



# ZONING RESOLUTION

BOARDMAN TOWNSHIP  
MAHONING COUNTY, OHIO

JANUARY 1, 2021

***Cities have the capability of providing something for everybody, only because, and only when, they are created by everybody.***

- Jane Jacobs, *The Death and Life of Great American Cities*

# Acknowledgements

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Special thanks to those that served on the Zoning Code Stakeholders group and provided insight and comments throughout the code writing process.

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# Previous Codes and Revisions

Approved by a General Election – November 2, 1948

Effective – November 17, 1948

## Revised

June 1, 1966

March 1, 1976

June 6, 1977

October 22, 1982

July 5, 1989

January 13, 1995

March 27, 1996

November 13, 1998

August 23, 1999

May 8, 2000

September 11, 2000

October 28, 2002

March 27, 2006

May 2, 2007

June 18, 2008

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January 1, 2021

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# Article 1: General Provisions

## 1.01 PURPOSE

---

The purpose for zoning in Boardman Township, Mahoning County, Ohio, shall be as established under Section 519.02 of the Ohio Revised Code (ORC), except as otherwise provided by law.

## 1.02 TITLE

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This resolution shall be known and may be cited as the "Boardman Township Zoning Resolution", and may be referred to herein as "this resolution" or "this zoning resolution".

## 1.03 AUTHORITY

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### (A) General Authority

This resolution establishes the township's zoning regulatory authority as authorized by the ORC.

### (B) References to the Ohio Revised Code or the Ohio Administrative Code

Whenever any provision of this resolution refers to or cites a section of the Ohio Revised Code or the Ohio Administrative Code (OAC), and that section is later amended or superseded, this resolution shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

## 1.04 JURISDICTION

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### (A) General Jurisdiction

The provisions of this resolution shall apply to all land, development, use of structures or land, or portions thereof, within the unincorporated areas of Boardman Township, Mahoning County, Ohio, as allowed by the ORC.

### (B) Zoning of Annexed Lands

Upon annexation of land from Boardman Township into an existing municipal corporation, the zoning regulations then in effect shall remain in full force and shall be enforced by the Zoning Inspector and other township officials until the legislative authority of said municipal corporation shall either officially adopt the existing zoning regulations or new regulations for such land.

## 1.05 INTERPRETATION AND CONFLICTS

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- (A) For the purposes of interpretation and application, the provisions of this zoning resolution shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity, or general welfare, as allowable by law.
- (B) When the provisions of this zoning resolution are inconsistent with one another or with the provisions found in another adopted resolution, the more restrictive provision shall govern.
- (C) Where this zoning resolution imposes a greater restriction than imposed or required by other provisions of law or by other rules, regulations or resolutions, the provisions of this zoning resolution shall control provided it does not conflict with the ORC and federal law.

## 1.06 RELATIONSHIP WITH THIRD-PARTY PRIVATE AGREEMENTS

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- (A) This zoning resolution is not intended to interfere with or abrogate any third-party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, wherever this zoning resolution proposes a greater restriction upon the use of buildings, structure, or land, upon the location or height of buildings or structures, or upon requirements for open areas than those imposed or required by such third-party private agreements, the provision of this zoning resolution shall govern.
- (B) In no case shall the township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties unless the township is involved as a party to the agreement.

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## 1.07 COMPLIANCE REQUIRED

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- (A) Except as hereinafter specified, no building or structure shall be located, constructed, erected, reconstructed, enlarged, changed, maintained or used, and no land shall be used in violation of this resolution or in a manner that does not comply with all of the regulations established by this resolution for the applicable zoning district and development.
- (B) It shall be unlawful for an owner to use or to permit the use of any structure, building, land, or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a zoning certificate is issued by the Zoning Inspector in accordance with this resolution. Such certificate shall state that such building, premises or part thereof, and the proposed use thereof, is in conformity with the provisions of this zoning resolution.
- (C) Existing uses, lots, buildings, and structures that do not comply with this resolution will be subject to the nonconformity provisions of [Article 13: Nonconformities](#).

### (D) Exemptions

#### (1) Agricultural Use Exemption

- (a) Agricultural uses, and buildings or structures that are incidental to agricultural uses, as defined in the ORC, located on lots with a lot area greater than five acres shall be exempt from the requirements of this zoning resolution, pursuant to the ORC.
- (b) Buildings or structures that are incidental to the use of land for agricultural uses, as defined in the ORC, located on lots with a lot area greater than one acre but not greater than five acres, shall be subject to all setbacks, maximum building size, and maximum height requirements of the applicable zoning district, as allowed by the ORC.
- (c) All agricultural uses, as defined by the ORC, are prohibited on lots with a lot area of one acre or less except for the raising of fruits, vegetables, grains, trees, and other crops for personal use of the property owners or residents. Such uses shall be permitted on all lots, in all yards.
- (d) Dairying and animal and poultry husbandry shall be regulated as provided for in ORC Section 519.21.
- (e) Structures that are exempt from the provisions of this zoning resolution, pursuant to this section, may not be exempt from any applicable building or special flood hazard area regulations established and enforced by Mahoning County.

#### (2) Energy and Gas Exemptions

The following shall be exempt from the requirements of this resolution in accordance with the ORC:

- (a) Biodiesel production, biomass energy production, or electric or heat energy production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under sections 5713.30 to 5713.37 of the ORC for real property tax purposes. "Biodiesel," "biomass energy," and "electric or heat energy" have the same meanings as in Section 5713.30 of the ORC.
- (b) Biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under sections 5713.30 to 5713.37 of the ORC for real property tax purposes and if the facility that produces the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten British thermal units, five megawatts, or both.

#### (3) Public Utility or Railroad Exemption

Public utilities and railroads, as defined by the ORC, shall be exempt from the provisions of this zoning resolution.

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## 1.08 SEVERABILITY

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- (A) If any court of competent jurisdiction invalidates any provision of this zoning resolution, then such judgment shall not affect the validity and continued enforcement of any other provision of this zoning resolution.

- (B) If any court of competent jurisdiction invalidates the application of any provision of this zoning resolution to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.
- (C) If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

## 1.09 TRANSITIONAL RULES

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### (A) Effective Date

- (1) This resolution became effective on January 21, 2021.
- (2) This amendment, and any future amendments, to this zoning resolution shall be in full force and effect, as provided in the ORC.

### (B) Violations Continue

Any violation of this zoning resolution that applied to a use, structure, property, development, construction, or other activity, prior to the adoption or amendment of this zoning resolution, shall continue to be a violation under this zoning resolution and is subject to penalties and enforcement under [Article 14: Enforcement and Penalties](#), unless the use, structure, property, development, construction, or other activity complies with the provisions of this zoning resolution. Should the adopted or amended resolution remedy the violation, the property owner shall still be responsible for any penalties accrued as part of a violation prior to the effective date of this code.

### (C) Nonconformities Continue

- (1) Any legal nonconformity under previous versions of this resolution that applied prior to the adoption of this zoning resolution shall continue to be a legal nonconformity under this amendment, as long as the situation that resulted in the nonconforming status under the previous version of the resolution continues to exist.
- (2) If a legal nonconformity under any previous versions of this resolution becomes conforming because of the adoption of this amendment, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.

### (D) Approved Projects

- (1) Any building, structure, or development for which a zoning certificate was issued prior to the effective date of this zoning resolution may, at the applicant's option, be completed in conformance with the issued certificate and any other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this zoning resolution. Such building, structure, or development shall be considered a legal nonconforming use, if applicable, upon the issuance of a certificate of occupancy from the Mahoning County Building Department.
- (2) If the building, structure, or development is not completed within the time allowed under the original building permit or any extension granted thereof, then the building, structure, or development may be constructed, completed, or occupied only in compliance with this zoning resolution.
- (3) Any application for a project where the zoning certificate has expired shall meet the standards in effect at the time the application is resubmitted.

### (E) Vested Rights

The transitional rule provisions of this subsection are subject to Ohio's vested rights laws.

## 1.10 RESTORATION OF UNSAFE BUILDINGS

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Except as provided in [Article 13: Nonconformities](#), nothing contained in this resolution shall hinder the construction of a building or prohibit its use where construction has started before the effective date of this resolution provided that foundations have been put in place before said effective date of this resolution and provided further that such building shall be completed within two years from the date of passage of this resolution.

## 1.11 REPEAL

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This zoning resolution may be repealed in accordance with the provision established in the ORC.

**1.12 USE OF GRAPHICS, TABLES, ILLUSTRATIONS, FIGURES, AND CROSS-REFERENCES**

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- (A) Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.
- (B) In some instances, cross-references between articles, sections, and subsections are provided that include the article, section, or subsection number along with the name of the referenced article, section, or subsection. Where a conflict may occur between the given cross-reference number and name, the name shall control.
- (C) A table shall be considered text for the purposes of this resolution unless specifically identified as a figure.

**1.13 BURDEN OF PROOF**

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- (A) The burden of demonstrating that an application, development, or use of land or structures subject to this resolution complies with applicable review and approval standards is on the applicant.
- (B) Such burden of proof shall also apply to demonstrating that the nonconformity was established legally under a previous amendment of this resolution.
- (C) The burden is not on the township or other parties to demonstrate that the standards have been met by the applicant or person responsible for the application, development, use of land or structure, or nonconformity with this resolution.

## Article 2: Decision-Making Roles and Authorities

### 2.01 PURPOSE

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The purpose of this article is to identify the roles and responsibilities of various elected and appointed boards, and the duties of township staff, in the administration of this zoning resolution.

### 2.02 BOARD OF TRUSTEES

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For the purpose of this zoning resolution, the Boardman Township Board of Trustees, hereafter referred to as the Board of Trustees, shall have the following duties:

- (A) Initiate proposed amendments to the text of this zoning resolution and/or the official zoning map;
- (B) Review and decide on all proposed amendments to the text of this zoning resolution and/or the official zoning map;
- (C) Review and decide on all proposed Planned Unit Development (PUD) preliminary development plan and zoning map amendment applications; and
- (D) Perform all other duties as specified in the ORC and as specified in this zoning resolution.

### 2.03 REVIEW BOARDS

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For the purposes of this resolution, there shall be review boards established for the administration and enforcement of this zoning resolution including the Boardman Township Zoning Commission, the Boardman Township Architectural Review Board, and the Boardman Township Board of Zoning Appeals (BZA).

#### (A) General Requirements for all Review Boards

##### (1) Appointment and Organization of Review Boards

- (a) Each review board shall be composed of five members who reside in the unincorporated area of Boardman Township, Mahoning County, Ohio, to be appointed by the Board of Trustees, except as provided for in paragraph (b), below.
- (b) At least one of the Architectural Review Board's members shall be a licensed architect or engineer. If a licensed architect or engineer from the unincorporated township cannot serve, the licensed architect or engineer may be drawn from residents of Mahoning County.
- (c) Members of each review board shall serve five-year terms with the term of one member expiring each year.
- (d) Each member shall serve until his or her successor is appointed and qualified.
- (e) Members of each review board shall be removable for nonperformance of duty, misconduct in office, or other cause, by the Board of Trustees. Such removal may take place after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail or by leaving the same at his or her usual place of residence. The member shall be given an opportunity to be heard and answer any charges.
- (f) All complaints alleging nonperformance of duty, misconduct in office, or other cause that may justify removal of the subject review board member shall be presented, in writing, to the Board of Trustees. If upon receipt of said written complaint the Board of Trustees determines that the allegations so justify, the Board of Trustees shall proceed with a public hearing as set forth herein.
- (g) Vacancies shall be filled by appointment by the Board of Trustees and shall be for the time remaining in the unexpired term.

##### (2) Alternates

- (a) The Board of Trustees may appoint up to two alternate members for each of the review boards for a term of one year each.
- (b) An alternate member shall take the place of an absent regular member at any meeting of the applicable review board.
- (c) An alternate member shall meet the same appointment criteria as a regular member.

- (d) When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized and eligible to vote for and provided the member attended all pertinent public meetings or hearings.
- (e) When a vacancy occurs, alternate members do not automatically become full members of the applicable review board. Alternate members have to be appointed to replace a full member upon a vacancy.

**(3) Organization and Bylaws**

- (a) Each review board shall elect a chairperson and vice-chairperson from its membership. The vice-chairperson shall serve as the chairperson in the absence of the elected chairperson.
- (b) Each review board may organize and adopt bylaws for its own governance provided they are consistent with state law and with any other resolution of the township.

**(4) Meetings**

- (a) Meetings shall be held at the call of the chairperson or at such other times as the applicable review board may determine.
- (b) All meetings shall be open to the public, except as exempted by law.
- (c) In addition to the above provisions, the chairperson of the BZA may administer oaths and the BZA may compel the attendance of witnesses per the ORC. Furthermore, the BZA may call upon any township department for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the BZA as may reasonably be required.

**(5) Quorum and Recommendations or Decision**

- (a) Any combination of three or more regular or alternate members of each review board shall constitute a quorum.
- (b) Each review board shall act when three members, who are eligible to vote, concur on a recommendation or decision.

**(B) Zoning Commission**

The Board of Trustees, for the purpose and intent of this zoning resolution, has hereby created and established the Boardman Township Zoning Commission, hereafter referred to as the Zoning Commission. The Zoning Commission shall have the authority to:

- (1) Initiate proposed amendments to the text of this zoning resolution and/or the official zoning map;
- (2) Review all proposed amendments to the text of this zoning resolution and/or the official zoning map and make recommendations to the Board of Trustees;
- (3) Review all PUD preliminary development plans and related zoning map amendment applications, and make recommendations to the Board of Trustees; and
- (4) Perform all other duties as specified for township zoning commissions in the ORC and as specified in this zoning resolution.

**(C) Architectural Review Board**

The Board of Trustees, for the purpose and intent of this zoning resolution, has hereby created and established the Boardman Township Architectural Review Board, hereafter referred to as the Architectural Review Board. The Architectural Review Board shall have the authority to:

- (1) Act as the architectural review board for the township as authorized in Section 519.171 of the ORC;
- (2) Participate in the review of site plans as established in Section [3.05: Site Plan Review](#);
- (3) Review and make decisions on all PUD final development plan applications;
- (4) Make recommendations regarding site plans to the Board of Zoning Appeals for variance applications related to site plan review applications; and
- (5) Perform all other duties as specified in this zoning resolution.

**(D) Board of Zoning Appeals (BZA)**

The Board of Trustees, for the purpose and intent of this zoning resolution, has hereby created and established the Boardman Township Board of Zoning Appeals, hereafter referred to as the BZA. The BZA shall have the authority to:



- (1) Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant, or refusal made by the Zoning Inspector, other township official, or administrative body of the township in the interpretation or enforcement of the provisions of this zoning resolution;
- (2) Hear and make decisions on applications filed for conditional uses. In considering an application for a conditional use, the BZA shall have the power to impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this zoning resolution for the particular conditional use, as the BZA may deem necessary for the protection of adjacent properties and the public interest;
- (3) Authorize upon appeal in specific cases, filed as herein provided, such variances from the provisions or requirements of this zoning resolution as will not be contrary to the public interest, but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this zoning resolution would cause unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done. The BZA may attach thereto such conditions regarding the location, character and other features of the proposed structure or use, as it may deem necessary in the interest of the furtherance of the purposes of the zoning resolution and in the public interest;
- (4) Review and provide an interpretation of the zoning map or zoning text whenever there is a question of how the zoned districts or regulations of this resolution are applied;
- (5) Permit the substitution of a nonconforming use existing at the time of enactment of this resolution in compliance with [Article 13: Nonconformities](#); and
- (6) Perform all other duties conferred upon township BZAs in the ORC, or as authorized by the Board of Trustees in compliance with state law.

## **2.04 ZONING INSPECTOR**

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The Board of Trustees shall appoint a Zoning Inspector who shall serve as the zoning inspector referenced in the ORC, charged with the general administration and enforcement of this resolution as outlined in the ORC and this resolution.

### **(A) Roles and Powers**

The Zoning Inspector shall have the following roles and powers:

- (1) The Zoning Inspector shall have the authority to conduct inspections of structures and land to determine compliance with this resolution.
- (2) The Zoning Inspector shall have the authority to review and decide on applications for zoning certificates and to ensure compliance with this zoning resolution in accordance with the applicable procedures in this resolution.
- (3) The Zoning Inspector shall have the authority to collect all fees required for all applications.
- (4) The Zoning Inspector shall have the authority to provide input, staff reports, or other guidance to the Board of Trustees, Zoning Commission, and/or BZA, when requested.
- (5) After written request from a person having a legitimate present or future interest in the property, the Zoning Inspector shall have the authority to issue a zoning certificate for any building or premises existing at the time of enactment of this resolution, certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this resolution.
- (6) After receipt of comments on site plan review applications, the Zoning Inspector shall make decisions on such applications in accordance with [Section 3.05: Site Plan Review](#).
- (7) It shall be the duty of the Zoning Inspector to issue citations of zoning violations and keep adequate records of all violations.
- (8) The Board of Trustees may also appoint additional personnel to assist the Zoning Inspector in such roles and powers as outlined in this section.
- (9) The Zoning Inspector shall have the authority to seek the advice of professional consultants, when authorized by the Board of Trustees.
- (10) The Zoning Inspector shall have the authority to conduct additional duties as designated by the Board of Trustees or as specified in this zoning resolution.



**(B) Decisions**

- (1) Any decision of the Zoning Inspector may be appealed in writing to the BZA within 20 days of the Zoning Inspector's decision pursuant to Section [3.07: Appeals](#).
- (2) The Zoning Inspector shall have appropriate forms for appeal available at the time of denial.

## Article 3: Review Procedures

### 3.01 PURPOSE

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The purpose of this article is to identify the review procedures used in the administration of this zoning resolution.

### 3.02 COMMON REVIEW REQUIREMENTS

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The requirements of this section shall apply to all development review applications and procedures subject to review under this zoning resolution, unless otherwise stated.

#### (A) Authority to File Applications

- (1) The person having legal authority to act in accordance with the approval sought shall file an application for any review in accordance with this zoning resolution. The person having legal authority shall be the recorded property owner, lessee, or the duly authorized agent of the recorded property owner and may be required to provide written proof of such authority at the time of application.
- (2) The Zoning Commission and Board of Trustees may initiate zoning text and map amendments under this zoning resolution with or without an application from the property owner who may be affected.

#### (B) Application Contents

##### (1) Submittal Requirements

- (a) Applications required under this zoning resolution shall be submitted in a form and in such numbers as established by the township and made available to the public.
- (b) The applicant shall attest to the truth and correctness of all facts and information presented with the application.

##### (2) Submission of Fees

- (a) Applications shall be accompanied by a fee as established by resolution of the Board of Trustees.
- (b) The township shall charge appropriate fees for any development review applications, certificates, permits, or other review processes established in this zoning resolution to cover the costs of inspection, investigation, legal notices and other expenses incidental to the enforcement of this zoning resolution. Such fees shall be paid to the Boardman Township Board of Trustees, or its designee, and shall be paid in accordance with the official zoning fee schedule as established by the Board of Trustees.

##### (3) Complete Application Determination

- (a) The Zoning Inspector shall only initiate the review and processing of applications submitted under this article if such application is determined to be complete.
- (b) The Zoning Inspector shall decide on whether an application is complete within a reasonable time following the submission of an application and related fee.
- (c) If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this resolution.
- (d) If an application is determined to be incomplete, the Zoning Inspector shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected.
- (e) If the applicant fails to re-submit a complete application within 60 days of the notice provided by the Zoning Inspector pursuant to Paragraph (d) above, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. No reconsideration of an incomplete application shall occur after expiration of the 60 day period and an applicant in need of further development approval under the zoning resolution shall, pursuant to all of the original requirements of Section 3.02(B), submit a new application and filing fee.

- (f) If any substantive false or misleading information is submitted or supplied by an applicant on an application, that application shall be rejected.

**(4) Refund of Fees**

Application or review fees are not refundable except where the Zoning Inspector determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant within 60 days.

**(C) Submission Schedule**

The Zoning Inspector shall establish the submission and review schedule (including time frames for review where not established within the ORC) for applications. The Zoning Inspector may amend and update these requirements as determined to be necessary.

**(D) Simultaneous Processing of Applications**

- (1) Whenever two or more forms of review and approval are required under this code, the Zoning Inspector shall determine the order and timing of review.
- (2) The Zoning Inspector may authorize a simultaneous review of applications, so long as all applicable requirements are satisfied for all applications.

**(E) Examination and Copying of Application and Other Documents**

Documents and/or records may be inspected and/or copied as provided for by state law.

**(F) Constructive Notice for All Proceedings**

The following shall apply to all public notice requirements, regardless of decision-making body.

- (1) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the agency having responsibility for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of this zoning resolution, and such finding shall be made available to the decision-making body prior to final action on the request.
- (2) When the records of the township document the publication, mailing, and/or posting of notices as required by this article, it shall be presumed that notice of a public hearing was given as required by this section.

**(G) Computation of Time**

- (1) In computing any period of time prescribed or allowed by this zoning resolution, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday as observed by Boardman Township where the township offices are closed for the entire day.
- (2) When the township offices are closed to the public for the entire day which constitutes the last day of the period of time, then such application, act, decision, or event may be performed on the next day which is not a Saturday, a Sunday, or a legal holiday observed by Boardman Township in which the township administrative offices are closed for the entire day.

**(H) Conduct of Public Hearing**

**(1) Rights of All Persons**

Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state his or her address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

**(2) Continuance of a Public Hearing or Deferral of Application Review**

- (a) An applicant may request that a review or decision-making body's consideration of an application at a public hearing be deferred by submitting a written request for deferral to the Zoning Inspector prior to the publication of notice as may be required by this resolution. The Zoning Inspector may grant such requests, in which case the application will be considered at the next regularly scheduled meeting.
- (b) A request for deferral of consideration of an application received by the Boardman Township Zoning Inspector after publication of notice of the public hearing as required by this resolution shall be considered as a request for a continuance of the public hearing, and may only be granted by the review or decision-making body.
- (c) The review or decision-making body conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place.

**(3) Withdrawal of Application**

Any request for withdrawal of an application shall be either submitted in writing to the Zoning Inspector or made through a verbal request by the applicant prior to action by the review or decision-making body.

- (a) The Zoning Inspector shall approve a request for withdrawal of an application if it has been submitted prior to publication of notice for the public hearing on the application in accordance with this resolution.
- (b) If the request for withdrawal of an application is submitted after publication of notice for the public hearing in accordance with this resolution, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review or decision-making body.
- (c) In all cases where the applicant has requested the withdrawal of an application, the application fee paid shall not be refunded.

**(I) Reapplication after Denial of an Application**

If an application is denied, the applicant may:

- (1) Appeal the decision in accordance with the applicable appeals procedure established in this resolution or allowed by the ORC;
- (2) Make changes to the application that will fully address all issues and findings identified for the denial and resubmit a new application, including any required fees. In such cases, any such resubmission must contain evidence that shows how the new application has substantially changed to address each of the findings of the original decision. The Zoning Inspector shall have the authority to determine if the evidence submitted substantially changes the application to address all issues as part of the complete application determination in Section 3.02(B)(3). If it does not, the Zoning Inspector shall return the application, with reasons for their determination in writing, along with any paid fees; or
- (3) Submit a new application if the proposed use and design of the site will be entirely different than the originally denied application.

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**3.03 ZONING TEXT OR MAP AMENDMENT**

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**(A) Purpose**

The purpose of the zoning text and zoning map amendment procedure is to provide a process for amending the zoning map and text of this resolution.

**(B) Amendment Initiation**

- (1) Amendments or supplements to the zoning resolution or zoning map may be initiated by:
  - (a) A motion of the Zoning Commission;
  - (b) Passage of a resolution by the Board of Trustees; or
  - (c) By the filing of an application by the owners, lessees, or their agents, of property within the area proposed to be changed or affected by the proposed amendment.
- (2) If the Board of Trustees initiates the amendment, the board shall, upon the passage of such resolution, certify such resolution to the Zoning Commission.

**(C) Review Procedure**

**(1) Step 1 – Pre-application Conference (Optional)**

- (a) If initiated by the property owners, the applicant may request to meet with the Zoning Inspector and/or Zoning Commission to discuss the initial concepts of the proposed amendment and general compliance with applicable provisions of this zoning resolution prior to the submission of the application.
- (b) Discussions that occur during a pre-application conference or any preliminary meeting with the Zoning Inspector and/or Zoning Commission, or any representative of the township, are not binding on the township and do not constitute official assurances or representations by Boardman Township or its officials regarding any aspects of the plan or application discussed.

**(2) Step 2 – Application**

- (a) Applications for any change of district boundaries, classifications of property as shown on the zoning map, or changes to the zoning resolution text shall be submitted to the Zoning Commission at the township offices.
- (b) The application shall include all such forms, maps, and information, as may be prescribed by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record.
- (c) Each application initiated by property owners shall be signed by the owners, or the owners' authorized agent, of each property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.
- (d) Applications for amendments initiated by the Zoning Commission or the Board of Trustees shall be accompanied by the initiating board's motion or resolution pertaining to such proposed amendment.
- (e) All applications shall be submitted with the required fees as established in the Boardman Township fee schedule.

**(3) Step 3 – Public Hearing and Recommendation by the Zoning Commission**

- (a) Upon adoption of a motion, certification of a resolution, or the filing of an application (certified as complete by the Zoning Inspector) for an amendment (Step 2), the Zoning Commission shall set a date for a public hearing regarding the proposed amendment.
- (b) The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was certified as complete by the Zoning Inspector.
- (c) Notification shall be given in accordance with the ORC.
- (d) Within 30 days after the completion of the Zoning Commission's public hearing, the Zoning Commission shall recommend the approval, denial, or modification of the proposed amendment and submit such recommendation together with the subject application or resolution and the text and map pertaining thereto, to the Board of Trustees.

**(4) Step 4 – Public Hearing and Decision by the Board of Trustees**

- (a) Upon receipt of the recommendation from the Zoning Commission (Step 4), the Board of Trustees shall set a time for a public hearing on such proposed amendment.
- (b) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.
- (c) Notification shall be given in accordance with the ORC.
- (d) Within 20 days after its public hearing, the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission. If the Board of Trustees denies or modifies the Zoning Commission's recommendations, the majority vote of the Board of Trustees shall be required.
- (e) If approved, a record of the approved amendment shall be maintained by the Township. The master Zoning Map shall be maintained by the Zoning Inspector.

**(D) Effective Date and Referendum**

- (1) Any amendment adopted by the Board of Trustees shall become effective 30 days after the date of such adoption.

- (2) A referendum of any amendments may be undertaken within the 30 days after the date of the Board of Trustees decision in accordance with the ORC.

**(E) Review Criteria**

The Zoning Commission and the Board of Trustees shall consider the following in decisions regarding zoning amendments:

- (1) The amendment is in accordance with the basic purpose and spirit of this resolution;
- (2) The amendment has been reviewed to determine the consistency with the Boardman Township Comprehensive Plan, or with the Mahoning County Comprehensive Plan in absence of a township plan, and any other applicable adopted plans or policy documents;
- (3) Conditions have changed since the zoning resolution was initially adopted or there was a mistake with the original zoning resolution, or amendment thereto, that justifies the amendment;
- (4) The amendment will correct an inequitable situation created by the zoning resolution rather than merely granting special privileges;
- (5) The applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon the policies of the township;
- (6) The amendment will not result in unlawful exclusionary zoning; and
- (7) Any other substantive factor deemed appropriate by the Zoning Commission or Board of Trustees.

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**3.04 VARIANCE OR CONDITIONAL USE**

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**(A) Purpose**

Pursuant to the ORC, the BZA is authorized to review and make decisions on applications for conditional uses and variances to consider special exceptions to this zoning resolution, as may be specifically allowed herein. The following are the specific purposes behind each of these review procedures:

**(1) Purpose for Conditional Use Review**

The purpose of a conditional use procedure is to allow consideration for certain uses that may be allowed in the applicable zoning district, as specified in Section [4.07: Permitted Uses](#), but due to the use's unique and special nature relative to location, design, size, operations, circulation, and general impact on the community, need to be evaluated on a case-by-case basis.

**(2) Purpose for Variance Review**

The purpose of a variance is to provide limited relief from the requirements of this resolution in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this resolution. It is not intended that a variance be granted merely to remove inconveniences or financial burdens that the requirements of this resolution may impose of property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

**(B) Review Procedure**

The review procedure for variances and conditional uses shall be as follows:

**(1) Step 1 – Application**

- (a) An application for a variance or conditional use over which the BZA has original jurisdiction under Section [2.03\(D\)](#), may be made by any property owner or authorized agent.
- (b) The application shall include all such forms, maps, and information, as may be prescribed by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record.
- (c) The Zoning Inspector shall transmit a copy of the application to the BZA along with any reports from staff, township departments, or county agencies, as may be applicable or requested.
- (d) All applications shall be submitted with the required fees as established in the Boardman Township fee schedule.

**(2) Step 2 – Public Hearing with the Board of Zoning Appeals**

- (a)** Upon application (Step 1), the BZA shall fix a reasonable time for the public hearing on any application.
- (b)** Written notice of the public hearing shall be mailed to any party of interest including each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property that is the subject of the application. Such notice shall be given a minimum of 10 days prior to the date of the public hearing.
- (c)** The township shall also give notice of such public hearing by publishing a legal notice in one or more newspapers of general circulation in the county at least 10 days before the date of such hearing.
- (d)** Upon the day for hearing any application, the BZA may adjourn the hearing in order to obtain additional information or to cause further notice, as it deems proper, to facilitate the discussion and decision on said application. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the BZA so decides.

**(3) Step 3 – Decision**

- (a)** Within 30 days after the hearing concludes (Step 2), the BZA shall make a decision to approve, approve with conditions, or deny the application.
- (b)** A copy of the BZA's decision shall be transmitted to the applicant or appellant at the applicant's address as shown on the records of the BZA. A copy shall be maintained by the Zoning Inspector.
- (c)** In authorizing a variance or conditional use, the BZA may attach such conditions regarding the location, character and other features of the proposed structure or use as the BZA may deem necessary in the interest of the furtherance of the purposes of this resolution. In authorizing a variance or conditional use with conditions, the BZA may require such other evidence, guarantee, or bond as it may deem necessary. The applicant shall be required to comply with the conditions.
- (d)** Failure to comply with the conditions of a decision shall be deemed a violation of this zoning resolution.
- (e)** Any party adversely affected by a decision of the BZA may appeal the decision to the Mahoning County Court of Common Pleas.
- (f)** If the subject development requires a site plan review in addition to a conditional use or variance approval, a zoning certificate shall not be issued until such site plan review is also approved.
- (g)** The BZA's decision on a variance or conditional use shall be duly recorded in the minutes of the BZA. The minutes shall record the findings of fact relative to each application, the grounds for the action taken, and any conditions imposed in conjunction with approval.

**(C) Variance Review Criteria**

- (1)** The BZA shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of this resolution as will not be contrary to the public interest. Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this resolution will result in practical difficulty for an area/dimensional variance or unnecessary hardship for a use variance. The factors for an area/dimensional variance and use variance, as individually specified in this section, shall be considered and weighed by the BZA.
- (2) Area/Dimensional Variance**
  - (a)** The following factors shall be considered and weighed by the BZA to determine practical difficulty:

- (i) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;
  - (ii) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  - (iii) Whether the variance is the minimum necessary to make possible the reasonable use of the land or structures;
  - (iv) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
  - (v) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
  - (vi) Whether special conditions or circumstances exist as a result of actions of the owner;
  - (vii) Whether the property owner's predicament can feasibly be obviated through some method other than a variance;
  - (viii) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and/or
  - (ix) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.
- (b) No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

**(3) Use Variance**

In order to grant a use variance, the BZA shall determine that strict compliance with the terms of this resolution will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:

- (a) The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;
- (b) The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- (c) The variance requested cannot otherwise be resolved by a zoning map amendment;
- (d) The essential character of the neighborhood will not be substantially altered as a result of the variance;
- (e) There is an existing structure that cannot be reasonably used for a permitted use or a conditionally permitted use in the applicable zoning district;
- (f) The proposed use is listed in [Table 4.07-1: Permitted Use Table](#);
- (g) The hardship condition is not created by actions of the applicant;
- (h) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- (i) The granting of the variance will not adversely affect the public health, safety or general welfare;
- (j) The variance will be consistent with the general spirit and intent of this Resolution;
- (k) The requested use is permitted in another district in this resolution; and
- (l) The variance sought is the minimum that will afford relief to the applicant.

**(D) Conditional Use Review Criteria**

In reviewing conditional uses, the BZA shall consider the following:

- (1) The use is a conditional use, permitted with approval by the BZA, in the district where the subject lot is located;



- (2) The use is in accordance with the objectives of the Boardman Township Comprehensive Plan and zoning resolution; and
- (3) The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.
- (4) The BZA shall also consider the following as applicable to the subject application:
  - (a) The proposed conditional use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding properties. The site design shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:
    - (i) The location and screening of vehicular circulation and parking areas in relation to surrounding development;
    - (ii) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development;
    - (iii) The hours of operation of the proposed use. Approval of a conditional use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses; and
    - (iv) The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.
  - (b) The proposed conditional use shall not exceed the capacity of existing and available public services, including but not necessarily limited to utilities, public roads, police and fire protection services unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the conditional use is completed.
  - (c) The location of the proposed conditional use shall minimize the impact of traffic generated. In determining whether this requirement has been met, consideration shall be given to the following:
    - (i) Recommendations of a traffic impact study, if required by Mahoning County or the Ohio Department of Transportation;
    - (ii) Proximity and access to major thoroughfares;
    - (iii) Estimated traffic generated by the proposed use;
    - (iv) Proximity and relation to intersections;
    - (v) Adequacy of driver sight distances;
    - (vi) Location of and access to off-street parking;
    - (vii) Required vehicular turning movements; and
    - (viii) Provision of pedestrian traffic.
  - (d) The proposed conditional use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed in a manner that is detrimental to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.
  - (e) The location of the proposed conditional use shall not result in a small residential area being substantially surrounded by nonresidential development, and further, the location of the proposed conditional use shall not result in a small nonresidential area being substantially surrounded by incompatible uses.

**(E) Expiration and Effect of Approval**

- (1) Upon approval, a conditional use or variance shall be deemed a conforming use permitted in the applicable zoning district, subject to any conditions imposed and final approval of the application. Such approval shall affect only the lot or portion thereof on which the proposed use is located.
- (2) Conditional use and variance approvals shall run with the land and shall not expire or be voided if there is a change in ownership.
- (3) A conditional use or variance approval shall be voided if the applicant has not received approved zoning certificates within 12 months of the date the BZA approved such conditional use or variance.

- (4) A conditional use approval shall expire if the allowed conditional use is discontinued for a period of more than six months.
- (5) Upon expiration of a variance or conditional use approval, a new variance or conditional use application, including all applicable fees, shall be required.

**(F) Revocation of Approvals**

Approval of a conditional use or variance may be revoked by the BZA if construction is not in conformance with the approved plans. In such a case, the Zoning Inspector shall ask that the conditional use or variance be placed on the agenda of the BZA. Written notice shall be provided to the applicant at least 10 days prior to the meeting at which the case will be considered. The applicant shall be given the opportunity to present information and to answer questions. The BZA, as appropriate, may revoke approval if it finds that a violation exists and has not been remedied prior to the notice.

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**3.05 SITE PLAN REVIEW**

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**(A) Purpose**

The purpose of the site plan review procedure is to provide an opportunity for staff level and board level review of proposed site plans prior to zoning certificate approvals. For the purposes of this resolution, site plan review shall be undertaken administratively with township staff, including the Zoning Inspector, and the chairperson of the Architectural Review Board without a full review of the Architectural Review Board unless the initial administrative review determines a failure to comply with the standards and guidelines of this resolution or if a variance application is required, in which case the full Architectural Review Board shall convene in accordance with this section.

**(B) Applicability**

- (1) Unless specifically exempted in Section 3.05(B)(5), no construction, exterior alteration, expansion of floor area, relocation, change in occupancy, or change in use shall be permitted without the review and approval of a site plan pursuant to this section.
- (2) Site plan review shall be required for all variance and conditional use applications.
- (3) A change in use shall be construed in accordance with the Ohio Basic Building Code where such changes in use would exceed 30 percent of the original use.
- (4) Site plan review shall also be required for the resumption of any use greater than 30 percent of total building square footage that has been vacant for more than six months, or for the expansion of any existing use. "Expansion" shall include a floor space increase of 25 percent or more within any 10-year period, or the introduction of new materials and/or processes not previously associated with the existing use when, in the opinion of the Zoning Inspector, the introduction of new materials and/or processes warrants the review of a revised site plan based upon the impact of said new materials and/or processes on the existing site and surrounding or adjacent properties.

**(5) Exemptions**

The following shall be exempted from site plan review:

- (a) The construction or enlargement of single-family dwellings and two-family dwellings, or any accessory uses related to such dwellings, even when a variance is required for such uses;
- (b) The construction or enlargement of any multi-family dwellings with six or fewer units in a single structure, or any accessory uses related to such dwellings, even when a variance is required for such uses;
- (c) The construction or alteration of any building used exclusively for agricultural uses as defined by the ORC;
- (d) Temporary uses as allowed in Section 6.02: [Temporary Uses and Structures](#); and
- (e) Construction or alteration of buildings or structure that do not exceed 200 square feet of floor area after construction.

**(C) Review Procedure**

**(1) Step 1 – Pre-application Conference (Optional)**

- (a) An applicant may request to meet with the Zoning Inspector and/or Architectural Review Board to discuss the initial concepts of the site plan and general compliance with applicable provisions of this zoning resolution prior to the submission of the application.
- (b) Discussions that occur during a pre-application conference or any preliminary meeting with the Zoning Inspector and/or Architectural Review Board, or any representative of the township, are not binding on the township and do not constitute official assurances or representations by Boardman Township or its officials regarding any aspects of the plan or application discussed.

**(2) Step 2 – Application**

The applicant shall submit an application for a site plan review prior to submitting for a building permit from Mahoning County. The Zoning Inspector shall acknowledge receipt of these plans by endorsing them with his/her signature and the date of receipt.

**(3) Step 3 – Administrative Review**

- (a) After determining that the application is complete, the Zoning Inspector shall transmit copies of the proposed site plan to the Chairperson of the Architectural Review Board, Police Chief, Fire Chief, Road Superintendent, and Township Administrator for review and comment. The recipients of the plan have 10 working days to respond to the Zoning Inspector concerning the following:
  - (i) Whether the site plan should be approved based upon a determination that the proposed plan or project complies with the applicable standards set forth in this resolution;
  - (ii) Whether the site plan should be denied based upon a determination that the proposed site plan or project does not comply with the applicable standards set forth in this resolution;
  - (iii) Whether the site plan or project should be approved subject to any conditions, modifications, or restrictions as noted by the respective recipient of the plan, or conditions, modifications or restrictions as required by the Zoning Inspector that will assure that the project meets the applicable standards set forth in this resolution; or
  - (iv) Whether the proposed site plan should be placed on the Architectural Review Board's next agenda for a full review and recommendation in accordance with Section [3.05\(C\)\(4\)](#), below, due to the fact that the application:
    - A. Involves a proposed conditional use;
    - B. Involves a proposed development subject to a variance application that the Zoning Inspector determines to be substantial based on the number of variances and/or the significance of the variance request compared to surrounding development;
    - C. Involves a significantly large development or redevelopment project that justifies a review by the full board; and/or
    - D. Where the administrative review of the site plan review application results in disagreement on compliance with standards of this resolution.
- (b) The Zoning Inspector shall take all of the recommendations from the recipients and make a final decision to forward the application to the full Architectural Review Board or shall have the authority to approve, approve with conditions, or deny the site plan review application.

**(4) Step 4 – Review and Recommendations by the Full Architectural Review Board, If Applicable**

- (a) Where the Zoning Inspector decides to forward the application to the full Architectural Review Board, the application shall be forwarded to the full Architectural Review Board for their next regularly scheduled meeting or a special meeting.
- (b) The Architectural Review Board shall have the authority to:
  - (i) Review the proposed site plan and provide comment regarding the intent and application of the applicable standards of this resolution;

- (ii) Make suggestions for improvements or modifications regarding compliance with the applicable standards of this resolution;
  - (iii) Make suggestions and written recommendations to applicants for eliminating the need for variances to this resolution;
  - (iv) Make written recommendations to applicants regarding the final acceptance of the proposed or revised site plans or projects which are presented to the BZA regarding the approval and/or denial of requests and/or applications for variances or conditional uses to this or any other article of this resolution.
- (c) The Chairperson of the Architectural Review Board shall report all findings, suggestions and/or written recommendations of the Architectural Review Board, in writing, to the Zoning Inspector and applicant. The Zoning Inspector shall provide a copy of such findings to the BZA prior to the BZA's review of the subject application.
- (d) If all necessary variance requests or conditional use is approved, the site plan application shall be considered approved with all applicable conditions as decided on by the BZA. The applicant shall be required to revise any site plan documents to reflect the approved variances and related conditions and submit the revised plans for administrative review in accordance with Section 3.05(C)(3), above.

**(D) Review Criteria**

All applications for a site plan review shall demonstrate conformity with the provisions of this zoning resolution.

**(E) Effect of Decision or Recommendation**

- (1) If the site plan review application is approved, then the applicant shall be required to submit applications for zoning certificate approval.
- (2) If the site plan review application is approved with conditions, the applicant shall be required to revise the site plan documents to reflect compliance with any conditions and submit the revised documents to the Zoning Inspector prior to applying for a zoning certificate.
- (3) If the site plan review application is denied, the applicant shall have the opportunity to appeal the decision as established in Section 3.07: Appeals.

**(F) Expiration**

Approved site plan applications shall be subject to the same standards of expiration as zoning certificates in Section 3.06(D).

