUIREMENTS				
	M-1 Office/Limited Manufact'g	M-2 General Manufact'g	M-3 Urban Manufact'g	M-4 Open Space/ Heavy Manufat'g
(1) Lot Requirements for Lots Fronting on Existing Streets				
A. Minimum lot size	1 acre	2 acres	1 acre	5 acres
B. Minimum lot width at building line	125 feet	200 feet	200 feet	300 feet
(2) Lot Requirements for lots fronting on new streets in industrial subdivision				
A. Minimum project size	5 acres	10 acres	NA	NA
B. Minimum lot size	30,000 sq ft	1 acre	NA	NA
C. Minimum lot width at building line	100 feet	125 feet	NA	NA
(3) Maximum building surface coverage	40%	50%	70%	50%
NA = Not applicable				

1143.04 BUILDING SETBACK REQUIREMENTS.

Every permitted use of land and structures shall be located on a lot in a manner that maintains the minimum building setbacks set forth in this Section for the district in which the lot is located, measured from the appropriate lot line. Each resulting setback shall remain unobstructed by structures except as otherwise specifically permitted in this Code.

- (a) Setback from Street Rights-of-way. Each lot shall maintain the minimum building setback measured from the street right-of-way. Corner lots shall comply with the setback for each lot line adjacent to a street right-of-way.
- (b) Table 1143.04: Minimum Building Setbacks.

Table 1143.04 Minimum Building Setbacks				
	M-1 Office/Limited Manufact'g	M-2 General Manufact'g	M-3 Urban Manufact'g	M-4 Open Space/ Heavy Manufat'g
(1) Minimum building setback for lots fronting on existing streets				
A. Minimum Setback from Street ROW	40 feet	40 feet	10 feet ¹	100 feet
B. Setback from Side and Rear Lot line abutting nonresidential zoning district	30 feet	30 feet	15 feet	50 feet
C. Setback from Side and Rear Lot line abutting residential zoning district	50 feet	75 feet	25 feet	200 feet
(2) Minimum building setback for lots fronting on New Streets in industrial subdivision				
A. Front setback	30 feet	30 feet	NA	NA
B. Side and Rear setbacks				
1. Adjacent to nonresidential zoning district	20 feet	20 feet	NA	NA
2. Adjacent to residential zoning District	50 feet	75 feet	NA	NA
Notes to Table 1143.04:				
¹ The maximum setback shall be 30 feet				
NA = Not applicable				

1143.05 HEIGHT REGULATIONS.

Buildings and structures shall comply with the following height regulations based on the district in which the lot is located.

- (a) In the M-1 Office/Limited Manufacturing District, buildings and structures shall not exceed a height of forty (45) feet.
- (b) In the M-2 General Manufacturing, M-3 Urban Manufacturing, and M-4 Open Space/Heavy Manufacturing Districts, buildings and structures shall not exceed a height of sixty (60) feet.

1143.06 OFF-STREET PARKING AND LOADING REGULATIONS.

Off-street parking areas shall conform to the regulations of Chapter 1169 and to the parking requirements specified in Table 1143.06 below.

- (a) Table 1143.06 Minimum Parking Setbacks. Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified below unless otherwise noted.

Table 1143.06 Minimum Parking Setbacks				
	M-1 Office/Limited Manufact'g	M-2 General Manufact'g	M-3 Urban Manufact'g	M-4 Open Space/ Heavy Manufat'g
(1) Minimum Setback from Street ROW	Behind front building line ¹	25 feet ¹	10 feet	40 feet
(2) Setback from Side and Rear Lot line abutting nonresidential district	10 feet	10 feet	8 feet	20 feet
(3) Setback from Side and Rear Lot line abutting residential district	50 feet	50 feet	25 feet	100 feet
<u>Notes to Table 1143.06:</u>				
¹ Except when lot is part of a new industrial subdivision and fronts on a new interior street, then the minimum setback shall be 20 feet.				

