

Building a Better Boardman

Boardman Township Zoning Resolution Evaluation



August 1, 2018

INTRODUCTION

Zoning regulations are one of the primary tools that a township such as Boardman Township has to implement planning policies. As these policies and development trends change, it becomes necessary for the township to periodically evaluate the zoning regulations and determine if they are consistent with the township's needs as well as with recent case law and state mandates. The purpose of this document is to provide an analysis of the existing Boardman Township Zoning Resolution based on the provisions of the Ohio Revised Code (ORC), modern best practices in zoning, discussions with staff and stakeholders, and the consultant's experience with drafting resolutions for other townships in Ohio. The purpose is also to outline how the township could address some pressing issues identified by staff and township stakeholders including how to encourage quality development along the major corridors; address issues related to signs, access, and landscaping; reduce the number of nonconformities (instances where a property or development does not comply with the zoning) to make it easier to invest in properties; and generally improve on the regulations to make them clear to all users. The intent of the evaluation is to summarize the strengths and weaknesses of the existing regulations in terms of usability, organization, and substantive standards, and to provide options for improvement.

PART A: MAJOR AREAS OF CHANGE

The current Boardman Township Zoning Resolution dates, for the most part, to 1948, with some strategic changes over the year to address issues on an ad hoc basis. For example, the township address provisions for erosion and sedimentation control, as well as riparian setbacks, to address more recent issues. Furthermore, the township added an article on site plan review that incorporates some guidance for review for development but is fairly general when compared to modern zoning resolutions in other townships. After reviewing the document and facilitating discussions with staff and a zoning resolution update steering committee, the following are some key areas of change that should be addressed in the update of the zoning resolution. The intent of this part of the evaluation is to provide an overview of the following areas of major change that include more detailed direction or options to address each area on the following pages:

- Undertake a complete reorganization and reformatting of the resolution to improve usability and to eliminate inconsistencies and conflicts;
- Clarify the roles of staff and the boards as well as the procedures for development review that each group utilizes;
- Expand on the existing zoning district structure and permitted uses to reduce nonconformities and provide additional refinements to how uses are permitted in each district; and
- Strengthen the substantive design standards (e.g., parking, landscaping, architectural design, signs, etc.) of the resolution to improve the quality of development.

1. Reorganization and Reformatting of the Resolution

The current resolution encompasses some common, and not so common, regulations found within townships across Ohio, however, many of these standards are scattered throughout the resolution without clear organization or flow making it difficult for the average person to use. For example, Article XII (Exceptions and Special Provisions) includes a wide range of regulations on topics from home occupations to signs that are unrelated to one another and should not necessarily be considered exceptions or special provisions for any development. Another example is Article XV (Site Plan Review) incorporates both the site plan review process but the site design guidelines that are often found in separate articles of modern zoning resolutions including articles on parking, landscaping, lighting, etc. The township should consider the following changes to make it easier to find standards and improve overall usability.

1(A) Revise Resolution Structure

In terms of user-friendliness and the ability to locate particular standards and review procedures, the current resolution is not well organized. As stated above and as noted by the staff, there are regulations on certain topics found in multiple districts or even alluded to but not clearly established. This lack of organization and flow not only makes finding the appropriate requirements difficult but also substantially increases the possibility of conflicting standards.

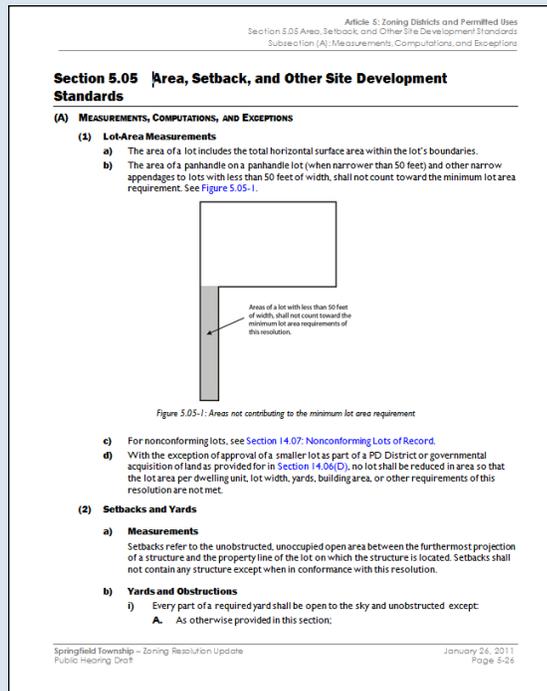
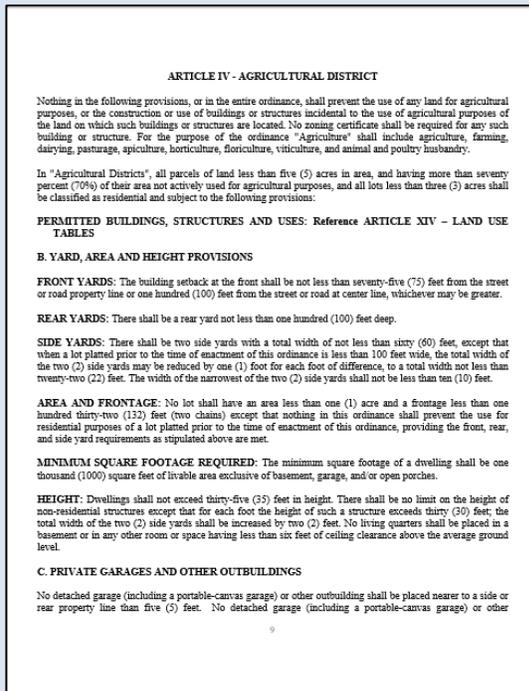
The usability of the zoning resolution can be improved when the articles and sections are ordered based on functions such as administration, development review procedures, zoning districts, and development standards (e.g., parking, buffering, lighting, etc.). The table provides for a potential outline for a reformatted zoning resolution that should make finding appropriate details easier.