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## **3.06 ZONING CERTIFICATE**

**(A) Applicability**

- (1) A zoning certificate shall be required for any of the following:
  - (a) New construction or structural alteration (excluding interior-only alterations) of any building or structure, including, but not limited to, accessory structures, signs, fences, walls, or other structures, unless otherwise exempted in this resolution;
  - (b) Establishment of a temporary use or structure that requires a certificate in Section 6.02: Temporary Uses and Structures;
  - (c) Occupancy and use of vacant land, excluding any exempted lands or uses in Section 1.07(D);
  - (d) Any change in use in an existing building (not applicable to a change in tenancy when the use remains the same); or
  - (e) Any change in the use of a nonconforming use.
- (2) The Zoning Inspector shall have the authority to develop separate application forms and permits for special purposes that are reviewed in the same manner as the zoning certificate. These special permits may include, but are not limited to, occupancy permits, sign permits, temporary use permits, fence permits, etc. For the purposes of this resolution, such permits shall be considered a zoning certificate.
- (3) Where a site plan review is required in Section 3.05(B), such site plan review approvals shall be considered an approval of the applicable zoning certificates under this section.

**(B) Review Procedure**

**(1) Step 1 – Application**

The applicant shall submit an application for a zoning certificate for review and approval prior to submitting for a building permit from Mahoning County.

**(2) Step 2 – Review by the Zoning Inspector**

The Zoning Inspector shall review the application for conformance with the provisions of this zoning resolution.

**(3) Step 3 – Decision**

- (a)** Within 10 business days after an application (Step 1) is determined to be complete, the Zoning Inspector shall either approve and issue the zoning certificate or deny the application and state in writing the reasons for the action taken. Such statement of denial shall include, but not be limited to, a list of regulations that would be violated by the proposed use, and shall transmit one copy thereof to the applicant along with one copy of the plot plan, signed, dated, and noted as denied.
- (b)** Prior to a denial, the Zoning Inspector may provide comments to the applicant on the reasons for the potential denial and may provide the applicant with up to 30 days to revise the submitted plans to demonstrate compliance with the standards of this resolution.
- (c)** In conducting the review of the application, the Zoning Inspector may consult with any department, agency, public body, official, company, or individual necessary to determine whether the application complies with the regulations of this resolution.
- (d)** Upon approval, the Zoning Inspector shall give to the applicant one signed copy of the zoning certificate and maintain the second copy of the permit for township records.

**(C) Review Criteria**

All applications for a zoning certificate shall demonstrate conformity with the provisions of this zoning resolution.

**(D) Expiration**

- (1)** Zoning certificates shall expire within one year of the date of issuance of a zoning certificate and within this period of time, construction shall have been completed on all exterior walls, roofs, doors, and windows of all buildings. The Zoning Inspector may authorize an extension of up to six months if just cause is shown.
- (2)** Once construction has begun, all construction must be completed within two years. For large projects, the applicant may submit a phased construction schedule for approval by the Zoning Inspector if just cause can be shown for an extended construction schedule.
- (3)** Upon expiration of a zoning certificate, a new zoning certificate application, including all applicable fees, shall be required before construction can recommence.

**(E) Revocation of a Zoning Certificate**

- (1)** The Zoning Inspector shall hereby have the authority to revoke an approved zoning certificate if the information submitted as part of the application is found to be erroneous or fraudulent after the certificate has been issued.
- (2)** The Zoning Inspector may also revoke a zoning certificate if the applicant has not conformed with all applicable federal, state, county, and township regulations, resolutions, and rules including, but not limited to, the Ohio Administrative Code, the Ohio Revised Code, State of Ohio departments and agencies, the Mahoning County Planning Commission, Mahoning County Public Health, Mahoning County Engineer, the Mahoning Soil and Water Conservation District, and the applicable water and sewer districts/agencies.

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### 3.07 APPEALS

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(A) **Appeal Applicability**

An appeal to the BZA may be taken by the applicant or any person affected or aggrieved by a decision of the Zoning Inspector or administrative official in the enforcement of this zoning resolution. Such appeal shall be taken within 20 days after receipt of notification of the decision, by filing with the Zoning Inspector and with the BZA, a notice of appeal specifying the grounds thereof including applicable sections of the Boardman Township Zoning Resolution.

(B) **Stay**

An appeal to the BZA shall stay all proceedings in furtherance of the appealed action, unless the Zoning Inspector certifies to the BZA, that by reason of the facts stated in the appeal, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed other than by an injunction granted by the Court of Common Pleas.

(C) **Review Procedure**

The review procedure for an appeal shall be as follows:

(1) **Step 1 – Filing of Appeal**

- (a) Upon the filing of an appeal, the Zoning Inspector shall transmit to the BZA all the documents and other evidence constituting the record.
- (b) The filing of an appeal shall stay all proceedings unless the Zoning Inspector or any affected person certifies to the BZA that, by reason of facts pertaining to the matter in question, a stay, in their opinion, would cause imminent peril to life or property. When such certification is made, proceedings shall not be stayed except by order granted by the BZA.
- (c) All appeals shall be submitted with the required fees, if applicable, as established in the Boardman Township fee schedule.

(2) **Step 2 – Public Hearing with the Board of Zoning Appeals**

- (a) Upon the filing of an appeal (Step 1), the BZA shall fix a reasonable time for the public hearing on the appeal, give notice in writing at least ten days prior to the hearing to the parties of interest, and give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten days before the date of such hearing.
- (b) Written notice of the public hearing shall be mailed to any party of interest including each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property that is the subject of the application. Such notice shall be given a minimum of 10 days prior to the date of the public hearing.
- (c) The township shall also give notice of such public hearing by publishing a legal notice in one or more newspapers of general circulation in the county at least 10 days before the date of such hearing.
- (d) Upon the day for hearing any appeal, the BZA may adjourn the hearing in order to obtain additional information or to cause further notice, as it deems proper, to facilitate the discussion and decision on said appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the BZA so decides.
- (e) At the hearing, any person may appear in-person or by an attorney.

(3) **Step 3 – Decision**

- (a) Within 30 days after the hearing concludes (Step 2), the BZA shall decide on the appeal.
- (b) A decision of the BZA shall not become final until the expiration of 30 days from the date of such decision unless the BZA shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

- (c) A certified copy of the BZA's decision shall be transmitted to the applicant or appellant at the applicant's address as shown on the records of the BZA and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him and he shall incorporate the terms and conditions of the decision in the permit to the appellant, whenever the BZA authorizes a zoning certificate.
- (d) The BZA may, in conformity with the provisions of this section, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination as necessary; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.
- (e) Failure to comply with the conditions of a decision shall be deemed a violation of this zoning resolution.
- (f) Any party adversely affected by a decision of the BZA may appeal the decision to the Mahoning County Court of Common Pleas.

**(D) Appeal Review Criteria**

An order, decision, determination, or interpretation shall not be reversed or modified by the BZA unless there is competent, material, and substantial evidence in the record that the order, decision, determination, or interpretation:

- (1) Was arbitrary or capricious;
- (2) Was based on an erroneous finding of a material fact;
- (3) Was based on erroneous interpretation of this Resolution or zoning law; or
- (4) Constituted an abuse of discretion.

**(E) Record of Decision and Order**

- (1) The BZA shall prepare and retain a record of each appeal, and shall base its decision on this record. This record shall include:
  - (a) The relevant administrative records and the administrative orders issued thereon relating to the appeal;
  - (b) The notice of the appeal; and
  - (c) Such documents, exhibits, plans, photographs, or written reports as may be submitted to the Board for its consideration.
- (2) The written findings of fact, the decisions, and the conditions imposed by the Board in acting on the appeal shall be entered into the official record, after being signed by the Chairperson of the Board.

# Article 4: Zoning Districts and Principal Use Regulations

## 4.01 ESTABLISHMENT OF ZONING DISTRICTS

The zoning districts listed in [Table 4.01-1](#) are hereby established for the unincorporated territory of Boardman Township, Mahoning County, Ohio.

| TABLE 4.01-1: ZONING DISTRICTS  |   |
|---------------------------------|---|
| District Designation            | District Name   |
| <b>Residential Districts</b>    |   |
| R-1A                            | Single-Family Residential District (12,000 Square Feet) |
| R-1B                            | Single-Family Residential District (7,500 Square Feet)  |
| R-1C                            | Single-Family Residential District (5,000 Square Feet)  |
| R-2                             | Attached Residential District                           |
| R-3                             | Multi-Family Residential District                       |
| <b>Nonresidential Districts</b> |   |
| O                               | Office District   |
| GB                              | General Business District                               |
| RB                              | Regional Business District                              |
| NMB                             | North Market Business District                          |
| I                               | Industrial District                                     |
| <b>Special Districts</b>        |   |
| AG                              | Agricultural District                                   |
| PUD                             | Planned Unit Development District                       |
| P-I                             | Public and Institutional District                       |

## 4.02 ZONING MAP

- (A) The boundaries of the established zoning districts are indicated upon the “Zoning Map of Boardman Township”, also known as the “zoning map.”
- (B) This zoning map is hereby made a part of this resolution.
- (C) The zoning map and all the quotations, references, and other matters shown thereon, shall be as much a part of this resolution as if the notations, references and other matters set forth by said zoning map were all fully described herein.
- (D) The zoning map is properly attested and is on file in the Boardman Township offices.
- (E) Nothing in this article shall be construed to require the actual location of any zoning district on the zoning map, as it is the intent of this zoning resolution to provide the flexibility in its administration to allow for future expansion and amendments.

## 4.03 INTERPRETATION OF DISTRICT BOUNDARIES

- (A) Where uncertainty exists with respect to the boundaries of any of the aforementioned districts, as shown on the zoning map, the following rules shall apply:
  - (1) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
  - (2) Where district boundaries are indicated as approximately following the centerline or right-of-way line of streets or highways or the centerline of alleys, such lines shall be construed to be such district boundaries.
  - (3) Where district boundaries are so indicated that they are approximately parallel to the centerlines or right-of-way lines of streets or highways or the centerlines of alleys, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.



- (4) Where a district boundary line is shown as adjoining a railroad, it shall, unless otherwise fixed, be construed to coincide with the nearest boundary line of the railroad right-of-way.
  - (5) Where a district boundary line is indicated as approximately following the centerline of a river, stream, or creek or other waterway, such centerline shall be construed to be such district line.
- (B) All disputes concerning the exact location of zoning district boundaries shall be resolved by the BZA at a public hearing.

#### 4.04 VACATION OF PUBLIC WAYS

Whenever any street or public way is vacated in the manner authorized by law, the Board of Trustees or Zoning Commission shall initiate a zoning map amendment (See Section 3.03: [Zoning Text or Map Amendment](#).) to establish a zoning district(s) for the vacated public way.

#### 4.05 REFERENCES TO PREVIOUS ZONING DISTRICTS

The district classification and names established within this resolution differs, in part, from previous versions of this resolution. In instances where there may be references to the previous zoning district nomenclature, [Table 4.05-1](#) identifies how each of the previous district classifications were renamed for this resolution. This section shall be used for comparison purposes only.

| TABLE 4.05-1: DISTRICT TRANSITION TABLE  |  |
|--|--|
| District Name and Designation Prior to January 1, 2021                                 | District Name and Designation in this Resolution as of January 1, 2021 |
| <b>Residential Districts</b>   |  |
| R-1: Single-Family Residential District and<br>R-2: Single-Family Residential District | R-1A: Single-Family Residential District (12,000 Square Feet)          |
|  | R-1B: Single-Family Residential District (7,500 Square Feet)           |
|  | R-1C: Single-Family Residential District (5,000 Square Feet)           |
| R-1A: Duplex District  | R-2: Attached Residential District                                     |
| R-3: Single-Family Residential District  | R-3: Multi-Family Residential District                                 |
| <b>Nonresidential Districts</b>  |  |
| B: Business District   | O: Office District   |
| C: Commercial District   | GB: General Business District  |
|  | RB: Regional Business District   |
|  | NMB: North Market Business District                                    |
| I: Industrial District   | I: Industrial District   |
| <b>Special Districts</b>   |  |
| AG: Agricultural District  | AG: Agricultural District  |
| District did not exist   | PUD: Planned Unit Development District                                 |
| District did not exist   | Public and Institutional District                                      |

#### 4.06 DISTRICT PURPOSE STATEMENTS

The following are specific purpose statements for each of the zoning districts. Purpose statements and district specific standards for planned unit developments are established in [Article 5: Planned Unit Development \(PUD\) District](#).

**(A) Single-Family Residential District (12,000 Square Feet) (R-1A)**

The purpose of the “R-1A” Single-Family Residential District (12,000) is to provide for reasonable development of primarily single-family detached uses at a density that reflects development policies and patterns in Boardman Township where such areas are served by appropriate water and sewer services.

**(B) Single-Family Residential District (7,500 Square Feet) (R-1B)**

**(1) Purpose**

The purpose of the “R-1B” Single-Family Residential District (7,500) is to provide for, and protect, moderate to high density single-family detached subdivisions that exist in Boardman Township and were developed based on the growth patterns of nearby communities.

**(2) Discontinued District**

- (a)** The R-1B District is a discontinued district that is maintained in this resolution to address a large number of lots that were previously considered nonconforming due to the lot size and site development standards.
- (b)** Applications for amendments to the zoning map to create additional R-1B Districts shall be prohibited after the effective date of this resolution, or amendment thereto.

**(C) Single-Family Residential District (5,000 Square Feet) (R-1C)**

**(1) Purpose**

The purpose of the “R-1C” Single-Family Residential District (5,000) is to provide for, and protect, the highest density, single-family detached subdivisions that exist in Boardman Township and were developed based on the growth patterns of nearby communities.

**(2) Discontinued District**

- (a)** The R-1C District is a discontinued district that is maintained in this resolution to address a large number of lots that were previously considered nonconforming due to the lot size and site development standards.
- (b)** Applications for amendments to the zoning map to create additional R-1C Districts shall be prohibited after the effective date of this resolution, or amendment thereto.

**(D) Attached Residential District (R-2)**

The purpose of the “R-2” Attached Residential District is to provide for low to moderate intensity attached housing options in Boardman Township that could include up to six units per structure. Additionally, this district is intended to provide for areas within the township that will allow for housing options beyond single-family detached dwellings but that can be designed to serve as an appropriate land use transition between the R-1A, R-1B, and R-1C Districts and the nonresidential districts.

**(E) Multi-Family Residential District (R-3)**

The purpose of the “R-3” Multi-Family Residential District is to provide for areas in Boardman Township that can accommodate the highest densities of housing allowed in the community with quality design that will serve to meet a broader range of housing options than single-family detached dwellings. Furthermore, this district is intended to also provide for a land use transition between the R-1A, R-1B, and R-1C Districts and the nonresidential districts.

**(F) Office District (O)**

The purpose of the “O” Office District is to establish an area of the township for businesses and medium-density residential uses, with a focus on non-retail activities. It is furthermore the purpose of this district to serve as a transitional area between more intense nonresidential uses, such as regional corridors and industrial developments, and lower-intensity neighborhoods areas.

**(G) General Business District (GB)**

The purpose of the “GB” General Business District is to establish an area of the township for smaller scale retail, office, and services uses that are traditionally located on smaller lots and have more direct access to both arterial roads as well as adjacent neighborhoods with safe access management design and sidewalk connections to provide for local and regional citizens.

**(H) Regional Business District (RB)**

The purpose of the “RB” Regional Business District is to provide areas for the orderly development of an area that is primarily used for commercial and office uses, particularly larger scale uses that rely heavily on vehicular traffic. Furthermore, these districts incorporate uses that serve both the Boardman Township community as well as the broader region due to the direct access to the highway system.

**(I) North Market Business District (NMB)**

The purpose of the “NMB” North Market Business District is to establish a district for a unique business area within Boardman Township that has a unique character based on the areas building and site design that stems from the township’s historic growth out from Youngstown as well as the areas close proximity to historic residential neighborhoods. Furthermore, the North Market Street corridor is an area that the township has identified as an area that would benefit from additional planning efforts related to buildings and uses on private property as well as the streetscape of the roadway.

**(J) Industrial District (I)**

The purpose of the “I” Industrial District is to allow for the development of industrial uses that have a minimum impact upon the surrounding environment. This district is primarily designed to accommodate the retention and expansion of existing industrial, office, research and development, and other non-retail types of uses which can be operated in a clean and quiet manner, subject to regulations and performance standards necessary to prohibit congestion and for the protection of adjacent residential and business activities.

**(K) Agricultural District (AG)**

The purpose of the “AG” Agricultural District is to protect land best suited for agricultural uses from the encroachment of other land uses and to preserve valuable agricultural land for agricultural uses and related activities. The purpose of the AG District is to recognize the long-range physical, social and economic needs of the agricultural community within Boardman Township.

**(L) Public and Institutional District (P-1)**

The purpose of the “P-1” Public and Institutional District is to establish and protect sites for various governmental, institutional, educational, or other public or quasi-public uses that are integral parts of the community while also ensuring compatibility with the surrounding neighborhoods.

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**4.07 PERMITTED USES**

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**(A) General Use Regulations**

**(1) Number of Principal Buildings and Uses**

- (a) Unless otherwise specifically stated, only one principal building or use shall be permitted on any lot in a residential zoning district.
- (b) Wherever an agricultural use is exempt from these regulations or permitted in accordance with this resolution, a single-family dwelling may be located on the same lot.
- (c) Multiple principal buildings may be permitted in the nonresidential zoning districts if the lot is sufficient in size to conform to all the use, area, height, parking, and other requirements of this resolution.
- (d) Multiple principal uses may be permitted within a single principal building within the nonresidential zoning districts.
- (e) Multiple principal uses may be permitted in a planned unit development district if approved in accordance with [Article 5: Planned Unit Development \(PUD\) District](#).

**(2) Enclosed Building**

- (a) Unless otherwise stated in the name of the use (e.g., outdoors), in the definition of the use type, or within the use-specific standards, all principal uses shall be required to take place in a fully enclosed building.
- (b) Wireless telecommunication facilities, parking lots, parking garages, gas wells, and oil wells are exempt from this requirement.

**(3) Prohibited Activities**

- (a) No activities shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this resolution, are or may become hazardous, noxious, or offensive due to the emission of odor, light, dust, smoke, cinders, gas, fumes, noise, vibrations, electrical interference, refuse matters, or water-carried wastes.
- (b) Any action to abate a nuisance shall be administered by the Board of Trustees or Zoning Inspector in accordance with applicable laws.

**(B) Permitted Use Table Summary**

[Table 4.07-1](#) sets forth the uses allowed within all zoning districts except planned unit development districts (See [Article 5: Planned Unit Development \(PUD\) District](#)). The following is a summary of abbreviations and information identified in [Table 4.07-1](#).

**(1) Permitted Uses**

- (a) A “P” in a cell indicates that a use is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this resolution.
- (b) Permitted uses are approved administratively by the Zoning Inspector through the zoning certificate procedure. Site plan review may be required prior to the approval of a zoning certificate in accordance with Section 3.05: [Site Plan Review](#) and Section 3.06: [Zoning Certificate](#).

**(2) Permitted Uses with Standards**

- (a) A “PS” in a cell indicates that a use category is allowed by-right in the respective zoning district if it meets the additional standards set forth in the last column of [Table 4.07-1](#). Permitted uses with standards are subject to all other applicable regulations of this resolution.
- (b) Uses permitted with standards under this category are approved administratively by the Zoning Inspector through the zoning certificate procedure. Site plan review may be required prior to the approval of a zoning certificate in accordance with Section 3.05: [Site Plan Review](#) and Section 3.06: [Zoning Certificate](#).

**(3) Conditional Uses**

- (a) A “C” in a cell indicates that a use may be permitted if approved through the conditional use review (See Section 3.04: [Variance or Conditional Use](#)). Conditional uses may be subject to use-specific standards as identified in the last column of [Table 4.07-1](#).
- (b) Conditional uses are subject to all other applicable regulations of this resolution.
- (c) The existence of additional use-specific standards in this resolution shall not be implied to be the only standards the use is required to meet. Any use that is permitted as a conditional use shall be subject to the general review criteria for conditional uses in Section 3.04(D).
- (d) Site plan review may be required after a conditional use is approved, prior to the approval of a zoning certificate, in accordance with Section 3.05: [Site Plan Review](#) and Section 3.06: [Zoning Certificate](#).

**(4) Prohibited Uses**

A blank and/or shaded cell indicates that a use is prohibited in the respective zoning district.

**(5) Numerical References**

The numbers contained in the “Use-Specific Standards” column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated.

**(6) Unlisted Uses**

If an application is submitted for a use that the Zoning Inspector determines is not defined or established in [Table 4.07-1](#), the use shall be considered prohibited and the Zoning Inspector shall deny any application for such use. The applicant may choose to take one of the following actions:

- (a) The applicant may appeal the determination of the Zoning Inspector to the BZA pursuant to Section 3.07: [Appeals](#);
- (b) The applicant may submit an application for a zoning text amendment to include the proposed use and applicable standards pursuant to Section 3.03: [Zoning Text or Map Amendment](#); or
- (c) The applicant may present their case to the Zoning Commission and/or Board of Trustees to request that the township initiate a text amendment to address the proposed use and applicable standards.

**(C) Permitted Use Table**

| TABLE 4.07-1: PERMITTED USE TABLE  |  |         |         |         |    |    |     |    |    |     |   |
|--|--|---------|---------|---------|----|----|-----|----|----|-----|---|
| Permitted Use Types<br>P = Permitted Use;<br>PS = Permitted with Standards<br>C = Conditional Use<br>Blank Cell = Prohibited | R-1A,<br>R-1B, &<br>R1-C               | R-2     | R-3     | O       | GB | RB | NMB | I  | AG | P-I | Use-Specific<br>Standards<br><br>See Section: |
| <b>Agricultural Use Classification</b>   |  |         |         |         |    |    |     |    |    |     |   |
| Agricultural Uses on Lots of Greater than Five Acres   | Exempt pursuant to Section 1.07(D)(1). |         |         |         |    |    |     |    |    |     |   |
| Agricultural Uses on Lots of Five Acres or Less  | PS                                     | PS      | PS      | PS      | PS | PS | PS  | PS | PS | PS  | 4.08(A)(1)                                    |
| Nurseries or Greenhouses   |  |         |         |         | P  | P  |     | P  |    |     |   |
| <b>Residential Use Classification</b>  |  |         |         |         |    |    |     |    |    |     |   |
| Bed and Breakfast Establishments   | C                                      |         |         |         |    |    |     |    | C  |     | 4.08(B)(1)                                    |
| Dwellings, Single-Family   | P                                      | P       | P       |         |    |    |     |    |    |     |   |
| Dwellings, Multi-Family (6 or less units)  |  | P       | P       | P       |    |    |     |    |    |     |   |
| Dwellings, Multi-Family (More than 6 units)  |  |         | P       | P       |    |    |     |    |    |     |   |
| Group Homes  | PS or C                                | PS or C | PS or C | PS or C |    |    |     |    |    | P   | 4.08(B)(2)                                    |
| Permanently Sited Manufactured Housing   | PS                                     | PS      | PS      | PS      |    |    |     |    |    |     | 4.08(B)(3)                                    |
| Skilled Nursing or Personal Care Facilities  |  |         |         | C       | C  | C  | C   |    | C  | PS  | 4.08(B)(4)                                    |
| <b>Public and Institutional Use Classification</b>   |  |         |         |         |    |    |     |    |    |     |   |
| Active Parks and Recreation  | C                                      | C       | C       | C       | C  | C  | C   | C  | C  | PS  | 4.08(C)(1)                                    |
| Cemeteries   | C                                      | C       | C       | C       | C  | C  | C   | C  | C  | PS  | 4.08(C)(2)                                    |
| Churches and Places of Worship   | C                                      | C       | C       | PS      | PS | PS | PS  | PS | C  | PS  | 4.08(C)(3)                                    |
| Community Centers  | C                                      | C       | C       |         |    |    |     |    |    |     |   |
| Cultural Institutions  | C                                      | C       | C       | C       | PS | PS | PS  | PS | C  | PS  |   |
| Educational Facilities (Primary and Secondary)   |  |         |         | PS      | PS | PS | PS  | PS | PS | PS  |   |
| Educational Facilities, Higher   |  |         |         | C       | P  | P  | P   | P  | C  | P   |   |
| Government Offices and Buildings   | C                                      | C       | C       | C       | P  | P  | P   | P  | C  | P   |   |
| Hospitals  |  |         |         |         | PS | PS |     | PS |    | PS  | 4.08(C)(4)                                    |
| Passive Parks, Recreation, and Open Space  | P                                      | P       | P       | P       | P  | P  | P   | P  | P  | PS  |   |
| Quasi-Public, Fraternal, or Service Facilities   |  |         |         | C       | C  | C  | C   | C  |    | PS  | 4.08(C)(3)                                    |
| <b>Commercial and Office Use Classification</b>  |  |         |         |         |    |    |     |    |    |     |   |
| Adult Entertainment Establishments   |  |         |         |         |    |    |     | C  |    |     | 4.08(D)(1)                                    |
| Assembly Halls and Conference Centers  |  |         |         |         | P  | P  | C   | C  |    | C   |   |
| Automotive Repair (Heavy)  |  |         |         |         |    | C  |     | PS |    |     | 4.08(D)(2)                                    |
| Automotive Service Uses (Minor Repair)   |  |         |         |         | PS | PS |     | PS |    |     | 4.08(D)(3)                                    |
| Banks and Financial Institutions   |  |         |         | P       | P  | P  | P   |    |    |     |   |

| TABLE 4.07-1: PERMITTED USE TABLE   |                          |     |     |    |    |    |     |    |    |     |  |
|---|--------------------------|-----|-----|----|----|----|-----|----|----|-----|--|
| <b>Permitted Use Types</b><br>P = Permitted Use;<br>PS = Permitted with Standards<br>C = Conditional Use<br>Blank Cell = Prohibited | R-1A,<br>R-1B, &<br>R1-C | R-2 | R-3 | O  | GB | RB | NMB | I  | AG | P-I | <b>Use-Specific Standards</b><br><br><b>See Section:</b> |
| Restaurants and Taverns   |                          |     |     |    | P  | P  | P   |    |    |     |  |
| Commercial Entertainment or Recreation (Indoors)  |                          |     |     | C  | P  | P  | C   | P  |    |     |  |
| Commercial Entertainment or Recreation (Outdoors)   |                          |     |     |    | C  | C  | C   | C  |    |     | 4.08(D)(4)   |
| Day Care Centers (Adult or Child)   |                          |     |     | PS | PS | PS | PS  |    |    |     | 4.08(D)(5)   |
| Funeral Homes or Mortuaries   |                          |     |     | PS | PS | PS | PS  | PS |    |     | 4.08(D)(6)   |
| Fuel Stations   |                          |     |     |    | PS | PS | C   |    |    |     | 4.08(D)(3)   |
| General Offices (Administrative, Professional, Business)  |                          |     |     | P  | P  | P  | P   | P  |    |     |  |
| Hotels and Motels   |                          |     |     |    | C  | P  |     |    |    |     |  |
| Kennels (Commercial) and Animal Day Cares   |                          |     |     |    | PS | PS | C   | PS |    |     | 4.08(D)(7)   |
| Medical/Dental Clinics or Offices   |                          |     |     | PS | PS | PS | PS  |    |    |     | 4.08(D)(8)   |
| Medication Maintenance Facility or Dispensary   |                          |     |     | C  | C  | C  | C   | C  |    |     | 4.08(D)(8)   |
| Microbrewery, Microdistillery, or Microwinery   |                          |     |     |    | PS | PS | PS  | PS |    |     | 4.08(D)(9)   |
| Parking Lots or Garages   |                          |     |     |    | C  | C  | C   | C  |    |     | 4.08(D)(10)  |
| Personal Service Establishments   |                          |     |     | P  | P  | P  | P   | PS |    |     | 4.08(D)(11)  |
| Retail and Service Commercial Uses  |                          |     |     |    | P  | P  | P   | PS |    |     | 4.08(D)(11)  |
| Theaters  |                          |     |     |    | P  | P  | C   |    |    |     |  |
| Vehicle Sales and Leasing   |                          |     |     |    | C  | C  |     | C  |    |     | 4.08(D)(12)  |
| Vehicle Washing Establishments  |                          |     |     |    | C  | C  |     |    |    |     |  |
| Veterinarian Offices, Animal Hospitals, or Animal Grooming (No Boarding)  |                          |     |     |    | PS | PS | PS  |    |    |     | 4.08(D)(13)  |
| <b>Industrial Use Classification</b>  |                          |     |     |    |    |    |     |    |    |     |  |
| Industrial Service Uses   |                          |     |     |    |    |    |     | PS |    |     | 4.08(E)(1)   |
| Industrial Uses, Heavy  |                          |     |     |    |    |    |     | C  |    |     |  |
| Industrial Uses, Light  |                          |     |     |    |    |    |     | PS |    |     | 4.08(E)(1)   |
| Medical Marijuana Testing and Processing  |                          |     |     |    |    |    |     | P  |    |     |  |
| Research and Development Facilities   |                          |     |     |    |    |    |     | PS |    |     | 4.08(E)(2)   |
| Self-Storage Facilities (Indoors)   |                          |     |     |    | PS | PS |     | PS |    |     | 4.08(E)(3)   |
| Self-Storage Facilities (Outdoors)  |                          |     |     |    | C  | C  |     | PS |    |     | 4.08(E)(3)   |
| Warehouses and Distribution Centers   |                          |     |     |    |    |    |     | P  |    |     |  |
| Wholesale Businesses  |                          |     |     |    |    |    |     | P  |    |     |  |
| <b>Miscellaneous Use Classification</b>   |                          |     |     |    |    |    |     |    |    |     |  |

| TABLE 4.07-1: PERMITTED USE TABLE   |  |     |     |   |    |    |     |    |    |     |  |
|---|--|-----|-----|---|----|----|-----|----|----|-----|--|
| <b>Permitted Use Types</b><br>P = Permitted Use;<br>PS = Permitted with Standards<br>C = Conditional Use<br>Blank Cell = Prohibited | R-1A,<br>R-1B, &<br>R1-C                             | R-2 | R-3 | O | GB | RB | NMB | I  | AG | P-I | <b>Use-Specific<br/>Standards</b><br><br><b>See Section:</b> |
| Essential Services  | Exempt pursuant to Section <a href="#">1.07(D)</a> . |     |     |   |    |    |     |    |    |     |  |
| Gas and Oil Wells   | PS   | PS  | PS  |   | PS | PS | PS  | PS |    |     | <a href="#">4.08(F)(1)</a>                                   |
| Mixed-Use Buildings   |  |     |     |   | PS | PS | PS  |    |    |     | <a href="#">4.08(F)(2)</a>                                   |
| Multi-Tenant Developments   |  |     |     | P | P  | P  | P   | P  |    |     |  |
| Wireless Telecommunication Facilities   | C  | C   | C   |   | P  | P  | P   | P  | C  | P   | <a href="#">4.08(F)(3)</a>                                   |

## **4.08 USE-SPECIFIC STANDARDS**

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### **(A) Agricultural Use Classification**

#### **(1) Agricultural Uses on Lots of Five Acres or Less**

The following standards shall apply to all agricultural uses that are not otherwise exempted from zoning pursuant to [1.07\(D\)\(1\)](#):

- (a) The raising of crops and trees is permitted on any lot by-right and shall not require a zoning certificate.
- (b) All buildings and structures, except fencing, associated with the raising or keeping of livestock on lots that are larger than one acre in area but smaller than five acres, shall be set back a minimum of 100 feet from all lot lines.
- (c) The maximum height of structures shall be the same as the maximum height in the applicable district.
- (d) The raising of livestock on lots less than one acre in area shall be prohibited except for the raising of small livestock as an accessory use. See Section [6.01: Accessory Use Regulations](#).
- (e) The use shall be exempt from the requirement that all activities must be located within an enclosed building.

### **(B) Residential Use Classification**

#### **(1) Bed and Breakfast Establishments**

The following standards shall apply to any bed and breakfast establishment:

- (a) Bed and breakfast establishments shall only be permitted within a single-family, detached dwelling.
- (b) The owner of the premises shall reside full-time in the dwelling, or in a dwelling on an adjoining lot.
- (c) No more than five bedrooms in any dwelling may be used for bed and breakfast lodging and at least one bathroom shall be dedicated to guest use.
- (d) One off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.
- (e) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.
- (f) Meals provided for cost in a bed and breakfast establishment shall only be served to the guests who are lodging at the bed and breakfast establishment.
- (g) Guests shall be permitted to reside at the facility for not longer than three continuous weeks.

#### **(2) Group Homes**

- (a) Where a person may operate a group home, as defined in the ORC that is of a size that is required to be allowed where single-family dwellings are permitted, such use shall be deemed a permitted use in the R-1A, R-1B, R-1C, R-2, and R-3 Districts. Such facilities must comply with the site development standards (See Section [4.09\(C\)](#).), architectural standards, and any other standards in this resolution that apply to all single-family dwellings within the applicable district.
- (b) Where a person may operate a group home, as defined in the ORC, that is of a size that is required to be allowed where multi-family dwellings are permitted, such use shall be deemed a conditional use (See Section [3.04: Variance or Conditional Use](#).) in any the R-2, R-3, and O Districts. Such facilities must comply with the site development standards (See Section [4.09\(C\)](#).), architectural standards, and any other standards in this resolution that apply to all multi-family dwellings within the applicable district.

#### **(3) Permanently Sited Manufactured Housing**

The following standards shall apply to any permanently sited manufactured housing:

- (a) The housing shall meet the definition of a permanently sited manufactured home as established in the ORC.



- (b) The housing shall comply with all zoning requirements of a single-family dwelling in the applicable zoning district.
- (c) Travel trailers, park trailers, and mobile homes, as defined in Section 4501.01 of the ORC, do not qualify as a permanently sited manufactured home and shall be prohibited.

**(4) Skilled Nursing or Personal Care Facilities**

The following standards shall apply to any skilled nursing or personal care facilities:

- (a) The principal building shall be set back a minimum of 100 feet from any adjacent residential zoning district or the lot line of an adjacent lot used for residential purposes.
- (b) All other site development standards of the applicable zoning district shall apply to the site.
- (c) The maximum density of these facilities varies based on the specific type of facility as established below:
  - (i) If the proposed facility includes an independent living component (no skilled or personal care services provided), the independent living component shall be limited to the uses and maximum density permitted by the applicable zoning district.
  - (ii) In a nonresidential zoning district, that maximum density shall be 14 dwelling units per acre. Additionally, the independent living component shall not comprise more than 50 percent of the dwelling units or rooms in the proposed development within any nonresidential zoning district.
  - (iii) The maximum density of congregate housing or assisted living facilities shall be 10 units per acre in any residential district and 20 units per acre in any nonresidential district, regardless if the unit is a complete dwelling unit with separate kitchen facilities.
  - (iv) All other facilities shall comply with the maximum height and setback requirements of the applicable zoning district and any conditions or requirements set forth as part of the conditional use approval.
  - (v) The Zoning Commission may set maximum density or intensity requirements as part of the special use approval based on the density or character of surrounding uses.
- (d) The proposed use shall not have a primary access from a local residential street.

**(C) Public and Institutional Use Classification**

**(1) Active Parks and Recreation**

The following standards shall apply to any active parks and recreational activities:

- (a) Due to the variety of activities that may take place with these uses, the Zoning Commission may consider the intensity of the activity and impact on adjacent properties when establishing minimum setbacks. Activities that may generate excessive noise or light should be set back a minimum of 100 feet from all lot lines of an adjacent residential use.
- (b) Only retail uses that are customarily accessory or incidental to the main recreational use shall be permitted and shall include such uses as refreshment stands, souvenir stands, and concession stands.
- (c) The use shall be exempt from the requirement that all activities must be located within an enclosed building.

**(2) Cemeteries**

The following standards shall apply to any cemetery:

- (a) The minimum lot area shall be 20 acres.
- (b) The minimum lot width shall be 300 feet.
- (c) All chapels, mausoleums, accessory buildings, or other buildings shall be set back a minimum of 100 feet from all street rights-of-way and all lot lines in a residential zoning district.
- (d) Gravestones or grave markers shall meet all setbacks of the applicable zoning district.
- (e) Except for office uses incidental to cemetery operation, no business or commercial uses of any kind shall be permitted on the cemetery site.
- (f) Interior drives, having a minimum width of 20 feet, shall be identified in all submitted plans.

- (g) Sufficient pull-off areas for vehicles shall be provided throughout the cemetery so as not to hinder traffic flow.
- (h) All maintenance equipment and materials shall be stored in a completely enclosed building.
- (i) Crematoriums may be allowed within the cemetery but shall be set back a minimum of 250 feet from all lot lines in a residential zoning district.
- (j) The use shall be exempt from the requirement that all activities must be located within an enclosed building.

**(3) Churches and Places of Worship, Community Centers, Cultural Institutions, Educational Facilities (Primary and Secondary), and Quasi-Public, Fraternal, or Service Facilities**

The following standards shall apply to any church, place of worship, community center, cultural institution, educational facility (primary and secondary), or quasi-public, fraternal, or service facility:

- (a) All buildings shall be set back a minimum of 75 feet from all lot lines.
- (b) All parking areas shall be set back a minimum of 25 feet from all lot lines.
- (c) The proposed use shall not have a primary access from a local residential street.

**(4) Hospitals**

The following standards shall apply to any hospital:

- (a) All buildings shall be set back a minimum of 100 feet from all lot lines.
- (b) The proposed use shall not have a primary access from a local residential street.
- (c) Helipads are permitted but shall be set back a minimum of 250 feet from any residential lot line.

**(D) Commercial and Office Use Classification**

**(1) Adult Entertainment Establishments**

**(a) Establishment**

- (i) Whereas, the Boardman Township Trustees find that there is convincing documented evidence that adult entertainment establishments, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and
- (ii) Whereas, it is recognized that adult entertainment establishments, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area; and
- (iii) Whereas, the Boardman Township Trustees desire to minimize and control these adverse effects and thereby protect the health, safety, and morals of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and
- (iv) Whereas, the Board of Township Trustees has determined that location criteria alone do not adequately protect the health, safety and morals of the people of this township; and
- (v) Whereas, it is not the intent of this amendment to suppress any speech activities protected by the First Amendment, but to enact a content neutral amendment which addresses the secondary effects of adult entertainment establishments; and
- (vi) Whereas, it is not the intent of the Boardman Township Trustees to condone or legitimize the distribution of obscene material, and the Trustees recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in the township.

Be it enacted by the Board Township Trustees the following regulations for adult uses.

**(b) Purpose and Findings**

- (i) It is the purpose of this amendment to regulate adult entertainment establishments in order to promote the health, safety, morals, and morals of the citizens of the township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult entertainment establishments within the township. The provisions of this amendment do not have the purpose or effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Further, it is not the intent of this amendment to restrict to deny access by adults to sexually-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market. Neither is the intent nor effect of this amendment to condone or legitimize the distribution of obscene material.
- (ii) The Boardman Township Trustees have received substantial evidence concerning the adverse secondary effects of adult uses of the community in finding incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986) and *Young v. American Mini Theatres*, 426 U.S. 50 (1976); in evidence concerning the adverse secondary effects of Sexually Oriented Businesses on the community presented in hearings before the Township Trustees; and on studies in other cities including New York, New York; Indianapolis, Indiana; and the State of Minnesota.

**(c) Classification**

Adult entertainment establishments are classified and include the following:

- (i) Adult arcade;
- (ii) Adult bookstore;
- (iii) Adult novelty store;
- (iv) Adult video store;
- (v) Adult cabaret;
- (vi) Adult motion picture theatre;
- (vii) Adult theatre;
- (viii) Sexual encounter establishment; and
- (ix) Nude or semi-nude model studio.

**(d) Locational Requirements**

Adult entertainment establishments may be located only in accordance with the following:

- (i) No adult entertainment establishment may be established within 500 feet of:
  - A. A church or other place of worship, which is used primarily for religious worship and related religious activities;
  - B. A public or private educational facility (primary or secondary), child day care center, or higher education facility; for educational facilities, this shall include setbacks from the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
  - C. A boundary of a residential zoning district as defined in this resolution and established on the zoning map;
  - D. An active park and/or recreational facility, passive parks, recreation, or other open spaces including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar land within the Township; or
  - E. An entertainment business which is oriented primarily towards children or family entertainment.
- (ii) No adult entertainment establishment may be established within 500 feet of the property of a lot devoted to a residential use.
- (iii) No adult entertainment establishment may be established, operated or enlarged within 500 feet of another adult entertainment establishment.

- (iv) Not more than one adult entertainment establishment shall be established or operated in the same building, structure, or portion thereof, and the floor area of any adult entertainment establishment in any building, structure, or portion thereof containing another adult entertainment establishment may not be increased.

**(e) Measurement of Distance**

- (i) For the purposes of Section 4.08(D)(1)(d)(i) and 4.08(D)(1)(d)(ii) above, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure where an adult entertainment establishment is conducted, to the nearest property line of the premises of a use set forth in Section 4.08(D)(1)(d)(i) and 4.08(D)(1)(d)(ii).
- (ii) For purposes of Section 4.08(D)(1)(d)(iii) above, the distance between any two adult entertainment establishments shall be measured in a straight line, without regard to the intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

**(f) Advertising and Lighting**

- (i) No displays or exhibits of materials and/or performances at such adult entertainment establishments shall be allowed in any advertising which is visible outside the premises. This prohibition shall not extend to advertising of the existence or location of such adult entertainment establishment.
- (ii) No portion of the interior premises shall be visible from outside the premises.
- (iii) Nothing contained in this section of the article shall relieve the operator(s) of an adult entertainment establishment from complying with other requirements of this resolution as it may be amended from time to time, or any subsequently amended.