- (b) The area within the parking setback shall be landscaped in accordance with Chapter 1165, Landscaping and Land Use Buffers.
- (c) In M-1, M-2 and M-3 Districts, loading and service areas shall be located in the rear or side yard, shall comply with the parking setbacks set forth in Table 1143.06 and shall be screened in accordance with the provisions set forth in Chapter 1165, Landscaping and Land Use Buffers.

1143.07 OUTDOOR ACTIVITIES.

Outdoor activities, when permitted according to Table 1143.02, shall be permitted only when associated with the principal use provided such outdoor activity complies with the following:

- (a) Regulation Of Type Of Storage:
 - (1) No storage of radioactive, toxic or otherwise hazardous materials shall be permitted.
 - (2) The bulk storage of sand, gravel, salt and other similar materials shall be permitted only when such material is effectively prevented from spreading,
- (b) Location:
 - (1) Areas devoted to outdoor operations and outdoor storage of goods, materials or products shall be located in a side or rear yard only and shall be located a minimum of twenty (20) feet from any side or rear lot line that abuts a lot in a nonresidential district and 150 feet from any side or rear lot line that abuts a lot in a residential district.
 - (2) The outdoor storage of fleet vehicles/equipment associated with the operation of the principal use shall be located in a side or rear yard in compliance with the parking setbacks set forth in Table 1143.06 for the district in which the lot is located.
 - (3) All outdoor activity areas shall be depicted on a development plan and shall not occupy or interfere with traffic circulation, required parking areas or pedestrian access.
 - (4) All materials shall be stored in such a manner as to be accessible to fire fighting equipment at all times.
- (c) Signs. No signs shall be permitted in conjunction with outdoor activity areas except those otherwise in compliance with the sign regulations in Chapter 1171.
- (d) Surfacing: Areas devoted to outdoor storage shall be paved with asphalt or concrete and be maintained free of dust.
- (e) Screening. All outdoor activity areas shall be enclosed with a wall or fence, including gates and shall be screened according to the requirements set forth in Chapter 1165 and Section 1143.08 (c) below, Fence and Walls.

1143.08 ACCESSORY USE REGULATIONS.

Accessory uses permitted in any Manufacturing District shall conform to the regulations of this Section and any other applicable regulation in this Planning and Zoning Code.

- (a) Accessory Buildings. Accessory buildings that have a gross floor area of 200 square feet or less shall be located in a side or rear yard and shall comply with the parking

setbacks set forth in Table 1143.06. All other buildings shall be considered principal buildings and shall conform to all lot and setback regulations and development plan review and approval requirements of the zoning district in which the parcel or lot is located.

(b) Outdoor Display: Outdoor display, when permitted as an accessory use according to Table 1143.02 shall comply with the following:

- (1) Outdoor display of retail items, when permitted, shall be considered an accessory use and shall not exceed an area equal to 25% of the ground floor area of the principal building.
- (2) Outdoor display areas shall comply with the setback regulations set forth in Section 1143.04 and be contiguous to the principal building; however, such areas shall be spaced a sufficient distance from the building, as dictated by the City Fire Chief, to satisfy all fire safety requirements.
- (3) Outdoor display areas shall be depicted on the development plan and shall not occupy or interfere with traffic circulation, required parking areas, sidewalks or pedestrian access.

(c) Fences and Walls. Fences and walls may be erected in any Industrial District in compliance with the requirements set forth below:

(1) Location.

- A. Fences may be built up to, but not on, the property line, and shall be located entirely on the property of the person constructing it, except property owners, with written permission from abutting property owners, may connect to fences on adjoining properties.
- B. In order to maintain clear vision lanes for vehicles and pedestrians, no opaque fences shall be permitted within ten (10) feet, in any direction, of the following points:
 1. At the intersection of a driveway and sidewalk (or front property line if there is no sidewalk);
 2. At the intersection of a driveway and public right-of way;
 3. At the intersection of any two driveways.
- C. All fences shall comply with Section 1125.17, Visibility at Intersections.

(2) Materials and Construction.

- A. Approved fencing materials include stone, brick, finished wood, iron, or synthetic look-alike products.
- B. No fence shall be electrified or topped with barbed or razor wire.