Proposed Zoning Resolution Articles	
Article 1:	General Provisions
Article 2:	Decision-Making Roles and Authority
Article 3:	Review Procedures
Article 4:	Zoning Districts and Use Regulations
Article 5:	Planned Unit Developments
Article 6:	Accessory and Temporary Use Regulations
Article 7:	General Development Standards
Article 8:	Riparian Setbacks
Article 9:	Architectural Standards
Article 10:	Landscaping and Buffering
Article 11:	Parking, Access, and Mobility
Article 12:	Sign Standards
Article 13:	Nonconformities
Article 14:	Enforcement and Penalties
Article 15:	Definitions

1(B) Improve Referencing and Formatting

A detailed table of contents, page numbers, and enhanced use of headers and footers on each page will make for much easier navigation through the new resolution. The new resolution should include an expanded table of contents that breaks some of the articles down further so users can easily identify the locations of specific requirements such as zoning certificate or fencing requirements. The township should consider including a master table of contents at the beginning of the new resolution to make referencing topics simpler. In addition, an index by topics would be helpful in the back of the regulations for pinpointing the location of key topics within the text. The last step in the update process will be to review it for internal consistency and include hyperlinked cross-references among sections. Such hyperlinks should be active in any digital version of the resolution so that users can easily click on the cross-reference and be taken to the appropriate section or graphic.

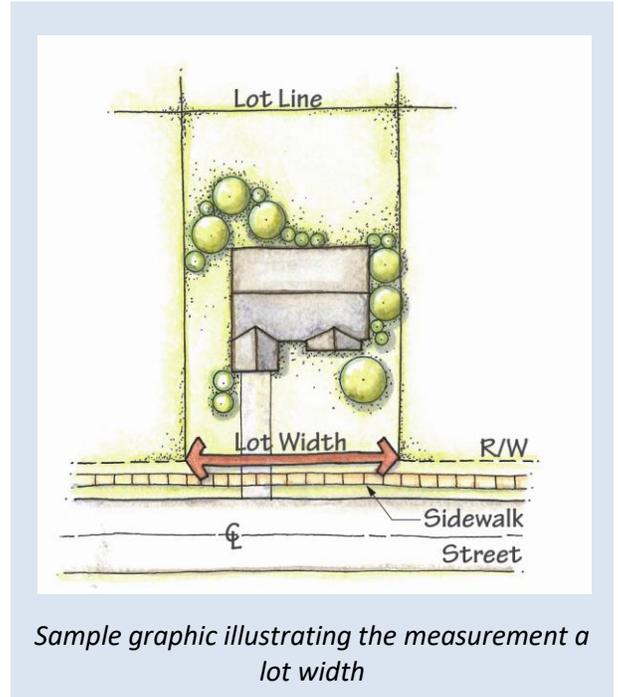
Another useful way to improve the overall user-friendliness of an updated zoning resolution, and to make key information more prominent, is to employ a variety of page formatting techniques that can more quickly alert a reader as to where they are in the document. More extensive use of headers, tabs, section headings, and a more creative use of font types and sizes will be utilized, all of which may be used to illustrate the complex hierarchy of topics in the resolution.



A typical page of the current Boardman Township Zoning Resolution (left) as compared to a page from a recently updates zoning resolution from another community (right) including hyperlinks in blue.

1(C) Illustrate Additional Key Concepts, Standards, and Processes

Modern resolutions explain and summarize development standards, permitted uses, and procedures using tables, illustrations, and flow charts where possible. The resolution only has one table and no illustrations. There are numerous standards, such as signage and parking, which would benefit from the inclusion of graphics, for the purposes of clarity. Illustrations and photos can often describe the required or desired relationships among development standards, adjacent uses, or dimensions much more simply than words alone. Tables also can convey a wealth of information about uses and dimensional requirements in a few pages, and vastly improve the readability of a resolution.



The revised regulations should utilize illustrations, graphics, photographs, and tables to explain complex concepts and to summarize detailed lists of information. Where appropriate, we recommend inserting additional tables, graphics, illustrations, and examples to help readers understand preferred forms of development.

All graphics, illustrations, and photographs used will be chosen or designed to allow for the easy reproduction of the new resolution. Additionally, language will be included in the new general provisions sections of the zoning resolution that will clearly establish that the text of the regulations rule in case of conflict.

2. Clarification of Roles and Procedures

One of the more important attributes of an effective resolution is that procedures are efficient, logical, and easily understood by the average user. In particular, the board or department responsible for review should correspond with the required level of review. For townships, it is also important to ensure that resolution complies with the requirements and review criteria established in the Ohio Revised Code and any relevant case law.

One key step in the revision of the resolution will be clarifying the review procedures, eliminating excess “red-tape” where possible, and creating efficient review procedures.

2(A) Develop a Section on Common Review Requirements

The township lacks some general regulations regarding information that applied to all review procedures. These regulations are typically referred to as “common review requirements” that are established in a section before the detailed review procedures. This introductory section will include important information that is relevant to all procedures. For example, this new section could include provisions covering such common topics as public notice and public hearing requirements, authority to apply, and application filing fees (where the separate fee schedule is referenced but not included).

2(B) Eliminate Submittal Requirements

The current resolution lists the exact number of plans, maps, and information required to be submitted as part of many of the township’s review procedure. Not only does this add to the length of the resolution, it complicates matters when the township wants to amend the submittal requirements because the lists are part of the adopted zoning text and any change requires a zoning text amendment. We recommend the specific application submittal requirements be removed from the new resolution and maintained as a checklist in an administrative manual or document outside of the resolution. This makes the resolution less cumbersome, and ensures changes in application submittal requirements can be easily made without formal amendments to the resolution.

2(C) Add Transitional Regulations

The current zoning resolution does not fully address what happens to applications that are under review at the time the zoning resolution is amended and the updated resolution becomes effective. We recommend incorporating a new section called “transitional regulations” within the first article that will help resolve the status of properties with pending applications, recent approvals, and properties with outstanding violations at the time the new resolution or amendment is adopted. The provisions will allow an application, in general, to be processed under the rules in place at the time a complete application is submitted. Additionally, the transitional regulations section will include language stating that violations prior to the enactment of the revised resolution shall remain violations after the effective date of the resolution. These provisions will also address what happens if a zoning certificate expires and the new resolution is in effect.