**(g) Additional Requirements**

- (i) This amendment shall be enforced from and after November 27, 2002.
- (ii) Public indecency is prohibited within the State of Ohio.

**(2) Automotive Repair (Heavy)**

The following standards shall apply to any automotive repair (heavy) use:

- (a) A heavy automotive repair use shall be subject to the same requirements as an automotive service use as established in Section 4.08(D)(3).
- (b) The storage of non-operational vehicles for longer than one week shall be permitted if stored in the rear yard and screened by a solid wall or fence with a minimum height of six feet. All vehicles shall be required to have a valid license plate.
- (c) Parking, storage, or salvaging of junk vehicles, as defined by the ORC, shall be prohibited unless the activity is within an enclosed building.
- (d) The principal building shall be set back a minimum of 100 feet from any adjacent residential lot. Parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 50 feet from any adjacent residential lot.

**(3) Automotive Service (Minor Repair) Use or Fuel Station**

The following standards shall apply to any automotive service (minor repair) use or fuel stations:

**(a) Lot Area and Setback Requirements**

- (i) Fuel pumps shall be set back a minimum of 20 feet from all lot lines and 50 feet from all adjacent residential lot lines.
- (ii) Canopies shall be set back a minimum of 10 feet from all lot lines and 50 feet from all adjacent residential lot lines.
- (b) All hydraulic hoists, oil pits, and all lubricants, greasing, vehicle washing and repair equipment shall be enclosed entirely within a building. No outdoor disassembly or repair of motor vehicles shall be permitted.
- (c) Activities shall be limited to:

- (i) The sale of automotive fuel;
    - (ii) The servicing of motor vehicles with minor repair work;
    - (iii) Hand washing of vehicles within an enclosed building; and/or
    - (iv) The retail sale of vehicle parts and products relating to minor repair work such as, but not limited to, oil, grease, antifreeze, batteries, windshield wipers, etc.
  - (d) Space for overnight parking, overnight accommodations, or the inclusion of showers within the building shall be prohibited.
  - (e) Any major repair work, including automobile body repair and painting, automobile glass work, automobile transmission work, automobile engine overhaul and repair, and radiator repair work shall be classified as "automotive repair (heavy)" and shall be subject to Section [4.08\(D\)\(2\)](#).
  - (f) Vehicles being serviced or awaiting service shall be stored for no longer than seven days on the site if in unenclosed areas.
  - (g) The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable federal, state, and local requirements.
  - (h) Outdoor solid waste and recyclable storage areas shall be screened in accordance with Section [10.08: Screening Requirements](#).
- (4) **Commercial Entertainment or Recreation (Outdoors)**  
The following standards shall apply to any outdoor commercial entertainment or recreational uses:
- (a) All structures shall be set back a minimum of 100 feet from all lot lines.
  - (b) Any outdoor areas utilized for such use shall be set back a minimum of 250 feet from all residential lot lines.
  - (c) The BZA may require portions of the site with high activity areas to be enclosed by a fence having a minimum height of six feet. Such fence may be used as part of any landscaping requirements in this resolution.
  - (d) The proposed use shall not have a primary access from a local residential street.
- (5) **Day Care Centers (Child or Adult)**
- (a) All buildings shall be set back a minimum of 50 feet from all other lot lines and 100 feet from any the lot line of any lot occupied by residential uses.
  - (b) Day care centers are permitted in residential zoning districts and the industrial district only when accessory to another permitted public and institutional use. See Section [6.01: Accessory Use Regulations](#).
  - (c) A drop-off/pick-up location shall be provided to ensure the safety of the children and adults. Such location shall not impede traffic on or off the site.
  - (d) The center and its staff shall be in full compliance with all applicable federal, state and local laws and regulations, including facility licensure to begin and continue operation.
  - (e) The proposed use shall not have a primary access from a local residential street.
- (6) **Funeral Homes or Mortuaries**  
The following standards shall apply to any funeral homes or mortuaries:
- (a) The required number of off-street parking spaces shall be designed in parallel aisles so as to facilitate the structuring of funeral processions that leave from the funeral home site to travel to the cemetery.
  - (b) The principal building and any accessory structure used in conjunction with the typical activities of a funeral home or mortuary shall be set back a minimum of 50 feet from any adjacent residential lot line.
  - (c) If the use includes a crematorium, the portion of the building or site used for the crematorium shall be set back a minimum of 250 feet from adjacent residential lot lines.

**(7) Kennels (Commercial) and Animal Day Cares**

Kennels may be permitted in a residential district as an agricultural use if meets the agricultural use exemption requirements of Section 1.07(D)(1). In such cases, the kennel shall not be subject to the standards of this resolution. All other commercial kennels and animal day cares shall be subject to the following:

- (a) All structures and activities related to the subject kennel use shall be located a minimum distance of 100 feet from side and rear property lines, except that when located adjacent to a residential district, the following additional restrictions shall apply:
  - (i) All non-soundproofed structures or areas where animals are confined shall be located a minimum distance of 500 feet from any residential district.
  - (ii) Soundproofed, air-conditioned buildings shall be located a minimum distance of 100 feet from any residential district.
  - (iii) All non-soundproofed structures for the confinement of animals shall be screened by a solid fence or wall a minimum of six feet in height located within 50 feet of the structure.
  - (iv) Animals shall be confined in an enclosed building between the hours of 10:00 p.m. and 6:00 a.m. of the following day.
- (b) There shall be no burial or incineration of animals on the premises.

**(8) Medical/Dental Clinics or Offices; Medication Maintenance Facility or Dispensary**

The design of a medical/dental clinic or office, or for medication maintenance facilities or dispensaries, shall be sufficient to accommodate staff, clients, patients and visitors without waiting or queuing outside of the building.

**(9) Microbrewery, Microdistillery, or Microwinery**

- (a) A microbrewery, microdistillery, and microwinery shall be allowed in the GB, RB, and NMB Districts when the majority of the floor area is dedicated to being used for food service or for the serving of drinks made on site so that the use fits into the retail character of the districts. Drinks made off site may also be permitted provided the majority of drinks offered for sale are made on site.
- (b) A microbrewery, microdistillery, and microwinery in the I District may include a taproom area to serve customers drinks made on site provided the floor area of the taproom does not exceed 25 percent of the total footprint of the use. Food service may be included within the 25 percent total footprint. Drinks made off site may also be permitted provided the majority of drinks offered for sale are made on site.

**(10) Parking Lots or Garages**

Parking lots or garages can be approved as a principal use of a lot if the parking lot or garage is providing parking or loading facilities for an adjacent lot.

**(11) Personal Service Establishments and Retail and Service Commercial Uses**

The following standards shall apply to any personal service establishment or a retail and service commercial use in the I District:

- (a) The use shall not occupy more than 10 percent of the principal building.
- (b) Such uses shall not be permitted within an accessory building.

**(12) Vehicle Sales and Leasing**

The following standards shall apply to any vehicle sales or leasing use:

- (a) Only repair of vehicles customarily associated with sales or leasing establishments shall be permitted and shall be in compliance with Section 4.08(D)(3).
- (b) No scrap metal, scrap or salvaged parts, junk vehicles or used oil, antifreeze, transmission or other such fluids shall be stored outside, above ground, unless completely screened from view.

- (c) The off-site storage or parking of vehicles related to an already approved vehicle sales and leasing establishment may be permitted on adjacent lots if the parking or storage of those vehicles does not reduce the parking for the adjacent use below the requirements of Section [11.04: Off-Street Parking Standards](#). This shall apply whether the vehicles are on display for sale or are being stored. Such use of adjacent lots shall require a site plan review approval.
- (d) The off-site storage or parking of vehicles related to an already approved vehicle sales and leasing establishment may be permitted on lots that are not adjacent if such parking and storage is approved as a conditional use in the same manner as a new establishment.

**(13) Veterinary Offices, Animal Hospitals, or Animal Grooming (No Boarding)**

The following standards shall apply to any veterinary office, animal hospital, or animal grooming facility:

- (a) The boarding of animals shall be restricted to short-term overnight lodging only as necessary for animals receiving medical attention, and there shall be no outside runs or kennels associated with the veterinary office.
- (b) Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.
- (c) All waste material shall be removed from the site on a daily basis and no animal carcass or animal waste shall be buried on site or be allowed to accumulate on the premise.

**(E) Industrial Use Classification**

**(1) Industrial Service Uses and Light Industrial Uses**

All work shall be performed entirely within an enclosed building; and all storage of supplies, parts and merchandise shall be within an enclosed building except as provided elsewhere in this resolution.

**(2) Research and Development Facilities**

The following standards shall apply to any laboratory or research and development facility:

- (a) All work shall be performed entirely within an enclosed building; and all storage of supplies, parts and merchandise shall be within an enclosed building except as provided elsewhere in this resolution.
- (b) Uses that employ hazardous materials as defined and classified in the H-1, H-2, H-3, and H-4 Use Groups in Chapter 3 of the Ohio Basic Building Code shall be specifically prohibited.

**(3) Self-Storage Facilities**

The following standards shall apply to any both indoor and outdoor self-storage facilities:

- (a) The Boardman Township Fire Department shall be provided with 24-hour access to the grounds. A lockbox shall be provided for its use.
- (b) The only commercial uses permitted on-site shall be the rental of storage space and the pick-up and/or deposit of goods on the property in storage. Storage spaces, including outdoor storage areas, shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, small engines, or electrical equipment; or to conduct similar activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on-site.
- (c) If the storage takes place inside an enclosed building where access to all storage units is within the building, the building shall comply with the minimum setbacks of the applicable zoning district.
- (d) If the storage is within a building with exterior access to the storage units, there shall be a minimum setback of 100 feet between all residential lot lines and all buildings related to the self-service storage use.
- (e) Temporary auction sales of storage unit contents may be permitted up to four times per calendar year.
- (f) Units shall not be used for housing or any form of residence.



**(g) Self-Storage Facilities (Outdoors)**

The following standards shall only apply to self-storage facilities (outdoors) or any areas of outdoor storage:

- (i)** There shall be a minimum setback of 50 feet between all residential lot lines and any outdoor storage area.
- (ii)** A solid fence or wall shall be required around the perimeter of the storage area. Ornamental gates may be used for ingress and egress.
- (iii)** Outdoor storage of vehicles is permitted with the exception of junk vehicles, as defined in the ORC.
- (iv)** All vegetation required by [Article 10: Landscaping Standards](#) shall be located outside of any fencing area.

**(F) Miscellaneous Use Classification**

**(1) Gas and Oil Wells**

The following standards shall apply to any gas or oil well:

**(a) Purpose**

The purpose of the standards in this section are to provide for health, safety, and the welfare of the public through the regulation of drilling and operation of wells for oil, gas or other hydrocarbons in gaseous or liquid form within the boundaries of Boardman Township.

**(b) State Standards**

Gas and oil wells shall be subject to all applicable state regulations established in both the ORC and the OAC.

**(c) Standards for Gas and Oil Wells**

- (i)** Exploration for, drilling of, and production of oil or gas or oil and gas wells may be conducted in all zoning districts if the owner or operator of the well or wells holds all necessary mineral and surface rights, and a lawful and valid permit for said well or wells from the Ohio Department of Natural Resources (ODNR), Division of Oil and Gas, hereafter referred to as the Division of Oil and Gas.
- (ii)** No zoning certificate shall be required for the drilling, operation, production, plugging or abandonment of any gas or oil well. However, all owners and operators of oil and gas wells in the township must complete an application for registration of the well or wells, prior to the commencement of any site work for oil and/or gas operations on the site, and submit the application to the Zoning Inspector. Such registrations shall be updated, as necessary, to be valid and up-to-date at all times.
- (iii)** The applicant shall provide the Zoning Inspector with a plat of all buried and surface transmission lines serving or connected to the well, for which the applicant must have written and recorded easements or leases. All buried transmission lines crossing or intersecting any township road shall be marked by a permanent marker on both sides of the road in a location and format acceptable to the township. The minimum depth of such lines below roads, perennial or intermittent streams, and ditches shall be established by the township prior to the excavation to install such lines. No transmission lines intended for burial under Township roads shall be covered until the installed line is inspected by the township. The applicant also shall coordinate the laying of transmission lines with all public utilities servicing the township.
- (iv)** At no time shall an operator of an oil or gas well move drilling equipment or any equipment onto a township road without prior written approval of the Board of Trustees and issuance of proper permits and road maintenance bonds in the amounts specified by the Board of Trustees. This rule shall be in effect from the time drilling commences until the oil or gas well is unproductive and plugged.



- (v) All storage tanks, separators and well installations shall be entirely enclosed by an eight-foot-high chain link type fence, with three strands of barbed wire above the fence, if necessary, for security purposes. The fence shall be set back a minimum of five feet outside of all tanks, pumps, separators, and any related miscellaneous apparatus.
- (vi) All fenced in areas that exceed 300 square feet in area shall have two exits remote from each other with a minimum width of four feet to facilitate orderly and safe firefighting operations. All fences and gate installations shall be inspected by the authorized inspector before the producing operation commences. All gates, including the drive entrance gate, shall be locked and keyed the same and a key shall be given to the Boardman Township Fire Department. Fences and gates shall be kept in a good state of repair until the well is abandoned and tanks, separators, and pump equipment are removed.
- (vii) Access roads shall be paved with suitable road materials to prevent mud deposits on public roads and to provide emergency vehicular access during inclement weather. Access roads for the exclusive use of the oil or gas well owner or operator, shall have a gate with a locking device, keyed as required above, installed at or near the public road entrance to prevent unauthorized entry from the public road. Before any drilling equipment moves onto the property, the Zoning Inspector shall be notified to make an inspection of the drive and pad area.
- (viii) The use shall be exempt from the requirement that all activities must be located within an enclosed building.

**(2) Mixed-Use Buildings**

- (a) Developments consisting of multiple principal uses shall incorporate only those use types permitted in the applicable zoning district.
- (b) Mixed use developments may also include attached residential dwellings as part of a mixed-use building where office or nonresidential uses are located on the first floor and residential uses are located on the upper floors.
- (c) When determining peripheral buffer requirements for parcels with multiple principal uses, the proposed use that requires the most extensive buffer according to [Article 10: Landscaping Standards](#), shall govern.
- (d) The presence of a home occupation and/or a residential business in conjunction with a residential use shall not constitute a mixed-use building.
- (e) The maximum residential gross density for mixed-use buildings (mix of residential and nonresidential in the same structure) shall be eight dwelling units per acre.
- (f) Residential dwelling units shall be prohibited on the first floor of mixed-use buildings.
- (g) Mixed-use buildings shall be subject to the architectural standards of [Article 9: Architectural Standards](#), regardless if the building contains residential uses.

**(3) Wireless Telecommunication Facilities**

**(a) Purpose**

These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities as permitted uses and conditional uses depending on the specific land areas of the township in which such facilities are proposed to be located. The purpose of these regulations is to balance the competing interests created by the Federal Telecommunications Act of 1996, Public Law 104-104, and the interests of the township in regulating wireless telecommunication towers and related facilities for the following purposes:

- (i) To protect property values;
- (ii) To regulate a commercial use so as to provide for orderly and safe development within the township;
- (iii) To provide for and protect the health, safety, morals and general welfare of the residents of the township;

- (iv) To protect residential properties, parks, open spaces and the non-intensive commercial zoning districts which are characteristic of the township from the adverse effects of towers and related facilities;
- (v) To promote co-location of wireless telecommunication facilities in order to decrease the number of towers in the township; and
- (vi) To maintain, where possible, the integrity of the existing regulations contained in the zoning resolution.

**(b) Procedure**

Any applicant that plans to construct a wireless telecommunications facility in a residential zoning district shall provide written notice in accordance with ORC § 519.211(B).

**(i) Trustee Action**

- A. If the Board of Trustees receives notice from a property owner under this section within the time specified or if a board member makes an objection to the proposed location of the telecommunications tower within 15 days after the date of mailing of the notice sent under this section, the Board of Trustees shall request that the Township Fiscal Officer send the person proposing to construct the tower written notice that the tower is subject to a conditional use review (See [Section 3.04: Variance or Conditional Use](#)). The notice shall be sent no later than five days after the earlier of the date the Board of Trustees first receives such a notice from a property owner or the date upon which a Board of Trustees member makes an objection. Upon the date of mailing of the notice to the person, Sections 519.02 to 519.25 of the ORC shall apply to the tower.
- B. If the Board of Trustees receives no notice under this section within the time prescribed by that division or no Board of Trustees member has an objection as provided under this section within the time prescribed, the tower or facility shall be allowed as a permitted use.

**(c) Conditional Use Review Requirements**

All wireless telecommunications towers and facilities that are subject to conditional use review shall submit the following items in addition to the submittal requirements for a conditional use:

- (i) The application shall include a detailed description of the wireless telecommunications tower or facility's capacity including the number and types of antenna that it can accommodate.
- (ii) The applicant shall demonstrate that the telecommunications tower or facility must be located where it is proposed in order to service the applicant's service area, including an explanation of why a tower or facility and this proposed site is technically necessary.
- (iii) Where the wireless telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that the vehicular access is provided to the facility.
- (iv) Documentation shall be provided that certifies the wireless telecommunication facility complies with all current Federal Communications Commission (FCC) regulations for non-ionizing electromagnetic radiation (NIER);
- (v) The applicant shall post a performance bond in the amount set by the Board of Trustees for the purpose of insuring that an abandoned, obsolete or destroyed wireless telecommunication facility shall be removed in compliance with [Section 4.08\(F\)\(3\)\(e\)](#). Any successor-in-interest or assignee of the applicant shall be required to additionally execute such bond.

**(d) Development Standards**

Any wireless telecommunication tower or facility subject to conditional use review shall be located in the township only in compliance with the following regulations and upon issuance of a zoning certificate from the Zoning Inspector

- (i) In order for the BZA to consider the location of a wireless telecommunication tower and facility as a conditional use in a residential district, the applicant shall document that:
  - A. There is no technically suitable space for the applicant's antenna(s) and related facilities in nonresidential zoning district where wireless telecommunication facilities are permitted; or
  - B. If an area in a nonresidential zoning district is technically suitable, the applicant shall provide evidence of written contact showing that it has requested all property owners with technically suitable locations to permit it to locate a tower facility in all technically suitable area(s) under reasonable terms and that each request was rejected; or
  - C. If another tower, building or structure in the township, in an area technically suitable for the facility, the applicant shall provide evidence of written contact showing that it has requested to co-locate on the existing tower(s), building(s) or structure(s) and that each co-location request was rejected by the owner of the tower, building or structure.
- (ii) As part of a conditional use approval, the applicant shall submit evidence that a technically suitable location is not available in any area set forth in Section 4.08(F)(3)(d)(i) and shall list the locations of every tower, building or structure and all of the areas set forth in Section 4.08(F)(3)(c)(ii) that could support the proposed antenna(s) so as to allow it to serve its intended function, and the reasons why such towers, buildings, structures or areas have been determined not to be technically suitable, or not available as set forth in 4.08(F)(3)(d)(i).
- (iii) As part of a conditional use approval, the owner/operator of the telecommunications tower shall agree to allow co-location until said tower has reached full antenna capacity, but in no event shall the owner/operator agree to allow fewer than two antenna platforms for additional providers unrelated to the owner/operator. The opportunity to co-locate on the tower shall also be made available to the township and/or county safety forces upon request, provided that such use will not interfere with the owner/operator's use or that of any other provider unrelated to the owner/operator. Agreement to this provision shall be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation shall be presented to the Zoning Inspector evidencing that the owner of the property on which the tower is to be located has agreed to the terms of this subsection as well as all other applicable requirements, regulations and standards set forth in this section.
- (iv) Towers shall be located, to the extent possible, to minimize any adverse impacts on residential property.
- (v) The minimum setback of the tower from all property lines shall comply with the following:
  - A. A distance equal to the height of the tower plus 50 feet; or
  - B. When it is demonstrated, because of its design and construction, that in case of collapse, adjacent property will not be affected, the minimum setback shall be 40 feet from any property line abutting a nonresidential lot or 100 feet from any property line abutting a residential lot, provided that the base of the tower and required enclosure shall comply with the front yard setbacks for the district in which it is located.
- (vi) All towers shall be of a monopole design. Lattice-type towers shall be prohibited.
- (vii) All towers shall be the minimum height necessary for adequate transmission and reception of telecommunication signals and to accommodate the antennae, and shall be no taller than existing towers housing similar antennae. In addition, towers shall comply with the following maximum height requirements, as measured from the neutral grade at the base of the tower:
- (viii) The maximum height of any tower shall be 150 feet.
- (ix) All poles having a height greater than 95 feet shall be designed to accommodate at least three antennae.

- (x) Any accessory structure related to the wireless telecommunication facility shall not exceed a height of 10 feet.
  - (xi) The base of the tower and all related facilities shall be completely enclosed with a secure, non-electrified, chain linked fence with barbed wire at the top, having a minimum height of eight feet. Such fence shall be completely screened from view by a landscape buffer area of not less than 15 feet in depth, consisting of hardy evergreen shrubbery and other appropriate landscaping that achieves the screening objective. The initial plantings shall be no less than six feet tall and shall be maintained and restored, if necessary.
  - (xii) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent feasible.
  - (xiii) The antennae and support structures shall be camouflaged or disguised in order to minimize visibility of the structure and blend, to the maximum extent feasible, with the existing surroundings. At a minimum, towers shall be painted a non-contrasting gray or similar color, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
  - (xiv) Wireless telecommunications towers shall be artificially lighted only when the height of the tower is equal to or greater than 100 feet or when required by the Federal Aviation Administration (FAA). Any lighting so required shall be installed to minimize the impact on adjoining properties.
  - (xv) All buildings and shelters accessory to the wireless telecommunications facility shall comply with the setback regulations set forth in the applicable zoning district. The maximum size of such accessory building or shelter shall be 300 square feet for a single shelter, and a combined total of 750 square feet when more than one wireless telecommunication facilities is located on the site. The outside storage of equipment related to a telecommunications facility shall be prohibited.
- (e) **Abandoned Telecommunication Facilities**
- (i) The owner or operator of a wireless telecommunication facility shall notify the township within 30 days of a wireless telecommunication facility's permanent abandonment. Such facility shall be removed by the applicant and the site restored to its original state within 120 days from the date of notification to the township.
  - (ii) Any tower that has had no antenna mounted upon it for a period of six months, or if the antenna mounted thereon are not operated for a period of three months, shall be considered abandoned, and the owner thereof shall remove the tower within and restore the site to its original state within 120 days after receipt of a notice from the Zoning Inspector to do so.
  - (iii) In the event that more than one wireless communication service provider is using the antenna support structure, the antenna support structure shall not be considered abandoned until all such users cease using the structure as provided in this section.

#### **4.09 AREA, SETBACK, AND OTHER SITE DEVELOPMENT STANDARDS**

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##### **(A) Measurements, Computations, and Exceptions**

###### **(1) Lot Area Measurements**

- (a) The area of a lot includes the total horizontal surface area within the lot's boundaries.
- (b) For nonconforming lots, see Section [13.07: Nonconforming Lots of Record](#).
- (c) With the exception of approval of a smaller lot as part of a planned unit development district or governmental acquisition of land as provided for in [Article 13: Nonconformities](#), no lot shall be reduced in area so that the lot area per dwelling unit, lot width, yards, building area, or other requirements of this resolution are not met.

###### **(2) Lot Width Measurements**

- (a) The lot width shall be measured as the distance between the side lot lines, as measured along a straight line at the minimum front yard setback line.

- (b) For corner lots, the lot width shall be measured as the distance between the side lot line and the front lot line directly opposite, as measured along a straight line at the minimum front yard setback line. See [Figure 4.09-A](#).

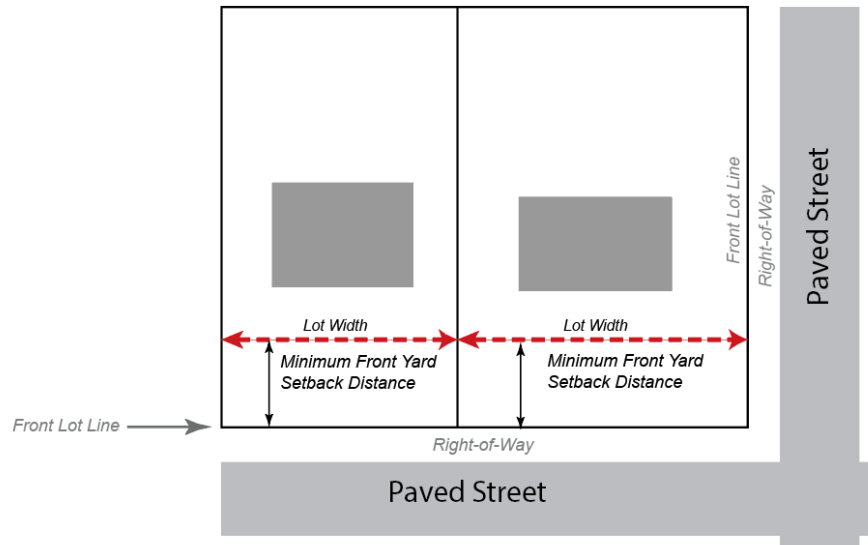


Figure 4.09-A: Illustration of the location for measuring the lot width on a typical interior lot (left) and on a corner lot (right).

(3) **Setbacks, Yards, and Lot Type Requirements**

(a) **Yards Required for Buildings**

A yard or other open space required for any structure shall be located on the same lot as the structure and shall not include any yard or open space areas from an adjacent lot.

(b) **Measurements**

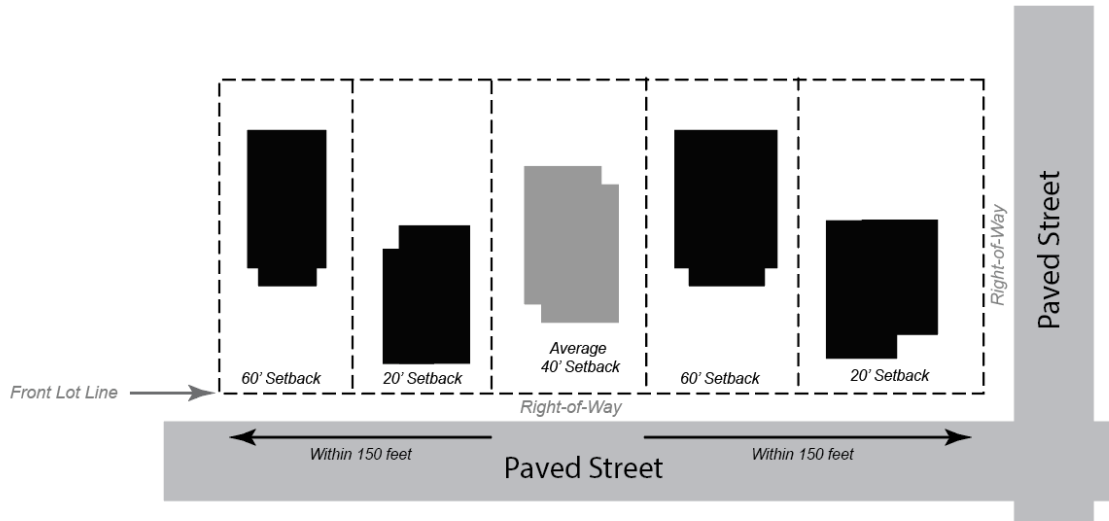
Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall not contain any structure except when in conformance with this resolution.

(c) **Yards and Obstructions**

- (i) Every part of a required yard shall be open to the sky and unobstructed except:
- A. As otherwise provided in this section;
  - B. For accessory buildings as allowed in [Section 6.01: Accessory Use Regulations](#);
  - C. For the ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting into the yard a distance not to exceed 12 inches;
  - D. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five feet; and
  - E. The ordinary projections of chimneys and flues may be permitted by the Mahoning County Building Department when placed so as not to obstruct light and ventilation but not closer than two feet to any lot line.
- (ii) Terraces, uncovered porches, platforms and ornamental features which do not extend more than three feet above the floor level of the ground (first) story may project into a required front or rear yard, but shall maintain a minimum of seven feet in setback from the front lot line and three feet from all other lot lines.
- (iii) Awnings and canopies may extend into any required setback but shall maintain a minimum setback of one foot from all lot lines.

**(d) Front Yard Exception**

In any residential zoning district, a minimum front yard setback shall not be required to exceed the average front yard setbacks of lots with similar uses and sharing the same block face, within 150 feet of the applicable lot. Modification of the front yard in accordance with this section will not create a nonconforming lot unless the lot or structure does not meet other applicable provisions of this resolution. See [Figure 4.09-B](#).



*Figure 4.09-B: Illustrative example of the provision for a front yard exception where structures on nearby lots do not meet the minimum front yard setback.*

**(e) Interior Lots**

- (i) The required minimum front yard setback shall be measured from the front lot line. See [Figure 4.09-C](#).
- (ii) The lot line located directly behind the rear of the structure, as determined by the Zoning Inspector, shall be the rear lot line and the rear yard setback shall be applied. See [Figure 4.09-C](#).
- (iii) All other lot lines shall be considered the side lot line and the side yard setback shall be applied. See [Figure 4.09-C](#).

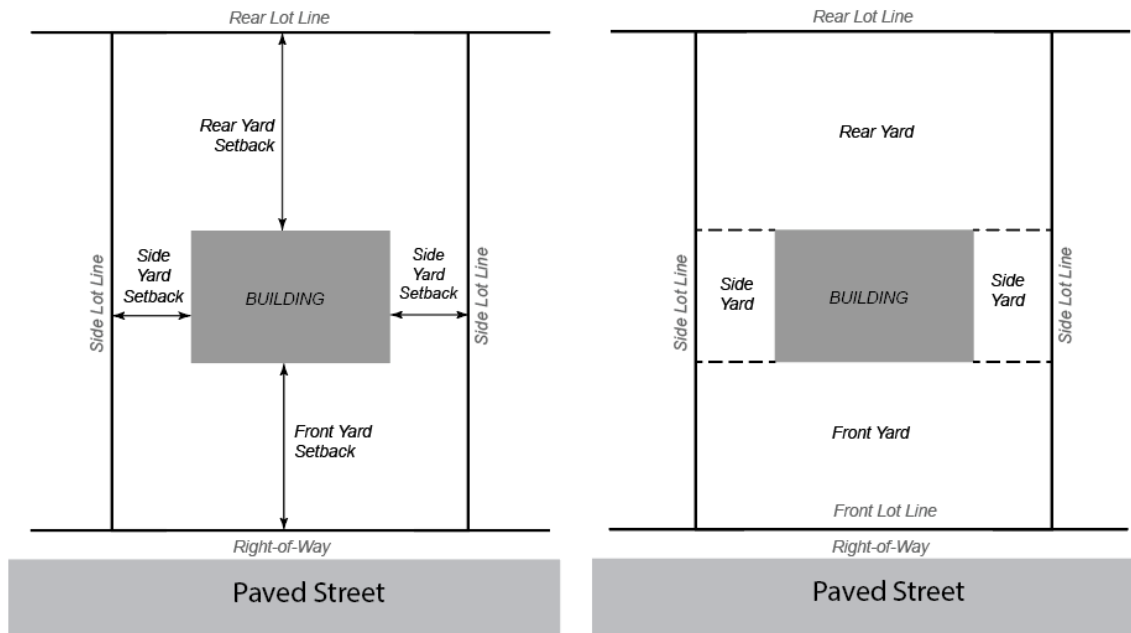


Figure 4.09-C: Typical lot lines and setback locations for an interior lot (left image) and typical yard locations (right image).

**(f) Corner Lots**

Lots that have street frontage on two intersecting streets shall be considered a corner lot, subject to the following:

- (i) The required minimum front yard setback shall be provided from each of the lot lines adjacent to the street. See [Figure 4.09-E](#). The front yard setback requirement for the application district may be reduced using the front yard exception in Section [4.09\(A\)\(3\)\(d\)](#). If an existing building is demolished, any new building may be constructed utilizing the front yard setbacks that were established for the demolished building.
- (ii) An alley shall not be considered a street for the purposes of determining a corner lot.
- (iii) The lot line that runs parallel with the lot line along the narrowest street frontage shall be the rear lot line and the minimum rear yard setback shall be applied from such lot line. See [Figure 4.09-E](#).
- (iv) The principal building is encouraged to be oriented toward the front lot line with the narrowest street frontage, in which case, all other lot lines that are not the rear and front lot lines shall be a side lot line and the minimum side yard setback shall be applied from such lot lines. See [Figure 4.09-E](#).



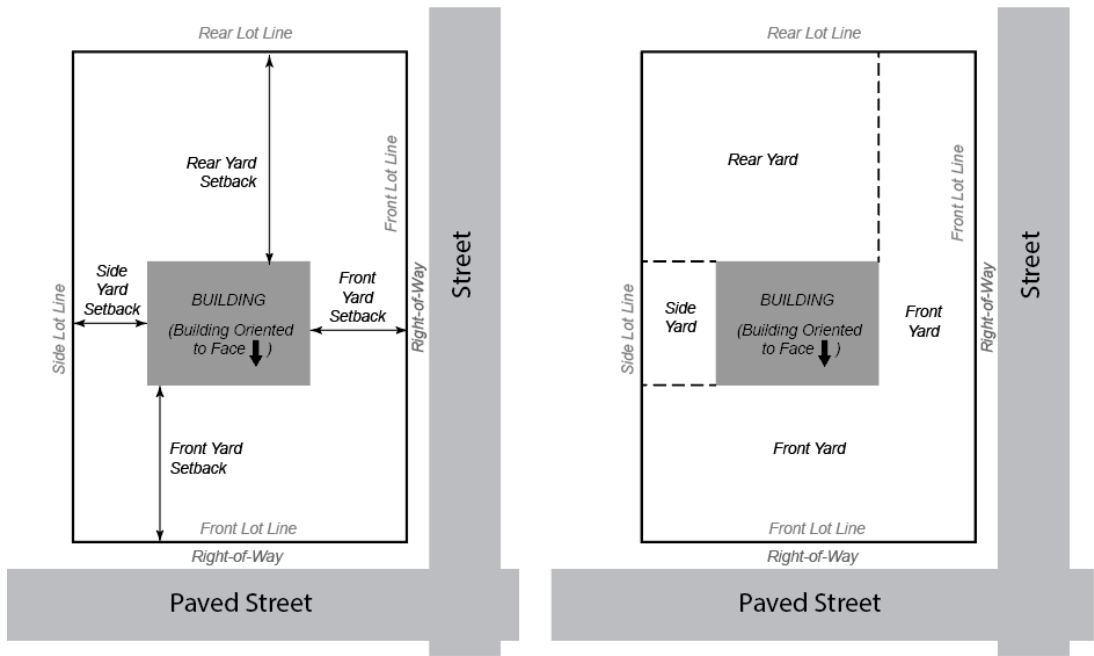


Figure 4.09-D: Typical lot lines and setback locations for a corner lot with the building oriented toward the narrow street frontage (left image) and typical yard locations (right image).

- (v) If the principal building is situated so the main entrance and/or primary façade is oriented toward the lot line along the widest street frontage, then the principal structure shall be set back a minimum distance equal to the rear yard setback for the applicable district from all lot lines that are not the front lot lines. See [Figure 4.09-E](#).

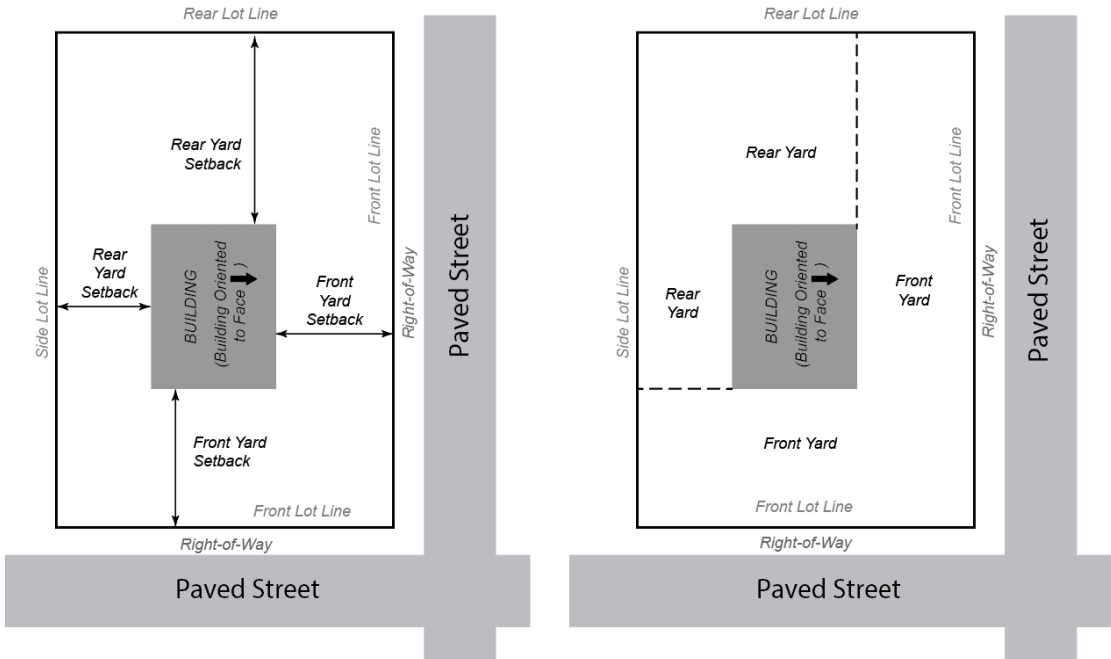


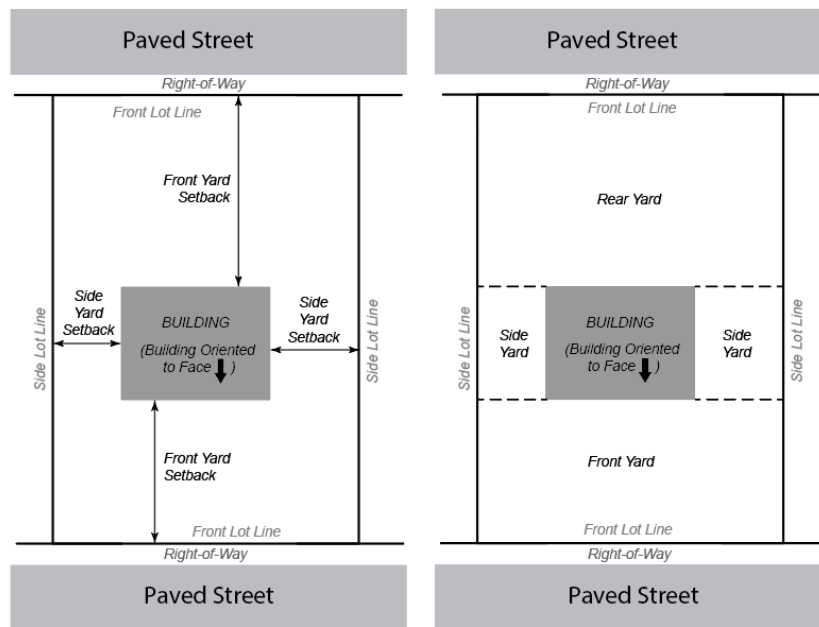
Figure 4.09-E: Typical lot lines and setback locations for a corner lot with the building oriented toward the wider street frontage (left image) and typical yard locations (right image).



**(g) Double Frontage (Through) Lots**

Double frontage lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Zoning Inspector. Double frontage lots shall be subject to the following regulations:

- (i) Where a lot is considered a double frontage (through lot) lot, the required minimum front yard setback shall be provided on all lot lines that abut a street. See [Figure 4.09-F](#).
- (ii) The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line. See [Figure 4.09-F](#).



*Figure 4.09-F: Typical lot lines and setback locations for a double frontage (through) lot (left image) and typical yard locations (right image). Please note the location of the rear yard for the purpose of accessory use location.*

- (iii) For the purposes of allowing accessory uses, the yard that is located to the rear of the principal building shall be considered the rear yard but any accessory building or structures shall be required to be set back from the street a minimum distance equal to the minimum front yard setback for principal uses in the applicable district..
- (iv) Where alleys exist in the township, any lots that have frontage along the alley shall be not be considered a double frontage (through) lot and shall either be regulated as an interior lot or corner lot depending on the location of the subject lot within the block.

**(h) Flag (Panhandle) Lots**

Panhandle lots (flag) lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Zoning Inspector. Panhandle (flag) lots shall be subject to the following regulations:

- (i) Panhandle (flag) lots shall not be used to avoid the construction of a street.
- (ii) The area of the “panhandle” portion of the lot connecting the lot to the public street shall not be included in the area of the lot for the purposes of determining compliance with the required minimum lot area for the district in which the lot is located.
- (iii) The stacking of panhandle (flag) lots shall be prohibited. See [Figure 4.09-G](#).

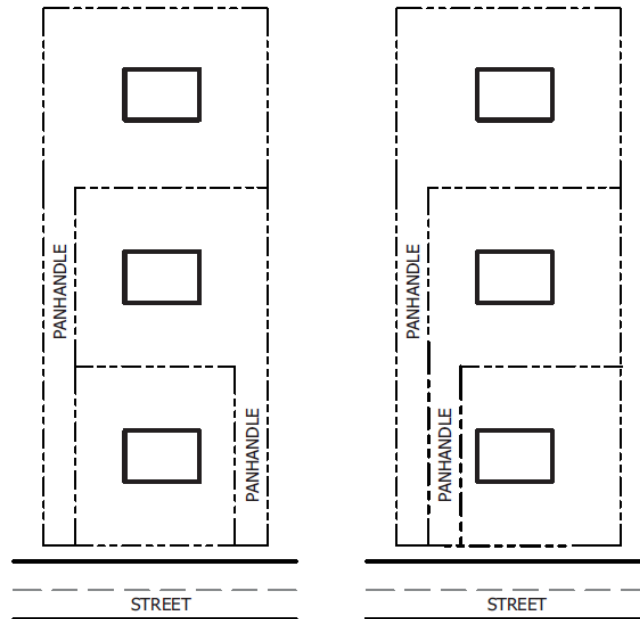


Figure 4.09-G: The above illustration shows the stacking of flag (panhandle) lots, which is prohibited.