- C. Only ornamental fences shall be permitted in front of a building, unless required for screening pursuant to Chapter 1165, Landscaping & Land Use Buffers.
 - D. All fences shall be designed, constructed, and finished so that the supporting members face the property of the owner of the fence.
 - E. All fences on a single parcel shall have a unified style along a single plane and for all fence segments visible from off the premises from any single direction.
- (3) Height. No fence shall exceed eight (8) feet in height in any rear or side yard, or exceed forty-two (42) inches in height when located in front of a building, unless otherwise required by this Zoning Code.
- (4) Screening and Landscaping.
- A. Screening and landscaping is not required for ornamental fences.
 - B. All fences, other than ornamental fences, when visible from public streets, shall be visually softened and reasonably screened from the street with appropriate landscaping as follows:
 - 1. Fences that are located within required building and parking setbacks shall be considered appropriately screened when the landscaping required in Section 1165.05, Landscaping along the Street Frontage, is planted within five (5) feet of the fence and between the fence and the property line.
 - 2. Fences that are not located within the required setback areas shall be screened with the following landscape materials, planted not more than five (5) feet from the fence and between the fence and the property line:
 - (I) One shade tree shall be provided for every thirty (30) linear feet of fence length or fraction thereof, not including gates or other fence openings. Each tree at the time of installation shall have a minimum caliper of 2.5 inches and a clear trunk height of at least six (6) feet;
 - (II) One shrub, that is twenty-four (24) inches in height at planting, shall be provided for every five (5) feet fence length or fraction thereof, not including gates or other fence openings; and,
 - (III) The landscaping may be flexible in its arrangement by appropriately aggregating the required plant materials.

- (5) All fences shall be maintained in good condition, be structurally sound and attractively finished at all times.
- (6) Any proposed fence shall be approved as part of a Development Plan Review in accordance with Chapter 1107.
- (d) Waste Receptacles. Solid waste, including empty packing crates and other excess materials, shall be disposed of, stored in buildings, or completely enclosed in containers or dumpsters, and shall not be permitted to accumulate on the lot. Containers and dumpsters shall be located in a side or rear yard on a paved surface in compliance with the minimum parking setbacks established in Table 1143.06 and the screening requirements set forth in Chapter 1165, Landscaping and Land Use Buffers.
- (e) Signs. Signs shall conform to the regulations specified in Chapter 1171.

1143.09 PERFORMANCE STANDARDS.

All uses in Industrial Districts shall comply with the following performance standards, not the standards in Chapter 1125:

- (a) Compliance with State and Federal Regulations. All uses shall comply with all applicable state and federal Environmental Protection Agency, OSHA and all other state and federal regulations that pertain to the operation of industrial uses.
- (b) Storage Handling. All storage areas shall comply with the regulations set forth in Bulletin No. 30-L of the National Fire Protective Association and other fire protective codes of the City of Wooster. All parts shall be accessible to firefighting equipment.
- (c) Liquid Waste. Liquid wastes shall be disposed of in appropriate containers and removed from the site on a regular basis. Liquid waste or sewerage shall not be discharged into a reservoir, stream or other open body of water or into a storm or sanitary sewer until treated so that the insoluble substances, such as oils grease, acids, alkalines and other chemicals in the waste do not exceed the amount allowed by other codes of the City of Wooster.
- (d) Fire Hazards. Any processing that involves explosive materials shall be permitted only in the M-4 District and only as a conditional use. Such use shall only be permitted when in compliance with the requirements set forth in Sections 1147.02 and 1147.03, which shall be in addition to the requirements set forth below. All activities that involve the use of flammable or explosive material shall comply with the following:
 - (1) Any activity involving the use of flammable or explosive material 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.