2(D) Include a Complete Application Provision

Part of the overall improvement to the new resolution should be clarifying the steps in various review procedures. In order to ensure accountability and responsibility for moving applications forward for the township and applicant, the township should consider a “complete application” requirement. A complete application provision explicitly authorizes the Zoning Inspector to review submitted applications and to make a determination that they are “complete” and should be formally accepted for further review and action. The provision, which would be applicable to all development applications, would state that no processing would begin on an

application until after a formal determination by staff that such application is “complete.” Applications are complete when they contain all the required exhibits, including reports, maps, and plans, and are accompanied by the required fee. Without such requirements, staff and decision-makers may waste time and effort reviewing incomplete applications only to have to re-review applications once any errors or omissions are corrected. Formally instituting this step can help prevent the township from processing incomplete applications, which is frustrating to staff, decision-makers, and the applicant. Generally, if the staff determines an application is “incomplete,” and therefore unacceptable for further processing, the staff is required to notify the applicant in writing of any deficiencies they find.

Typically, staff should have no more than three to five business days to review and make a determination that an application is complete. An applicant, in turn, would have a prescribed period to remedy the deficiencies and resubmit, or risk rejection of the application.

2(E) Modify the Site Plan Review Process

The current zoning resolution outlines a site plan review process in Article XV that appears to be working for the township but should be revised to accomplish the goals of making it easier to understand the process while also expanding greatly on the basic standards of review. More specifically, the language in the article should be revised with the following recommended changes:

- The site plan review process and board make up should be relocated to the proposed new articles on procedures and review authorities and modified so that all language follows the same format. For example, we would propose emphasizing the individual steps in this procedure, and all procedures, by labeling the steps (e.g., Step 1, Step 2, Step 3, etc.) or incorporating flow charts so users can easily understand the process. This will also help from an organizational standpoint because the common review requirements discussed above will be in the same section as the review procedure.
- The submittal requirements should be removed as recommended in the previous point.
- The review criteria under Section E can be expanded to give clear and predictable review standards to the review board and applicants while still maintaining some flexibility to work with applicants to establish the best site plans in line with the requirements. Other standards, such as the legal standards or the requirements to comply with parking, can be consolidated into a single review criteria that establishes the site plan must comply with all applicable regulations in the resolution without having to spell out the specific sections.

- The biggest changes is that the language in Part Three (Model Design Guidelines and Performance Standards) needs to be moved to the appropriate new articles and greatly expanded. First, even titling the section “model design guidelines” can be misleading as to imply that the standards or criteria are in no way mandatory. Second, as outlined in Section 4 of this evaluation, we recommended greatly enhancing the design standards (e.g., parking, landscaping, signs, etc.) and reorganizing them into separate articles. Section 4 of this evaluation outlines some more detailed direction for each of the different sets of design standards but the township has very few standards or guidelines when compared to other townships of similar size across Ohio.

3. Restructure the District and Use Regulations

One of the key purposes of this rewrite is to evaluate the existing district structure and make it easier to identify permitted uses and related use regulations (e.g., accessory uses, home occupations, etc.). As part of this purpose, there is a need to review the existing zoning district structure (the number and purpose of the current zoning districts), the permitted uses within each district, and general regulations governing temporary, accessory, and similar uses.

To address these uses and district issues, we recommend the township consider the revisions outlined on the following pages

3(A) Consider Revisions to the Existing Zoning District Structure

According to the existing resolution, the township currently only has eight zoning districts that given the scale of development in the township is a surprisingly few number of districts. This is especially true that the township only has one residential zoning district that is primarily single-family residential yet the vast majority of residential uses in the township are single-family residential uses. Furthermore, the minimum lot size for residential uses in the township is 12,000 square feet yet there are thousands of lots that are smaller than that size across the township as illustrated in the Lot Size Map. Of the approximately 19,888 properties across the township, 9,438 (almost half) are smaller than 12,000 square feet, regardless of zoning districts. That is an excessive number of nonconforming lots, which poses issues for the property owners when they want to build accessory uses or do any type of improvement. For this reason, and several others, we recommend the following changes to the zoning district structure:

- Create two new single-family residential zoning districts in addition to the current R-1 District. The two new districts will allow for 5,000 square feet and 7,500 square feet lots for application across areas of the township where those lots sizes are the most prevalent. The existing R-1 district, with a minimum lot size of 12,000 square feet will then be maintained for the remaining areas of single-family uses. Because the intent of the two new districts is to primarily reduce the number of nonconforming lots, we also recommend establishing language that states such purpose and then restricts the ability of someone applying to rezone other areas of the township to those lot sizes after the new resolution is adopted. This should reduce nonconformities while also preventing the development of new small-lot developments in the future.

- We recommend maintaining the additional three residential districts that allow for duplexes and multi-family housing provided any new housing comply with the architectural standards recommended in following sections.
- The township should consider the addition of a public and institutional district for the purposes of identifying and protecting large areas of such uses including, but not limited to, township facilities, schools, Mill Creek Park and Preserve, and local parks, etc. Currently, such uses are shown as zoned for other uses or it is unclear from the zoning map if any zoning district applies. Furthermore, this designation can give a little more flexibility in the provision of accessory uses or layout of uses that are unique to public and institutional uses.
- The township currently has two business and commercial districts. We recommend restructuring these districts and adding one additional district. First, the Business District (B) should be restructured to be a general commercial zoning district that provides for the smaller scale office and commercial uses found along the western side of Boardman-Canfield Road, portions of Market Street, and certain smaller nodes of business in the township. The township should also establish a new North Market Business District for the older business core of Boardman Township that has been previously identified as a special business areas within the township. Finally, the remaining commercial areas of the township should be designated as regional commercial due to the large scale uses and the related impacts such as access and screening.
- The township currently has some minor language in the zoning resolution that would allow for a Planned Unit Development (PUD) but there are no such developments in the township nor is there any clear provisions for a review procedure or development standards. We recommend that the township consider incorporating provisions for a PUD district with a clear review procedure as well as standards for open space, design, and uses. The district is not intended to be a way to circumvent the other development standards in the resolution but can be an effective method of addressing large development or developments with a mixture of uses that cannot otherwise be treated uniformly under any other zoning district.
- The existing agricultural and industrial districts should be maintained with some minor changes to the permitted uses that will be refined with more discussions with staff and the steering committee.