- A. The panhandle shall have a minimum width of 20 feet along the entire width of the panhandle. The maximum width shall be 40 feet and anything with a width of 40 feet or greater shall be considered an interior, corner, or double frontage lot as may be applicable.
- B. No structures, except for fences and walls allowed by this resolution, shall be permitted in the panhandle portion of the lot.
- C. The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in [Figure 4.09-H](#).



Figure 4.09-H: Typical lot lines and setback locations for a flag (panhandle) lot (left image) and typical yard locations (right image).

(i) **Cul-de-Sac or Curved-Street Lot**

- (i) For a cul-de-sac lot or a lot abutting a curved street, the front-yard setback shall follow the curve of the front property line (lot line). See [Figure 4.09-I](#).
- (ii) On a cul-de-sac roadway, knuckle, or eyebrow, the required street frontage shall be required and measured at the street right-of-way on the curve of the cul-de-sac, knuckle, or eyebrow.

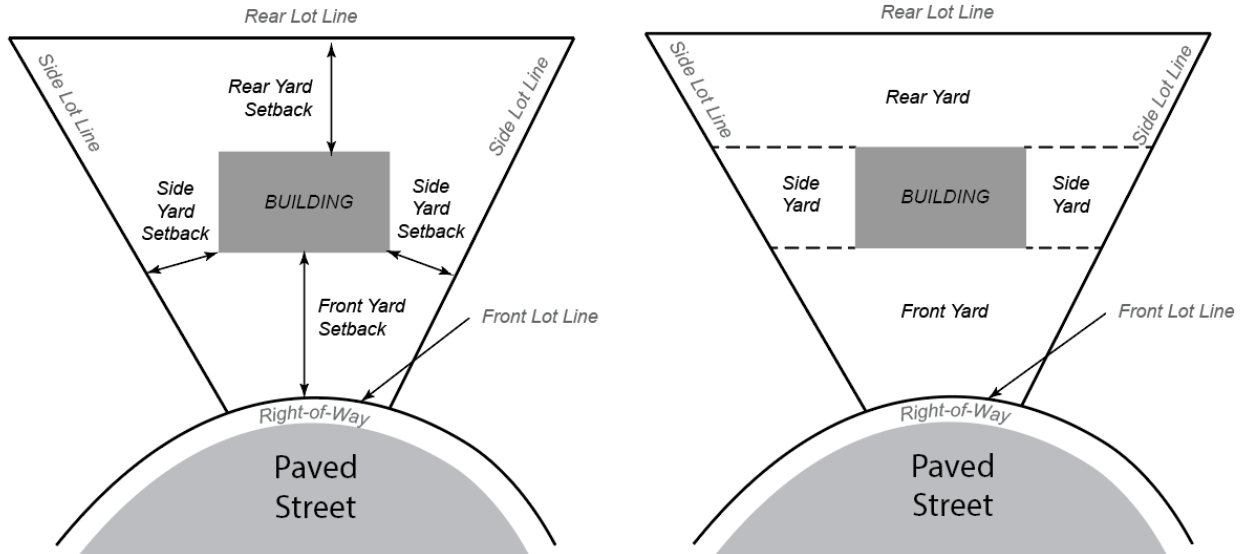


Figure 4.09-I: Typical lot lines and setback locations for a lot with a curved frontage (left image) and typical yard locations (right image).

(j) **Other Lot Configuration**

For any type of irregular lot not addressed in this section, the Zoning Inspector shall determine the location of the front, side, and rear yard taking into consideration the effect on adjoining properties.

(4) **Height Measurement and Exceptions**

(a) **Height Measurement**

- (i) Where specified in stories, building height shall be measured in number of stories above the finished grade for any elevation fronting on a public street including attics, half-stories, mezzanines, and at-grade structured parking. This excludes features that are less than one-half story or completely below grade, such as basements, cellars, crawl spaces, sub-basements, and underground parking structures.
- (ii) Where specified in feet, the building height shall be measured from the average grade at the corners of the structure to the highest point on the roof, regardless of roof type. See [Figure 4.09-J](#).



*Figure 4.09-J: Measurement of building or structure height*

- (b) Where specified, fencing and wall height shall be measured in accordance with Section 7.05: [Fencing, Walls, Hedges, and Similar Structures](#).
- (c) The height of all other structures shall be measured from the lowest grade adjacent to the structure to the highest point of the structure.
- (d) **Exceptions to Height Limits**  
Height limitations stipulated in this resolution shall not apply:
  - (i) To barns, silos or other agricultural buildings or structures on farms (not located in an improved platted subdivision); to church spires, belfries, cupolas and domes, monuments, chimneys, smokestacks, flag poles; to parapet walls extending not more than four feet above the limiting height of the building.
  - (ii) To bulkheads, elevator penthouses, water tanks, monitor and lookout towers, provided:
    - A. The height of any such structure shall not be greater than the number equal to the height of the first story of the principal structure; and
    - B. The total footprint of the structure shall not exceed 60% of the footprint of the principal structure and shall have the same materials as the principal structure unless an alternative material is approved by the Zoning Inspector.

**(B) General Site Development Standards**

**(1) Height Limit at Street Corners (Traffic Safety Visibility Triangle)**

Development proposed adjacent to any public or private street, in every district, shall be designed to provide a clear visibility area for pedestrian and traffic safety.

- (a) A traffic safety visibility triangle area, which may include private property and/or public right-of-way, is a triangle area defined by measuring 30 feet from the intersection of the extension of the front and side street curb lines (or the right-of-way lines where there is no curb) and connecting the lines across the property. See [Figure 4.09-K](#).

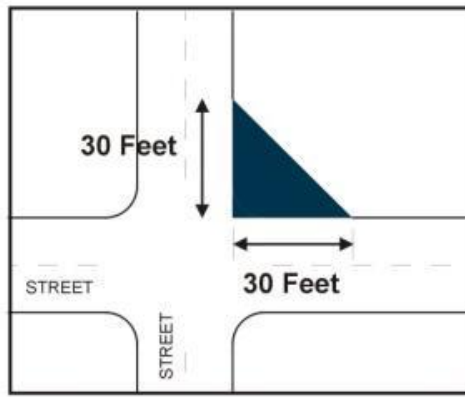


Figure 4.09-K: Traffic safety visibility triangle for intersecting streets.

- (b) For intersections of streets and driveways, the traffic safety visibility area shall be created by measuring 25 feet from the edge of the driveway along the street and 20 feet along the driveway, perpendicular from the street. See [Figure 4.09-L](#).
- (c) This requirement shall not apply to lots with single-family or two-family dwellings.

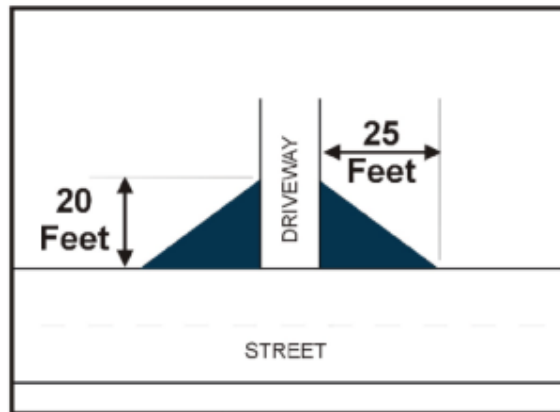


Figure 4.09-L: Traffic safety visibility triangle for driveway and street intersections.

- (d) No structure, sign, or landscape element shall exceed 30 inches in height, measured from the top of the curb, within the traffic safety visibility area, unless approved by the Zoning Inspector.
- (e) An exception to this requirement shall be for existing trees where the canopy is trimmed to a minimum of eight feet above grade.

**(C) Site Development Standards for the Agricultural and Residential Zoning Districts**

- (1) [Table 4.09-1](#) establishes the minimum site development standards for residential zoning districts.
- (2) All dwellings shall have at least one story above ground level.
- (3) Development on any lot must be connected to a centralized water and sewer system, regardless if privately or publicly owned (i.e., no on-site wells or septic systems allowed in these districts), if the lot is adjacent to a centralized water or sewer system.

**(4) Floor Area and Footprint Requirements**

- (a) In order to promote healthful living conditions and to stabilize the value and character of residential areas, dwelling units shall be erected, altered, moved, maintained and occupied only in accordance with the following minimum livable floor area requirements. For the purposes of calculating the floor area, areas such as unfinished basements, garages, accessory structures, and other spaces not designed for habilitation, shall not be included.
  - (i) The total minimum livable floor area for a single-family dwelling unit shall be 1,000 square feet.

- (ii) The total minimum floor area for a dwelling unit in multi-family dwelling shall be 700 square feet per unit.
- (b) The footprint of the principal building in the R-3 District shall not exceed 10 percent of the total lot area.

**(5) Conversion of Dwelling to More Units**

A residence may not be converted to accommodate an increased number of dwelling units unless:

- (a) The number of dwelling units in the principal building is permitted in the applicable zoning district;
- (b) The lot will still meet all applicable lot area, setback, and use standards as established in this resolution;
- (c) The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district; and
- (d) The conversion is in compliance with all other relevant codes and resolutions.

| TABLE 4.09-1: SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS  |                          |                          |                   |                              |                  |                                |
|--|--------------------------|--------------------------|-------------------|------------------------------|------------------|--------------------------------|
| Minimum Lot Area [1]<br>(square feet)  | Minimum Lot Width (feet) | Minimum Lot Depth (feet) | Minimum Setbacks  |                              |                  | Maximum Building Height (feet) |
|  |                          |                          | Front Yard (feet) | Side Yard (Each Yard) (feet) | Rear Yard (feet) |                                |
| Agricultural (AG)  |                          |                          |                   |                              |                  |                                |
| 43,560   | 125                      | 200                      | 75                | 20                           | 75               | 35                             |
| Single-Family Residential District (12,000 Square Feet) (R-1A)   |                          |                          |                   |                              |                  |                                |
| 12,000   | 70                       | 150                      | 50                | 9                            | 40               | 35                             |
| Single-Family Residential District (7,500 Square Feet) (R-1B)  |                          |                          |                   |                              |                  |                                |
| 7,500  | 60                       | 125                      | 40                | 6                            | 40               | 35                             |
| Single-Family Residential District (5,000 Square Feet) (R-1C)  |                          |                          |                   |                              |                  |                                |
| 5,000  | 50                       | 120                      | 35                | 5                            | 40               | 35                             |
| Attached Residential District (R-2)  |                          |                          |                   |                              |                  |                                |
| Single-Family or Two-Family Dwellings  |                          |                          |                   |                              |                  |                                |
| 12,000   | 70                       | 150                      | 50                | 8                            | 40               | 35                             |
| Structures with 3 or 4 Dwelling Units  |                          |                          |                   |                              |                  |                                |
| 16,000   | 80                       | 150                      | 50                | 9                            | 40               | 35                             |
| Structures with 5 or 6 Dwelling Units  |                          |                          |                   |                              |                  |                                |
| 18,000   | 90                       | 150                      | 50                | 10                           | 40               | 35                             |
| Multi-Family Residential District (R-3) [2]  |                          |                          |                   |                              |                  |                                |
| Single-Family or Two-Family Dwellings  |                          |                          |                   |                              |                  |                                |
| 12,000   | 70                       | 150                      | 50                | 8                            | 40               | 35                             |
| Structures with 3 to 6 Dwelling Units  |                          |                          |                   |                              |                  |                                |
| 16,000   | 100                      | 150                      | 50                | 12                           | 50               | 45                             |
| Structures with More than 6 Dwelling Units   |                          |                          |                   |                              |                  |                                |
| 21,780   | 200                      | 200                      | 70                | 25                           | 60               | 83                             |
| NOTES:   |                          |                          |                   |                              |                  |                                |
| [1] Mahoning County Public Health may require a larger lot area than established for the applicable zoning district if an on-site wastewater system (e.g., septic system) is required. |                          |                          |                   |                              |                  |                                |
| [2] The maximum density of development in the R-3 District shall be 14 dwelling units per acre.  |                          |                          |                   |                              |                  |                                |

**(D) Site Development Standards for Nonresidential Zoning Districts**

- (1) [Table 4.09-2](#) establishes the minimum site development standards for nonresidential zoning districts.
- (2) There can be more than one principal building on an individual lot. When multiple principal buildings are located on an individual lot, the spacing between the buildings shall be reviewed and approved by the Boardman Township Fire Chief or their designee.
- (3) Side yard setbacks shall not apply if the subject building is located across multiple lots, under the same ownership, or if the adjacent lot is within the same zoning district.
- (4) The maximum lot coverage permitted for all lots in nonresidential zoning districts shall be 85 percent of the total lot area.

| TABLE 4.09-2: SITE DEVELOPMENT STANDARDS FOR NONRESIDENTIAL ZONING DISTRICTS  |                           |                              |                              |                                |
|---|---------------------------|------------------------------|------------------------------|--------------------------------|
| District  | Front Yard Setback (feet) | Side Yard Setback (feet) [1] | Rear Yard Setback (feet) [1] | Maximum Building Height (feet) |
| GB  | 35                        | 15                           | 40                           | 45                             |
| RB  | 35                        | 15                           | 40                           | 45                             |
| NMB   | 20                        | 10                           | 35                           | 45                             |
| I   | 50                        | 50                           | 50                           | 60                             |
| P-I   | 35                        | 15                           | 40                           | 45                             |
| NOTES:<br>[1] Additional side and/or rear setbacks may be required to accommodate landscaping and buffering requirements in <a href="#">Article 10: Landscaping Standards</a> . |                           |                              |                              |                                |



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# Article 5: Planned Unit Development (PUD) District

## 5.01 PURPOSE

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- (A) The purpose of the Planned Unit Development (PUD) District is to provide a means for encouraging ingenuity, imagination, and flexibility in the planning and designing of land areas and permitting uses and intensities of development which could cause adverse impact in other zoning categories. The PUD regulations provide a controlled flexibility by utilizing objectives and performance standards rather than rigid design requirements, the intent being to encourage developments which possess greater amenities than that resulting under standard zoning district requirements.
- (B) It is not the intent of the PUD to allow applications to circumvent the intent of this resolution to permit residential density, housing types, commercial or industrial uses, or street and utility layouts that conflict with adopted township plans and policies or the character of the area.
- (C) It is furthermore the purpose of the PUD regulations to:
  - (1) Encourage creative and high-quality developments that are compatible with surrounding land uses, achieve a high degree of pedestrian-vehicular separation, and contribute to the overall quality of Boardman Township;
  - (2) Protect natural features such as topography, trees, and drainage ways in the existing state as much as possible;
  - (3) Provide for appropriate, adequate and usable open space where there is a residential component to the proposed PUD;
  - (4) Ensure that there are adequate services and infrastructure to serve the proposed development and not decrease the services or infrastructure for existing uses; and
  - (5) Promote a harmonious design among the various elements and uses within the development while mitigating any potential negative impact on surrounding properties.

## 5.02 SCOPE AND APPLICABILITY

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- (A) The intent of the PUD regulations is to provide a means for applying comprehensive and flexible planning and design techniques on properties substantially sized to accommodate such a plan. As such, the minimum size of any PUD project or plan shall be five acres. PUD proposals shall not be applied to small areas as a means of bypassing traditional district regulations.
- (B) The Zoning Inspector may authorize an application for a smaller PUD if the applicant demonstrates that the proposed development is of such a mixture of uses and such a development intensity, not otherwise allowed in the base zoning districts in this resolution, but that is otherwise in line with the adopted plans and policies of the township that such development warrants a special review by the township.

## 5.03 PUDS APPROVED PRIOR TO THE EFFECTIVE DATE OF THIS RESOLUTION

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Any Planned Unit Development (PUD) approved prior to the effective date of this resolution shall continue in accordance with the approved plans. Modifications, amendments, and expansion of existing PUDs shall be in accordance with Section [5.04\(F\)](#).

## 5.04 PUD REVIEW PROCEDURE

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- (A) In order to submit an application for PUD review, the lot(s) included within the proposed PUD shall be under a single ownership or control, or shall be subject to a joint application by the owners of all property included within the proposal.
- (B) **Basic Review Procedure Information and Options**
  - (1) All applications for a PUD shall include a separate application for a zoning map amendment that shall take place simultaneously with the submission and review of the PUD Preliminary Plan. The Zoning Commission and Township Trustees shall approve the initial plans by resolution using the notice and procedure requirements for as zoning map amendment as established in Section [3.03: Zoning Text or Map Amendment](#).

- (2) All applications for PUD review shall be required to submit both a PUD Preliminary Plan and PUD Final Plan. Preliminary and final plans may be submitted and approved simultaneously where an application is for a development that has less than 25 acres in total project area.

**(C) PUD Review Procedure**

**(1) Step 1 – Pre-Application Conference**

A pre-application conference shall be required for all applications. The procedure and requirements for a pre-application conference shall be as established in Section [3.03\(C\)\(1\)](#), *however for PUDs it shall be mandatory and not optional*.

**(2) Step 2 – PUD Preliminary Plan and Zoning Map Amendment**

- (a) The applicant shall apply for a zoning map amendment for a PUD and shall submit all of the submittal requirements for a zoning map amendment as well as a PUD Preliminary Plan.
- (b) All applications shall be submitted with the required fees as established in the Boardman Township fee schedule.
- (c) The procedure for this the PUD Preliminary Plan and zoning map amendment review shall comply with the requirements of Section [3.03: Zoning Text or Map Amendment](#).
- (d) The Zoning Commission shall review the PUD Preliminary Plan and make a recommendation to the Township Trustees to:
  - (i) Approve;
  - (ii) Approve with modifications; or
  - (iii) Deny the application.
- (e) The recommendation shall be made based on review of the application using the review criteria for a zoning map amendment and the review criteria for PUDs as established in this article.
- (f) The Zoning Commission may, in its recommendation to the Township Trustees, require that the PUD Final Plan be submitted in stages corresponding to different units or elements of the development. It may do so only upon evidence ensuring completion of the entire development in accordance with the PUD Preliminary Plan and phased development schedule.
- (g) In accordance with the zoning map amendment review process, the Township Trustees shall hold a public hearing on the PUD Preliminary Plan and zoning map amendment and decide to approve, approve with modifications, or deny the application using the criteria contained in this article.
- (h) The Township Trustees' decision on the PUD Preliminary Plan and zoning map amendment is a legislative action of the Township Trustees and is subject to the same effective date and referendum provisions as set forth in Section [3.03\(D\): Effective Date and Referendum](#). After approval of the PUD Preliminary Plan and zoning map amendment, and after the subsequent referendum period has ended, the zoning map shall be changed to reflect this amendment.
- (i) In making its recommendations or decisions, the Zoning Commission and/or Township Trustees may impose such conditions of approval as are in its judgment necessary to ensure conformity to the applicable criteria and standards. In so doing, the Zoning Commission and/or Township Trustees may permit the applicant to revise the plan and resubmit it as a PUD Preliminary Plan within 60 days of such action. Such resubmission shall be made to the board that imposed such conditions.
- (j) Approval of the PUD Preliminary Plan shall include density, intensities, land uses and their inter-relationship, general design standards, and building locations. Location of buildings (if applicable) and uses may be altered slightly due to engineering feasibility which is to be determined in the subsequent preparation of the detailed final development plans.

**(3) Step 3 – PUD Final Plan Review**

- (a) Within one year after the approval of the PUD Preliminary Plan, the applicant shall file a PUD Final Plan for the entire development, or when submitting in phases, for the first phase of the development.

- (b) If more than one year passes from the date of approval of the PUD Preliminary Plan and the PUD Final Plan has not been submitted for approval or a request for up to a one-year extension, for good cause shown, has been filed with the Zoning Inspector, the PUD Preliminary Plan shall be deemed expired and the applicant must resubmit such plan. In no case shall a PUD Preliminary Plan be valid for more than two years. After the PUD Preliminary Plan has expired, the PUD zoning designation shall remain in place, but no development shall be authorized unless the property owner, or authorized agent, submits a new PUD Preliminary Plan for review pursuant to this article, or applies for a zoning map amendment to another zoning district. The Zoning Commission or Township Trustees may also initiate a zoning map amendment after the expiration of a PUD Preliminary Plan.
- (c) Preliminary subdivision plat review by Mahoning County may occur concurrently with the PUD Final Plan approval. The applicant is responsible for ensuring the proposed plan complies with the Mahoning County Subdivision Regulations. Boardman Township shall not be required to waive any standards if the proposed plan does not comply with the Mahoning County's Subdivision Regulations.
- (d) An applicant shall submit a PUD Final Plan for review. The application shall be subject to the common review requirements of Section 3.02: [Common Review Requirements](#), and the required fee shall be submitted, as established in the Boardman Township fee schedule.
- (e) Upon determination by the Zoning Inspector that the PUD Final Plan application is complete, such plans shall be submitted to the Architectural Review Board for review at its next regularly scheduled meeting, or at a special meeting.
- (f) The Architectural Review Board will review the PUD Final Plan to determine whether it conforms to all substantial respects to the previously approved PUD Preliminary Plan and to all other applicable standards of this resolution.
- (g) The Architectural Review Board shall hold a public meeting on the PUD Final Plan and decide to approve, approve with modifications, or deny the application using the criteria contained in this article.
- (h) In its decision, the Architectural Review Board may impose such conditions of approval as are in its judgment necessary to ensure conformity to the applicable criteria and standards. In so doing, the Architectural Review Board may permit the applicant to revise the plan and resubmit it as a PUD Final Plan within 60 days of such action. Such conditions shall be made a part of the terms under which the development is approved. Any violation of such conditions shall be deemed a violation of this section and no zoning certificate will be issued.

**(4) Step 4 - Zoning Certificate Issuance**

- (a) Zoning certificates shall not be issued until the lot or applicable subdivision has been fully recorded in the office of the Mahoning County Recorder's Office and public improvements have been installed in accordance with the applicable subdivision regulations.
- (b) Zoning certificates shall only be approved when the proposed zoning certificate application shows compliance with the approved PUD Preliminary and Final Plan as well as any other applicable section of this resolution.

**(D) Time Limits for the PUD Final Plan**

- (1) Any PUD Final Plan shall be valid for a period of two years after the date of approval by the Architectural Review Board. If no development has begun (development being defined as the start of construction of the required public/private improvements as shown on the approved Final Plan for one or more phases of the project) in the PUD within two years from the date of approval, such approval of the PUD Final Plan shall lapse and be of no force and effect.
- (2) Two, one-year extensions of the time limit set forth in Paragraph (1) above, may be granted by the Architectural Review Board if such extension is not in conflict with the most current adopted township plans or policies and that such extension is in the best interests of the entire community. The developer/owner shall apply for an extension and shall state the reason for the extension.
- (3) If an approved PUD Final Plan lapses as provided in Paragraphs (1) and (2) above, the originally approved PUD Preliminary Plan shall also be considered void. Notice of such lapse shall be filed by the Zoning Commission and forwarded to the Township Trustees.

- (4) Voiding of the PUD Preliminary and Final Plans shall not rezone the property. After such plans are voided, the Zoning Commission, the Township Trustees, or property owners may initiate a rezoning to another zoning district in accordance with Section [3.03: Zoning Text or Map Amendment](#) or the property owner, or their agent, may resubmit a new PUD Preliminary Plan in accordance with the procedures of this article.

**(E) Waiver of Standards**

- (1) To encourage ingenuity, imagination and flexibility in the design of PUDs and prevent unnecessary hardships, the Zoning Commission may choose to waive specific standards cited in this article during the review of the PUD Preliminary Plan. By motion, the Zoning Commission may waive specific standards based on one of the two following findings:
- (a) The waiver will allow for improvement in overall design of the development and will enhance the proposal's compliance with the general criteria for approval in this article; or
  - (b) The waiver will remedy a standard causing practical difficulty or unnecessary hardship to the property owner. The difficulty or hardship caused is due to exceptional circumstances applying to the property but not caused by the owner. Financial hardship shall not be a consideration. The waiver is necessary for preservation of substantial property rights possessed by others in the same PUD District. After the waiver is approved the development will continue to comply with the general criteria for approval in this article.
- (2) The applicant shall identify each requested waiver at the time of application and explain in writing how the waiver meets one of the two findings. Prior to making an overall recommendation regarding the PUD application, the Zoning Commission shall, by motion, accept or reject the requested waiver. Any recommendation of the Zoning Commission shall be by a simple majority of the full membership of the Zoning Commission.

**(F) Changes or Modifications to Approved PUDs**

- (1) A PUD shall be constructed and completed in accordance with the approved PUD Final Plan and all supporting data. The PUD Final Plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assignees, and shall limit and control the use of premises (including the internal use of buildings and structures) and the location of structures in the PUD as set forth therein.
- (2) Where a property owner on a lot in a PUD seeks a variance from the applicable standards for an individual property that will not apply to any other property in the PUD, the property owner shall request such variance in accordance with Section [3.04: Variance or Conditional Use](#).
- (3) Any request to change or otherwise modify the approved PUD Final Plan as it applies to more than one property owner, shall be reviewed based on whether the change is considered major or minor, in accordance with this subsection.
- (4) **Major Change**
- (a) Major changes to a PUD require the prior approval of the Zoning Commission and the Township Trustees in the same process, and with the same hearings, as that used to review the PUD Preliminary Plan. The Zoning Inspector shall have the authority to determine if a proposed change is a major change. Such changes include, but are not limited to:
    - (i) Expansion of the PUD project beyond the original tract coverage;
    - (ii) Removal or subtraction of land from the original tract coverage; and
    - (iii) Proposed changes that will result in an increase in residential dwelling units of more than 5 percent of the total dwelling units proposed or an aggregate increase of more than 10 percent in nonresidential square footage.
  - (b) Changes that require the approval of only the Zoning Commission at a public hearing include, but are not limited to, the following:
    - (i) Changes in the plan relative to the size and arrangement of buildings, the layout of streets or circulation patterns, the size, configuration and location of common open space, and changes in any approved elements of the PUD; and
    - (ii) Amendments to the conditions that were attached to the PUD Preliminary Plan or PUD Final Plan approval.

**(5) Minor Changes**

- (a) Minor changes are those proposed by the developer/owner which do not disturb or affect the basic design and approved PUD Preliminary Plan and which are essentially technical in nature, as determined by the Zoning Inspector.
- (b) Examples of minor changes include but are not limited to: change in the intensity of lighting, changes in the size and location of water and sewer lines within approved easements and changes in the location and number of fire hydrants.
- (c) The Zoning Inspector shall notify the Zoning Commission of all such approved minor changes.

**(G) Limitation on Resubmission**

Whenever an application for a PUD has been denied, the applicant shall be subject to the standards of Section [3.02\(I\): Reapplication after Denial of an Application](#).

**(H) Revocation**

- (1) In the event of a failure to comply with the approved plan or any prescribed condition or approval, including failure to comply with the stage development schedule, the Zoning Commission may, after notice and hearing, revoke the approval of the PUD Preliminary or Final Plan. The Zoning Commission shall at the same time recommend whether to maintain the PUD zoning district or initiate a zoning map amendment to another zoning district.
- (2) The revocation shall become final 30 days after the Township Trustees pass a resolution to rezone the property to a non-PUD zoning category or a decision by the Zoning Commission to revoke the approved plans but retain the PUD zoning.
- (3) Where the PUD zoning remains without an approved PUD Preliminary Plan or a Final Plan, the property owner or agent shall be required to submit a new PUD Preliminary Plan in accordance with the review procedures of this article.

**(I) Review Criteria**

**(1) General Review Criteria**

All PUD applications shall be reviewed based on the following general criteria and the applicable review body shall consider such criteria in the creation of their specific findings of fact when making recommendations and decisions regarding PUD applications, especially for the review of the PUD Preliminary Plan:

- (a) The proposed development is in conformity with the township's adopted goals, policies, and any applicable plans;
- (b) The proposed development meets the intent and spirit of this resolution and all other applicable township resolutions;
- (c) The development provides an environment of stable character that promotes a harmonious relationship between land uses within the site and a harmonious relationship with surrounding development, utilizing adequate buffers where necessary;
- (d) The proposed development provides a development pattern which preserves and utilizes the natural topography, geologic features, scenic vistas, natural vegetation and natural drainage patterns of the site;
- (e) The proposed development maximizes the opportunity for privacy within residential areas and minimizes nuisances between residential areas and other land uses;
- (f) The proposed development, while compatible with its surroundings, provides a more diverse environment for living, shopping and/or working than would be possible under strict application of the standard minimum design requirements of other districts provided within this resolution;
- (g) The proposed development promotes greater efficiency in the use of land and does not impose an undue burden on public services and facilities such as fire and police protection, schools, water supply and wastewater disposal due to excessive population densities;
- (h) The proposed development is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated;



- (i) The proposed development is accessible from public thoroughfares adequate to accommodate the traffic which shall be imposed on them by the proposed development, and the proposed streets and parking areas within the site are adequate to serve the proposed arrangement of land uses;
- (j) The proposed development minimizes pedestrian, bicycle, and vehicle conflicts;
- (k) The proposed development provides a higher quality and more useful design of landscaping and open space and amenities than would normally be required under the strict application of existing zoning requirements;
- (l) The proposed development contains such proposed covenants, easements, association by-laws and other such provisions as may reasonably be required for the public health, safety, and welfare;
- (m) The proposed development is designed in such a way that each individual section of the development as well as the total development, can exist as an independent section capable of creating an environment of sustained desirability and stability or that adequate assurance has been provided that such an objective shall be attained;
- (n) The proposed development can be substantially completed within the time specified in the schedule of development submitted by the developer; and
- (o) The PUD plans have been transmitted to all other agencies and departments charged with responsibility of review and any identified issues have been reasonably addressed by the applicant.

**(2) Additional Review Criteria for the PUD Final Plan**

In addition to the general review criteria above, the following criteria shall serve as conditions that should generally be satisfied before the approval of the PUD Final Plan:

- (a) Where common open space is required, appropriate arrangements with the applicant have been made which will ensure the reservation of common open space as indicated on the PUD Preliminary Plan and Final Plan. If deemed necessary by The Township Trustees during the PUD Preliminary Plan review process, the Township Trustees may require the applicant to hold a bond to ensure the successful and proper reservation of open space. Furthermore, the PUD Final Plan shall demonstrate how the open spaces shall be duly transferred to a legally established homeowner's association or has been dedicated to the Township or another public or quasi-public agency;
- (b) Appropriate agreements with the applicant have been made to ensure the proper completion of public improvements in compliance with township and Mahoning County regulations;
- (c) The proposed PUD Final Plan for the individual section(s) of the overall PUD is consistent in contents (building location, land uses, densities and intensities, yard requirements, and area and frontage requirements) with the approved PUD Preliminary Plan;
- (d) Each individual phase of the development can exist as an independent unit that can create an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained;
- (e) That any exception from the design standards provided in the Preliminary Plan is warranted by the design and amenities incorporated in the detailed Final Plan;
- (f) That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development; and
- (g) The PUD Final Plan has been transmitted to all other agencies and departments charged with responsibility of review.

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## **5.05 PERMITTED USES**

### **(A) Principal Uses**

- (1) Only those uses listed in [Table 4.07-1](#), whether permitted, permitted with standards, or conditionally permitted, may be considered in the application of a PUD.
- (2) In general, any standards that apply to a specific use in a zoning district shall also apply to those same uses in a PUD. However, the Zoning Commission and the Township Trustees may adjust or waive any of those use-specific standards.

- (3) As part of any approval, the Zoning Commission and the Township Trustees shall approve a list of acceptable uses permitted in the PUD. Such list of uses only include uses established in [Table 4.07-1: Permitted Use Table](#).
- (4) Planned Unit Developments that are surrounded by residential zoning districts shall be restricted to uses, and related accessory uses, that are permitted in the residential zoning districts.
- (5) Planned Unit Developments that share a boundary with a GB or RB District located along the Market Street (Route 7) and Boardman Poland Road (Route 224) corridors, or that will result in the rezoning of a GB or RB District, may include a mixture of uses with the following conditions.
  - (a) If this type of PUD results in the rezoning of an existing residential zoning district adjacent to the GB or RB District then the PUD shall be required to incorporate a mixture of uses, including residential uses.
  - (b) Such PUD shall include a minimum of 40 percent of the land area dedicated to residential uses and another 35 percent of the land area dedicated to commercial or office uses. Such percentages shall be of any land area not dedicated to parks, recreation, and open space uses, or other lands dedicated to public and institutional uses.
  - (c) The land area dedicated to residential uses may include a portion or all of the area dedicated to commercial or office uses if the minimum density of dwellings in the area is six units per acre and all of the uses are designed in a manner to create an interconnected, mixed-use neighborhood.
- (6) No land or structure shall be used or occupied to create any nuisance or hazard involving fire, explosion, noise, vermin, brilliant light, vibration, smoke, dust, fumes, odor, heat, cold, disease, dampness, electrical or electronic disturbance, radiation and/or toxic agents.
- (7) Any changes in uses within an approved PUD shall be required to be reviewed as part of a major PUD amendment.

**(B) Accessory Uses**

Unless modified by the Zoning Commission or Trustees during the PUD Preliminary Plan or PUD Final Plan approval, accessory uses in a PUD District shall be subject to the following standards:

- (1) Accessory uses and structures related to single-family residential uses in a PUD District shall be subject to the standards applied to accessory uses in the R-1A District.
- (2) Accessory uses and structures related to multi-family residential uses in a PUD District shall be subject to the standards applied to accessory uses in the R-3 District.
- (3) Accessory uses and structures related to nonresidential uses in a PUD District shall be subject to the standards applied to the GB District.

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**5.06 DEVELOPMENT STANDARDS**

Except as otherwise authorized by the Zoning Commission and the Township Trustees, PUD Districts shall comply with the following development standards:

**(A) Minimum Site or Lot Requirements**

- (1) Yard, setback, lot size, type of dwelling unit, height, frontage and floor area requirements and related limitations, and use restrictions contained in other articles of this resolution, may be waived for a PUD, provided that the spirit and intent of this resolution and this section are met as determined by the Zoning Commission and The Township Trustees.
- (2) Every building in a PUD shall have access either to a public street, walkway or other area dedicated to common use.
- (3) In PUDs with residential dwelling units, the privacy of future residents shall be assured by yards, creative building arrangements, screening and other design elements. At a minimum, residential dwellings shall meet the following standards in a PUD:
  - (a) The minimum distance between structures shall not be less than 15 feet or one-half the height of the higher structure, whichever is greater.
  - (b) The minimum setback permitted from public rights-of-way shall be 25 feet for streets identified on adopted policies or plan related to the township, or other related plans for transportation, and for streets designed to provide access to property adjoining the development.



(c) Balconies, decks and patios shall be screened from each other when closer than 50 feet from each other.

- (4) For developments without any residential component, the minimum spacing between interior buildings shall be subject to approval by the township, but in no case shall be less than 20 feet or one-half the height of the taller building whichever is greater. All buildings along the perimeter of a PUD that is larger than five acres in size shall be set back a minimum of 50 feet along any existing residential district, park, or school property, and 25 feet along any other district or property. These perimeter setbacks shall be doubled if the proposed use is a use type that falls under the Industrial Use Classification in [Table 4.07-1](#). Perimeter setbacks may only be reduced using the waiver procedure found in [Section 5.04\(E\): Waiver of Standards](#).

**(B) Maximum Building Height Standards**

- (1) Residential buildings or mixed-use buildings that contain residential dwellings may exceed 35 feet only if the Zoning Commission determines the proposed building allows adequate fire emergency access and is of an appropriate scale to its surroundings.
- (2) All other buildings shall not exceed 80 feet in height; however, the Boardman Township Fire Department may further restrict the maximum height of nonresidential buildings for safety purposes, based on fire protection capabilities.

**(C) Land Use Density and Intensity**

- (1) Final land use density and intensity of uses shall be subject to approval of the Zoning Commission and The Township Trustees during the PUD Preliminary Plan review.
- (2) In general, the overall gross density of a residential component of a PUD shall comply with the township's adopted plans and policies. Residential densities shall not exceed 14 dwellings units per gross acre.
- (3) Increased net densities or lot coverage may be permitted by the Zoning Commission where it is satisfied that the applicant has provided a proportionate increase in the amount and amenity of common open space. Such density increases shall not exceed 15% of the maximum densities established in this section.
- (4) For nonresidential uses, the overall intensity of development shall be compatible with the recommendations of adopted plans and policies, and with the capacity of public streets, drainage facilities and utilities and not violate the following standards:
- (a) The impervious surface of the site shall not exceed 80% of the total site excluding public rights of way.
- (b) The aggregate floor area of all buildings shall not be greater than 60% of the total area of the site excluding public rights of way.
- (5) The preceding density guidelines may be varied at the discretion of the Zoning Commission and the Township Trustees if it can be demonstrated that a variance to a guideline is necessary to achieve an improved site design, that surrounding neighborhoods and public facilities will not be adversely affected, and that a common open space will be provided. However, the approved density in the PUD shall not exceed more than 15% the density which is permitted in this section.
- (6) Where there are mixed-use structures that contain both residential and commercial or commercial and industrial uses, the applicant shall provide information indicating the appropriate use groups for various areas within such structures and type of construction separating them. No highly combustible, toxic or otherwise hazardous materials shall be permitted within residential areas of the development. In addition:
- (a) Adequate information shall be provided to the Fire Department and Building Inspector for each to determine that the mixed-use building(s) shall meet State and local building and fire codes.
- (b) Adequate security shall be provided between uses in mixed-use structures. Interior common areas serving dwellings shall not be accessible to the public at large.

**(D) Design and Development Standards**

Unless otherwise stated below, or waived by the Zoning Commission or Township Trustees through Section [5.04\(E\): Waiver of Standards](#), the proposed development shall be subject to the regulations and standards of this code including, but not limited to, outdoor lighting, off-street parking and mobility, signs, architectural standards, etc.

**(1) Landscaping and Buffering**

- (a) All PUDs shall comply with the applicable landscaping and buffering requirements of [Article 10: Landscaping Standards](#), which shall be established as the minimum landscaping and buffering requirements.
- (b) The percentage of retained and proposed landscaped areas to total area shall not be less than 20 percent of the entire lot.
- (c) In general, all unpaved areas of a lot shall be landscaped, or a bond or irrevocable letter of credit submitted to guarantee the installation of landscaping prior to occupancy of a principal building.
- (d) Every effort shall be made to preserve mature stands of trees and other natural features having intrinsic, aesthetic value.
- (e) Where this is not practical, attractive groupings of nursery materials shall be planned.
- (f) The amount of landscaping shall be comparable to the intensity of the development proposed. Care shall be taken to introduce trees and other landscaping into parking and other paved areas.
- (g) PUDs that contain nonresidential uses or residential uses of a higher density or intensity of adjacent residential uses shall be required to provide a permanent open space buffer consisting of mounding and vegetative plantings sufficient to protect the privacy and amenity of such adjoining areas. The buffer area shall be a minimum of 50 feet in width unless otherwise approved by the Zoning Commission through the waiver procedure of Section [5.04\(E\): Waiver of Standards](#).
- (h) The buffer area shall be maintained by the land owner or owner association in such a manner as to insure its effectiveness.
- (i) Outdoor areas or containers holding or storing trash, garbage, recycled or reused materials shall be screened on three sides from adjoining properties, streets and other public areas. Such areas or containers shall be screened in accordance with this resolution and shall include a decorative gate for access.

**(2) Vehicular Access Points**

- (a) The number of ingress and egress points shall be limited to reduce the number of potential accident locations with streets.
- (b) Adequate and properly arranged facilities for internal pedestrian and traffic circulations shall be provided.
- (c) Topography, landscaping and existing vegetative clusters shall be utilized as necessary to make the project attractive and provide buffers between areas of substantially different character.
- (d) The street and thoroughfare network shall be designed to provide enhanced connectivity in between neighborhoods as well as providing connections between neighborhoods and business activity centers.
- (e) Truck loading areas shall be physically isolated from residences or enclosed.

**(3) Improvement Standards**

- (a) Unless alternative standards are approved as part of the PUD approval process, all PUDs shall comply with the applicable subdivision improvement and design standards including, but not limited to, sidewalks, street design, drainage, and utilities.
- (b) All streets proposed within a PUD shall be public streets unless approved by the Zoning Commission, Township Trustees, and Mahoning County Planning Commission. In considering the approval of any application that proposes the use of private streets, the Zoning Commission and The Township Trustees shall consider the following:

- (i) All private streets shall be designed in accordance with the standards of the Mahoning County Subdivision Regulations except that curbs and gutters may be waived and street width reduced if adequate provision has been made for storm drainage, guest parking and for access by emergency vehicles and trash collection trucks.
- (ii) Private streets shall be oriented and designed to discourage through traffic movement.
- (iii) Private streets should not be designed for extension into any adjacent development or provide access to future development which may occur on adjacent undeveloped land.
- (iv) Private streets shall have no more than 30 residential lots per entrance to a public street.
- (v) Any development proposed containing private streets shall also contain a description of the method by which such streets are to be maintained, such as the by-laws of a homeowners' association.
- (c) In addition to any sidewalk requirements required by the applicable subdivision standards, any PUD that contains residential uses shall provide for adequate pedestrian walkways connecting residences to existing and proposed recreational facilities, schools, neighborhood shopping, other residential areas, and adjoining sidewalks.