- (2) Such activities shall only be permitted in structures having incombustible exterior walls.
 - (3) The applicable provisions of the Ohio Revised Code shall be complied with, and no explosives shall be stored, used or manufactured without first submitting to the Building Inspector a certificate of compliance from the State Fire Marshal or the City Fire Chief.
 - (4) No gasoline or other inflammable or explosive material shall be stored unless the location, plans and construction of the storage facility conform to the laws and regulations of the State and have the approval of the State Fire Marshal.
- (e) Radioactive or Electrical Disturbances.
- (1) No activity shall emit dangerous radioactivity at any point or electrical discharges affecting the operation, at any point, of any equipment other than that of the creator of such disturbances.
 - (2) Such disturbances shall be confined to the use and lot from which they originate and shall not occur across any lot line.
 - (3) The handling of radioactive materials, the discharge of such materials into the air and water, and the disposal of radioactive wastes shall be in conformity with the applicable regulations of the Nuclear Regulatory Commission and the Ohio Environmental Protection Agency.
- (f) Noise. All uses shall comply with the following noise standards.
- (1) Measurement.
 - A. A sound-level meter shall be used to measure sound pressure level.
 - B. Noise levels shall be measured at the lot line.
 - (2) No use shall emit noise which exceeds the decibel limits set forth below:

Octave Band Center Frequency, Hz	Decibels
31.5	96
63	82
125	77
250	73
500	67
1000	61
2000	57
4000	55
8000	53

(g) Air Pollution.

- (1) The emission of smoke, soot, fly ash, fumes and dust shall be controlled by precipitation devices, height of stack, rate of emission or other manner so that the quantity deposited in any District shall not be detrimental to or endanger the public safety, comfort, welfare or adversely affect property values.
- (2) Dust and other types of air pollution borne by the wind from sources such as parking areas, storage areas or yards shall be kept to a minimum by appropriate landscaping, paving, oiling and other acceptable treatment.

(h) Odorous Matter.

- (1) The emission of odorous matter in such quantities as to produce a public nuisance or hazard outside the building is prohibited in a M-1 or M-3 District.
- (2) The emission of odorous matter in such quantities as to produce a public nuisance or hazard shall not be detectable beyond the lot line in the M-2 and M-4 Districts.

(i) Vibration.

- (1) In the M-1 and M-3 Districts, vibrations that are perceptible without the aid of instruments shall not permitted beyond the lot occupied by the use generating such vibration.
- (2) In the M-2 and M-4 Districts, all activities shall be set back from and controlled in such a manner as to prevent transmission of vibrations that are perceptible without the aid of instruments beyond the district boundary.

(j) Noxious, toxic or corrosive fumes. Noxious, toxic or corrosive fumes or gasses shall not be emitted which shall be injurious to the property, vegetation or health of people residing or doing business in any adjacent Residential or Commercial District.

(k) Heat and Glare.

- (1) In an M-1 or M-3 District, no use shall generate heat or glare which is perceptible without the aid of instruments at any point beyond the lot occupied by the use.
- (2) In an M-2 or M-4 District, no use shall generate heat or glare which is perceptible without the aid of instruments at any point beyond the district boundary.

(l) Erosion. No erosion, by either wind or water, which will carry objectionable substances onto neighboring properties shall be permitted

- (m) Water Pollution. Pollution of water is subject to the requirements and regulations established by the Ohio Environmental Protection Agency.
- (n) Enforcement. Where determinations can be made by the Zoning Administrator or other authorized City employee, using equipment normally available or obtainable without extraordinary expense, such determinations or evaluation shall be made whenever possible before a notice of violation is issued. Where technical complexity or extraordinary personnel or equipment is required to make the determination, the Zoning Administrator may, in the case of the offenses under this Section, require the owner to either obtain and pay for an independent survey or share in the cost of an independent survey from a professional engineer experienced in the particular specialty.
- (o) Stormwater Detention/Retention Facilities. Detention/retention facilities that are visible from a public street shall be integrated into a landscaped area. Such landscaped areas shall contain any combination of the following elements: shade and ornamental trees, evergreens, shrubbery, hedges, and/or other planting materials as well as ornamental fencing.

1143.10 DEVELOPMENT PLAN REVIEW.

All uses in a manufacturing district shall be permitted only after development plans have been reviewed and approved according to the procedures set forth in Chapter 1107, Procedures for Zoning Certificates, Development Review and Conditional Use Approval.