The following is a table that shows the existing zoning district structure and the proposed zoning district structure. The proposed structure also include some suggested renaming of districts and acronyms to better describe the applicable zoning districts and provide naming consistency. In some cases, such as with the existing R-1A Duplex district, we are recommending a completely new name but the district will likely remain largely the same. The proposed districts that are completely new to the township are highlighted in yellow in the right hand column of the table below.

2018 Boardman Township Zoning Resolution Evaluation

Existing Zoning District Structure		Proposed Zoning District Structure	
AG	Agricultural	AG	Agricultural
R-1	Single-Family Residential	R-1A	Single-Family Residential (12,000)
		R-1B	Single-Family Residential (7,500)
		R-1C	Single-Family Residential (5,000)
R-1A	Duplex	R-2	Two-Family Residential
R-2	Single-Family Residential	R-3	Attached Residential
R-3	Single-Family Residential	R-4	Multi-Family Residential
B	Business	GB	General Business
C	Commercial	RG	Regional Business
		NMB	North Market Business
I	Industrial	I	Industrial
		PF	Public Facilities
		PUD	Planned Unit Development

Zoning Map

Township of Boardman

Mahoning County, OHIO

Prepared By
The Mahoning County GIS Department
For
The Boardman Township Zoning Commission



Map Legend

- City Boundary
- - - County Boundary
- School District Boundary
- Township Boundary
- Village Boundary
- River/Stream
- Airport/Landing Strip
- Bike Trail
- Tax Parcel
- Cemetery
- Lake
- River/Wide Stream
- Swamp
- Park
- Campground
- Government Building
- Golf Course
- Hospital
- Historical Society
- Maintenance Building
- Museum
- Point of Interest
- Shopping Center
- School
- Sewage Treatment Plant
- Water Storage Tank
- Water Treatment Plant

Zoning Legend

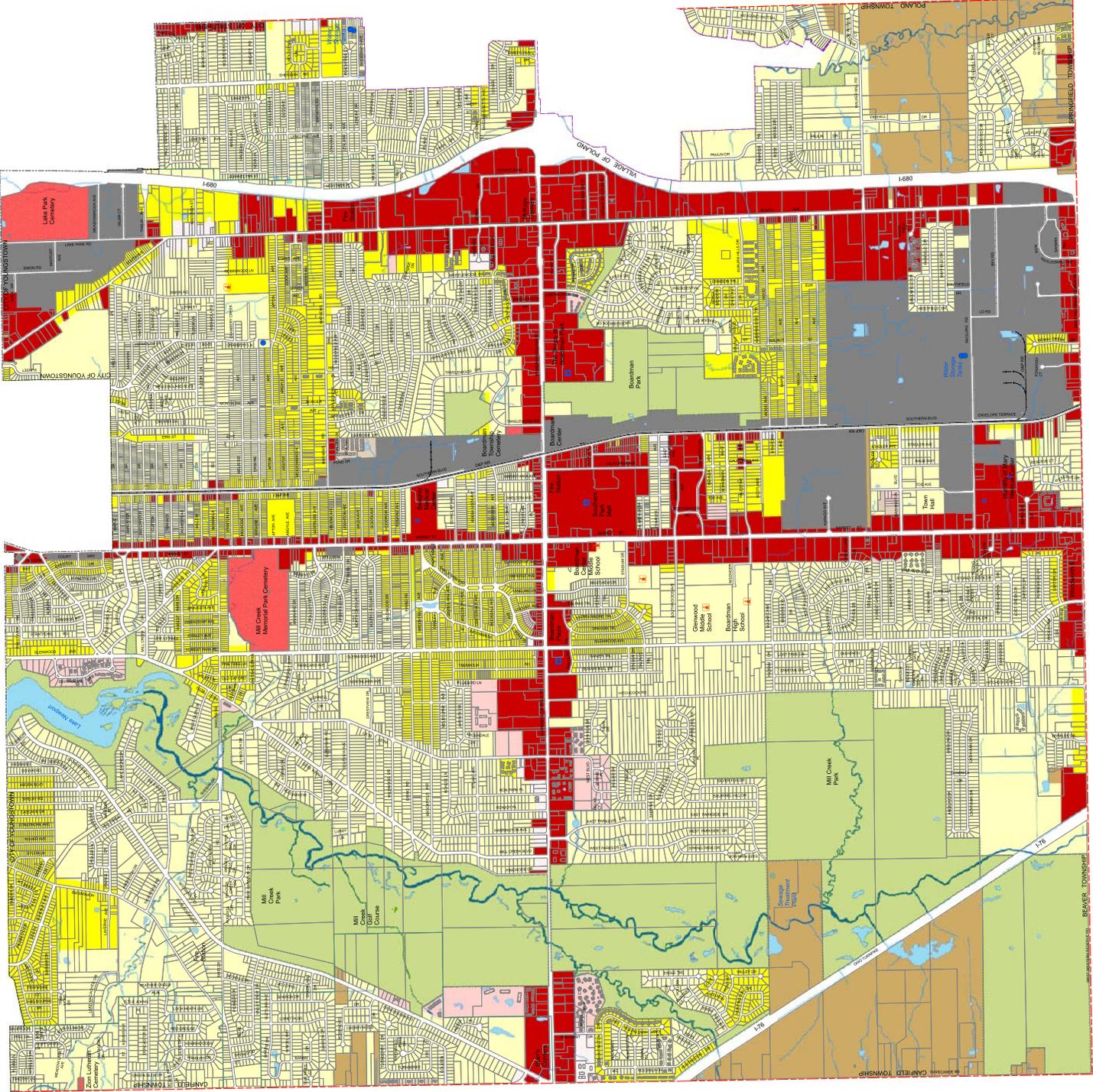
- AG Agricultural
- B Business
- C Commercial
- I Industrial
- R-1 Single Family Residential
- R-1A Duplex
- R-2 Single Family Residential
- R-3 Single Family Residential