**(4) Common Open Spaces**

- (a) Common open space shall be required in all applications where there is a proposed PUD that contains any residential uses.
- (b) The common open space requirements for a PUD shall be based on the proposed residential density and shall be in accordance with [Table 5.06-1](#).
- (c) In the case of phased developments, open space shall be provided in proportion with each developed phase.

| <b>TABLE 5.06-1: PUD COMMON OPEN SPACE REQUIREMENTS</b> |                                       |
|---|---------------------------------------|
| <b>Proposed Residential Density<br/>(Gross Density)</b> | <b>Common Open Space Requirements</b> |
| Under 4 Dwelling Units Per Acre                         | 5 Percent                             |
| 4 to Less than 8 Dwelling Units Per Acre                | 10 Percent                            |
| 8 or More Dwelling Units Per Acre                       | 15 Percent                            |

- (d) The percentage of open space shall be based on the gross site area of the proposed project, including all rights-of-way.
- (e) When open space is required, such space shall be areas that have been improved for active use by residents or members of the public that may include, but is not limited to, in-ground swimming pools, playgrounds, tennis courts, jogging trails, or similar outdoor recreational uses. Passive uses, such as trails, may be included in the open space calculation if an integral part of other open space improvements, as approved by the Zoning Commission and Township Trustees during the preliminary plan review.
- (f) Retention or naturalized stormwater management areas, as well as dry stormwater detention basins, which are designed to be an amenity, may be considered as open space if so determined by the Zoning Commission and Township Trustees during the preliminary plan review.
- (g) The following areas shall not be counted toward compliance with open space requirements:
  - (i) Private and public roads, and associated rights-of-way;
  - (ii) Public or private parking spaces, access ways, and driveways related to any residential use;
  - (iii) Required minimum spacing between buildings and required yard setbacks;
  - (iv) Vehicular use areas;
  - (v) Land that is subject to pre-existing conservation easements or other similar protected open spaces;

- (vi) Above-ground buildings, pipes, apparatus, and other equipment for community or individual use, septic or sewage disposal systems;
  - (vii) Substations, public utility easements;
  - (viii) Leftover land that has no value for development and is not a natural resource (e.g., river or stream corridor, large forest stand, wetland) that contributes to the quality of the overall project, as determined by the Zoning Commission or Zoning Inspector, as may be applicable based on the review procedure.
- (h) All common open space shall be designed in accordance with the following:
- (i) The location, shape, size and character of common open space shall be suitable for the proposed residential uses in relation to the location, number and types of dwelling units it is intended to serve. In any case, it shall be highly accessible to all residents or users of the PUD.
  - (ii) The common open space shall be used for amenity and/or recreational purposes. Any uses and/or buildings authorized for the common open space must be appropriate to the scale and character of the PUD in relation to its size, density, expected population, topography and the type of dwellings.
  - (iii) The common open space shall be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space shall be appropriate to the uses which are authorized for the common open space and shall conserve and enhance the amenities of the common open space regarding its topography and unimproved condition.
  - (iv) Where appropriate, open space should be arranged in order to provide connections to existing or future open space areas, trails, or similar features on adjoining parcels.

**(5) Protection and Maintenance of Common Open Space**

Adequate provision shall be made for the long-term maintenance and/or operation of all common open space in accordance with this section.

**(a) Reclamation of Disturbed Open Space**

Any required land areas designated for use as open space that are disturbed during construction or otherwise not preserved in its natural state, shall be landscaped with non-invasive vegetation that appeared in those respective areas prior to construction or with other native vegetation. The planting of invasive plant species is prohibited.

**(b) Future Subdivision and Development of Open Space**

All required open space shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to Boardman Township and duly recorded in the office of the Mahoning County Recorder. Subject to permanent restrictions as set forth above, required open space in an open space residential subdivision shall be owned by a homeowners' association, Boardman Township (with its consent), a land trust or other conservation organization recognized by Boardman Township, or by a similar entity. Required open space may be held by the individual members of a homeowners' association as tenants-in-common or may be held in common ownership by a homeowners' association, community association, or other similar legal entity.

**(c) Conservation Easements**

With the permission of Boardman Township, the owner(s) of required open space may, in accordance with the applicable provisions of the ORC, grant or transfer a conservation easement to any entity described in the ORC, provided that the entity and the provisions of the conservation easements are acceptable to Boardman Township. When a deed restriction is proposed as the method of restricting further subdivision of land designated as open space, Boardman Township shall be named as a party to such deed restrictions with approval authority over any changes thereto. The conveyance must contain appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under the ORC, in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

**(d) Homeowners' Associations**

The following shall apply where a homeowners' association will be established to maintain any open space or other common areas as required by this article:

- (i)** A homeowners' association shall be established to permanently maintain all open space, common areas and conservation easements related to the open space.
- (ii)** All homeowners' association agreements shall be submitted for approval as part of a zoning certificate, conditional use, planned development overlay, or planned development application, as applicable. Copies of the proposed covenants, articles of incorporation, and bylaws of the association shall be submitted with said agreements. No set of proposed covenants, articles of incorporation, or bylaws of a homeowners' association shall permit the abrogation of any duties set forth in this section.
- (iii)** All homeowners' associations shall guarantee maintenance of all open space and common areas within the boundaries of the development. In the event of a failure to maintain such open space or common areas, the township may do any of the following:
  - A.** If the open space or common area is owned by the township, township approved land trust or other qualified organization, county, state or park district, the township may remedy the failure to maintain at its own cost and seek reimbursement from the homeowner's association, or seek to enforce the homeowner's association's duty to maintain through an injunction or any other civil remedy.
  - B.** If the open space or common area exists pursuant to a conservation easement in which the township is a party to such easement, the township may seek to enforce the terms of the conservation easement as provided in [Section 5.06\(D\)\(5\)\(c\)](#).
  - C.** If the open space or common area is owned jointly or in common by the owners of the building lots, or by any other owner of the property to be maintained, the township may seek to enforce the association's non-performance of its obligations and duties through an injunction or any other civil remedy.

# Article 6: Accessory and Temporary Use Regulations

## 6.01 ACCESSORY USE REGULATIONS

---

### (A) Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses permitted in accordance with this resolution.

### (B) General Provisions

- (1) Accessory structures and uses shall be incidental to and customarily found in connection with a principal building or use permitted in the district in which it is located.
- (2) An accessory structure and/or use shall be located on the same lot as the principal use for which it serves. The township may allow for the placement of accessory structures or uses in open space areas or protected common space as part of a PUD when there is sufficient language on the approved plans and in covenants that define the allowable structure or use and establishes responsibility for maintenance.
- (3) An owner shall be required to apply for and receive a zoning certificate unless specifically exempted by this resolution.
- (4) An accessory use or structure shall not be established unless a principal use has first been established on a lot in conformance with the applicable provisions of the zoning resolution.
- (5) Accessory structures used for agricultural purposes that are exempt from the requirements of this resolution (See Section [1.07\(D\)\(1\)](#).) shall be exempt from these regulations.
- (6) Small garden structures, wood piles, and other accessory structures with a footprint of less than 50 square feet that are not specifically regulated by this article are permitted in the side or rear yards without a zoning certificate but shall be subject to the setback requirements of Section [6.01\(C\)](#) below.
- (7) No accessory building or structure shall be used to operate a business, store equipment, or supplies used for a business, or be a location where employees meet or park, in any residential district, or recorded residential subdivision, unless specifically allowed as a home occupation.

### (C) Size Requirements and Location

#### (1) Setbacks

- (a) Accessory uses such as garages and carports, that are attached or an integral part of the principal use shall be regulated as part of the principal use and comply with all applicable setbacks.
- (b) Unless otherwise specified in this section, detached accessory structures shall be set back a minimum of five feet from all lot lines. In the R-1B and R-1C Districts, this setback may be reduced to three feet. This setback shall not apply to fences, walls, or hedges that are regulated by Section [7.05: Fencing, Walls, Hedges, and Similar Structures](#).
- (c) No detached accessory building shall be located less than ten feet from the principal building. If the separation of the accessory and principal building is less than ten feet, the accessory building shall be protected with a fire-resistant material and shall conform to the same yard requirements as the principal building.
- (d) Detached accessory structures shall be set back a minimum of 50 feet from any lot line adjacent to a street, regardless of what yard they are permitted within. For corner lots, this setback may be reduced to 20 feet from the front lot line on the street that the building is not oriented toward.

#### (2) Number and Size Requirements

- (a) In residential zoning districts, [Table 6.01-1](#) shall establish the maximum square feet of all accessory buildings on any single lot based on the total lot area. In no case shall the aggregated square footage of all accessory building footprints exceed the footprint of the principal building.



| <b>TABLE 6.01-1: MAXIMUM FOOTPRINT OF ACCESSORY BUILDINGS IN RESIDENTIAL ZONING DISTRICTS</b> |   |
|---|---|
| <b>Lot Area (Square Feet)</b>   | <b>Maximum Square Feet of Accessory Building Footprints per Lot</b> |
| Up to 11,999  | 900   |
| 12,000 to 19,999  | 1,000   |
| 20,000 or larger  | 1,200   |

- (b) [Table 6.01-2](#) below, identifies the maximum number of certain accessory structures permitted on any single lot.

| <b>TABLE 6.01-2: LIMITS OF CERTAIN ACCESSORY STRUCTURES</b>  |   |
|--|---|
| <b>Accessory Structure</b>   | <b>Maximum Number of Structures per Lot</b>   |
| Detached Accessory Buildings   | 1 if a detached garage or carport is located on, or proposed for the same lot (for a maximum of 2 buildings), otherwise there shall be a maximum of 2 |
| Ground-Mounted Solar Energy Systems  | 1   |
| Swimming Pools and Hot Tubs  | 1 each  |
| Other Accessory Structure similar in nature to the above-mentioned structures, as determined by the Zoning Inspector | 1   |

**(3) Maximum Height**

Unless otherwise specified in this section, the maximum height of accessory structures or buildings shall be 16 feet or the maximum height of the principal building, whichever is less. The height shall be measured as defined in Section [4.09\(A\)\(4\)](#).

**(D) Permitted Accessory Uses**

[Table 6.01-3](#) lists the accessory uses and structures allowed within all zoning districts. The following is an explanation of the abbreviations and columns in [Table 6.01-3](#).

**(1) Permitted Use (P)**

- (a) A "P" in a cell indicates that an accessory use or structure is permitted by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this resolution.
- (b) Permitted uses or structures are approved administratively by the Zoning Inspector through the zoning certificate procedure (See Section [3.06: Zoning Certificate](#)). Accessory structures or uses that are accessory to principal uses subject to site plan review (See Section [3.05: Site Plan Review](#)) shall be reviewed as part of the site plan review process unless the principal use has already been established, in which case, the accessory structure or use shall require only a zoning certificate approval.

**(2) Permitted Use with Use-Specific Standards (PS)**

- (a) A "PS" in a cell indicates that the accessory use or structure category is allowed by-right in the respective zoning district if it meets the additional standards set forth in the last column of [Table 6.01-3](#). Permitted uses with standards are subject to all other applicable regulations of this resolution.
- (b) Uses or structures permitted with standards under this category are approved administratively by the Zoning Inspector through the zoning certificate procedure (See Section [3.06: Zoning Certificate](#)).

**(3) Conditional Use (C)**

- (a) A "C" in a cell indicates that an accessory use or structure may be permitted if approved through the conditional use review (See Section [3.04: Variance or Conditional Use](#)). Conditional uses may be subject to use-specific standards as identified in the last column of [Table 6.01-3](#).
- (b) Conditional uses are subject to all other applicable regulations of this resolution.

- (c) The existence of additional use-specific standards in this resolution shall not be implied to be the only standards the use is required to meet. Any use that is permitted as a conditional use shall be subject to the general review standards for conditional uses in Section [3.04\(D\): Conditional Use Review Criteria](#).

**(4) Prohibited Uses**

A blank and/or shaded cell indicates that an accessory use or structure is prohibited in the respective zoning district.

**(5) Zoning Certificate Required**

The “Zoning Certificate Required” column identifies if a zoning certificate is required for the applicable accessory use or structure.

**(6) Yards Permitted**

The “Yards Permitted” column identifies in which yards the applicable accessory use or structure is permitted. See also Section [4.09\(A\)](#), for more information about specific yard locations for interior, corner, through, flag or panhandle, cul-de-sac, or curved street lots, etc.

**(7) Numerical References (Last Column)**

The numbers contained in the “Use-Specific Standards” column are references to additional standards and requirements that apply to the use and structure type listed. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated and may apply to a conditionally permitted use and/or a permitted use with use-specific standards.

**(8) Unlisted Uses**

If an application is submitted for a use that the Zoning Inspector determines is not defined or established in [Table 6.01-3](#), the applicant may choose to take one of the actions identified in Section [4.07\(B\)\(6\)](#).

**(9) Accessory Uses in Planned Unit Development Districts**

Accessory uses for development within a planned unit development district shall be regulated based on the principal use. Accessory uses for residential principal uses shall be as regulated for residential zoning districts in [Table 6.01-3](#). Accessory uses for nonresidential principal uses shall be as regulated for nonresidential zoning districts in [Table 6.01-3](#).

**TABLE 6.01-3: PERMITTED ACCESSORY USE TABLE**

| Permitted Uses<br>P = Permitted Use<br>PS = Permitted with Additional<br>Use-Specific Standards<br>C = Conditional Use<br>Blank Cell = Prohibited | AG, R-1A,<br>R-1B, R-1C,<br>R-2, R-3, &<br>P-I | O, GB,<br>RB, NMB,<br>& I | Zoning<br>Certificate<br>Required | Yards Permitted<br>F = Front<br>S = Side<br>R = Rear | Use-Specific<br>Standards<br><br>See Section |
|---|--|---------------------------|-----------------------------------|--|--|
| Accessibility Ramps   | PS   | PS                        | Yes                               | F, S, or R   | <a href="#">6.01(E)(1)</a>                   |
| Accessory Dwelling Units  | C  |                           | Yes                               | R  | <a href="#">6.01(E)(2)</a>                   |
| Amateur Radio Antennas  | PS   |                           | Yes                               | S or R   | <a href="#">6.01(E)(3)</a>                   |
| Automated Teller Machines<br>(ATM)  |  | PS or C                   | Yes                               | S or R   | <a href="#">6.01(E)(4)</a>                   |
| Basketball Hoops  | PS   | PS                        | No                                | F, S, or R   | <a href="#">6.01(E)(5)</a>                   |
| Beekeeping  | PS   |                           | Yes                               | R  | <a href="#">6.01(E)(6)</a>                   |
| Bike and Skateboard Ramps   | PS   | PS                        | Yes                               | R  | <a href="#">6.01(E)(7)</a>                   |
| Community Gardens   | PS   | PS                        | Yes                               | F, S, or R   | <a href="#">6.01(E)(8)</a>                   |
| Detached Accessory Buildings<br>and Structures  | PS   | PS                        | Yes                               | S or R   | <a href="#">6.01(E)(9)</a>                   |
| Drive-Through Facilities  |  | PS                        | Yes                               | S or R   | <a href="#">6.01(E)(10)</a>                  |
| Farm Markets  | PS   | PS                        | No                                | F, S, or R   | <a href="#">6.01(E)(11)</a>                  |
| Home Occupations  | PS   |                           | Yes                               | Inside principal<br>building                         | <a href="#">6.01(E)(12)</a>                  |



**TABLE 6.01-3: PERMITTED ACCESSORY USE TABLE**

| <b>Permitted Uses</b><br><b>P = Permitted Use</b><br><b>PS = Permitted with Additional</b><br><b>Use-Specific Standards</b><br><b>C = Conditional Use</b><br><b>Blank Cell = Prohibited</b> | <b>AG, R-1A,</b><br><b>R-1B, R-1C,</b><br><b>R-2, R-3, &amp;</b><br><b>P-I</b> | <b>O, GB,</b><br><b>RB, NMB,</b><br><b>&amp; I</b> | <b>Zoning</b><br><b>Certificate</b><br><b>Required</b> | <b>Yards Permitted</b><br><b>F = Front</b><br><b>S = Side</b><br><b>R = Rear</b> | <b>Use-Specific</b><br><b>Standards</b><br><br><b>See Section</b> |
|---|--|--|--|--|---|
| Nursery Schools or Day Care Centers (Children or Adults)  | PS   | PS   | Yes  | Inside principal building  | <a href="#">6.01(E)(13)</a>                                       |
| Outdoor Dining  |  | PS   | Yes  | F, S, or R   | <a href="#">6.01(E)(14)</a>                                       |
| Outdoor Display or Sales  |  | PS   | Yes  | See <a href="#">6.01(E)(15)</a>  | <a href="#">6.01(E)(15)</a>                                       |
| Outdoor Storage and Bulk Sales  |  | PS   | Yes  | See <a href="#">6.01(E)(16)</a>  | <a href="#">6.01(E)(16)</a>                                       |
| Outdoor Vending Machines and Drop Boxes   |  | PS   | No   | See <a href="#">6.01(E)(17)</a>  | <a href="#">6.01(E)(17)</a>                                       |
| Playsets, Treehouses and Trampolines  | PS   |  | See Section <a href="#">6.01(E)(18)</a> .              |  |   |
| Porches, Decks, and Patios  | PS   | PS   | See Section <a href="#">6.01(E)(19)</a>                |  |   |
| Raising of Small Livestock  | PS   |  | Yes  | R  | <a href="#">6.01(E)(20)</a>                                       |
| Satellite Dishes  | See <a href="#">6.01(E)(21)</a>  |  |  |  |   |
| Short-Term Rental   | PS   |  | No   | Inside principal building  | <a href="#">6.01(E)(22)</a>                                       |
| Small Wind Energy Conservation Systems  | C  | C  | Yes  | S or R   | <a href="#">6.01(E)(23)</a>                                       |
| Solar Panels  | PS   | PS   | Yes  | R  | <a href="#">6.01(E)(24)</a>                                       |
| Swimming Pools, Hot Tubs, and Ponds   | PS   | PS   | Yes  | R  | <a href="#">6.01(E)(25)</a>                                       |
| Type-B day care homes (1-6 children)  | P  |  | Yes  | Inside principal building  |   |

**(E) Use-Specific Standards**

**(1) Accessibility Ramps**

Ramps that provide access to buildings for the disabled are permitted in all zoning districts and may encroach in all setbacks but shall not encroach on a public sidewalk, right-of-way, or street.

**(2) Accessory Dwelling Units**

- (a)** Accessory dwelling units shall only be permitted when accessory to a single-family dwelling on an individual lot with a minimum lot area of 12,000 square feet.
- (b)** Accessory dwelling units may be constructed within an existing dwelling unit (interior apartment with separate entrance) or as a separate or converted accessory structure (e.g., converted garage, carriage house, unit above a garage).
- (c)** An accessory dwelling unit that is constructed within the principal dwelling (interior apartment) shall comply with the following:
  - (i)** May occupy a basement, first, or second story of a main residence if it is designed as an integral part of the main residence and meets the setbacks required for the main residence.
  - (ii)** Any separate external entrance shall be located on the side or in the rear of the building.
- (d)** An accessory dwelling unit that is in a separate, detached building or is added to a detached building shall be constructed in a manner that reflects the architectural style, materials, colors, and roof design of the principal dwelling.
- (e)** Only one accessory dwelling unit is permitted on an individual lot.
- (f)** The maximum size of an accessory dwelling unit shall be 750 square feet and shall not contain more than two bedrooms.

- (g) One off-street parking space shall be provided in addition to any spaces required in Section [11.04\(A\)](#).
- (h) The owner of the lot shall reside in either the principal dwelling or accessory dwelling unit as long as both dwelling units are occupied as residences.

**(3) Amateur Radio Antennas**

- (a) Towers used to support amateur radio antenna shall not exceed 70 feet in height.
- (b) Such a tower shall be set back a minimum of one foot from each lot line for every one foot in height. All guy wires, if applicable, shall be set back a minimum of ten feet from all lot lines.
- (c) Any tower and related structures shall be installed in accordance with the instructions furnished by the manufacturer of the tower model. An antenna mounted on a tower may be modified and changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications.

**(4) Automated Teller Machines (ATM)**

- (a) If the ATM is part of a drive-through facility, the ATM shall be subject to the vehicle stacking requirements of Section [11.07: Stacking Space Requirements](#).
- (b) ATMs that are located within the interior of the building shall be regulated as part of the principal use.
- (c) ATMs that are attached to a principal building shall be reviewed as part of a zoning certificate application. Stand-alone ATMs that are independent from any building shall be permitted only as a conditional use with approval required by the Police Department.

**(5) Basketball Hoops**

- (a) Basketball courts shall be regulated in the same manner as a patio.
- (b) Movable basketball hoops shall not be located in rights-of-way or be so located as to require play in any right-of-way.

**(6) Beekeeping**

- (a) Beekeeping as an accessory use shall be permitted in the AG, R-1A, and P-I Districts when the lot on which any hives are kept has a minimum lot area of 20,000 square feet.
- (b) Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
- (c) Each beekeeper shall ensure that a convenient source of water is available to the colony so long as colonies remain active outside of the hive.
- (d) Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect proof container.
- (e) For each colony permitted to be maintained under this resolution, there may also be maintained upon the same apiary lot, one nucleus colony in a hive structure not to exceed one standard 9-5/8-inch depth 10-frame hive body with no supers.
- (f) Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall not be a defense to this ordinance that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees.
- (g) If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall not be considered in violation the portion of this code limiting the number of colonies if he/she temporarily houses the swarm on the apiary lot in compliance with the standards of practice set out in this ordinance for no more than 30 days from the date acquired.

**(h) Flyaway Barrier**

- (i) Except as otherwise provided in this resolution, in each instance where a colony is kept less than 25 feet from a property line of the lot upon which the apiary is located, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six feet in height.
- (ii) The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that bees will fly over rather than through the material to reach the colony.
- (iii) If a flyway barrier of dense vegetation is used, the initial planting may be four feet in height, so long as the vegetation normally reaches six feet in height or higher.
- (iv) The flyway barrier must continue parallel to the apiary lot line for 10 feet in either direction from the hive, or contain the hive or hives in an enclosure at least six feet in height.
- (v) A flyway barrier is not required if the property adjoining the apiary lot line is undeveloped, is outside of the township, or is zoned as an AG or I District.
- (vi) No person is permitted to keep more than the following numbers of colonies on any lot within the township, based upon the size or configuration of the apiary lot:

| TABLE 6.01-4: BEE COLONY DENSITY   |                            |
|--|----------------------------|
| Lot Area (Square Feet)   | Maximum Number of Colonies |
| 20,000 to 32,500   | 4                          |
| 32,501 to 43,560   | 6                          |
| 43,561 or larger   | 8 [1]                      |
| NOTE:<br>[1] Lots that have over five acres of acre may have an unlimited number of colonies and are exempt from these regulations pursuant to Section 1.07(D)(1). |                            |

**(7) Bike and Skateboard Ramps**

Bike ramps and skateboard ramps shall be set back at least 15 feet from all lot lines.

**(8) Community Gardens**

- (a) Community gardens may be allowed as an accessory use when associated with public or institutional principal use (e.g., religious institution or educational facility).
- (b) Community gardens may be located in an open space area if the space is maintained by a homeowners' association.
- (c) The owner of the property shall have an established set of operating rules addressing the governance structure of the garden; hours of operation; maintenance and security requirements and responsibilities; and distribution of garden plots.
- (d) The name and telephone number of the owner and any person designated as the person in-charge of garden coordination along with a copy of the operating rules shall be kept on file with the Zoning Inspector.
- (e) The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent properties.
- (f) There shall be no retail sales on site, except for produce grown on the site.
- (g) Benches, bike racks, raised/accessible planting beds, picnic tables, seasonal farm stands, garden art, and rain barrel systems may be permitted if the community garden is located on a lot where the principal use of the lot is public, institutional, or commercial.
- (h) Fences and walls shall be subject to the provisions of [Section 7.05: Fencing, Walls, Hedges, and Similar Structures](#).

**(9) Detached Accessory Buildings**

The provisions of this section shall apply to any accessory building not identified elsewhere in [Table 6.01-3](#) that may include detached garages and carports, detached storage/utility sheds, gazebos, pool houses, and other similar buildings as determined by the Zoning Inspector.

- (a) Detached garages and carports shall be served by a paved driveway.
- (b) Detached accessory buildings shall be set back a minimum of 30 feet from the front foundation line of the principal building. For the purposes of corner lots, this setback may be reduced to a minimum setback of 10 feet from the side foundation, which is determined to be the foundation that runs along the side of the building, facing the second street.
- (c) Detached accessory buildings shall include accessory structures that are enclosed, regardless of the materials used for enclosure including, but not limited to, hoop houses and greenhouses.

**(10) Drive-Through Facilities**

- (a) Drive-through facilities shall be subject to the vehicle stacking requirements of Section [11.07: Stacking Space Requirements](#).
- (b) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall be set back a minimum of 250 feet from any residential dwelling unit and shall be subject to all applicable noise resolutions and ordinances.
- (c) No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers served in vehicles shall be parked to the sides and/or rear of the principal structure.
- (d) All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.

**(11) Farm Markets**

- (a) Farm markets may be permitted when they are used in conjunction with any lawful agricultural use pursuant to the ORC and shall be subject to the following standards in addition to any other applicable sections of this resolution:
  - (i) A farm market shall only be permitted where 50% or more of the gross income received from the farm market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.
  - (ii) The farm market shall be located on the same property where the produce is raised.
  - (iii) The structure shall not exceed 800 square feet.
  - (iv) The structure and sign shall be set back a minimum of 30 feet from all side and rear lot lines.
  - (v) The structure, signs, and required off-street parking shall be located and set back in such a manner as to not create a traffic hazard as determined by the Zoning Inspector.
  - (vi) Any signage located on the site shall not be illuminated and shall be subject, where applicable, to the standards of [Article 12: Signage Standards](#).
- (b) The sale of any farm produce or goods that do not meet the definition or standards of farm markets in this section may be allowed as part of a temporary use in Section [6.02: Temporary Uses and Structures](#).

**(12) Home Occupations**

- (a) Home occupations shall be conducted entirely within the dwelling unit.
- (b) Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.
- (c) The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.

- (d) Any home occupation activities on the property shall be conducted only by persons residing in the dwelling unit and up to one additional employee who does not have to reside in the dwelling. Such employee shall work in the dwelling.
- (e) No building or structure shall be used to operate a business, store equipment or supplies used for a business, or serve as a location where employees meet or park prior to going to work off-site but where such employees do not work anywhere on the property.
- (f) The maximum floor area the use may cover shall not exceed 20 percent of the total floor area of the dwelling unit.
- (g) Home occupations which provide a service shall not have more than two customers (including those arriving and waiting for service) at any one time.
- (h) The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence or accessory buildings.
- (i) Any need for parking generated by the conduct of such home occupation shall be accommodated on off-street parking spaces or areas that are paved for the purpose of parking.
- (j) No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood.
- (k) The following are examples of permitted types of home occupations, all other types of home occupations shall be prohibited:
  - (i) Clerical and other similar business services;
  - (ii) Instruction in music, dance or other type of teaching with a maximum number of two students at a time;
  - (iii) The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;
  - (iv) Artists, sculptors, photographers, and other providers of home crafts;
  - (v) Barber shop/beauty salon with a maximum of one chair;
  - (vi) Workshops for a tailor, dressmaker, gunsmiths, repair services, and artisans;
  - (vii) Caterers with no on-site catering;
  - (viii) A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
  - (ix) Any similar use as determined by the Zoning Inspector.

**(13) Nursery Schools or Day Care Centers (Children or Adults)**

Nursery schools or day care centers may only be permitted as accessory uses to permitted and conforming nonresidential uses including places of worship and educational institutions. Such use shall be located within the principal building.

**(14) Outdoor Dining**

- (a) Outdoor dining areas shall be located along a sidewalk adjacent to the principal building or between the principal building and parking areas. Outdoor dining areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the café/food service areas and the principal building.
- (b) A minimum of five feet of clear walking space shall be maintained on the sidewalk for pedestrian traffic.
- (c) Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.
- (d) Enclosing outdoor dining areas either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a new zoning certificate.
- (e) Any roof designed to cover patrons, including roofs over areas for waiting, smoking, etc., shall be structurally attached to the principal building and permanent in nature.

**(15) Outdoor Displays or Sales**

Facilities for outdoor display or sales (e.g., garden supply sales, news and flower stands, and similar uses) that are accessory to another principal use may be permitted upon compliance with the following:

- (a) Outdoor display and sales areas shall require the issuance of a zoning certificate. Such uses shall not be placed within the street right-of-way, within an interior drive, or in a location which will interfere with vehicle sight distance.
- (b) Outdoor displays and sales shall be related to the principal use of the site and shall clearly be accessory and incidental to the principal use. Outdoor displays and sales shall be prohibited when the principal building is vacant.
- (c) Any outdoor displays or sales not related to the principal use shall be regulated as a temporary outdoor sale in accordance with [Section 6.02: Temporary Uses and Structures](#).
- (d) Outdoor display and sales areas may be permitted provided that the merchandise is displayed along the sidewalk or walkway adjacent to the building.
- (e) Outdoor display and sales areas may also be permitted in any side or rear yard.
- (f) In all cases, any areas designated for outdoor display or sales shall be set back a minimum of 25 feet from any adjacent residential lot.
- (g) The placement of the use shall not result in the reduction of the number of parking spaces required to serve the principal use(s) on the site.
- (h) The placement of the merchandise shall not interfere with pedestrian movement on any sidewalk or walkway. A minimum of five feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.
- (i) The outdoor display and sales areas shall be maintained in good order and appearance.
- (j) A specific schedule of operation shall be filed and approved as part of the submitted application.
- (k) The outdoor display and sale of goods and products shall be limited to those goods and products that a customer can pick up and carry into the building for purchase. Larger items may be displayed for sale if in compliance with the outdoor storage requirements of [Section 6.01\(E\)\(16\): Outdoor Storage and Bulk Sales](#).

**(16) Outdoor Storage and Bulk Sales**

Outdoor storage and bulk sale activities that are accessory to another principal use may be permitted upon compliance with the following:

- (a) The outdoor storage of goods shall be prohibited on vacant lots.
- (b) The outdoor storage of materials shall include the storage of goods, materials, or products associated with the principal use.
- (c) Areas devoted to outdoor storage shall be located in the side and rear yard only and shall comply with the building setbacks set forth in the applicable zoning district. Outdoor storage may also be located in the front yard when placed on a sidewalk area located within ten feet of the front façade of the principal building.
- (d) No outdoor storage area shall be permitted to occupy or interfere with traffic circulation, required parking areas, sidewalks, or pedestrian access.
- (e) The area of the lot devoted to outdoor storage of goods and merchandise shall not exceed 20 percent of the ground floor area of the principal building.
- (f) Areas devoted to outdoor storage shall be paved with asphalt or concrete and free of dust.
- (g) The outdoor storage area may also be used for a sales area for the related principal use.
- (h) In all cases, any areas designated for outdoor storage areas shall be set back a minimum of 50 feet from any adjacent residential lot.



(i) **Screening**

- (i) All aspects of outdoor operations including outdoor storage of goods and materials shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at the grade level at an abutting residential district line or a public street. However, in no case shall the height of the fence or wall be less than six feet.
- (ii) If the wall or fence needs to exceed eight feet in height to conceal the storage of materials, such wall or fence shall be constructed of materials similar to the principal building so that it appears to be an extension of the principal structure.
- (iii) All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.
- (iv) Outdoor storage of materials shall not include a junkyard or similar storage.

(17) **Outdoor Vending Machines and Drop Boxes**

- (a) Outdoor drop boxes shall be prohibited in the NMB District.
- (b) No such use or facility shall be placed within the street right-of-way, within an interior drive, or in a location which will interfere with required site visibility requirements (See Section [4.09\(B\)\(1\)](#)).
- (c) The placement of the facility shall not result in the reduction of the number of parking spaces below the number of spaces required for the principal use by this resolution.
- (d) The facility or equipment shall be maintained in good operating order and appearance.
- (e) Vending machines shall only be placed along the façade of the principal building. See [Figure 6.01-A](#).



*Figure 6.01-A: The above is an image of a vending machine that is appropriately located along the façade of the building.*

- (f) Drop boxes shall only be permitted in the side or rear yard.
- (g) A maximum of one drop box and two vending machines are permitted on any single lot. One additional drop box and one vending machine shall be permitted on a lot for each two acres of lot area in excess of an initial two-acre lot. This limitation on the number of boxes or machines shall not apply to dumpsters outside of the building or vending machines located within the building.
- (h) Signage shall be limited to a maximum of six square feet on each vending machine and drop box and shall not count toward the sign area allowed in [Article 12: Signage Standards](#).
- (i) The township shall have the authority to place more than one drop box on a single lot when providing recycling services to the general public.

(18) **Playsets, Treehouses and Trampolines**

Playsets, treehouses, and trampolines shall be permitted in any rear yard, without a zoning certificate provided that the use is less than 200 square feet. Any use that has a larger footprint or that is an enclosed structure shall be regulated as a detached accessory building in accordance with Section [6.01\(E\)\(9\)](#).

**(19) Porches, Decks, and Patios**

- (a) Porches or decks that are enclosed with a roof and with walls or siding including, but not limited to, screening or other materials shall be considered an integral part of the principal building and shall meet the setback requirements for principal buildings in the applicable zoning district. Any enclosure shall be constructed of traditional, permanent materials (e.g., no tarps or fabric covers other than traditional screening material used for screened-in porches). The enclosure of a previously unenclosed porch or deck shall require the approval of a zoning certificate.
- (b) **Decks**
- (i) Decks shall require a zoning certificate and shall be permitted in all yards subject to the standards of this section.
  - (ii) Decks shall comply with the side yard setbacks for principal buildings in the applicable zoning district.
  - (iii) Decks are permitted in the front yard provided they are attached to the principal building and are designed so the walking surface is no higher than the floor height of the first floor of the building. In such case, the decks may encroach into the required front yard in the same manner as a porch.
  - (iv) Decks in the side or rear yards that are attached to the principal building and have a walking surface mounted more than 18 inches feet above the ground at any point shall not extend more than 30 feet from the façade of the principal building. Such decks shall be set back a minimum of 25 feet from the rear lot line.
  - (v) All other decks in the side or rear yard, including decks not attached to a building, shall be set back a minimum of 10 feet from the rear lot line. Such decks shall not have a walking surface that exceeds two feet above grade and shall not exceed eight feet in height as measured from the ground at the base of the deck supports to the top of any railing or other elements of the deck.
  - (vi) Any deck railing that is located more than eight feet above the ground shall not be solid and shall be constructed of railing to maintain a minimum of 50 percent opacity.
  - (vii) If a pergola, gazebo, or other roofed structure is attached to a deck but not attached to the principal building, then the pergola, gazebo, or roofed structure shall still be subject to the setbacks required for decks.
  - (viii) Decks may include stairways to the ground or other decks.
- (c) **Porches**
- (i) Porches shall require a zoning certificate and shall be permitted in all yards.
  - (ii) Any area of a porch that has a walking surface mounted more than three feet above the ground shall comply with the side and rear yard setbacks for principal buildings in the applicable zoning district. Such porches may extend ten feet into the required front yard provided it shall maintain a minimum setback of 10 feet from the front lot line.
  - (iii) Unenclosed porches that do not have a walking surface that exceeds more than three feet in height above the ground may encroach into any yard as provided for in Section [4.09\(A\)\(3\)](#).
- (d) **Patios**
- (i) Patios shall not require a zoning certificate but shall be in compliance with all applicable standards.
  - (ii) Patios may extend ten feet into the required front yard provided it shall maintain a minimum setback of 10 feet from the front lot line.
  - (iii) Patios may encroach into any yard as provided for in Section [4.09\(A\)\(3\)](#).
  - (iv) If a pergola, gazebo, or other roofed structure is attached to a patio but not attached to the principal building, then the pergola, gazebo, or roofed structure shall be regulated as a detached accessory structure in accordance with Section [6.01\(D\)](#).



**(20) Raising of Small Livestock**

The keeping of up to six chickens, rabbits, or similarly sized livestock is permitted on lots in the AG, R-1A, and P-I Districts provided that:

- (a) The principal use is a single-family dwelling on a lot with a minimum lot area of 20,000 square feet;
- (b) The raising or keeping of roosters in Boardman Township is prohibited;
- (c) No person shall slaughter any of the livestock for commercial sales;
- (d) The livestock shall be provided with an enclosed coop or living quarters for protection from the elements; and
- (e) Livestock must always be confined within a fenced area of the yard at all times.

**(21) Satellite Dishes**

- (a) Satellite dishes of one meter in diameter or less shall be exempt from the provisions of this section on accessory uses and shall not require a zoning certificate. To the maximum extent possible, the dish should be located in the side or rear yard.
- (b) Dishes that exceed one meter in diameter shall only be permitted in a nonresidential zoning district if approved as a conditional use. Such dish shall only be permitted in a rear yard.

**(22) Short-Term Rental**

- (a) One off-street parking space shall be required for each bedroom that is leased or rented to individual groups beyond the full-time owner or occupant of the residence. This shall be in addition to the number of off-street parking spaces required for the residential use in Section [11.04\(A\)](#).
- (b) If the entire dwelling is leased or rented to one group and no one permanently resides at the dwelling, no additional off-street parking is required beyond what is required for the residential use.
- (c) In all cases, any parking required to accommodate the short-term rental in accordance with this section shall be accommodated off-street, on the same lot as the short-term rental.

**(23) Small Wind Energy Conservation Systems**

Small wind energy conservation systems may be permitted as a conditional use when compliant with the following regulations and any other applicable sections of this resolution:

- (a) Systems that are five megawatts or larger in capacity are regulated by the Ohio Public Utilities Commission.
- (b) Blade Tip Power System Turbines (BTPS) are the only type permitted as part of these regulations.
- (c) The minimum lot area shall be five acres.
- (d) Any post or pole that the BTPS system is attached to must be affixed to the principal building.
- (e) The tip of the rotor blades shall not extend more than 10 feet above the highest point of the existing roofline.
- (f) No portion of a turbine, including the rotor blades, shall be located within 20 feet of the ground if ground-mounted. There are no clearance requirements for roof-mounted systems.
- (g) No portion of a turbine may extend over parking areas, driveways, or sidewalks.
- (h) The maximum rotor diameter shall be six feet.
- (i) All portions of a ground-mounted BTPS system shall be set back a minimum of 50 feet from all lot lines.
- (j) Small wind energy conversion systems shall not exceed 55 dbA, measured five feet above ground level at the closest lot line. The sound level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms with sustained winds of 58 miles per hour or 50 knots.
- (k) All small wind energy conversion systems shall be equipped with manual (electronic or mechanical) and automatic over-speed controls to limit the blade rotation speed to within the design limits of the small wind energy conversion system.

- (l) No small wind energy conversion system shall be installed until evidence has been given that the electrical utility company has been informed of, and approved the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- (m) Small wind energy conversion systems shall not be artificially lighted, except as required by the FAA.
- (n) The applicant or owner shall be responsible for acquiring all necessary approvals from other applicable agencies, including but not limited to the FAA.
- (o) Any small wind energy conversion system that is not operated on a functional basis for a period of six consecutive months shall be deemed abandoned. The Zoning Inspector may order the repair or removal of said small wind energy conversion system, in accordance with these provisions. The applicant, owner, or other person responsible for the facility shall repair or remove the same within 60 days of receipt of notification by certified mail. If said facility is not either operational or removed after 60 days, the township may remove the system at the owner's expense.

**(24) Solar Panels**

- (a) Freestanding solar panels shall be limited to a maximum height of 10 feet. Such freestanding solar panels shall be located in the rear yard where they shall be set back a minimum of 25 feet and shall not cover more than 200 square feet in lot area.
- (b) Roof-mounted solar panels on the front side of a roof facing a street shall be flush-mounted to the roof.
- (c) Roof-mounted solar panels that do not face a street may be mounted flush or at an angle to the roof but shall not exceed 36 inches in height from the roof plane as measured from the roof plane to the furthest point of the solar panel.
- (d) Roof-mounted solar panels shall require a zoning certificate or may be reviewed as part of the zoning certificate for the principal building.

**(25) Swimming Pools, Hot Tubs, and Ponds**

- (a) Any pond or receptacle for water having a water surface area of more than 100 square feet and a depth greater than 24 inches shall be regulated as a swimming pool for the purpose of this resolution and shall be subject to the following restrictions:
  - (i) The edge of any pool or pond shall be set back a minimum of 10 feet from all lot lines.
  - (ii) Every pool or pond subject to these provisions shall be completely surrounded by a fence or wall with a minimum height of four feet and a maximum height of six feet. Such a fence or wall shall be constructed so as to have no openings, holes, or gaps larger than four inches in any dimension, except for doors or gates, which shall be equipped with suitable locking devices to prevent unauthorized intrusion. An accessory building may be used in or as part of the enclosure. The height shall be measured from the grade to the top of the fence or wall, measured vertically.
  - (iii) Above-ground pools with vertical surfaces of at least four feet in height shall not be required to have fences, walls, or gates except in areas where access may be gained to the pool.
  - (iv) The only pools that are permitted as accessory uses in nonresidential districts shall be those that are accessory to an existing residential dwelling or accessory to a permitted hotel or motel. Any other pools shall be located inside the principal dwelling.
  - (v) The excavation, construction, plumbing, and electrical requirements, inspection, and other safety facilities shall be regulated by the county codes.
- (vi) **Temporary Portable Swimming Pools for Summer Use Only**
  - A. "Summer use only" means the pool cannot be erected before May 1st and must be dismantled by October 1<sup>st</sup> of each year. If a temporary portable pool is left up beyond the above-mentioned dates it becomes a permanent pool and the rules for permanent above ground pools shall apply.
  - B. The edge of the pool shall be set back a minimum of 10 feet from all lot lines.

- C. A zoning certificate shall not be required for a temporary portable swimming pool provided it complies with the provisions of this subsection.