Trustees

Approved This ___ Day Of _____

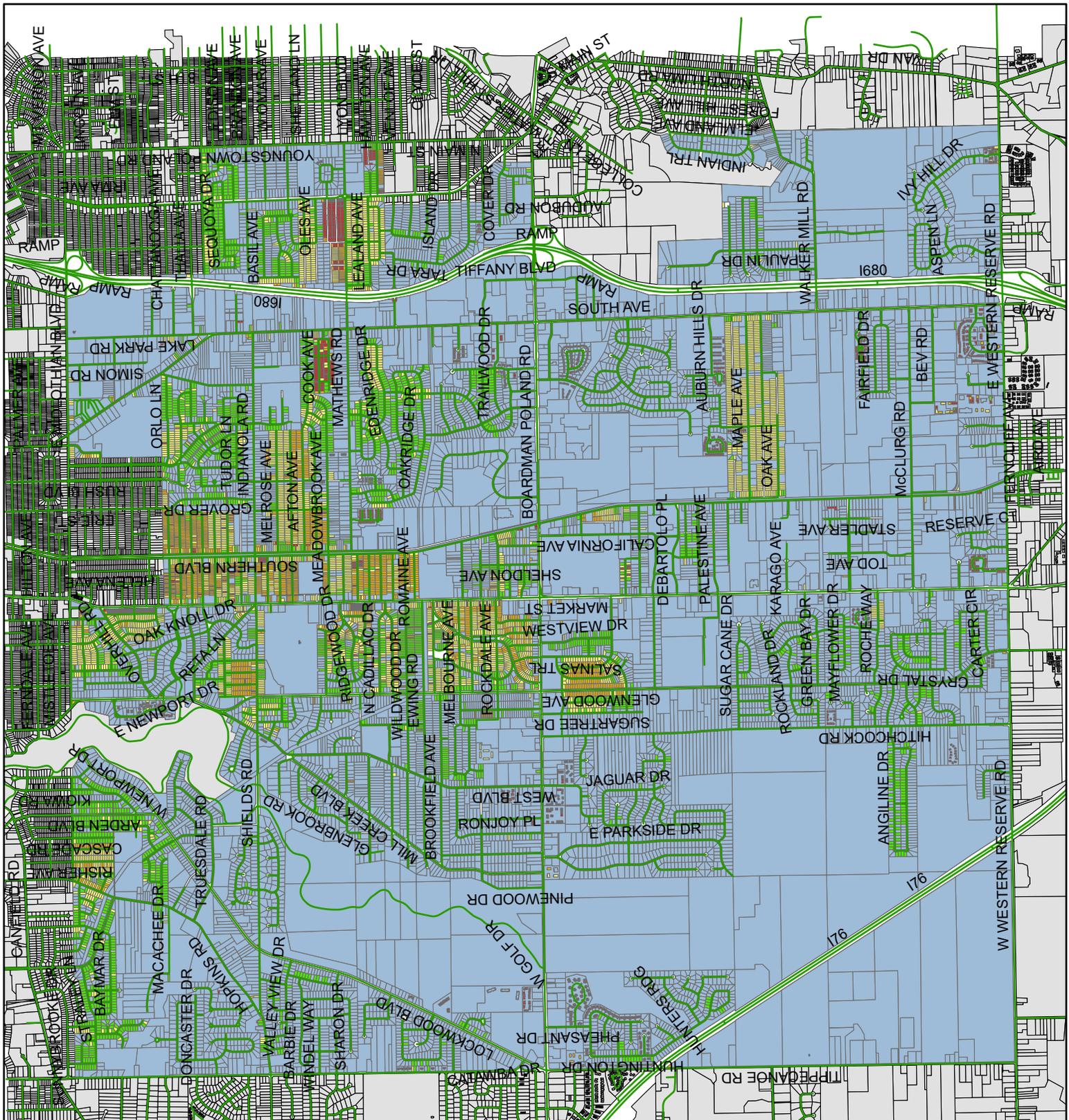
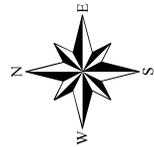


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Building a Better Boardman

Lot Sizes



3(B) Clearly Define and Reorganize Permitted and Conditional Uses

The one element of a modern zoning resolution that the township currently utilizes is a use table that identifies what uses are permitted within each zoning district. A portion of the existing table is shown below. This is a very effective way of easily showing how certain uses are permitted, or not, across all districts in the township. The township should continue to utilize this approach in identifying permitted uses with some additional changes as identified below the table.

LAND USE TABLES FOR BOARDMAN TOWNSHIP											
SYMBOL	KEY	DISTRICTS									Use Standards
		A	R-1	R1-A	R-2	R-3	B/P	C	I		
P	Permitted Use										
C	Conditional Use										
	Prohibited Use										
USES											
ANIMAL AND AGRICULTURAL USES											
Agricultural uses, per ORC § 519.01		P	P	P	P	P	P	P	P		
RESIDENTIAL USES											
Single Family Dwellings		P	P	P	P	P					
Two-Family or Duplex Units				P	P	P					
Multiple-Family Dwellings, not more than six (6) dwelling units					P	P					
Multiple-Family Dwellings, more than six (6) dwelling units						P					
Home Occupations listed in this Resolution.		P	P	P	P	P					
Home Occupations not listed in this Resolution.		C	C	C	C	C					
State-Licensed Residential Facilities not listed in this table		C	C	C	C	C	C	C	C		
Bed and Breakfast Inns								P	P		
Boarding House											
House Trailers											

Portion of the existing Boardman Township Land Use Table

- The township uses a mix of simple land use terminology (e.g., bed and breakfast inns) and far more complex use terms (e.g., workshops, showrooms, studios or offices of photographers, skilled trades, decorators, artists, upholsterers, tailors, taxidermists and similar business or for repair and service of bicycles, electronics, small appliances, furniture, shoes, and similar items). We recommend that this should be changed so that the land use terms in the table are simple, yet descriptive, paired with stronger definitions for each of the terms. As stated in the next section, the definition article needs to be expanded greatly with a definition for each of the land use types listed in the permitted use table.

- The township needs to move away from what appears to be a pyramidal scheme of permitted uses where the residential districts allow for the fewest uses and the industrial district allowing for almost all of the uses in the township. While the industrial district should be less restrictive than residential, as far as permitted uses, this approach can have major implications on the long-term viability of industrial districts by reducing the amount of land available for truly industrial or business uses. For example, all of the commercial uses currently allowed in the Commercial District are also allowed in Industrial District, which, depending on the market, could mean that the commercial areas of the township could creep into the industrial areas and reduce the amount of land for industrial and non-retail businesses. The process to update the zoning resolution will include careful consideration of each zoning district and the uses allowed in each of the districts.
- The township currently either permits a land use in a district or conditionally permits (requiring BZA approval) a land use in a district. This is quite common, however, there are a number of uses that may be appropriate in various zoning districts without needing a conditional use review if such uses just met special design standards or different site standards (e.g., lot size and setbacks). We recommend that the township consider an option of have a “Permitted with Standards” option where for a certain use, such as schools in a residential zoning district, there would be a special set of use standards established for such use that would have to be met but where the use is still administratively approved through a zoning certificate and site plan review process, if applicable. This is an efficient way to allow for the consideration of some uses that are generally found in various districts but just require some special consideration without rising to the level of requiring a public hearing. As part of the update of the use table, we will work with staff and the steering committee to determine if certain conditional uses could change to a permitted use with such use-specific criteria set forth in the resolution and may not rise to the level of needing a conditional use approval.

3(C) Clarify Accessory and Temporary Use Standards

The township does not provide a clear set of regulations for the large variety of temporary and accessory uses found in modern communities. Currently, the township addresses accessory structures (general), swimming pools, fences, home occupations, and satellite antennae, which is a very short list that overlooks a number of other common accessory uses. Similarly, the township’s regulations for temporary uses are focused on major temporary events such as circuses and festivals but fails to address common zoning issues such as the use of temporary storage containers. We recommend consolidating all of the accessory and temporary use regulations into a new article that will focus only on these types of uses. Consolidating them into their own article will make them easier to find by a user and since much of Boardman Township is residential, accessory uses are going to be an on-going issue. We recommend supplementing these regulations with new provisions to address items such as solar and wind energy systems as well as modernizing standards for other common accessory and temporary uses. In updating the regulations, the township should consider the following:

- All of regulations need to be reorganized to clarify where and how each individual accessory use is permitted within each zoning district. This will be accomplished through the creation of a use table for accessory uses similar to the type proposed for principal uses as discussed earlier. This approach will ensure consistency in the use of terms and standards regardless of the zoning district.
- The list of allowable temporary and accessory uses will be expanded to cover the most common of these uses including addressing solar power arrays, wind-energy systems, accessory day care in homes, the raising of small livestock, accessory retail services (in industrial and public or institutional uses), and others based on additional discussions with staff and the steering committee.
- The standards should more clearly establish rules for the most common accessory uses such as satellite dishes, swimming pools, and detached structures, many of which the township already has a reasonable set of standards but where some modernization is necessary. For example, the current home occupation regulations reflect very broad language that is fairly commonplace but does not address some modern home occupation activities that rely heavily on the internet. Furthermore, the current language appears to be very restrictive in that it says the home occupation “shall be a personal service.” We don’t believe that the intent of the language is to restrict home occupations to personal service uses but it would have to be enforced in that manner as written. Furthermore, the language does not address some issues other communities face such as the use of the home occupation for logistics of, for example, landscaping and trucking companies, where equipment is parked on the property or even on the street and the “home occupation” is where the occupant runs the office and directs employees off-site.



New technology is allowing for smaller scale wind turbines that are compatible with the scale of buildings and should be addressed in the new resolution.

- The fence and wall regulations should be updated to address materials and provide better clarification on how fences are measured, as well as where certain fence and wall heights are permitted. This can be done with some minor updates to the language and incorporation of better graphics. For materials, it will be important to specify what materials are permitted and/or prohibited. For example, the township does not specifically address barbed wire fencing which may be a necessity in the industrial district or similarly, electric fences that may be needed in the agricultural district.
- The new section should also include standards for modern accessory uses such as community gardens, clothing/donation drop-boxes, and outdoor dining.
- The temporary use regulations needs to be greatly expanded to address, as mentioned earlier, temporary storage containers, and other temporary uses that may not rise to the level of circuses and festivals.



Without clear fence material standards, the township may run the risk of scrap materials or non-traditional materials being used for fencing such as the above illustration of old doors being used as an industrial fence.

4. Strengthen the Substantive Standards

One priority of the zoning resolution update is to maintain and improve the quality of development while making standards easy to understand and related to the purpose of the zoning resolution. This can be accomplished by upgrading the development standards within the zoning resolution and integrating new standards as needed. The following is a series of recommendations on how to improve the standards within the township zoning resolution.

It is important to note that other than sign regulations, most, if not all, development and design standards are located in the site plan review articles. This report recommends expanding on these standards and organizing them into individual articles or chapters.

4(A) Strengthen the Existing Development Standards

The current resolution provides a basic set of development standards, including signage, landscaping, and parking, most of which are established in the site plan review standards. Some changes the township might consider adding or improving on existing standards include the following:

1. PARKING, LOADING, AND DRIVE-THROUGH SPACE STANDARDS

- The vast majority of regulations related to off-street parking are located in the site plan review standards but there are basic regulations within each district, which unfortunately has created some conflicting language. All of the parking standards should be consolidated into a single article and greatly expanded up as generally outlined herein.
- The township should establish clear standards for the overall design of all vehicular use areas to improve traffic flow and appearance. This also includes addressing what kinds of materials are appropriate for surfacing given the increase use of porous pavements and/or pavers to improve stormwater flow.
- The off-street parking requirements should be evaluated and updated to reflect modern standards and ratios based on current best-practices.
- The township does not appear to have any standards for off-street loading spaces, especially for larger uses. The township does not necessarily have to mandate a certain number of loading spaces but there should be some basic design principles for when loading spaces are provided to ensure there is no conflict between the location and maneuverability areas with other traffic.
- The township also does not appear to address drive-through waiting or stacking spaces. With a growing demand for drive-through facilities for banks, restaurants, and other uses, it is important to provide some basic design principles for such activities to reduce conflict with other traffic movements. Furthermore, the township can establish standards that would maximize how such waiting areas are located and screened from view.



Illustration of porous pavement used in a parking lot to allow stormwater to pass through the pavement.

2. LANDSCAPING AND BUFFERING

- As with parking requirements, the township has some landscaping requirements established in the site plan review article but the guidelines lack any detailed standards or requirements on when buffering and screening are required or how buffers and screening should be established, materials to be used, and maintenance of such areas. This section can be greatly enhanced to provide more clarity on when certain landscaping and buffering treatments are required while also including flexibility in how applicants can comply with such requirements. This will give applicants more predictability in the township's expectations.