## 6.02 TEMPORARY USES AND STRUCTURES

**(A) Purpose**

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses and structures do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

**(B) General Standards Applicable to All Temporary Uses and Structures**

- (1) All temporary uses and structures shall be reviewed in accordance with this section and all other applicable sections of this zoning resolution.
- (2) All temporary uses and structures shall:

  - (a) Require the issuance of a zoning certificate, unless otherwise specifically stated;
  - (b) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
  - (c) Be compatible with the principal uses taking place on the site;
  - (d) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
  - (e) Not include permanent alterations to the site;
  - (f) Not maintain temporary signs associated with the use or structure after the activity ends;
  - (g) Not violate the applicable conditions of approval that apply to a site or use on the site;
  - (h) Not interfere with the normal operations of any permanent use located on the property; and
  - (i) Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement.
- (3) Temporary tents, seasonal covers, and temporary carports are prohibited with the exception that a temporary tent may be permitted as part of a special event. See [Section 6.02: Temporary Uses and Structures](#).
- (4) Some temporary uses may require a vendor's permit, as regulated outside of this resolution.

**(C) Permitted Temporary Uses and Use-Specific Standards**

- (1) Gravel Surface Parking Lot**
  - (a)** A gravel surface parking lot may be permitted while a site is under construction but shall only be permitted in areas for parking as established in the approved plans associated with the zoning certificate.
  - (b)** The gravel parking area must be paved in accordance with Section [11.03\(F\)](#) or the approved plans prior to the issuance of an occupancy permit by the County. The applicant may also remove the temporary gravel surface parking lot as an alternative to paving but in such case, the area that was used as a gravel lot shall be returned to its previous state or as a landscaped area.
  - (c)** A solid surface or gravel driveway shall be provided so vehicles may access the parking lot from a public street.

**(2) Garage or Estate Sales**

- (a) Garage or estate sales are permitted up to four times per calendar year on any single lot with a maximum of four days per each occurrence.
- (b) A zoning certificate shall not be required for a garage or estate sale but the sales shall be subject to the general standards applicable to all temporary uses and the time restrictions.

**(3) Temporary Structures for Construction Purposes**

Temporary structures for construction operations may be permitted in any district if such structures are deemed necessary, provided:

- (a) The use of such structures shall be limited to offices, buildings for the storage of lumber, equipment, and other building material, temporary toilets, and construction dumpsters.
- (b) All temporary structures shall be set back a minimum of 25 feet from the nearest occupied residential dwelling.
- (c) No structure may be placed on the site no sooner than two weeks before the start of grading or construction.
- (d) The structure shall not be located within a floodplain, in the right-of-way, or in any other location that will obstruct drainage or traffic flow.
- (e) The structure shall not block or prevent access to any fire hydrant.
- (f) All temporary structures for construction operations shall be removed within 30 days after the completion of work on the premises or in the subdivision for which a certificate has been issued or if construction is not pursued diligently. In no instance, shall the zoning certificate for the construction structure allow for its placement for longer than three years.
- (g) For real estate offices and/or model homes, the following shall apply:
  - (i) One temporary real estate sales office or model home, per builder or developer, shall be permitted in a section or phase of a new residential or nonresidential development, provided that the use complies with this section on temporary uses and the standards of this subsection.
  - (ii) The office or home shall be located on a lot approved as part of the subject development.
  - (iii) The office or homes shall be operated by a developer or builder active in the same phase or section where the use is located.
  - (iv) The office shall be removed, if not within a home, or the model home shall be converted into a permanent residential use once 80% occupancy in the section or phase of the development is reached. For the purposes of these standards, occupancy shall include both the physical occupancy of buildings by the resident or tenant or sale of a completed building to a private party beyond the builder or developer.

**(4) Portable Storage Units**

The placement and use of portable storage units shall comply with the following:

- (a) Only one portable storage unit shall be permitted on a single lot at any one time.
- (b) Portable storage units shall be permitted on any one lot for a total period of 30 days per calendar year.
- (c) Portable storage units shall be placed on a paved surface.
- (d) Portable storage units shall not be located in the floodplain, block a drainage path, and shall not block sidewalks, fire lanes, or bike paths.
- (e) No part or former part of a semi-trailer or trailer shall be utilized as a portable storage unit or permanent accessory structure in any zoning district. A trailer or semi-trailer with all wheels and tires and valid license may be utilized as a portable storage unit, but shall conform to all requirements for portable storage units.

**(5) Temporary Storage with Vacant Commercial Buildings**

- (a) When a commercial building in the RB, GB, or NMB District is vacated by a use permitted in this resolution, such building may be permitted to use as a temporary storage for goods and materials for a period of up to one year.

- (b) Such use shall require approval of a zoning certificate with a stated date that all goods shall be removed.

**(6) Temporary Dwelling**

- (a) A temporary home may be any form of a temporary dwelling including a mobile home or manufactured home provided it complies with all applicable health and building codes.
- (b) A temporary dwelling shall be allowed only on a lot where a single-family detached dwelling is permitted by the provisions of this code.
- (c) A temporary dwelling shall be allowed only in a case where a single-family dwelling has been destroyed or damaged by fire or other disaster to the extent which makes such dwelling uninhabitable and only when such dwelling is to be rebuilt or replaced.
- (d) Occupancy of the temporary dwelling shall terminate immediately upon completion of the dwelling on the same lot; but in no event shall the time exceed the limit set forth in this section.
- (e) In no case shall a temporary dwelling be permitted for more than one year.
- (f) Additional conditions and requirements may be deemed necessary by the Zoning Administrator upon review of a particular application for a temporary dwelling and such temporary permit shall be subject to all such conditions and requirements.

**(7) Temporary Outdoor Sales**

Temporary outdoor sales of seasonal items, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products, may be permitted in accordance with the following standards:

- (a) If the proposed temporary outdoor sale is intended to be seasonal, in the same area, on an annual basis, the use shall be considered an accessory use and shall be regulated as an outdoor display and sales area in accordance with [Section 6.01: Accessory Use Regulations](#).
- (b) Temporary outdoor sales shall be limited to a maximum of 30 days in any one calendar year, on any single lot.

**(c) Location**

- (i) The property contains an area not actively used by another use that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing open space, landscaping, traffic movements, or parking space availability.
- (ii) The sale of goods shall not occur within the public right-of-way, or within 100 feet of a dwelling.

**(d) Range of Goods Limited**

The range of goods or products available for sale shall be limited to non-processed products obtained primarily through farming or agricultural activities, including, but not necessarily limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, and firewood; bees and beekeeping products; seafood; and dairy products.

**(e) Hours of Operation**

The hours of operation of the seasonal sale of agricultural products shall be from 7:30 A.M. to 10:00 P.M., or the same hours of operation as a principal use on the same lot, whichever is more restrictive.

**(8) Temporary Special Events**

- (a) A zoning certificate for temporary special events such as festivals, circuses, concerts, tents, and similar uses shall be valid for no more than 10 consecutive days provided the applicant receives other applicable permits from the Mahoning County Building Department and the Boardman Township Police and Fire Department. No more than four special events shall be permitted on any single lot per calendar year.

- (b) A zoning certificate for temporary special events that required an extended time period may be permitted once per calendar year, on any single lot, for a period not to exceed 90 consecutive days provided the applicant receives other applicable permits from the Mahoning County Building Department and the Boardman Township Police and Fire Department. A conditional use approval shall be required if an applicant seeks approval of these extended events for more than three consecutive years (three events).
  - (c) Applicants with more than five acres in lot area that wish to have a designated area for temporary special events throughout a calendar year may identify a single area to be used for temporary special events and shall comply with the following:
    - (i) Such area shall be designated on a site plan, approved in accordance with [Section 3.05: Site Plan Review](#). The area shall be situated to provide the least amount of visual and noise impact on adjacent residential areas and shall be designed to minimize any conflict between vehicular use areas and the event area.
    - (ii) The applicant shall be required to obtain any other applicable permits from the Mahoning County Building Department and the Boardman Township Police and Fire Department, as may be necessary and as may be required for individual events.
    - (iii) The total number of events shall not exceed twelve special events in any single calendar year. Each event shall not exceed seven consecutive days.
  - (d) Temporary tents for outdoor sales may be permitted as part of any special event approval. The use of a temporary tent shall require review by the Zoning Inspector and the Boardman Township Fire Department as part of the zoning certificate review. Temporary tents may also require a building permit from Mahoning County.
  - (e) Outdoor weddings and similar private events are exempt from this standard but organizers of such events are encouraged to notify the Zoning Inspector to determine if special accommodations should be made to address traffic and circulation. These private events are subject to all applicable noise resolutions and ordinances.
- (9) **Temporary Structures for Public or Institutional Uses**
- Temporary structures serving educational institutions shall comply with the following standards:
- (a) **Location**
    - (i) The use shall be located to the side or rear of the principal structure(s) and at least five feet from any other structure.
    - (ii) The use shall not be permitted within required off-street parking, required open space areas, or required landscaping areas.
  - (b) **Standards**
    - (i) Under skirting or other materials shall be used to prevent unauthorized access underneath the structure.
    - (ii) Parking shall be provided for the temporary structure in conformance with [Article 11: Parking, Loading, and Circulation Standards](#).
  - (c) **Approval and Duration**

This use is permitted if approved by the Zoning Inspector, and may remain on the site for no more than two years. This period may be renewed for two additional years, for good cause shown, upon approval of a written request, submitted to the Zoning Inspector at least 30 days prior to the expiration of the zoning certificate or business use certificate, as applicable. In no event, however, shall such extensions allow the temporary structure to remain on the site for more than four years.

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# Article 7: General Development Standards

## 7.01 ABANDONMENT OF EQUIPMENT

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No abandoned, unlicensed, wrecked or dismantled automobiles, trucks, trailers, farm equipment, aircraft, furniture, or other miscellaneous materials shall be permitted to remain exposed on the premises in any district. "Not exposed" means out of sight from rights-of-way and adjacent building that includes being stored inside a building, not just covered by a tarpaulin.

## 7.02 HVAC UNITS AND GENERATORS

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- (A) Any outside unit for the heating, ventilation, or air conditioning of a building shall be located in the side or rear yard, to the maximum extent practical, and shall be subject to the setback requirements for the principal building.
- (B) Permanently installed generators shall be located in the rear yard and shall be subject to the setback requirements for the principal building.
- (C) Such HVAC and/or generators may be subject to the screening requirements of [10.08: Screening Requirements](#).

## 7.03 DUMPSTERS AND TRASH CONTAINERS

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In all nonresidential zoning districts and for all multiple dwelling units with three or more dwelling units, trash dumpsters and trash containers, whether permanent or portable, shall be placed within an enclosure that is screened in accordance with Section [10.08: Screening Requirements](#). Trash dumpsters and containers of sufficient size must be provided for each use it serves. All garbage and trash must be contained inside the dumpster or container and not inside the enclosure. This standard shall also apply to any recycling bins or containers.

## 7.04 EXTERIOR LIGHTING

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### (A) Purpose

The purpose of this exterior lighting section is to regulate outdoor lighting in order to reduce or prevent light pollution and to minimize lighting impacts on surrounding properties. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, the conservation of energy, and promotion of safety and security.

### (B) Applicability

- (1) All outdoor lighting fixtures shall be subject to review as part of this article except that single-family and two-family dwellings shall be exempt from all requirements except Section [7.04\(C\)](#) and Section [7.04\(D\)](#).
- (2) A photometric plan showing the following shall be submitted as part of any site plan review application where any new light fixtures are being proposed on a site:
  - (a) The proposed intensity levels of the lighting throughout the site indicating foot-candle measurements;
  - (b) The lighting levels for the proposed site and an area extending a minimum of 30 feet onto adjacent properties;
  - (c) The locations of each of the proposed lighting fixtures (wall mounted and pole);
  - (d) The minimum, maximum, and average intensity/illumination for the site;
  - (e) Details of all proposed outdoor lighting fixtures indicating manufacturer, model and style of the fixture. A graphic representation of the fixture is required. The fixture lamp type (i.e. low-pressure sodium, metal halide, etc.) shall be indicated on the proposed plans;
  - (f) The proposed height of the lighting fixtures;
  - (g) The hours of use of the lighting fixtures; and
  - (h) Any additional submittal requirements as may be determined by the Zoning Inspector.



(3) **Exemptions**

- (a) All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps are exempt from the requirements of this section.
- (b) All temporary emergency lighting needed by the police, fire department, other emergency service vehicles, and public service vehicles, as well as all vehicular luminaries, shall be exempt from the requirements of this section including flashing or blinking lights.
- (c) Street lights shall be exempt from the provisions of this section.

(4) **Prohibited Lights**

- (a) Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited, except in emergencies by police and/or fire department personnel.
- (b) No open lights, such as strings of light bulbs, shall be permitted. This prohibition shall not include holiday lighting or those used for decorative purposes over outdoor patios, seating areas, or similar places of gathering.

(C) **General Provisions Applicable to All Districts and Development**

- (1) Exterior lighting shall be installed in a manner to deflect from adjacent residential developments.
- (2) All exterior lighting for residential and nonresidential uses shall be located, screened, or shielded so adjacent lots located in residential districts or recorded subdivisions are not directly illuminated. Shielding may also be required for high intensity light fixtures to prevent glare to adjacent uses, public rights-of-way, and drives. Perimeter lighting, when adjoining residential districts or recorded subdivisions, shall be by shielded fixtures to prevent light trespass onto adjacent properties.
- (3) No exterior lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers, pedestrians or adjacent properties. Shields and/or filters are required for light fixtures with high intensity and glare potential.

(D) **Lighting for Residential Uses**

Lighting for single-family and two-family dwellings shall be exempt from most provisions of this article with the exception that for light fixtures that are not attached to the house or to an accessory building, there shall be a maximum height of 12 feet from the finished grade adjacent to the base of the light fixture to the top most point of the fixture. The light bulb shall not produce more than 1,600 lumens.

(E) **Exterior Lighting Requirements**

(1) **Type of Fixtures**

- (a) All light fixtures shall be full cut-off type fixtures except for decorative light fixtures. See [Figure 7.04-A](#).
- (b) Decorative light fixtures shall not flash or otherwise create a sense of motion.
- (c) Non-cutoff lighting may only be used for decorative purposes when located adjacent to the building. See [Figure 7.04-A](#).

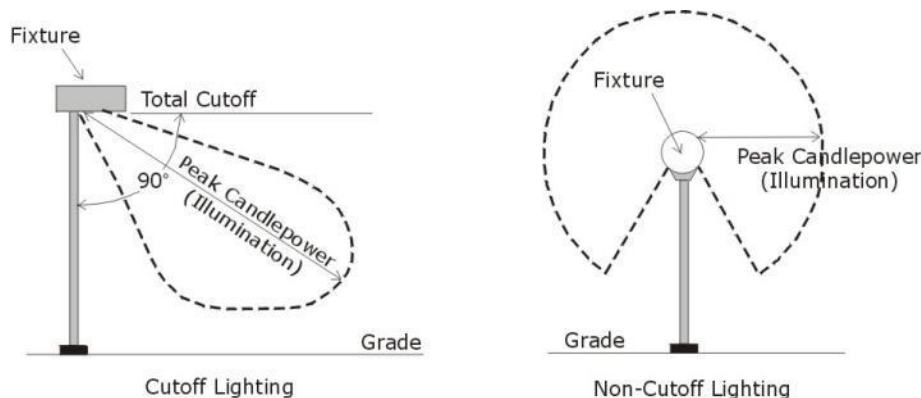


Figure 7.04-A: Illustration of cutoff lighting versus non-cutoff lighting

(2) **Height of Fixtures**

- (a) In all districts, the maximum height of any non-cutoff light fixture shall be 12 feet.

- (b) All cut-off exterior lighting shall be designed, located, and mounted with the maximum height as follows:
    - (i) The maximum height of light fixtures in the R-2, R-3, and NMB districts, as well as for nonresidential uses in the AG and all residential zoning districts shall be 15 feet.
    - (ii) The maximum height of light fixtures in the O, GB, RB, and I Districts shall be 30 feet.
    - (iii) The maximum height for residential uses or areas in a PUD District shall be 15 feet while the maximum height for nonresidential uses shall be 24 feet.
  - (c) In no case shall the height of light fixtures exceed the maximum permitted building height within the applicable zoning district.
  - (d) Lighting located under canopies shall be flush mounted or recessed within the canopy.
  - (e) Height shall be measured from the finished grade adjacent to the base of the light fixture to the top most point of the fixture.
- (3) **Illumination**
- (a) Exterior lighting shall be designed and located to have the following maximum illumination levels. The levels shall be measured at the finished grade at the lot line as demonstrated by a lighting plan:
    - (i) The maximum illumination at a lot line that abuts a lot zoned or used for residential purposes shall be 0.0 foot-candles.
    - (ii) The maximum illumination at a lot line that abuts a lot in a nonresidential district shall be 1.0 foot-candles.
    - (iii) The maximum illumination at a lot line for properties used for outdoor sports and recreation shall be reviewed for compliance with regard to the intent of these guidelines to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way.
    - (iv) In parking areas, the light intensity shall average a minimum of 0.5-foot candles, measured five feet above the surface.
    - (v) In pedestrian areas, the light intensity shall average a minimum of 2.0-foot candles, measured five feet above the surface.
    - (vi) The illumination across any property shall be designed so as to not create excessively dark spots that may create safety issues.
  - (b) All applicants are strongly encouraged to submit lighting plans with components that reduce light pollution including, but not limited to, automatic shut-off of fixtures, auto-dimming to adjust lighting based on ambient lighting, and the use of as little lighting as necessary without creating safety issues.
- (4) **Modifications**
- Should any exterior light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the Zoning Inspector for approval, together with adequate information to assure compliance with this section, which must be received prior to substitution.

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## **7.05 FENCING, WALLS, HEDGES, AND SIMILAR STRUCTURES**

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### **(A) Applicability**

- (1) Fences, walls, retaining walls, hedges and other similar structures may be permitted in all zoning districts in accordance with this section.
- (2) Fences, walls, and hedges related to an exempt agricultural use (See Section [1.07\(D\)\(1\): Agricultural Use Exemption.](#)) shall also be exempt from these regulations.

### **(B) Zoning Certificate Required**

- (1) The construction of fences, walls, and similar permanent structures shall require the issuance of a zoning certificate.
- (2) The planting of hedges shall not require a zoning certificate but shall be done in a manner that will comply with the location and height requirements of this section.

**(C) Decorative Fencing Exemption**

Small portions of fences, such as decorative fencing used for landscaping, that are not longer than 20 feet in length but which comply with the height, yard and maintenance requirements set forth in this subsection, shall not require a zoning certificate.

**(D) General Standards**

- (1) No fence, wall, or hedge shall be constructed and maintained so as to be hazardous to existing or future neighboring uses.
- (2) The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced.
- (3) When erected near a property or lot line, the entire fence and any of its supporting structures or appurtenances shall be contained within the lot or property of the person erecting or having erected said fence.
- (4) All fences, walls, and hedges shall be maintained in a neat and orderly manner.
- (5) Barbed wire fencing and razor fencing shall only be permitted on top of other fencing in the I District for security purposes. Such fencing shall only be permitted in the side and rear yards.
- (6) Electric fencing is prohibited except as part of fencing for agricultural uses exempt from zoning.

**(E) Location and Height Standards**

- (1) No fencing, walls, or hedges shall be located in a utility easement or a right-of-way. Fences, walls, hedges, or other similar structure constructed in these areas may be subject to removal from the authority having jurisdiction.
- (2) The property owner shall assume responsibility for determining the legal, proper placement of the fence, wall, hedge, or similar structure, upon the subject property.

**(3) Front Yards**

- (a) Fences or walls in the front yard shall not exceed three feet in height for a distance equal to the front yard setback required in [Section 4.09: Area, Setback, and Other Site Development Standards](#). See [Figure 7.05-A](#).
  - (i) For corner lots in the R-1A, R-1B, and R-1C Districts, the above maximum height shall apply to the front yard setback for the primary street frontage on which the building faces. Exceptions to this standard shall be:
    - A. When the rear yard of a corner lot shares a lot line with the side yard of an adjacent interior lot, then fences and walls shall not exceed three feet in height for a distance of 12 feet in the R-1B and R-1C Districts or for a distance of 16 feet in the R-1A District. Such distance shall be measured from the front lot line shared by the applicable corner and interior lot. See [Figure 7.05-A](#).
    - B. When the rear yard of a corner lot shares a lot line with the rear yard of an adjacent corner lot, then fences and walls shall not exceed three feet in height for a distance of five feet, as measured from the front lot line shared by the two corner lots. See [Figure 7.05-A](#).
  - (ii) For through lots, the above maximum height shall apply to both streets.
- (b) Hedges and other plantings of any height may be planted in the front yard.
- (c) All fencing, walls, hedges, and similar structures or landscaping shall be subject to the sight clearance regulations of [Section 4.09\(B\)\(1\)](#).

**(4) Side and Rear Yards**

- (a) Fences and walls located in the side or rear yards shall not exceed a height of six feet in residential zoning districts and eight feet in nonresidential zoning districts. See [Figure 7.05-A](#).
- (b) Informal plantings, trees, and hedges may be taller than the above maximum height.

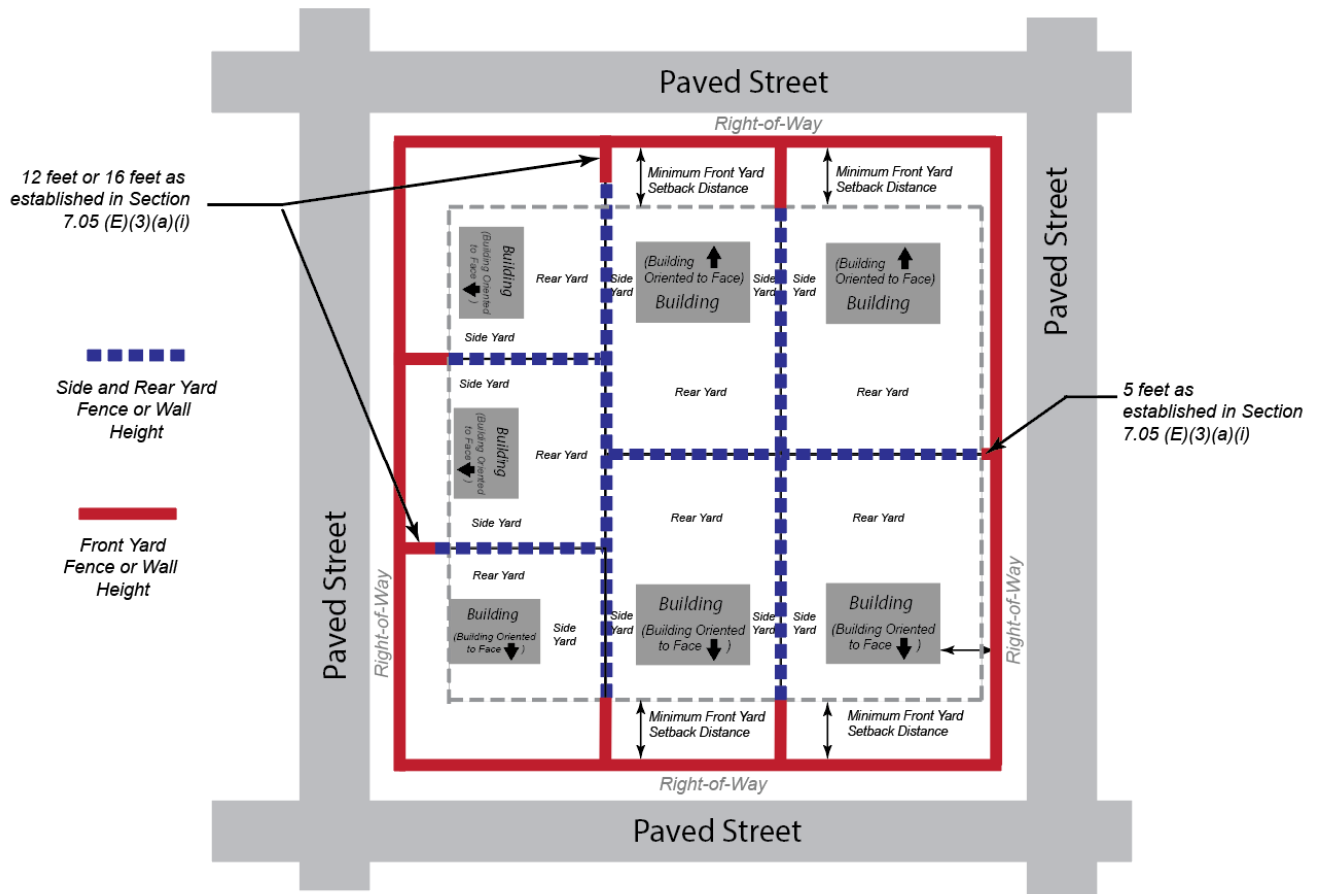


Figure 7.05-A: Illustration of the location of maximum fence or wall heights based on yards.

**(F) Measurement**

- (1) The maximum fence or wall height shall be measured from the lowest point of the finished grade within three feet on either side of the fence to the top most portion of the fence. See [Figure 7.05-B](#).

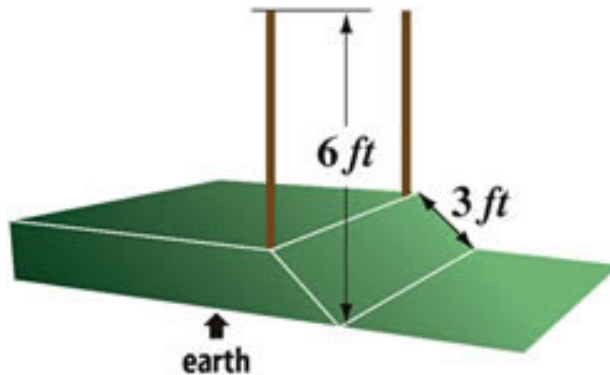


Figure 7.05-B: Fencing shall be measured from the lowest point within three feet on either side of the fence.

- (2) Fencing or walls should follow the natural contour of the land on which it is located. See [Figure 7.05-C](#).

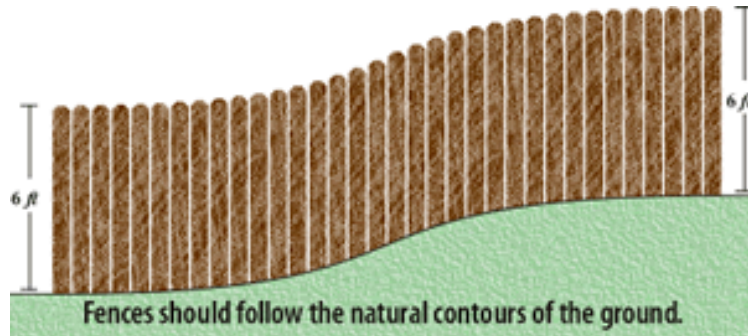


Figure 7.05-C: This illustrates how fencing is measured along a natural contour.

- (3) A fence may be erected on top of a wall but the combined height of the fence and wall shall not exceed the heights specified within this section for a fence or wall.
- (4) If the wall is designed to be a retaining wall, a fence may be approved on top of the retaining wall for safety purposes and shall be measured from the top of the retaining wall to the top of the fence in accordance with this section.

## 7.06 EROSION, SEDIMENTATION CONTROL, GRADING, AND DRAINAGE

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### (A) Purpose and Intent

- (1) The purpose of these regulations is to establish technically feasible and reasonable standards to achieve a level of water management, grading, clearing, and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the public health and safety.
- (2) These regulations are further intended to:
  - (a) Allow development while minimizing increases in downstream flooding, erosion, and sedimentation;
  - (b) Address general issues with the clearing, grading, and storage of soils on properties; and
  - (c) Reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.

### (B) Words and Terms Defined

For the purpose of these regulations, the terms used herein shall have the meaning as set forth in [Article 15: Definitions](#) and the most recently adopted version of the [Mahoning County Erosion and Sediment Control Rules](#). Said terms are adopted and made a part of these regulations as though fully rewritten herein.

### (C) Applicability

- (1) Section [7.06\(D\)](#) shall apply to all earth moving or disturbing activities on any lot in the township, regardless of size, as well as the storage of mulch, soil, and vegetative materials on a lot.
- (2) Sections [7.06\(D\)](#) through [7.06\(E\)](#) shall apply to all of the permitted and conditional buildings, structures, and uses set forth in every zoning district in this resolution if there will be earth-disturbing activities of one acre or more, except as otherwise provided herein.

### (D) Requirements for All Lots

Wherever there is any clearing, earth-moving, or earth-disturbing of any size, in any district, the following requirements shall apply:

- (1) Positive drainage shall be maintained to existing stormwater systems or natural drainage.
- (2) If no development or construction will occur following the applicable activity, the site shall be cleared of tree stumps and graded, seeded, and/or mulched within 30 days of the completion of the applicable activity.
- (3) If soil is placed or stored on a site for temporary purposes longer than 30 days, such soil shall be seeded.
- (4) There shall be no storage of mulch or other materials that will block any natural drainage way, sidewalk, or street.

- (5) The Zoning Inspector may extend the 30-day time period in this section for one additional 30-day time period if good cause is shown.

**(6) Protection of Lots**

When construction is occurring on a lot, the applicant shall be responsible for providing the following protections:

- (a) Protection of down-slope areas shall be provided utilizing one of the following two approaches:
  - (i) Where slopes of less than 6 percent are present, a vegetative strip with a minimum width of 20 feet shall be maintained around the perimeter of the property. Such buffer strip shall be maintained for the trapping of sediment. Such strip shall not be mowed in any way that will reduce the height of vegetation to less than four inches in height.
  - (ii) Silt fencing may be used along the entire perimeter of the lot's down-slope side(s) to trap sediment.
- (b) All access to a lot where construction is occurring shall be limited to one construction entrance to minimize the tracking of mud and dirt onto roadways. Gravel is permitted for the driveway while construction occurs.
- (c) All storm sewer inlets will be protected as follows:
  - (i) All nearby storm sewer curb inlets shall be protected with stone-filled or gravel-filled geotextile bags, or equivalent measures, before disturbing soil.
  - (ii) All on-site storm sewer drop inlets shall be protected with silt fence material, straw bales, or equivalent measures before disturbing soil.

**(E) Erosion and Sediment Control Plans for One Acre Lots or Larger**

Erosion and Sediment Control (ESC) Plans are required for any principal permitted, accessory, or conditional buildings, structures, or uses, or off-street parking, loading/unloading areas allowed by this resolution, or any additions or alterations thereto disturbing one acre of land area or more.

**(1) Requirements and Application Procedures**

- (a) The contents of the ESC Plan shall meet all requirements and recommendations for erosion and sediment control contained in the most recent version of the Mahoning County Erosion and Sediment Control Rules.
- (b) If the lot owner is required to prepare a Storm Water Pollution Prevention Plan (SWP3) in accordance with the Ohio Environmental Protection Agency's (EPA) NPDES Permit No. OHC000002, or the most recent version thereof, this SWP3 may be submitted in lieu of a separate ESC Plan. In situations of conflict between OEPA requirements and these regulations, the most restrictive shall prevail.
- (c) The zoning inspector shall review the ESC Plans submitted under this resolution and approve for compliance or return for revisions with comments and recommendations for revisions within 20 calendar days after receipt of the Plan. The zoning inspector shall advise applicants that the ESC Plan may be forwarded to the Mahoning County Engineers and Mahoning SWCD for technical assistance and review. A disapproved Plan shall receive a narrative report citing specific problems and procedures violated and the procedures for filing a revised Plan to ensure compliance with the Mahoning County Erosion and Sediment Control Rules. At the time the zoning inspector receives a revised Plan, another 20-day review period shall begin.
- (d) Soil disturbing activities shall not begin and zoning certificates or conditional zoning certificates shall not be issued without a ESC Plan approved by the zoning inspector in accordance with these regulations.
- (e) Any addition or alteration to the site design as shown on the approved ESC Plan may require the resubmission of said Plan in accordance with these regulations. In making a determination regarding such resubmission, the zoning inspector may consult with the Mahoning County Engineers and/or Mahoning SWCD. The Zoning Inspector shall determine if any addition or alteration requires the issuance of a new zoning certificate or conditional use zoning certificate.

**(2) Compliance with State and Federal Regulations**

- (a)** Approvals issued in accordance with these regulations do not relieve the site owner of responsibility for obtaining all other necessary permits and/or approvals from federal, state, and/or county agencies. Such permits and/or approvals shall be obtained before any zoning certificate or conditional zoning certificate is issued. If requirements vary, the most restrictive requirement shall prevail.
- (b)** Soil-disturbing activities regulated under these regulations shall not begin until all necessary state and federal permits have been granted to the lot owner. These permits may include, but are not limited to, the following:

  - (i)** Ohio EPA NPDES Permits authorizing storm water discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the lot owner explaining why the NPDES Permit is not applicable.
  - (ii)** Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application, public notice, or project approval, or a letter from the lot owner verifying that a qualified professional has surveyed the lot and found no waters of the United States. Such a letter shall be noted on site plans submitted to the zoning inspector. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the Ohio EPA and U.S. Army Corps of Engineers at the time of application of this regulation.
  - (iii)** Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application, public notice, or project approval or a letter from the lot owner verifying that a qualified professional has surveyed the lot and found no waters of the State. Such a letter shall be noted on site plans submitted to the zoning inspector. Isolated wetlands shall be delineated by protocols accepted by the Ohio EPA at the time of application of these regulations.
  - (iv)** Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, if an Individual Permit is required for the development project, public notice, or project approval. If an Individual Permit is not required, the lot owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:

    - A.** A letter from the lot owner verifying that a qualified professional has surveyed the site and found no waters of the United States. Such a letter shall be noted on site plans submitted to the zoning inspector.
    - B.** A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of these regulations.
  - (v)** Ohio Dam Safety Law: Proof of compliance shall be a copy of the Ohio Department of Natural Resources (ODNR) Division of Water permit application, a copy of the project approval letter from the ODNR Division of Water, or a letter from the lot owner or a qualified professional explaining why the Ohio Dam Safety Law is not applicable.



## Article 8: Riparian Corridor Setbacks

### 8.01 PURPOSE AND SCOPE

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It is hereby determined that the system of rivers, streams, and other natural watercourses within Boardman Township contributes to the health, safety, and general welfare of the residents of the township. The specific purpose and intent of this regulation is to regulate uses and developments within riparian setbacks that would impair the ability of riparian areas to:

- (A) Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow;
- (B) Assist stabilizing the banks of watercourses to reduce woody debris from fallen or damaged trees, stream bank erosion, and the downstream transport of sediments eroded from watercourse banks;
- (C) Reduce pollutants in watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in watercourses;
- (D) Reduce pollutants in watercourses by filtering, settling, and transforming pollutants in runoff before they enter watercourses;
- (E) Provide watercourse habitats with shade and food;
- (F) Reduce the presence of aquatic nuisance species to maintain a diverse aquatic system;
- (G) Provide habitat to a wide array of wildlife by maintaining diverse and connected riparian vegetation;
- (H) Benefit Boardman Township by minimizing encroachment on watercourse channels and the need for costly engineering solutions such as gabion baskets and rip rap to protect structures and reduce property damage and threats to the safety of watershed residents; and
- (I) Contributing to the scenic beauty and environment of Boardman Township, and thereby preserving the character of Boardman Township, the quality of life of the residents of Boardman Township, and corresponding property values.

For these reasons, the regulations of this chapter have been established to protect and enhance these functions of riparian areas by providing reasonable controls governing structures and uses within a riparian setback along designated watercourses in Boardman Township.

### 8.02 APPLICABILITY

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- (A) This regulation shall apply to all zoning districts within Boardman Township.
- (B) This regulation shall apply to all structures and uses on lands containing a designated watercourse as defined in this article, except as otherwise stated.
- (C) No approvals, permits, or certificates shall be issued by Boardman Township without full compliance with the terms of this article.
- (D) Any violation of this article shall be considered a violation of this resolution, subject to the enforcement and penalty provisions in [Article 14: Enforcement and Penalties](#).

### 8.03 ESTABLISHMENT OF DESIGNATED WATERCOURSES AND RIPARIAN SETBACKS

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- (A) Designated watercourses shall include those watercourses meeting any one of the following criteria:
  - (1) All watercourses draining an area greater than one-half ( $\frac{1}{2}$ ) square mile;
  - (2) All watercourses draining an area less than one-half ( $\frac{1}{2}$ ) square mile and having a defined bed and bank. In determining if watercourses have a defined bed and bank, Boardman Township may consult with a representative of the Mahoning County SWCD or other technical experts as necessary. Any costs associated with such consultations may be assessed to the applicant; or
  - (3) All previously natural watercourses that are channelized, enclosed by pipe, or captured.
- (B) Riparian setbacks on designated watercourses are established as follows:
  - (1) A minimum of 120 feet on either side of all watercourses draining an area greater than 20 square miles and up to 300 square miles.



- (2) A minimum of 75 feet on either side of all watercourses draining an area greater than one-half (½) square mile and up to 20 square miles.
  - (3) A minimum of 25 feet on either side of all watercourses draining an area of one-half (½) square mile or less, and having a defined bed and bank as determined by Boardman Township in Section [8.03\(A\)](#) of this article.
- (C) The following conditions shall apply in riparian setbacks:
- (1) Riparian setbacks shall be measured in a horizontal direction outward from the ordinary high-water mark of each designated watercourse.
  - (2) Riparian setbacks shall be measured in a horizontal direction outward from the outside diameter of the outermost pipe.
  - (3) Riparian setback shall be measured in a horizontal direction outward from the center of the captured stream.
  - (4) Except as otherwise provided in this regulation, riparian setbacks shall be preserved in their natural state.
  - (5) Where the 100-year floodplain is wider than a minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain shall be defined by FEMA. If a FEMA defined floodplain does not exist for a designated watercourse, Boardman Township may require a site-specific floodplain delineation in conformance with standard engineering practices and approved by Mahoning County Engineer's Office. Any costs associated with reviewing this site-specific floodplain delineation may be assessed to the applicant.
  - (6) Where a wetland is identified within a minimum riparian setback, the minimum riparian setback width shall be extended to the outermost boundary of the wetland. Wetlands shall be delineated through a site survey prepared by a qualified wetlands professional retained by the landowner using delineation protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation. Any costs associated with reviewing these delineations may be assessed by Boardman Township to the applicant.

#### **8.04 APPLICATIONS**

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- (A) The applicant shall be responsible for delineating riparian setbacks as required by this article and shall identify such setbacks on any applications for zoning certificates, site plan review, conditional uses, or planned unit developments. The plans or maps illustrating the riparian corridors and setbacks shall be prepared by a professional engineer or surveyor, as determined by Boardman Township, and shall be based on a survey of the affected land.
- (B) Boardman Township may, in reviewing the applications, consult with the Mahoning County SWCD or other such experts. Any costs associated with this review may be assessed to the applicant. The applications with riparian setback information shall not take the place of a soil erosion and sedimentation control plan and/or a storm water pollution prevention plan.
- (C) If soil disturbing activities will occur within 50 feet of the outer boundary of the applicable riparian setback as specified in this regulation, the riparian setback shall be clearly identified by the applicant on site with construction fencing as shown on the application plans and maps. Such identification shall be completed prior to the initiation of any soil disturbing activities and shall be maintained throughout soil disturbing activities.
- (D) No approvals or permits shall be issued by Boardman Township prior to identification of riparian setbacks on the affected land in conformance with this article.

#### **8.05 PERMITTED STRUCTURES AND USES WITHOUT ZONING CERTIFICATE**

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The following structures and uses are permitted in the riparian setback without a zoning certificate. No structures or uses permitted under this regulation shall allow trespass on, or public access to, privately held lands.

- (A) Hiking, fishing, hunting, picnicking, and similar passive recreational uses, as permitted by federal, state, and local laws.

- (B) Damaged or diseased trees may be removed.
- (C) Riparian setbacks may be revegetated and/or reforested with native, noninvasive plant species.
- (D) Water supply wells for the purpose of serving permitted structures or uses on lots of record shall be allowed.

## **8.06 PERMITTED STRUCTURE AND USES WITH ZONING CERTIFICATE**

---

The following structures and uses may be permitted in a riparian setback, subject to the approval of an application for a zoning certificate. When reviewing and making a decision on zoning certificates for the following uses, the zoning inspector may, for good cause, attach such conditions as it deems appropriate.

### **(A) Crossings**

- (1) Crossings of designated watercourses through riparian setbacks with roads, driveways, easements, bridges, culverts, utility service lines, or other means may be permitted provided such crossings minimize disturbance in riparian setbacks and mitigate any necessary disturbances. Such crossings shall be designed by a professional engineer and only be undertaken upon approval of a crossing plan by the Zoning inspector. Any costs associated with review of crossing plans may be assessed to the applicant.
- (2) If work will occur below the ordinary high-water mark of the designated watercourse, proof of compliance with the applicable conditions of a US Army Corps of Engineers Section 404 Permit (either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification), shall also be provided to Boardman Township. Proof of compliance shall be the following:
  - (a) A site plan showing that any proposed crossing conforms to the general and special conditions of the applicable Nationwide Permit;
  - (b) A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit; or
  - (c) A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

### **(B) Streambank Stabilization Projects.**

- (1) Streambank stabilization projects along designated watercourses may be allowed, provided that such measures use natural stream channel design principles. Such streambank stabilization measures shall only be undertaken upon approval of a Streambank Stabilization Plan by the zoning inspector. Any costs associated with review of Streambank Stabilization Plans may be assessed to the applicant.
- (2) If streambank stabilization work is proposed below the ordinary high-water mark of the designated watercourse, proof of compliance with the applicable conditions of a US Army Corps of Engineers Section 404 Permit (either a Nationwide Permit 13, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification) shall be provided to Boardman Township. Proof of compliance shall be the following:
  - (a) A site plan showing that any proposed crossing conforms to the general and special conditions of Nationwide Permit 13;
  - (b) A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under Nationwide Permit 13; or
  - (c) A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

## **8.07 USES PROHIBITED IN RIPARIAN SETBACKS**

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Any use not authorized under this article shall be prohibited in riparian setbacks. By way of example, the following uses are specifically prohibited, however, prohibited uses are not limited to those examples listed here:

- (A) There shall be no buildings or structures of any kind related to construction.
- (B) There shall be no filling, dredging, or dumping of soil, spoils, liquid, or solid materials.
- (C) There shall be no fences or walls, except as specifically permitted under this article.