3. SIGNAGE

- The township’s sign regulations will need to be completely reevaluated. Not only does the township allow for excessively large signs for pretty much every use, the current standards (Article XII, Section H) are completely in conflict with current case law which largely prevents any community from regulating signs based solely on the message of a sign. For example, the township currently has different regulations for real estate signs and political signs, as compared to other temporary signs. Those regulations hinge upon the message of the sign (a real estate sign is defined as a sign with a real estate message of “for rent” or “for lease”). That type of distinction has to be eliminated.
- We will be conferring with the township’s legal counsel but in general, the updated sign regulations will only make distinctions between signs based on:
 - The sign structure (e.g., monument sign, wall sign, awning sign, banner sign, etc.);
 - Whether the sign is a permanent or temporary sign;
 - Whether the message is related to off-premise or on-premise activities;
 - Whether the message is commercial speech or noncommercial speech (free speech); and
 - How the signs are illuminated (no illuminated, internal illumination, external illumination, digital messaging, etc.).
- There is not an extensive amount of information on how signs are measured for sign area or sign height. This will need to be incorporated and supplemented with graphics for ease of understanding.
- The township should consider allowing banner signs to be used as an interim sign option as a business moves into an existing building or is working to determine the best sign design. The temporary sign regulations need to be very clear on what types are allowed and for what duration. Additionally, some small temporary signs should be exempt from the permit requirement.
- The temporary sign regulations need to be updated to address the specific types of temporary signs allowed. Currently, the language just states “temporary signs” are allowed but there are a variety of temporary sign types including yard signs, banner signs, balloon signs, blade signs, etc. In some cases, the township may not want to allow certain types of temporary signs, but this type of language needs to be clarified.



Example of a temporary banner sign being used as an interim sign until the new permanent sign can be installed.

- Overall, the sign regulations need a complete overhaul to reflect modern regulations while still allowing for a reasonable amount of signage to ensure business visibility.

4(B) Incorporate New Development Standards

While parking, landscaping, and signage are the most common standards found in any zoning resolution, the township may want to consider the addition of other major forms of standards to address current and ongoing issues in Boardman Township. Some initial ideas include incorporating standards for the following topics:

1. ACCESS AND CONNECTIVITY

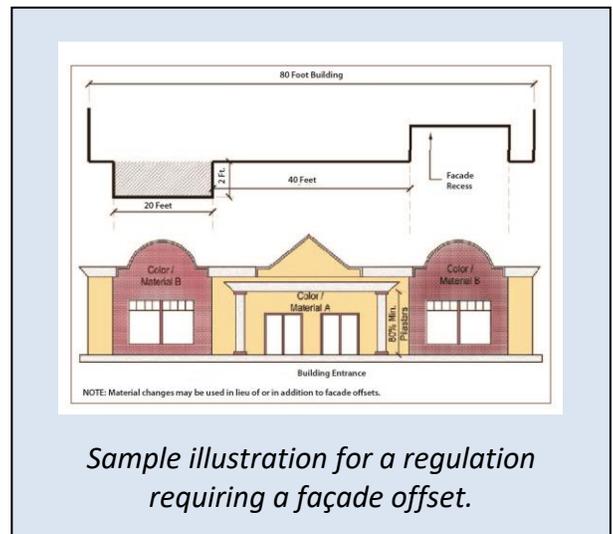
Township staff and stakeholders have noted that traffic access and sidewalk connections are an important issue that needs to be address, where possible, through the zoning resolution update. This can be accomplished by incorporating some basic access management regulations as part of the enhanced parking standards. Furthermore, while the township does not control sidewalks when it is part of a subdivision, the new resolution can incorporate requirements for the extension of sidewalks on properties where sidewalks do not exist but are adjacent and accessible. Additionally, the new resolution can include language for pedestrian connections between public sidewalks and trails to buildings.

2. OUTDOOR STORAGE, SALES, AND DISPLAYS

The current resolution has some minimal language related to the regulation of outdoor storage, sales, and displays. This is often a major issue with communities especially, when it comes to seasonal sales in parking areas or the sale of mulch at gas stations. We recommend the township strengthen the existing provisions for outdoor storage to address issues related to seasonal outdoor sales and address outdoor cafes and similar uses.

3. ARCHITECTURAL STANDARDS

With recent changes to the ORC, townships may now include some architectural standards for buildings in nonresidential districts. While the regulations cannot regulate building materials, regulations can be designed so that there are little to no flat roofs, that long walls are broken up by recesses and/or similar details, and that there are certain building details that improve the general appearance of nonresidential buildings. We recommend expanding on what appears to be the intent of the site plan review process related to design and incorporate them into the zoning resolution as a set of minimum architectural standards where permissible by state law. These would apply to any nonresidential development, regardless if it is in a planned unit development or not.