- (D) There shall be no roads or driveways, except as specifically permitted under this article.
- (E) There shall be no parking spaces, parking lots, stacking spaces, or loading/unloading spaces.
- (F) There shall be no use, parking, or storage of motorized vehicles, except as specifically permitted under this article.
- (G) There shall be no disturbance of natural vegetation within riparian setbacks except for the following:
  - (1) Maintenance of lawns, landscaping, shrubbery, or trees existing at the time of passage of this regulation;
  - (2) Cultivation of lawns, landscaping, shrubbery, or trees in accordance with an approved Landscaping Plan submitted in conformance with this regulation; and
  - (3) Conservation measures designed to remove damaged or diseased trees or to control noxious weeds or invasive species.
- (H) Riparian setbacks shall not be used for the disposal or treatment of sewage, except as necessary to repair or replace an existing home sewage disposal system in accordance with local health district regulations.
- (I) Riparian setbacks shall not be used for storm water retention and detention facilities.

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## **8.08 VARIANCES WITHIN RIPARIAN SETBACKS**

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- (A) The BZA may grant a variance to the regulations of this article as provided in this resolution. In determining whether there is unnecessary hardship with respect to the use of a property or practical difficulty with respect to maintaining the riparian setback as established in this regulation, such as to justify the granting of a variance, the BZA shall consider the potential harm or reduction in riparian functions that may be caused by a proposed structure or use.
- (B) In making a determination under Section 8.08(A) above, the BZA may consider the following:
  - (1) The natural vegetation of the property as well as the percentage of the parcel that is in the 100-year floodplain;
  - (2) The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other functions of the riparian setback. This determination shall be based on sufficient technical and scientific data;
  - (3) The degree of hardship, with respect to the use of a property or the degree of practical difficulty with respect to maintaining the riparian setback as established in this regulation, placed on the landowner by this regulation and the availability of alternatives to the proposed structure or use;
  - (4) Soil-disturbing activities permitted in the riparian setback through variances should be implemented to minimize clearing to the extent possible and to include Best Management Practices necessary to minimize erosion and control sediment;
  - (5) The presence of significant impervious cover, or smooth vegetation such as maintained lawns, in the riparian setback compromises its benefits to Boardman Township. Variances should not be granted for asphalt or concrete paving in the riparian setback; and/or
  - (6) Whether a property, otherwise buildable under Boardman Township resolutions, will be made unbuildable because of this regulation.
- (C) In order to maintain the riparian setback to the maximum extent practicable, the BZA may consider granting variances to other area or setback requirements imposed on a property by this resolution.
- (D) In granting a variance under this regulation, the BZA, for good cause, may impose such conditions that it deems appropriate to maintain the purposes of the provisions of this article.

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## **8.09 INSPECTION OF RIPARIAN SETBACKS**

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- (A) The identification of riparian setbacks shall be inspected by Boardman Township.
- (B) Prior to soil disturbing activities authorized under this regulation, the applicant shall provide Boardman Township with at least 15 working days written notice prior to starting such soil disturbing activities.

- (C) The Zoning Inspector shall have the authority to inspect activities in a riparian setback any time evidence is brought to the attention of Boardman Township that uses or structures may be in violation of the provisions of this article.

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## Article 9: Architectural Standards

### 9.01 PURPOSE

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The purpose of architectural standards is to ensure the exterior of new construction and additions to existing buildings are well designed, detailed, and crafted to embody high standards of architectural design and to ensure the long-term viability of commercial structures in the township.

### 9.02 AUTHORITY TO REVIEW

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- (A) For the purposes of this section, the Architectural Review Board shall be authorized to review and make decisions on architectural standards as provided for in Section 519.171 of the Ohio Revised Code.
- (B) Such review shall take place through the site plan review procedure or the planned unit development review procedure, whichever is applicable.

### 9.03 ARCHITECTURAL STANDARDS FOR MULTI-FAMILY DWELLINGS

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#### (A) Applicability

The standards of this section shall apply to all multi-family dwellings, including those in any planned unit development district.

#### (B) Standards

- (1) Front facades shall incorporate variation in mass through one or more of the following methods, every thirty feet of façade frontage:
  - (a) Wall offsets in the form of projections and/or recesses in the façade plane. Wall offsets shall have a minimum depth of two feet;
  - (b) Bay windows;
  - (c) Façade color changes;
  - (d) Use of pilasters, columns or other detailing to articulate the façades; or
  - (e) Roofline changes when coupled with correspondingly aligned façade material changes.
- (2) In addition to wall offsets, front facades and side façades on buildings on corner lots, shall provide a minimum of three of the following design features for each residential unit fronting onto the street:
  - (a) One or more dormer windows or cupolas;
  - (b) A recessed entrance;
  - (c) A covered porch;
  - (d) Pillars, posts, or pilasters;
  - (e) One or more bay windows with a minimum twelve-inch projection from the façade plane;
  - (f) Eaves with a minimum 6- inch projection from the façade plane;
  - (g) A parapet wall with an articulated design, which entails design variation rather than a simple rectilinear form; or
  - (h) Multiple windows with a minimum four-inch-wide trim.



*Figure 9.03-A: This image illustrates how multiple design features are incorporated into the design to de-emphasize the fact that this is a single structure.*



*Figure 9.03-B: This multi-family development lacks sufficient façade variation yielding a monotonous appearance*

- (3) Individual multi-family dwelling structures served by common entryways an internal access to individual dwelling units, containing six or fewer units, shall be constructed to give the appearance of a large single-family detached home (See [Figure 9.03-C.](#)).



*Figure 9.03-C: These images demonstrate how an attached residential structure of six or fewer units can be constructed to appear as a large detached residential structure.*



- (4) To the maximum extent practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or configured to have a minimal visual impact as seen from the street.

## 9.04 ARCHITECTURAL STANDARDS FOR NONRESIDENTIAL BUILDINGS

### (A) Applicability

The standards in this section shall apply to all nonresidential development in the O, GB, RB, and NMB Districts as well as all nonresidential development in a PUD. The standards shall also apply to all mixed-use buildings.

### (B) Standards

#### (1) General Requirements for all Nonresidential and Mixed-Use Buildings

- (a) Buildings shall be parallel to the street they front unless an alternate orientation is consistent with existing, adjacent development.
- (b) The primary entrances of buildings shall be oriented:
- (i) Towards a street along the perimeter of the development;
  - (ii) Towards streets in the interior of the development if none of the building's facades has frontage on a public street; or
  - (iii) In another direction as approved by the Architectural Review Board.

#### (2) Unified Theme

Where there are multiple buildings within a single development, the architectural design of buildings, including freestanding outparcel structures, should be organized around a consistent architectural theme in terms of the character, materials, texture, color, and scale of buildings. Themed restaurants, retail chains, and other franchise-style structures should adjust some aspects of their standard architectural model to be consistent with a development's architectural character.

#### (3) Building Facades

Building facades shall comply with the following standards:

- (a) Blank building walls facing streets are prohibited.
- (b) These requirements shall not apply to those walls that are not visible from a street and only visible from an alley, the rear yard of another nonresidential or mixed-use site, or completely hidden due to topography or natural features preserved as open space.



*Figure 9.04-A: This figure shows two methods of using architectural features to create wall surface relief on wall elevations that are not the primary elevation.*

(4) **Multi-Sided Architecture for Nonresidential Uses**

Although the front façade of a building is expected to be the focal point in terms of the level of architectural character and features, all sides of buildings that are visible from a public roadway, an adjacent building, or other private way not subject to buffering requirements in [Article 10: Landscaping Standards](#), shall incorporate architectural detailing on all facades that is consistent with the front façade.

(5) **Ornamentation**

All visible elevations shall include decorative features such as cornices, pilasters, and friezes. Building recesses and protrusions are strongly encouraged on larger buildings to break long uninterrupted building walls. See [Figure 9.04-B](#).



Figure 9.04-B: The above image illustrates a building that contains pilasters, cornices, and a series of façade setbacks (recesses) to visually break up the appearance of the large facade.

(a) **Façade Offset Required**

Front façades 60 feet wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet. See [Figure 9.04-C](#).

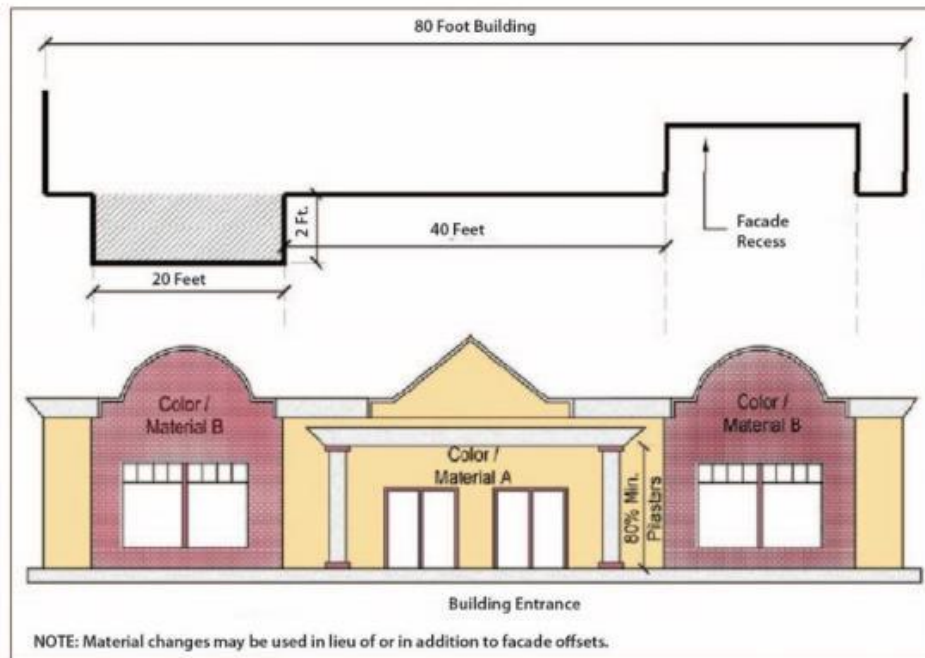


Figure 9.04-C: Illustration of how the façade offset provisions may be applied.

**(b) Offset Alternatives**

The following alternatives can be used in place of the required front façade offsets as shown in [Figure 9.04-C](#):

- (i) Façade color changes following the same dimensional standards as the offset requirements;
- (ii) Pilasters having a minimum depth of one foot, a minimum width of one foot, and a minimum height of 80 percent of the façade's height; and/or
- (iii) Roofline changes when coupled with correspondingly aligned façade material changes.

**(6) Roofs**

**(a) Roof Styles**

The height of any pitched roof shall not exceed one-half of the overall building height.

**(b) Roof Line Changes**

- (i) Roofline changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.
- (ii) When roofline changes are included on a façade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes. See [Figure 9.04-D](#).



*Figure 9.04-D: Illustration of roofline changes along a long façade wall*

**(c) Flat Roofs**

- (i) When flat roofs are used, parapet walls with three-dimensional cornice treatments shall conceal them.
- (ii) The cornice shall include a perpendicular projection a minimum of eight inches from the parapet façade plane.
- (iii) Thin parapets that are less than four feet in depth shall not extend more than two feet above the roof unless necessary to conceal mechanical equipment.

**(d) Asymmetric or Dynamic Roofs**

Asymmetric or dynamic roof forms allude to motion, provide variety and flexibility in nonresidential building design, and allow for unique buildings. Asymmetric or dynamic roof forms shall be permitted on nonresidential buildings as an alternative to flat roofs. See [Figure 9.04-E](#), for an example of buildings with a dynamic roof form.



Figure 9.04-E: An example of dynamic roof lines

**(e) Roof Mounted Mechanical Equipment**

Building walls, parapets, and/or roof systems shall be designed to conceal all roof-mounted mechanical equipment from view from adjacent properties and public rights-of-way. Such equipment shall also be screened from view from any properties that may see the building from above (e.g., if adjacent properties are along higher elevations). See [Figure 9.04-F](#).

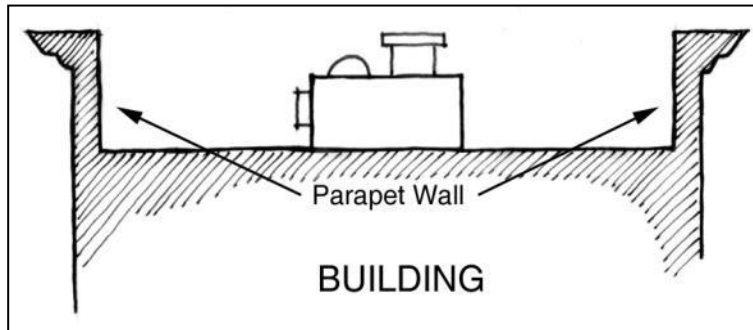


Figure 9.04-F: Example of how parapet walls are utilized to screen roof mounted mechanical equipment.

**(7) Customer Entrances**

For buildings with a total gross square footage of 25,000 square feet or more, customer entrance shall be provided in accordance with this subsection.

**(a) Required Entrances**

Each side of a building facing a public street shall include at least one customer entrance, except that no building shall be required to provide entrances on more than two sides of the structure that face public streets. See [Figure 9.04-G](#).

**(b) Entrance Design**

Buildings shall have clearly defined, highly visible customer entrances that include no less than three of the following design features.

- (i) Canopies/porticos above the entrance;
- (ii) Roof overhangs above the entrance;
- (iii) Entry recesses/projections;
- (iv) Arcades that are physically integrated with the entrance;
- (v) Raised corniced parapets above the entrance;
- (vi) Gabled roof forms or arches above the entrance;
- (vii) Outdoor plaza adjacent to the entrance having seating and a minimum depth of 20 feet;
- (viii) Display windows that are directly adjacent to the entrance;



- (ix) Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above and/or directly adjacent to the entrance; or
- (x) Integral planters or wing walls that incorporate landscaped areas or seating areas.



Figure 9.04-G: These large retail centers utilized several different design features to articulate the individual facade and customer entrances.

**(C) Additional Architectural Standards for the NMB District**

In addition to the standards established for all nonresidential and mixed-use buildings in this article, buildings in the NMB District shall be subject to the following requirements.

**(1) General Requirements for all Nonresidential Buildings**

- (a) Buildings shall be parallel to the street they front unless an alternate orientation is consistent with existing, adjacent development.
- (b) The primary entrances of buildings shall be oriented:
  - (i) Towards a street along the perimeter of the development;
  - (ii) Towards streets in the interior of the development if none of the building's facades has frontage on a public street; or
  - (iii) In another direction as approved by the Zoning Commission.
- (c) No overhead garage doors are permitted facing a street.

**(2) Architectural Styles**

Traditional architecture is favored in the NMB District, rather than radical design themes, structures and roof forms, which would draw unnecessary attention to the buildings. Building facades that incorporate canopies or walls with mock gables must provide a roof component to provide depth and give a more authentic appearance.

**(3) Building Facades**

Building facades shall comply with the following standards:

- (a) Blank building walls facing streets are prohibited.
- (b) These requirements shall not apply to those walls that are not visible from a street and only visible from an alley, the rear yard of another nonresidential or mixed-use site, or completely hidden due to topography or natural features preserved as open space.

**(4) Colors**

A limited number of colors shall be utilized on a single structure. Muted or natural tones (or earth tones) shall be the preferred color for any applicable structure reviewed under this Article. Painting elements such as windows, trim, and cornices in white, gray or black may complement the main building color and is encouraged.

**(5) Wall Openings (Doors and Windows)**

- (a) Building elevations that are visible from a public street should contain windows that occupy:
  - (i) Between 50 and 70 percent of the total wall surface area on the first floor; and
  - (ii) Between 20 and 60 percent of the total wall surface area on the second and higher floors.

- (b) The bottom edge of the windows shall not be higher than three feet above grade on the ground floor.
  - (c) Up to a maximum of 20 percent of the windows that can be seen from all public rights-of-way, excluding alleys, may be opaque, including spandrel glass.
  - (d) The percent of the wall surface area used for windows that is less than this minimum requirement may be approved by the Zoning Commission during the PDO review process after taking into account the architectural style, general design, arrangement, texture, materials, and color of other structures and premises in the area.
  - (e) Doors and windows should be positioned to create a uniform pattern or visual rhythm along the building elevation.
  - (f) All doors and windows shall be articulated through the use of lintels, sills, and thresholds. Windows larger than 20 square feet that are not used for display purposes shall be divided into panes through the use of mullions and/or sashes.
- (6) **Awnings**
- Awnings shall be permitted on buildings as follows:
- (a) All awnings must be made from a heavy-duty canvass fabric or similar water-proof material, rather than metal, aluminum, plastic, or rigid fiberglass. However, awnings that are a permanent part of the building architecture may be constructed of metal, wood, or other traditional building materials where they will add diversity and interest to the facade, and only if the design and materials are consistent with the overall design of the building.
  - (b) All awnings shall be attached directly to the building, rather than supported by columns or poles.

# Article 10: Landscaping Standards

## 10.01 PURPOSE

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The purpose of landscaping, buffering and screening regulations are to:

- (A) Promote attractive development and preserve the appearance and character of the surrounding area using effective landscaping methods;
- (B) Eliminate or minimize conflicts between potentially incompatible, but otherwise permitted land uses on adjoining lots using a suitable combination of setbacks, natural buffers and physical barriers;
- (C) Prescribe standards for the installation and maintenance of trees, plantings, walls and fences;
- (D) To encourage the enhancement of the visual environment, ensure public safety, moderate the micro-climate; and
- (E) To protect surrounding property values.

## 10.02 APPLICABILITY

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- (A) The requirements of this article shall apply to new development and any collective, substantial expansion or change in land use. Single-family and two-family dwellings shall be exempt from this article.
- (B) Substantial expansion or modification of the existing structures shall be defined based on the criteria established in [Table 10.02-1](#) below and shall be based on the expansion compared to the building or structure that existed on the effective date of this resolution.

| TABLE 10.02-1: ADDITIONS AND ENLARGEMENT |                             |
|--|-----------------------------|
| When the Existing Structure is:          | A Substantial Expansion is: |
| 500-1,000 square feet                    | 50% or greater              |
| 1,001-10,000 square feet                 | 40% or greater              |
| 10,001-25,000 square feet                | 30% or greater              |
| 25,001-50,000 square feet                | 20% or greater              |
| 50,001 square feet and larger            | 10% or greater              |

- (C) Any collective expansion of 500 square feet or less shall be exempt from the requirements of this article. Collective expansion shall include the sum of all expansions of the original structure or building, regardless of when they occur.
- (D) When a new use is proposed for an existing building that has been vacant for six months or more, the standards of this article shall apply. However, [Section 10.05: Use and Application of Requirements](#) sets out how the standards of this article may be adjusted for those sites that are determined to be legally nonconforming as it relates to compliance with this article.
- (E) Where a vehicular use area is expanded, the landscaping requirements of [Section 10.07: Landscaping Requirements for Vehicular Use Areas](#) shall apply to the expanded area of the vehicular use area. If a vehicular use area is reconstructed, the applicant shall be required to comply with [Section 10.07: Landscaping Requirements for Vehicular Use Areas](#). For the purposes of this section, reconstructed shall not include pavement maintenance or restriping.
- (F) If a new structure is proposed for a site where such structure is required to be screened by [Section 10.08: Screening Requirements](#), the requirements of that section shall apply fully.

## 10.03 MATERIALS AND STANDARDS

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The following identifies the standards for materials and elements of landscaping and screening required as part of this resolution.

### (A) Plant Materials

- (1) All plant material shall be sound, healthy, live plants installed and maintained in accordance to acceptable nursery industry procedures.



- (2) All plant materials shall be installed immediately, or within nine months after an occupancy permit is issued for the applicable development. If plant materials cannot be immediately installed, the procedure in Section 10.03(E), shall be followed.
- (3) Where existing vegetation occurs outside of the right-of-way, in an area where landscaping or screening is required and such vegetation meets the minimum requirements of this article, such existing landscaping can be used to meet the requirements of this article.
- (4) **Trees**
  - (a) Evergreen trees shall be installed at a minimum height of six feet.
  - (b) Shade trees shall be installed at a minimum Distance at Breast Height (DBH) caliper of two inches.
  - (c) Ornamental and fastigate trees shall be installed at a minimum caliper of one and one-half (1½) inches.
- (5) **Shrubs**
  - (a) Where small shrubs are required, such shrubs shall be provided in a minimum of a one-gallon pot with the shrub having a minimum height of one foot when planted.
  - (b) Where large shrubs are required, such shrubs shall be provided in a minimum of three-gallon pots with the shrub having a minimum height of three feet when planted.
- (6) **Ground Cover**
  - (a) Where landscaping or screening areas are required, any area that is not planted with trees or shrubs shall contain ground cover.
  - (b) Grass is the default landscaping material for ground cover, although other alternative ground covers may be used, if approved as part of a site plan review. Such alternatives shall only be allowed for areas, such as landscaped islands, where physical conditions may warrant more tolerant ground cover.
  - (c) In all cases, ground cover should be some form of natural, living vegetation. Small areas of decorative gravel or rock may also be utilized in the ground cover areas when approved as part of the site plan review.
  - (d) Ground cover must be installed appropriate to the surface conditions of the area
- (7) **Species Diversity**

To curtail the spread of disease or insect infestation in a plant species if a new development contains over 10 trees, the application should include diversity in plant choices.
- (8) Any trees, shrubs, or landscaping materials used to meet the standards of this article shall be required to meet the height and size standards of this section. Any trees, shrubs, or landscaping materials incorporated onto a site that exceeds amount required by this article may be of any size.

**(B) Fencing and Walls**

- (1) All fences used to meet the screening or buffering requirements of this article shall extend to within two inches of the ground grade.
- (2) All fencing or walls used for screening purposes shall not exceed eight feet in height in nonresidential districts and shall be constructed of a material with 100 percent opacity.
- (3) The finished face of fencing and wall materials must face the adjacent property. Materials and colors shall be similar or complementary to the primary building.
- (4) Acceptable fence or wall materials include weather resistant wood, PVC vinyl or other weatherproof composite material, brick, natural stone, split faced block, pre-cast stone or other similar material as approved by the township. Alternative materials may be approved by the Architectural Review Board. Chain link or similar wire mesh fencing is prohibited for screening purposes as required by this resolution.
- (5) All fencing shall be subject to all applicable standards of Section 7.05: [Fencing, Walls, Hedges, and Similar Structures](#), unless otherwise specifically stated in this article.

**(C) Mounds and Berms**

- (1) Earthen mounds and berms shall have a maximum slope of 3:1, (three feet of horizontal space is required for each one-foot vertical change in elevation).

- (2) The crest or top of the mound shall be rounded with elevation changes maintained one foot off the centerline of the mound.
- (3) Earthen mounds or berms shall be designed and constructed with variations in physical alignment throughout the length of the mound or berm.

**(D) Location**

When the subject property is adjacent to other common boundaries, landscape materials shall be entirely located on the subject property requiring the screening or landscaping.

**(E) Delayed Planting**

If plantings cannot be completed prior to building occupancy due to weather or other conditions that prevent planting, the township may require a financial guarantee in the amount of 120 percent of the estimated cost of landscaping and or screening required, including installation costs. The financial guarantee must be approved by the township's legal counsel prior to acceptance.

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**10.04 LANDSCAPING AND BUFFERING IN PUDS**

Landscaping and buffering in PUDs shall be based on the proposed use of the individual lots and shall reflect the minimum requirements established in this article unless otherwise modified in the PUD approval process.

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**10.05 USE AND APPLICATION OF REQUIREMENTS**

- (A)** When a proposed development is subject to the requirements of this article, the following shall be how to evaluate the landscaping and buffering required:
- (1) The applicant shall apply the landscape buffering requirements established in Section [10.06: Landscape Buffering Requirements](#) that sets out both planting buffers and vegetation required between various land uses.
  - (2) The applicant shall then incorporate the vehicular use landscaping established in Section [10.07: Landscaping Requirements for Vehicular Use Areas](#). If these standards overlap with any of the buffering requirements of Section [10.06: Landscape Buffering Requirements](#), then the vehicular use landscaping requirements of that section may count toward the buffering requirements.
  - (3) The applicant shall then apply any screening requirements for various structures and uses as established in Section [10.08: Screening Requirements](#). If these standards overlap with any of the buffering requirements of Section [10.06: Landscape Buffering Requirements](#), then the screening requirements of that section may count toward the buffering requirements.
- (B)** When a use is proposed to occupy an existing building and the lot on which the building is located is determined to be a legal nonconformity as it relates to compliance with this article, then the following shall apply.
- (1) The proposed site plan for the new use shall comply with the requirements of this article to the maximum extent practicable, as determined by the ARB during site plan review. The intent of this section is to prioritize landscaping and buffering along the street frontage and between the proposed use and adjacent residential uses.
  - (2) Where the applicant demonstrates the site cannot be redeveloped in a manner as to comply with this article without demolishing buildings, eliminating parking spaces that are required to meet [Article 11: Parking, Loading, and Circulation Standards](#), or reducing on-site stormwater controls, then the applicant may propose an alternative landscaping plan that incorporates the following:
    - (a) Maintaining any existing vegetation and planting strips as a buffer between land uses when required in Section [10.06: Landscape Buffering Requirements](#);
    - (b) Where such planting strips existing, incorporating additional vegetation to meet the minimum planting requirements for the required buffer to the maximum extent practicable; and
    - (c) Reduction or elimination of the landscaping requirements for vehicular use areas (See Section [10.07: Landscaping Requirements for Vehicular Use Areas](#).) in exchange for providing a minimum of three of the following features:
      - (i) The provision of a planting strip or buffer along the public street with a minimum width of eight feet;

- (ii) The extension of landscape peninsulas that extend from any landscape planting strip along the street frontage instead of stand-alone landscaping islands within the vehicular use areas;
- (iii) The use of large shrubs that create a solid hedge along the street frontage;
- (iv) The incorporation of a sidewalk along the street frontage, maintained in good condition;
- (v) The incorporation of twice as many trees and shrubs as required for interior parking landscaping within any existing landscaped islands;
- (vi) Increase the buffer between adjacent residential uses that will allow the site to increase compliance with the requirements of Section [10.06: Landscape Buffering Requirements](#);
- (vii) The incorporation of ornamental fencing or alternative buffering approaches along the street frontage that meet or exceed the intent of the requirements of this article as approved by the ARB. See [Figure 10.05-A](#).



*Figure 10.05-A: The above images illustrate examples of street frontage buffering with the use of ornamental fencing and vegetation.*

- (d) If the proposed site does not have extensive street frontage, the applicant can propose increased interior vehicular use area landscaping with a focus on providing protected walkways, defining drive aisles, or extending existing islands. Additionally, they may also propose increased buffering between adjacent residential uses.

## 10.06 LANDSCAPE BUFFERING REQUIREMENTS

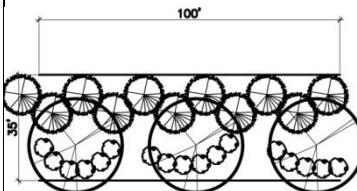
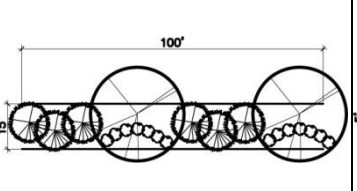
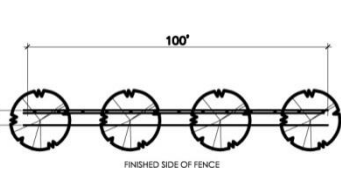
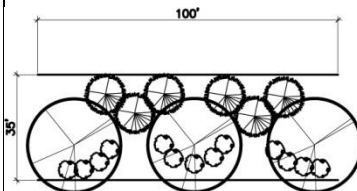
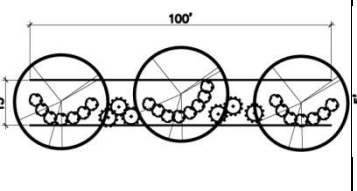
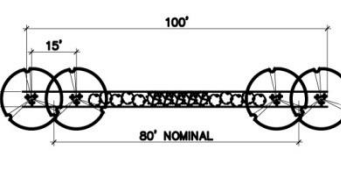
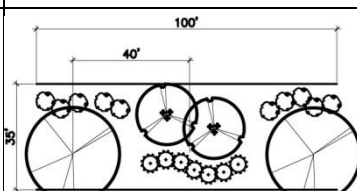
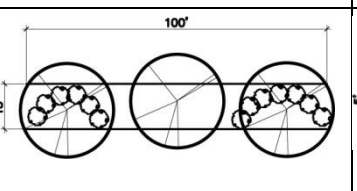
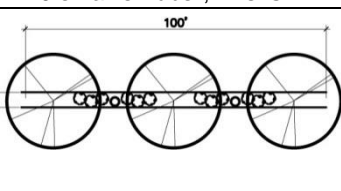
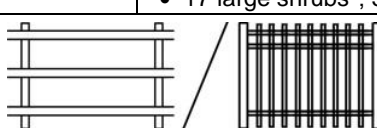
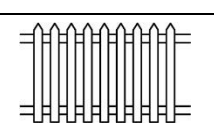
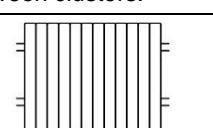
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Development subject to the requirements of this section shall provide buffering in accordance with this subsection.

### (A) Buffer Types

- (1) [Table 10.06-1](#) describes three different buffering standards in terms of opacity. Where a particular buffer type is required in [Table 10.06-2](#), the requirements may be met with the combination of minimum buffer width and planting requirements specified in [Table 10.06-1](#) on the following page.
- (2) The planting requirements established in [Table 10.06-2](#) shall be provide for each 100 feet of lineal distance where the buffer is required. For distances of less than 100, the plantings shall be provided in proportion to the length of frontage or lot line where required.

**TABLE 10.06-1: BUFFER TYPES**

| TABLE 10.06-1: BUFFER TYPES  |  |   |  |
|--|--|---|--|
|  | Option 1: Buffer Width 35'   | Option 2: Buffer Width 15'  | Option 3: Buffer Width 5'  |
| <b>Buffer Type A:<br/>Opaque</b><br>This perimeter buffer functions as an opaque screen and prevents visual contact between uses and creates a strong impression of total separation.            |  <ul style="list-style-type: none"><li>• 3 shade trees, 40' O.C.</li><li>• 11 evergreen trees, 12' O.C.</li><li>• 17 large shrubs<sup>1</sup>, 5.5' O.C.</li></ul>  |  <ul style="list-style-type: none"><li>• 2 shade trees, 40' O.C.</li><li>• 6 evergreen trees, 12' O.C.</li><li>• 14 small shrubs<sup>1</sup>, 4' O.C.</li></ul>         |  <ul style="list-style-type: none"><li>• 4 fastigate trees, 30' O.C.</li><li>• 6' opaque fence or brick or stone wall</li></ul>   |
| <b>Buffer Type B:<br/>Semi-Opaque</b><br>This perimeter buffer functions as a semi-opaque screen.  |  <ul style="list-style-type: none"><li>• 3 shade trees, 40' O.C.</li><li>• 6 evergreen trees, 12' O.C.</li><li>• 13 large shrubs<sup>2</sup>, 5.5' O.C.</li></ul>   |  <ul style="list-style-type: none"><li>• 3 shade trees, 40' O.C.</li><li>• 6 large shrubs<sup>2</sup>, 5' O.C.</li><li>• 22 small shrubs<sup>2</sup>, 4' O.C.</li></ul> |  <ul style="list-style-type: none"><li>• Cluster of 2 ornamental or fastigate trees, 80' O.C. between clusters</li><li>• 10 columnar evergreen shrubs<sup>2</sup>, 4' O.C.</li><li>• 10 small shrubs<sup>2</sup>, 4' O.C.</li></ul> |
| <b>Buffer Type C:<br/>Light</b><br>This buffer functions as an intermittent visual obstruction and creates the impression of spatial separation without eliminating visual contact between uses. |  <ul style="list-style-type: none"><li>• 2 shade trees and clusters of 2 ornamental trees, 40' O.C. between shade trees/clusters</li><li>• 2 ornamental trees, 15' O.C.</li><li>• 17 large shrubs<sup>3</sup>, 5.5' O.C.</li></ul> |  <ul style="list-style-type: none"><li>• 3 shade trees, 40' O.C.</li><li>• 13 large shrubs<sup>3</sup>, 5.5' O.C.</li></ul>  |  <ul style="list-style-type: none"><li>• 3 ornamental or fastigated trees, 40' O.C.</li><li>• 14 small shrubs or mix of shrubs/perennials<sup>3</sup>, 4' O.C. or planted in clusters, 40' O.C. between clusters.</li></ul>        |
| <br>Transparent Fence Example   | <br>Semi-Opaque Fence Example   | <br>Opaque Fence Example   |  |

<sup>1</sup>: May substitute shrubs with 6-foot opaque fence or brick or stone wall

<sup>2</sup>: May substitute shrubs with 6-foot semi-opaque fence or brick or stone wall

<sup>3</sup>: May substitute shrubs with 4-foot transparent fence or 3-foot brick or stone wall segments

O.C.: On Center; all On-Center dimensions are approximate

<sup>1</sup>: May substitute shrubs with 6-foot opaque fence or brick or stone wall

<sup>2</sup>: May substitute shrubs with 6-foot semi-opaque fence or brick or stone wall

<sup>3</sup>: May substitute shrubs with 4-foot transparent fence or 3-foot brick or stone wall segments

O.C.: On Center; all On-Center dimensions are approximate

**(B) Required Buffers**

- (1) [Table 10.06-2](#) specifies the type of landscape buffer that a new development shall provide between it and adjacent properties, based on the use of the development site and that of adjacent properties. The buffer type is indicated by a letter corresponding to one of the three buffer types depicted in [Table 10.06-1](#).
- (2) A residential subdivision or the construction of a single-family or two-family dwelling shall not be required to install a buffer when adjacent to a different use.

- (3) When a basic buffer is required in the table below, a planting strip with a minimum of five feet in width shall be required between land uses. Trees and shrubs are not required but are encouraged. All areas of the buffer shall be, at a minimum, planted with ground cover.
- (4) When reviewing a site plan, the ARB may alter certain requirements on a case-by-case basis when a proposed alternative buffering will meet or exceed the intent of the requirements of this section.

**TABLE 10.06-2: REQUIRED BUFFERS**

| Adjacent to:  |   | Any lot in an AG, R-1A, R-1B, or R-1C District | Any lot in an R-2 or R-3 District | Any Lot in an O or P-I District | Any Lot in a GB, RB, or NMB District | Any lot in an I District |
|---------------|---|--|-----------------------------------|---------------------------------|--------------------------------------|--------------------------|
| Proposed Use: | Multi-Family Dwellings  | Type C   | Basic Buffer                      |                                 |                                      |                          |
|               | Any Use under the Public and Institutional Use Classification in <a href="#">Table 4.07-1</a> located within a Residential Zoning District. | Type B   | Type C                            | Basic Buffer                    |                                      |                          |
|               | Any Use in the O or P-I District  | Type B   | Type B                            | Type C                          | Basic Buffer                         |                          |
|               | Any use in the GB, RB, or NMB District  | Type A   | Type B                            | Type C                          | Basic Buffer                         |                          |
|               | Any use in the I District   | Type A   | Type A                            | Type B                          | Type C                               | None                     |

**(C) Buffer Establishment**

Once a site plan has been reviewed and a zoning certificate issues, the buffer may not be used, disturbed or altered for any purpose unless otherwise permitted by the Township.

**(D) Location of Buffers**

- (1) The landscape buffer shall be provided along the entire lot line between the two adjacent uses identified in [Table 10.06-2](#).
- (2) Buffers required by this section shall be located completely on the lot subject to the buffer requirement and only along the outer perimeter of the lot where it abuts another lot, and shall extend to the lot line or right-of-way line.
- (3) The only exceptions to paragraph (2) are:
  - (a) If a landscape buffer, required by this resolution, is established on the adjacent lot and is permanently protected as a buffer in accordance with the provisions of this resolution and cannot be removed or disturbed in the future; or
  - (b) If a unique characteristic of the lot (e.g., an existing stand of woods or existing vegetation that is not on the perimeter of the site) would create a better option to the required buffer type.

**(E) Development within Required Buffers**

The required buffer shall not contain any development, impervious surfaces, or site features that do not function to meet the standards of this section or that require removal of existing vegetation, except for the following features:

- (1) Fences or walls;
- (2) Sidewalks, trails, and other elements associated with passive recreation, if all required landscaping is provided;
- (3) Signs and light posts;
- (4) Driveways, access roads, and similar uses if they cross perpendicularly across a required buffer, are designed to limit disturbance of vegetation, and have a maximum width of 24 feet; or
- (5) Overhead and underground utilities required or allowed by the Township.



## 10.07 LANDSCAPING REQUIREMENTS FOR VEHICULAR USE AREAS

- (A) This section establishes the minimum standards by which vehicular use areas will be screened from adjacent public streets or from adjacent properties. In addition, this section delineates standards for landscaping within the interior of parking areas.
- (B) When reviewing a site plan, the ARB may alter certain requirements on a case-by-case basis when a proposed alternative landscaping will meet or exceed the intent of the requirements of this section.
- (C) Whenever required landscaping is adjacent to vehicular use areas, such screening shall be protected by bollards, wheel blocks, or curbing to avoid damage by vehicles.
- (D) **Perimeter Landscaping Required**
  - (1) The perimeter landscaping requirements of this section shall apply to all off- street vehicular use areas adjacent to a public street or to a lot line where the parking area contains five or more parking spaces.
  - (2) **Areas Adjacent to Public Streets**
    - (a) Vehicular use areas adjacent to public streets shall be separated from the edge of the right-of-way by a perimeter landscape strip no less than 12 feet in width, not including the sidewalk or any other paved area.
    - (b) The landscape strip shall be planted with one tree for each 50 linear feet or fraction thereof and shall include a hedge, wall, or other opaque durable landscape barrier, which will be at least two feet in height at maturity, along the entire length of the landscape strip. See [Figure 10.07-A](#). The landscape strip shall be covered with ground cover where not planted with trees or shrubs.



*Figure 10.07-A: The above image illustrates an example the provision of a two-foot landscape barrier along the street right-of-way.*

- (c) If the above two-foot landscape barrier is constructed of non-living materials, one shrub or vine shall be planted every 10 feet along the barrier.
    - (d) Perimeter landscape strips shall be continuous and unbroken except for driveways to access the parking area, sidewalks, or paved trails.
- (E) **Interior Parking Area Landscaping Required**
  - (1) The interior parking area landscaping requirements of this section shall apply to all off-street parking areas where the parking area contains 20 parking spaces or more.
  - (2) Such landscaping shall be in addition to landscaping adjacent to public streets and screening requirements as specified in this article.
  - (3) There shall be a minimum of 10 square feet of interior landscaping areas for every parking space. The applicant shall not be required to count the parking spaces abutting a required landscaping area along the perimeter of the parking area.

- (4) The interior landscaping shall be located within landscaped islands that are separated from the perimeter landscaping required in Section 10.07(D) and shall be scattered throughout the parking area to break up large areas of pavement. Landscaped islands that are designed as extensions from the perimeter landscaping areas shall also be considered as interior parking area landscaping but shall not count as the perimeter landscaping area. See Figure 10.07-B.



Figure 10.07-B: The above images show different options for landscaped islands with the top image illustrating landscaped islands that run the full length of parking spaces. The bottom image illustrates a smaller landscaped island at the end of a parking bay.

- (5) Landscape islands shall have a minimum size of 100 square feet within a minimum dimension of five feet in any direction to provide a suitable living environment for the landscaping.
- (6) There shall be at least one tree and three shrubs in each landscaped island.
- (7) If an existing tree is to be used to meet the requirements of this subsection, the landscape island shall be equal in size to the tree's drip line area to protect the root system of the existing tree.

## 10.08 SCREENING REQUIREMENTS

### (A) General Requirements

In addition to the other forms of required landscaping, screening shall be required to conceal specific areas of high visual or auditory impact or hazardous areas from adjacent, less intense uses and from views from public rights-of-way. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

### (B) Screened Items

- (1) The following areas shall be screened in accordance with this section:
- (a) Large waste receptacles (e.g., dumpsters and cardboard recycling containers) and refuse collection areas;
  - (b) Any use or activity where screening is required by a use-specific standards in Section 4.08: [Use-Specific Standards](#);
  - (c) Off-street loading areas;
  - (d) Pipes, conduit, and cables associated with the building or use;
  - (e) Outdoor service areas that are necessary to support common business operations (e.g., outdoor freezer or refrigeration units, storage units, etc.);
  - (f) Ground-level or façade-mounted mechanical equipment and utility structures; and
  - (g) Roof top equipment that is not otherwise hidden by the roofline, parapet wall, or other similar feature.
- (2) Screening shall not be required if any of the above items are not visible from adjacent rights-of-way or from adjacent residential lots.
- (3) All sides of the item shall be screened with the exception that one side of the item may be screened with a gate or other similar feature to allow access while screening the item when access is not necessary.