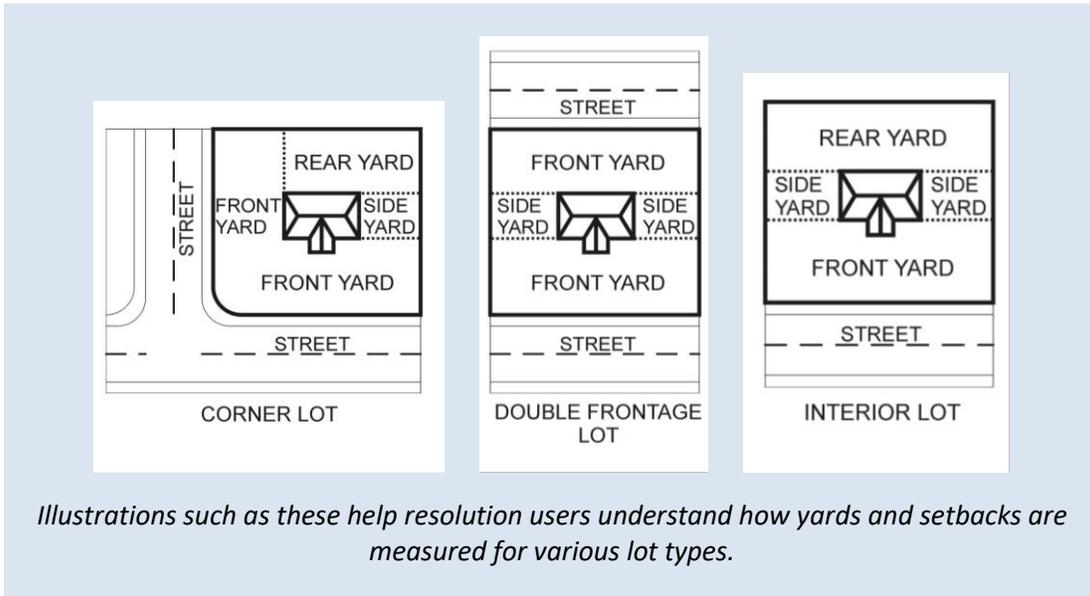


4(C) Enhance Definitions

Article II of the existing zoning resolution includes a list of definitions relevant to the entire zoning resolution. When compared to any modern zoning resolution, this list of definitions is completely lacking. Additionally, there are other definitions scattered throughout the resolution that should be consolidated into a single article so there is one complete glossary for the zoning resolution, minimizing the potential for conflicting definitions. We recommend that the list of definitions be expanded to include a definition for every specific use type as well as any term that cannot be reasonably defined in a common dictionary. A list of terms to be defined will be developed as the new language is drafted to ensure that only terms used in the resolution are defined.

4(D) Clarify Rules of Measurement

As suggested in previous sections, the revised resolution should clearly list all dimensional requirements in a summary table (e.g., density requirements, building heights, setbacks). In addition, the resolution should contain a section devoted to rules for measuring dimensions. Such rules should be explicit (e.g., to measure a setback the rules might state “measure from the furthest projection of structure and any abutting right of way line”), and exceptions and permitted encroachments should be clearly defined.



PART B: PROPOSED OUTLINE OF NEW RESOLUTION

The following is a proposed outline for the new Boardman Township Zoning Resolution that reflects the reorganization and major substantive changes discussed in this report. For reference purposes only, the table below sets forth the proposed structure of articles within the proposed new resolution. This table is followed by a summary of the overall purpose of each chapter and the sections that will be included in each chapter.

Proposed Zoning Resolution Articles
Article 1: General Provisions
Article 2: Decision-Making Roles and Authority
Article 3: Review Procedures
Article 4: Zoning Districts and Use Regulations
Article 5: Planned Unit Developments
Article 6: Accessory and Temporary Use Regulations
Article 7: General Development Standards
Article 8: Riparian Setbacks
Article 9: Architectural Standards
Article 10: Landscaping and Buffering
Article 11: Parking, Access, and Mobility
Article 12: Sign Standards
Article 13: Nonconformities
Article 14: Enforcement and Penalties
Article 15: Definitions

Article 1: General Provisions

This section will include basic provisions including the purpose and intent of the zoning resolution, severability, and transitional regulations. This section is not intended to include any development standards or substantive regulations but will specify that compliance with the resolution is mandatory.

Article 2: Decision-Making Roles and Authorities

This article will consolidate all of the language related to the roles and responsibilities of the Township Trustees, Zoning Commission, Board of Zoning Appeals, Site Plan Review Board, and Zoning Inspector as it relates to the various review procedures. This section will include a separate section for each of the review bodies. We will ensure that the language incorporated into this section does not conflict with language in the ORC or other established case law.

Article 3: Review Procedures

This article will summarize all of the review procedures in a step-by-step method. This section will include procedures for zoning certificates, text and map amendments, conditional uses, etc. This section will also include a new section on common requirements that will include standards that apply for all procedures including, but not limited to, standards for fees, complete applications, notices, and similar common procedural requirements.

Article 4: Zoning Districts and Use Regulations

This article will establish all of the zoning districts and identify where and how uses are permitted in all of the zoning districts. The use table, described earlier in this report, will be followed by a section that contains all of the use-specific standards, whether the use is a conditional use or permitted but with additional requirements.

Article 5: Planned Unit Developments

This article will incorporate all standards and the applicable review procedures for planned unit development as updated in accordance with the recommendations of this report.

Article 6: Accessory and Temporary Use Regulations

This article will contain all regulations related to accessory and temporary use regulations.

Article 7: General Development Standards

This article will be where we propose to group a number of standards that are small enough that they do not generate a need for individual articles but are important nonetheless. For example, there will be a section on site development standards (e.g., lot area, lot width, setbacks, etc.), exterior lighting, requirements for trash receptacles, and the erosion and sedimentation control language currently found in the existing resolution.

Article 8: Riparian Setbacks

This article will incorporate the current riparian setback standards of the existing Article XVII with some minor revisions to clarify standards and incorporate graphics as may be needed for simplification.

Article 9: Architectural Standards

This article will establish some basic architectural standards largely new commercial and office developments that are highly visible along major corridors. This article will also contain architectural standards as may be applied specifically to the North Market Business District discussed earlier in this report. New standards will be incorporated to address multi-family residential buildings for when new multi-family uses are constructed.

Article 10: Landscaping and Buffering

This article will encompass enhanced landscaping and buffering standards that are currently found in site plan guidelines with extensive use of graphics to demonstrate such requirements.

Article 11: Parking, Access, and Mobility

This article will address off-street parking spaces, loading spaces, circulation, and general access that will be carried forward from the existing language in the site plan review guidelines with the proposed modifications and amendments discussed in other parts of this document. As part of the update, adjustments will be made to clarify applicability of the standards to building expansions and site changes, updating parking space requirements, and all of the standards related to parking and access. This section will also include standards for pedestrian access within development sites and along roads where sidewalks have not been previously installed.

Article 12: Sign Standards

This article will encompass the revised sign regulations as discussed in the earlier part of this report including bringing the sign regulations into compliance with recent state and federal law. We will work to clarify standards and make the regulations as content-neutral as possible.

Article 13: Nonconformities

This article will incorporate updated language to address the grandfathering of any uses, structures, or lots that will no longer comply with the zoning resolution after the amendment is adopted.

Article 14: Enforcement and Penalties

This article will also include the provisions for enforcement of the resolution including violations, penalties, and remedies.

Article 15: Definitions

The last article will be the revised and updated section that consolidates all of the definitions from the entire zoning resolution and incorporates any general rules of construction or interpretation that apply to the resolution.