**(C) Screening Methods**

- (1) The following items are permitted for use as screening materials, and more than one method may be used on a lot or site.
  - (a) Vegetative materials that provide a fully opaque screen to the minimum height necessary to fully screen the facility from off-site views (See [Figure 10.08-A.](#)); or
  - (b) An opaque fence or wall consistent with the standards for Buffer Type A in Section 10.06: Landscape Buffering Requirements; or
  - (c) Integration into the building design (e.g., false walls or other architectural screening). See [Figure 10.08-B.](#)
- (2) The required screening shall have a height sufficient enough to screen the applicable item(s) provided it is in accordance with any other applicable sections of this code including, but not limited to, Section 7.05: [Fencing, Walls, Hedges, and Similar Structures](#).
- (3) To the maximum extent feasible, pipes, conduit, and cables should be located along the rear facade of buildings if conditions do not allow for them to be enclosed within the building itself. Pipes, conduit, and cables shall be located as far away from public view as practical and shall be painted a similar color as the building façade to further reduce visibility.



*Figure 10.08-A: The above image illustrates a vegetative screen that hides HVAC equipment and a dumpster.*



*Figure 10.08-B: Use of a wall and fencing for screening that is architecturally compatible with the principal building.*

**(D) Configuration of Vegetative Materials**

In cases where vegetative materials are used for screening in accordance with this subsection, the vegetative materials shall:

- (1) Be planted around the perimeter of the site feature to be screened in a manner that screens the site feature from all off-site views;

- (2) Be configured in two staggered rows or other arrangement that provides maximum screening;
- (3) Be upright, large evergreen shrubs or a hedge and be capable of reaching at least six feet in height within three years of planting; and
- (4) Be spaced no farther than necessary to create an opaque screen when the shrubs or trees are fully grown. In no case shall trees used for screening be spaced further than eight feet apart on center.

#### 10.09 MAINTENANCE

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- (A) All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse, debris, and weeds at all times.
- (B) All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first.
- (C) No plant material required by these regulations shall be removed for any reason unless replaced with like kind and size at the time of removal. If replaced with a like kind and size of material, no approvals shall be required.
- (D) Any changes to an approved landscaping plan shall require approval in the same manner as landscaping plan was original approved.
- (E) Violation of these provisions shall be subject to the enforcement provisions of [Article 14: Enforcement and Penalties](#).

# Article 11: Parking, Loading, and Circulation Standards

## 11.01 PURPOSE

---

The purpose of the requirements of this article are to protect the public health, safety, and general welfare, and to:

- (A) Regulate the appropriate amount of land for parking, loading, stacking, and maneuvering;
- (B)
- (C) Relieve the congestion on the streets by requiring that parking and loading be provided on property in relation to the demand generated by the property user(s);
- (D) Encourage alternative modes of transportation by providing facilities for pedestrians and bicyclists;
- (E) Protect the light, air, visual amenities, and values of residential areas by the visual screening of large parking areas by limiting the parking and storage of recreational vehicles, boats, trailers and trucks in residential areas; and
- (F) Reduce surface water run-off by considering the use of pervious surfaces, where applicable.

These requirements are designed to provide for the minimum parking, loading, and stacking needs of occupants, customers, employees, visitors and others involved in the use or occupancy of any building or use.

## 11.02 APPLICABILITY

---

- (A) Compliance with this section shall be reviewed as part of an application for a site plan review or zoning certificate, whichever is reviewed first, unless otherwise stated in this resolution.
- (B) Unless otherwise stated, the requirements of this article shall apply to all new development, where there is the construction of a new structure or establishment of a new use, or where there is an expansion, addition, or change of existing uses and structures.
- (C) Accessory and temporary uses shall be exempt from the requirements of this article unless specifically required in [Article 6: Accessory and Temporary Use Regulations](#).
- (D) All development in a PUD District shall be subject to the standards of this article unless otherwise modified through the PUD review and approval process.

- (E) **Change in Use, Additions, and Enlargement**

Where a change in use based on the table in Section [11.04\(A\)](#) occurs, an increase in square footage or seating, or an increase in the number of dwelling units occurs, the number of parking spaces, loading spaces, or vehicle stacking spaces shall comply with the requirements of this article and as identified in this subsection.

- (1) Where a building or use constructed or established prior to the effective date of this resolution is changed or enlarged that creates an increase of less than 10 percent, no additional spaces are required.
- (2) Where a building or use constructed or established prior to the effective date of this resolution is changed or enlarged that creates an increase of more than 10 percent, but less than 25 percent, such required spaces shall be provided based on the enlargement or change.
- (3) Where a building or use constructed or established prior to the effective date of this resolution is changed or enlarged that creates an increase of 25 percent or more the site shall comply with the parking requirements set forth herein.
- (4) In cases where expansions or enlargements occur over a period of time after the effective date of this resolution, the site shall come into full compliance with the requirements of this article once the total expansion or enlargement of the floor area, number of dwelling units, seating capacity of other area exceed 25 percent of the original size at the time this resolution became effective.

## 11.03 GENERAL REQUIREMENTS

---

The following requirements shall apply to all vehicular use areas including off-street parking, stacking, and loading spaces.

**(A) Location**

Parking and loading spaces shall be provided on the same lot as the principal use they are intended to serve unless otherwise regulated in this article.

**(B) Modification to Existing Vehicular Use Areas**

The modification of any existing off-street parking area, including, but not limited to, reduction, enlargement, restriping or remarking of any vehicular use area in a manner that differs from the existing site plan, shall require a review of the modification in accordance with the following:

- (1) Minor modifications related to maintenance and upkeep including, but not limited to, repaving, restriping, remarking, or other similar maintenance work are permitted without a zoning certificate.
- (2) All other modifications shall be reviewed by the Zoning Inspector who shall review the modification through the site plan review process.

**(C) Setback Requirements**

**(1) Front Yards**

- (a) Unless otherwise stated, all parking, loading and stacking areas shall be setback a minimum of five feet from any street or alley right-of-way.
- (b) In the GB, RG, or NMB Districts, no parking shall be located closer than 10 feet behind the right-of-way line.
- (c) This area shall be landscaped per [Article 10: Landscaping Standards](#).

**(2) Side and Rear Yards**

- (a) All parking areas located in the R-2, R-3, O, NMB, GB, RB, I, and P-I Districts shall not be closer than five feet to the property line in side and rear yards.
- (b) In all parking areas located in O, GB, RB, NMB, I, or P-I Districts, no side yard setback requirements are required for parking areas, except when they adjoin a different zoning district. Then, the parking area shall be no closer than 10 feet to the property line.
- (c) In all parking areas located in R-1A, R-1B, and R-1C Districts, a three-foot setback shall be required for driveways and other off-street parking areas.

**(D) Access**

All ingress and egress to parking and loading areas shall be made through curb cuts as regulated by this subsection. All curb openings shall be constructed in accordance with the standard drawings of the township and approved by the Road Superintendent.

- (1) Each lot shall be permitted a maximum of one curb cut per lot except that lots in the nonresidential districts, on corner or double frontage lots, may have one curb cut on each street frontage, with the exact location of the cut to be subject to the approval of the Township Road Superintendent.
- (2) Where necessary due to multiple curb cuts, the entrances, exits and intended circulation pattern of the parking area shall be clearly identified with pavement markings or freestanding directional signage.
- (3) A driveway or access way serving a parking lot shall be designed so that vehicles entering and exiting will be traveling in a forward motion only, exclusive of single and two-family lots.
- (4) On corner lots, all vehicular entrances/exits shall be set back from the intersection of the street right-of-way lines as follows:
  - (a) In residential districts, not less than 25 feet;
  - (b) In the O, RB, GB, NMB, and P-I Districts, not less than 50 feet on a square corner or 25 feet from the end of the corner radius, whichever is greater.
  - (c) In the I District, where located adjacent to a thoroughfare or an arterial street, not less than 150 feet from an intersection.
  - (d) In the I District, there shall be not less than 100 feet between driveways.
- (5) Curb openings at the property line shall not be more than:
  - (a) 15 feet wide in residential districts for single- and two-family dwellings;
  - (b) 30 feet wide in residential districts for multi-family dwellings;
  - (c) 36 feet wide in the O, GB, RB, NMB, and P-I Districts; and

(d) 50 feet wide in the I District.

**(E) Striping, Marking, and Maintenance**

- (1) All parking spaces, other than for single- and two-family dwellings, shall be striped and maintained in good condition.
- (2) Each parking space and aisle shall be clearly designated and marked to ensure approved utilization of the space, direction of traffic flow and general safety.
- (3) When a parking space is designated for handicapped accessibility or small car use, it shall be clearly marked as such.
- (4) The owner of property used for parking shall maintain such area in good condition without holes and free of all trash, abandoned or junk vehicles, and other rubbish.

**(F) Surface**

- (1) The surface of any parking area, aisle, driveway or maneuvering area shall be paved with a hard, durable, dust free surface such as asphalt or concrete (excluding compacted gravel) and approved by the Zoning Inspector.
- (2) Porous asphalt or pervious concrete, used to reduce surface water run-off, may be used if reviewed and approved by the Zoning Inspector and Road Superintendent. An applicant shall be required to submit a maintenance plan for upkeep of any permitted porous or pervious concrete. Failure to adhere to the maintenance plan shall be considered a violation of this resolution.

**(G) Wheel Stops and Curbing**

- (1) Wheel stop devices consisting of parking blocks, permanent curbs or other suitable barrier shall be installed to prevent any part of a parked motor vehicle from extending beyond the required parking space area, overhanging a pedestrian circulation way or sidewalk or damaging any structure or landscaping.
- (2) The minimum height of a wheel stop device shall be five inches and the minimum distance from a wheel stop device to a property line or protected area shall be two and one-half feet.
- (3) Wheel stops shall be adequately anchored to the ground to prevent any movement.
- (4) Continuous curbing is discouraged but if curbing is used, it should be cut curbing or scissor curbing to allow for the passage of stormwater. See [Figure 11.03-A](#).



*Figure 11.03-A: Cuts in the continuous curb allow for stormwater to be directed into landscaped areas.*

**(H) Lighting**

Any lighting of vehicle use areas shall be subject to [Section 7.04: Exterior Lighting](#).

**(I) Landscaping, Buffering and Screening**

Landscape, buffering and screening shall be pursuant to [Article 10: Landscaping Standards](#).

**(J) Prohibited Activities**

- (1) The display for sale of all types of vehicles shall be prohibited within any required off-street parking area, except for a private individual selling one personal vehicle from a residence at any one time or at an approved car sales business.

- (2) The display, sales, or storage of any goods, wares, or merchandise shall not be permitted within any areas designated for required off-street parking, circulation and loading.
- (3) No part of any building, structure, or related improvements shall be temporarily or permanently located or stored in areas designated for off-street parking, circulation and loading unless as part of an approved accessory or temporary use, or if approved as part of a site plan.

**(K) Bicycle and e-Scooter Parking**

When bicycle or e-Scooter parking accommodations are provided on a site, they shall be located in an area adjacent to the primary building and separate from vehicular or pedestrian traffic circulation to prevent unnecessary conflicts and safety hazards between vehicles, people, bicycles and e-Scooters.

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**11.04 OFF-STREET PARKING STANDARDS**

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**(A) Number of Parking Spaces Required**

**(1) Computation**

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

- (a) Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross leasable horizontal area of all floors of a nonresidential building.
- (b) Where seating capacity is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated for, each 24 lineal inches of seating facilities (bench, pew, etc.).
- (c) Fractional numbers shall be increased to the next highest whole number.
- (d) Parking spaces shall be provided according to the schedule of uses in this subsection. In residential use areas, garages or carports may be counted as a part of the required parking.

**(2) Mixed Use Occupancy**

In the case of mixed or multiple uses in one building or on one property, the total requirements for off-street parking may be reduced as follows:

- (a) The reduction shall be based on the sum of the minimum parking spaces required in the table in this subsection, computed separately, and reduced by not more than 25 percent. Any reduction in spaces shall be reviewed and approved by the Zoning Inspector.
- (b) The remaining spaces shall not be reserved for any one use and shall be available to all patrons or residents of that development.

**(B) Revision of Parking Lots**

The revision of an approved parking lot, including, but not limited to, reduction, enlargement, restriping or remarking of any parking lot in a manner that differs from the existing site plan, shall require a new site plan approved by the Zoning Inspector prior to the changes being made.

**(C) Number of Parking Spaces Required**

The number of off-street parking spaces required shall be based on the requirements of Section [11.04\(C\)\(1\)](#) below or an alternative parking space plan may be provided in accordance with Section [11.04\(C\)\(2\)](#).

**(1) Minimum Parking Spaces Table**

- (a) [Table 11.04-1](#) establishes the minimum number of parking spaces required for individual uses. For uses that are not specifically stated, the Zoning Inspector may identify a parking requirement that most closely reflects the land use and intensity of the proposed use or may require an alternative parking space plan as established in Section [11.04\(C\)\(2\)](#).
- (b) In order to prevent excessive lot coverage, the artificial increase in ambient air temperature, and an unnecessary increase in surface water run-off, no application shall propose more than 25 percent of the spaces required in [Table 11.04-1 below](#) unless good cause can be shown by the applicant and approved by the BZA through the variance process in Section [3.04: Variance or Conditional Use](#). Single-family dwellings and two-family dwellings shall be exempt from this provision.



- (c) An alternative parking space plan is not permitted for uses marked with an asterisk (\*) in [Table 11.04-1](#). An alternative parking space plan shall only be permitted when the applicant wants to propose less than the number required by [Table 11.04-1](#) below.

| TABLE 11.04-1: MINIMUM NUMBER OF SPACES                           |  |   |
|---|--|---|
| Use   | Parking Spaces Required  |   |
| Agricultural Use Classification                                   |  |   |
| Agricultural Uses   | None required  |   |
| Farm Markets  | Two spaces per site  |   |
| Nurseries or Greenhouse   | One space per 500 square feet of gross floor area, including both permanent and temporary greenhouses  |   |
| Residential Use Classification                                    |  |   |
| Bed and Breakfast Establishment                                   | One space per guest room plus two spaces for owner occupant  |   |
| Single-Family or Two-Family Dwellings *                           | Two spaces per dwelling unit   |   |
| All Other Multi-Family Dwellings *                                | One and one-half spaces per dwelling unit  |   |
| Group Homes   | Two spaces per home if located in a single-family dwelling or four spaces for all other group homes  |   |
| Skilled Nursing or Personal Care Facilities                       | One space per four beds at maximum capacity  |   |
| Commercial and Office Use Classification                          |  |   |
| Assembly Halls and Conference Centers                             | One space for each four persons at maximum building capacity   |   |
| Automotive Service or Repair Uses                                 | One space per service bay plus one space per 400 square feet of retail space   |   |
| Banks and Financial Institutions                                  | One space per 300 square feet of gross floor area  |   |
| Commercial Entertainment or Recreation (Indoors)                  | One per 400 square feet of gross floor area; or<br>One per five seats if stadium/arena seating provided  |   |
| Commercial Entertainment and Recreation (Outdoors)                | One per five seats if ballfield/stadium/arena seating provided; or<br>one space per 8,000 square feet of outdoor area  |   |
| Day Care Centers (Adult or Child)                                 | One space for every 400 square feet of gross floor area plus one space for every classroom or activity room  |   |
| Funeral Homes or Mortuaries                                       | Six spaces for each parlor plus one space for each fleet vehicle or one space for each 50 square feet of floor area in assembly rooms used for services, whichever is greater. |   |
| General Offices   | One space per 400 square feet of gross floor area  |   |
| Hotel or Motel  | One space per guest room   |   |
| Kennels and Animal Day Cares                                      | One space per 400 square feet of gross floor area  |   |
| Medical or Dental Clinics/Offices                                 | One space per 300 square feet of gross floor area  |   |
| Restaurant, Tavern, Microbrewery, Microdistillery, or Microwinery | One space per 150 square feet of gross floor area  |   |
| Theaters  | One space for each four persons at maximum building capacity   |   |
| All Other Retail or Service Commercial Uses                       | Building footprint less than 5,000 square feet of gross floor area   | One space per 300 square feet of gross floor area |
|   | Building footprint of 5,001 to 50,000 square feet of gross floor area  | One space per 350 square feet of gross floor area |
|   | Building footprint of 50,001 square feet or more of gross floor area   | One space per 400 square feet of gross floor area |
| Public and Institutional Use Classification                       |  |   |
| Active Parks and Recreation                                       | One space per 5,000 square feet of outdoor area or one space per five seats if stadium/arena seating provided  |   |
| Cemeteries  | One space per four seats in a chapel or place of assembly at maximum building capacity   |   |
| Churches and Places of Worship                                    | One space per four fixed seats in the main assembly room or one space per four persons at maximum capacity, whichever is greater   |   |



| <b>TABLE 11.04-1: MINIMUM NUMBER OF SPACES</b>  |  |   |
|---|--|---|
| <b>Use</b>  |  | <b>Parking Spaces Required</b>  |
| Educational Facilities (Primary and Secondary)  |  | One space for every four seats in the largest auditorium, stadium, or assembly room, whichever is greater plus six spaces per classroom                     |
| Educational Facilities, Higher  |  | One space for every four seats in the largest auditorium, stadium, or assembly room, whichever is greater plus one space per five seats for every classroom |
| Government Offices and Buildings  |  | One space per 500 square feet of gross floor area   |
| Hospitals   |  | One space for every two patient beds plus one space for every 300 square feet of outpatient clinics, laboratories, pharmacies and other similar uses        |
| All Other Public and Institutional Uses   |  | One space per 500 square feet of gross floor area or one space per five permanent seat seats at maximum capacity, whichever is greater                      |
| <b>Industrial Use Classification</b> – The total number of required spaces for uses in the industrial use classification shall be cumulative based on the variety of different functions present in a single use as established below |  |   |
| Offices or Administrative Areas   |  | One space per 300 square feet of gross floor area   |
| Indoor Sales Area and Displays of Goods Manufactured on Site  |  | One space per 400 square feet of indoor gross floor area  |
| Indoor Areas Used for Storage, Warehousing, Assembly, Vehicular Service, or General Manufacturing Activities  | 1-3,000 square feet of floor area        | One space per 300 square feet of gross floor area   |
|   | 3,001-5,000 square feet of floor area    | One space per 500 square feet of gross floor area   |
|   | 5,001-10,000 square feet of floor area   | One space per 1,000 square feet of gross floor area   |
|   | 10,001 or more square feet of floor area | One space per 1,500 square feet of gross floor area   |
| Outdoor Storage Area (3,000 square feet or less)  |  | 1 space per 1,500 square feet of gross outdoor area   |
| Outdoor Storage Area (more than 3,000 square feet)  |  | 1 space per 2,500 square feet of gross outdoor area   |

**(2) Alternative Parking Space Requirements**

- (a) An applicant may choose to provide an alternative parking space plan based on the proposed uses. The applicant shall be required to demonstrate that the proposed number of off-street parking spaces provided in the alternative plan is sufficient to serve the proposed use or activity through the submission and review of a parking plan. As part of the alternative parking space plan, the applicant shall provide a written analysis of parking requirements based on the following information:
- (i) Availability of on-street parking near the use and the distances to those spaces;
  - (ii) Building square footage for each specific use to be served by off-street parking;
  - (iii) Intensity of the proposed use;
  - (iv) Hours of operation;
  - (v) Estimated number of patrons/customers at peak hours of operation;
  - (vi) Maximum numbers of employees present on one shift;
  - (vii) Availability of joint parking areas;
  - (viii) Building occupancy loads;
  - (ix) Proposed number of spaces and their locations on the lot; and
  - (x) Any additional information as requested by the Zoning Inspector.

- (b) The Zoning Inspector shall have the authority to approve or deny the application. The Zoning Inspector may refer to the estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI), the Institute of Traffic Engineers (ITE), or similar resources in making their determination. If the Zoning Inspector denies the alternative parking space plan, the applicant shall be required to meet the minimum number of spaces required by Table 11.04-1 above or seek approval of a variance in accordance with Section 3.04: Variance or Conditional Use.

## 11.05 DIMENSIONAL REQUIREMENTS FOR PARKING SPACES AND DRIVE AISLES

Areas for off-street parking facilities shall be in accordance with the following minimum requirements. Parking area length includes paved area only.

### (A) Parking Space Area Table

| TABLE 11.05-1: PARKING SPACE DIMENSIONS |                     |                      |                   |         |
|---|---------------------|----------------------|-------------------|---------|
| Angle                                   | Parking Space Width | Parking Space Length | Drive Aisle Width |         |
|   |                     |                      | One-Way           | Two-Way |
|   | A                   | B                    | C                 | D       |
| Parallel (0°)                           | 9 feet              | 22 feet              | 12 feet           | 20 feet |
| 30°                                     | 9 feet              | 20 feet              | 12 feet           | 24 feet |
| 45°                                     | 9 feet              | 20 feet              | 12 feet           | 24 feet |
| 60°                                     | 9 feet              | 18 feet              | 18 feet           | 24 feet |
| Perpendicular (90°)                     | 9 feet              | 18 feet              | 20 feet           | 24 feet |

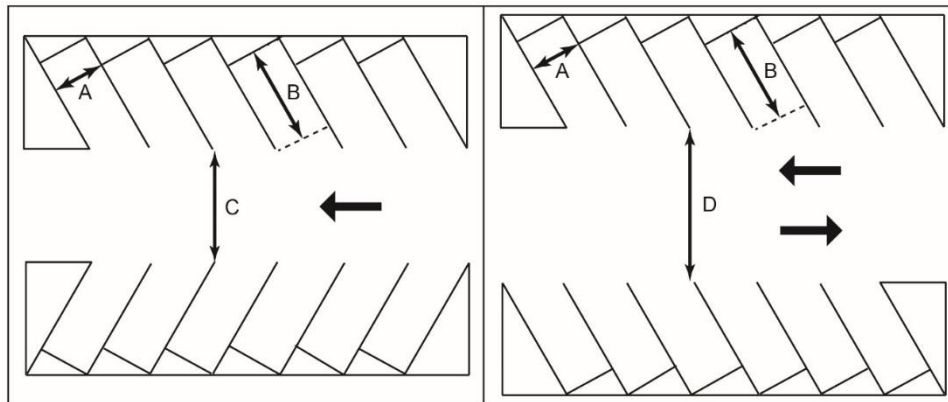


Figure 11.05-A: Parking area dimensions

### (B) Dimensional Requirement Adjustments

#### (1) Compact Spaces

- (a) All compact car spaces must be a minimum of eight feet wide by sixteen feet long.
- (b) The design and placement of all compact spaces are subject to the review of the Zoning Inspector.
- (c) The location of all compact spaces shall be readily identified and grouped in one or a series of locations.
- (d) For commercial and industrial uses, up to 10 percent of the total parking spaces may be compact spaces.

#### (2) Electrical Vehicles

If a parking lot provides electrical vehicle (EV) charging stations, a reduction of 2 parking spaces for each charging station may be considered by the Zoning Inspector.

**(3) Transit Stop**

If the parking lot is located within 500 feet of a Western Reserve Public Transit Authority transit stop which operates with frequent service during normal business hours, a 10% reduction in required spaces may be considered by the Zoning Inspector.

**(C) Parking for Handicapped Persons**

- (1)** Parking spaces for handicapped and elderly persons shall meet the requirements of the Accessible Parking Guide published by the Secretary of State of Ohio, which outlines requirements of the most recent ADA Standards for Accessible Design.
- (2)** Each handicap space may be included in the computation of spaces required by this article.

**(D) Parking of Commercial Vehicles in Parking Lots**

Commercial vehicles with or without signage, which are over nine feet in width and 18 feet in length, shall not be parked in a parking area when the vehicle is not in use or during non-business hours. Such vehicles shall be parked or stored in the required off-street loading space(s) unless otherwise approved by the Zoning Inspector.

**(E) Alternative Parking Solutions**

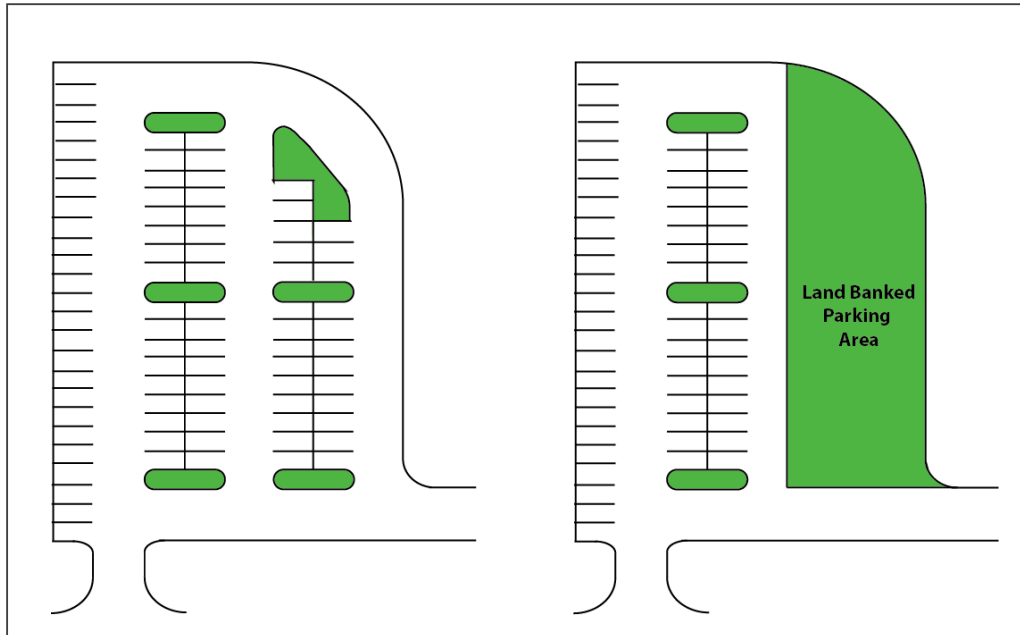
**(1) Shared or Off-Site Parking**

A portion of the required parking spaces may be located on an adjacent or nearby property if the parking area complies with the following standards.

- (a)** Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.
- (b)** Off-site parking shall not be used to satisfy the off-street parking standards for residential uses.
- (c)** Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking area.
- (d)** Shared or off-site parking shall not be permitted on a vacant lot in a residential zoning district unless permitted by the BZA as part of a conditional use review.
- (e)** Shared or off-site parking areas shall adhere to the regulations of the same or a more intensive zoning classification than that required for the use served.
- (f)** In the event that a shared or off-site parking area is located on multiple parcels, a written parking agreement shall be required and must be approved by the township's legal counsel.
- (g)** No shared or off-site parking space shall be located more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
- (h)** The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared or off-site parking may be approved if it complies with the following standards:
  - (i)** A sufficient number of spaces shall be provided to meet the highest demand of the participating uses.
  - (ii)** Evidence shall be submitted by the parties operating the shared parking area, to the satisfaction of the Zoning Inspector, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between the users of the parking spaces.
  - (iii)** Shared or off-site parking shall not account for more than 50 percent of the required parking spaces as established in Section [11.04\(A\)](#).
  - (iv)** Any change in use of the activities served by a shared or off-site parking area will be deemed an amendment to the shared or off-site parking area plan and will require BZA review and approval.
  - (v)** All shared or off-site parking plans and agreements shall be recorded in the office of the Mahoning County Recorder and a copy of the recorded document shall be provided to Boardman Township prior to any zoning certificate or business use certificate being issued.

(2) **Land Banked Parking**

Up to 50 percent of the required parking spaces may remain landscaped and unpaved, or paved with pervious pavement, provided that the parking and unpaved areas complies with the following standards and is authorized in accordance with this section. See [Figure 11.05-B](#) below.



*Figure 11.05-B: The parking lot shown on the left is a traditional parking lot with interior parking islands while the parking lot on the right illustrates where an area is unimproved but is designated for future parking spaces if the demand arises.*

- (a) The parking plan submitted with the site plan application shall denote the location and layout of that portion of the parking area that currently is deemed not required. The plan shall indicate that the “land banked” parking spaces will be constructed according to these regulations if the Zoning Inspector determines at any time that all or any portion of this parking is necessary.
- (b) The applicant shall be required to design the site for full compliance with the applicable stormwater regulations, lighting regulations, and landscaping regulations even though a portion of the parking area may not be developed initially.
- (c) Any conditions required by the township, and the design for the site as established above, shall be illustrated on a final site plan, approved as part of the zoning certificate application and maintained as part of the township’s official records.
- (d) At no time shall any portion of the land banked parking area that is designated for future development be used for the construction of any structure or paved surface with the exception that pervious pavement may be used to provide temporary parking provided that the pavers allow for grass and other vegetation to grow through the material.
- (e) At no time shall any portion of the land banked parking or loading area that is so designated for future construction as provided herein be counted as open space or other non-paved areas required by other provisions of this resolution.
- (f) The owner shall initiate construction of the approved land banked parking area(s), as identified on the approved parking plan, within three months of the receipt of a certified letter or a letter through normal postal service (if the certified letter is not accepted) sent to the owner of record from the Zoning Inspector, identifying that such parking is determined to be necessary. Such determination may be made when the Zoning Inspector:
  - (i) Is reviewing an application related to a change of use or activity; or
  - (ii) Documents that vehicles related to the use are consistently parked on the grass, landscaping area, or on the street.

- (g) Off-site or shared parking alternatives shall not be permitted where land bank parking is utilized.

## **11.06 OFF-STREET LOADING**

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A permanently paved and maintained area for standing, loading and unloading of delivery vehicles shall be provided for principal uses in the nonresidential districts. These off-street loading facilities shall be in accordance with the following specifications:

**(A) Number of Spaces**

This resolution does not require a minimum number of off-street loading spaces. However, uses which receive frequent deliveries are required to provide adequate space, built to the standards as identified in this subsection.

**(B) Size**

- (1) Loading spaces shall conform to the following minimum dimensions. Unless otherwise noted, all dimensions are exclusive of any driveway, aisle or other circulation area:
  - (a) Clearance height: 15 feet
  - (b) Minimum width: 12 feet
  - (c) Minimum length: 50 feet
- (2) In the O, GB, RB, and NMB Districts, the loading space requirements may be modified when the owner or the intended user shows that adequate loading requirements for the use can be provided in a manner which does not disrupt traffic flow or parking.

**(C) Location**

- (1) All loading spaces and maneuvering areas shall be located on the same lot as the use they are intended to serve.
- (2) Off-street loading spaces may occupy any part of a required rear or side yard but shall not project into any front yard or into a public right-of-way.
- (3) Off-street loading spaces shall not obstruct or occupy any parking space, circulation or vehicle stacking space for drive through lanes.
- (4) No loading ramp, dock, door or space, or any portion thereof, shall be located closer than 50 feet from any lot zoned for any residential use unless located completely within an enclosed building.

**(D) Access**

- (1) All required off-street loading spaces shall have access to a public street or alley in such a manner that any vehicle entering or exiting the premises shall be traveling in a forward motion onto such street or alley.
- (2) Driveway access for loading spaces shall be located so any vehicle entering or leaving the lot shall be clearly visible to any pedestrian or motorist approaching the access or driveway from a public or private street. Nothing shall project more than three feet above the driveway grade within two 10-foot triangles formed by the intersection of the driveway pavement edge and street right-of-way line.

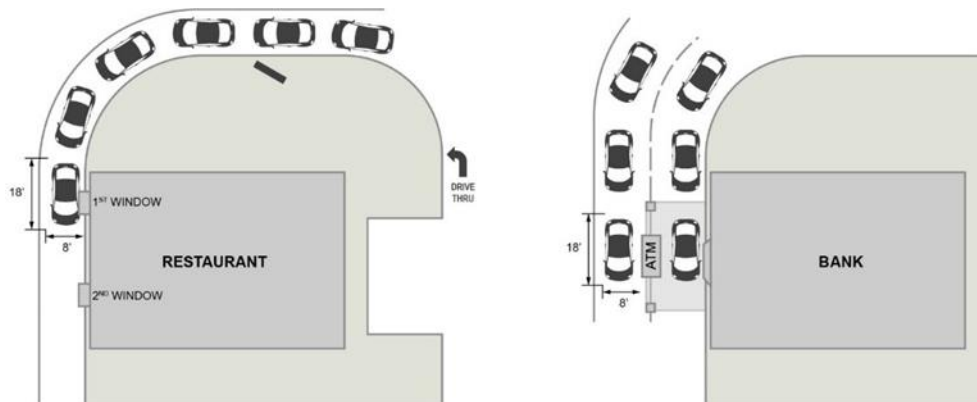
## **11.07 STACKING SPACE REQUIREMENTS**

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- (A) Drive-through facilities and other establishments which, by their nature, create lines of customers waiting to be served within automobiles, shall provide off-street stacking areas, on the same lot as the use, in addition to the required number of parking spaces specified in this article.
- (B) The number of required stacking spaces shall be as provided for in [Table 11.07-1](#). See [Figure 11.07-A](#) for illustration of stacking spaces:

**TABLE 11.07-1: STACKING SPACE REQUIREMENTS**

| Activity  | Minimum Stacking Spaces (Per Lane)       | Measured From:                      |
|---|--|-------------------------------------|
| Financial Institution or Automated Teller Machine (ATM) | 3  | Teller or Window                    |
| Restaurant  | 6  | First Drive-Through Window or Stall |
| Automatic Car/Truck Wash                                | 5  | Outside of Washing Bay              |
| Self-Service Car/Truck Wash                             | 2  | Outside of Washing Bay              |
| Retail Fuel Sales                                       | 2 per accessible side of the pump island | Fuel Pump                           |
| Other   | As determined by the Zoning Inspector    |                                     |



*Figure 11.07-A: Illustrative example of stacking space requirements for a bank and a restaurant.*

- (C) Stacking lanes shall be provided for any use having a drive-through facility and shall comply with the following standards:
- (1) Drive-through stacking lanes shall have a minimum width of eight feet and a minimum length of 18 feet for each space required.
  - (2) When stacking lanes are separated from other stacking lanes, bypass lanes, or from other site areas, the separation shall be by means of a raised concrete median, concrete curb, landscaping, or painted striping.
  - (3) The number of stacking spaces required by [Table 11.07-1](#) shall be required for each separate stacking lane. If two or more stacking lanes converge into one lane (e.g., two lane separate lanes to order at a restaurant converge to one lane after the drive-through sign), the stacking spaces shall be measured in accordance with [Table 11.07-1](#) with the spaces located after the convergence point counting toward both stacking lanes.
  - (4) Vehicles shall not be permitted to wait within the public right-of-way for service at such drive-in or drive-thru facilities.
- (D) The Architectural Review Board may reduce the number of required stacking spaces when the applicant provides credible documentation, such as studies from similar sites, that fewer than the required number of stacking spaces does not impede vehicular traffic flow on the site and ingress/egress to the site.

## **11.08 PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES, BOATS, EQUIPMENT AND TRAILERS ON PRIVATE PROPERTY IN RESIDENTIAL DISTRICTS**

### **(A) Commercial Vehicles**

- (1) Only those vehicles that are classified as a Light Duty Truck, Class 1 or Class 2 by the Federal Highway Administration are permitted to be parked or stored on residential lots. All other classification of vehicles may only be parked or stored on residential lots when within a fully enclosed building.



- (2) Residents who rent or lease a commercial moving vehicle for the purpose of moving or storing goods may park the vehicle in their driveway for up to 48 hours for the purpose of loading and unloading.

**(B) Parking and Storage of Recreational Vehicles, Boats, Equipment and Trailers**

- (1) In no instance shall there be more than a total of two recreational vehicles, boats, trailers or equipment, stored outside on a single residential property.
- (2) Recreational vehicles, equipment, boats, trailers, motor homes or similar equipment shall not be stored in front of the building line of the dwelling except that:
  - (a) Any recreational vehicle with a length of up to 24 feet (including the entirety of any trailer) may be parked or stored in the front yard, on a driveway or paved surface, between May 1 and October 1 of each year;
  - (b) Any size recreational vehicle may be temporarily parked in the front yard, on a driveway or paved surface, for the purposes of loading or unloading for a period of not more than 48 hours at any time of the year.
- (3) Recreational vehicles including mobile homes, boats and trailers not exceeding 24 feet in length, (including the entirety of any trailer) may be parked or stored in a residential district, outside of an enclosed building, subject to the following conditions:
  - (a) The vehicle is parked or stored on a lot owned by the owner of the vehicle;
  - (b) The vehicle shall not be used as living quarters, whether temporary or permanent, and no business shall be conducted in the recreational vehicle while the vehicle is stored;
  - (c) The vehicle is parked behind the existing front line of the building foundation at a point furthest from the street right-of-way, to the maximum extent practical but in no case shall the vehicle be located any closer than 10 feet from any lot line;
  - (d) The vehicle has no permanent connection to electric, water, gas or sewer facilities;
  - (e) The vehicle is kept in good repair and carries the current year's license and/or registration as required by the State of Ohio;
  - (f) Only covers and tarpulins designed specifically to fit the vehicle may be used to cover the vehicle or components; and
  - (g) The entire area under the parking or storage of a recreational vehicle, trailer or similar equipment shall be paved with a hard surface (concrete, asphaltic concrete, or other hard surface by excluding gravel) or on a solid surface of pervious pavers, as approved by the Zoning Inspector.
- (4) Recreational vehicles including mobile homes, boats and trailers of any size may be stored in an enclosed garage or permitted accessory building in any residential district provided that no living quarters are maintained and no business is conducted in the recreational vehicle while the vehicle is stored;

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**11.09 SIDEWALKS AND SIDEWALK CONNECTIONS TO A RIGHT-OF-WAY**

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**(A) Public Sidewalks**

- (1) New public sidewalks, constructed to meet Mahoning County construction standards, shall be required along the street frontage of any lot being developed when the following conditions exist:
  - (a) The development includes new construction on a vacant lot or complete redevelopment of an existing principal building (e.g., the principal building is torn down and replaced);
  - (b) There is no public sidewalk along one or more of the public street rights-of-way adjacent to the lot;
  - (c) There is adequate existing right-of-way for the public sidewalk.
- (2) New sidewalks shall also be required when proposed sidewalks or paths are identified in the Boardman Township Active Transportation Plan for the lot or lots that are part of the applicable development or application.
- (3) All sidewalks shall be constructed with a minimum width of five feet. Wider sidewalks may be required by the Zoning Inspector, Architectural Review Committee, or Zoning Commission, depending on the applicable review process, where:



- (a) Wider sidewalks are present on the adjacent lots; or
- (b) Wider sidewalks are required in the Boardman Township Active Transportation Plan.
- (4) All sidewalks at intersections will include ramps that are compliant with the American Disabilities Act.

**(B) Internal Pedestrian Access**

- (1) Where a sidewalk exists in a public right-of-way adjacent to the site, is required to be constructed as part of the development approval, or where a public transit stop is located along any of the applicable site's frontage, a paved pedestrian connection shall be constructed from the sidewalk to the entrance of the building.
- (2) The pedestrian connection shall have a minimum width of five feet.
- (3) All pedestrian walkways located within a site (internal pedestrian circulation) shall be physically separated from the drive lanes and driveways. Additionally, all sidewalks and crosswalks shall be constructed of an impervious surface and shall be visually distinct from the driving surface by use of pavers, color, bricks, scored concrete, or other material approved by the Zoning Inspector or Architectural Review Committee. See [Figure 11.09-A](#).



*Figure 11.09-A: This photograph illustrates how a sidewalk connecting the public sidewalk to the business can be integrated into the required landscaping.*

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# Article 12: Signage Standards

## 12.01 PURPOSE

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The purpose of this article is to promote the public health, safety, and welfare through the provision of standards for existing and proposed signs of all types. More specifically, this article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech while also:

- (A) Enhancing and protecting the physical appearance of the community;
- (B) Promoting and maintaining visually attractive, residential, retail, commercial, and manufacturing districts;
- (C) Balancing the rights of individuals to convey messages through signs with the right of the public to be protected against the unrestricted proliferation of signs;
- (D) Ensuring that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment;
- (E) Preventing the erection of structures of any kind that will obstruct sight distance at the intersection of streets, alleys, or driveways;
- (F) Preventing the erection of poorly constructed and unsafely located, posted, or painted signs;
- (G) Providing review procedures that enable the township to comprehensively evaluate the appropriateness of a sign to the site, building, and surroundings;
- (H) Regulating the proper construction, maintenance, safety, and structural soundness, as well as the appearance and attractiveness of signs; and
- (I) Prohibiting all signs not expressly permitted by this article.

## 12.02 APPLICABILITY

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- (A) It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the township except in accordance with the provisions of this article.
- (B) Unless otherwise provided, this section shall apply to any sign, in any zoning district, that is visible from the public right-of-way or from property other than the property on which the sign is located.
- (C) Any sign already established on the effective date of this section or future amendment thereto, and which sign is rendered nonconforming by the provisions herein, shall be subject to the nonconforming sign regulations of Section [12.13: Nonconforming Signs](#).

## 12.03 SUBSTITUTION AND PROTECTION CLAUSE

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Wherever a sign with a commercial message is allowed or permitted under this article, an owner may replace the message with a noncommercial message, subject to the time, place and manner provisions of this article, without applying for a zoning certificate and/or paying a fee that otherwise would be required for the placement of a commercial message sign on the lot; provided, that the sign structure or mounting device is legal without consideration of message content. This provision prevails over any provision to the contrary in this article. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a lot or parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

## 12.04 EXEMPTIONS FROM THIS CHAPTER

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The following signs are entirely exempt from this chapter but may require building permits or other permits, as applicable:

- (A) Any signage located inside a building that is not visible from the exterior of the building. Signs in windows that are mounted in such a way as to be viewed from outside the building shall be considered window signs subject to the provisions of Section [12.11\(A\)](#);

- (B) For the purpose of safety services locating a property, a sign denoting the number and street address of the premises is permitted provided such sign complies with the requirements of the fire code.
- (C) Interior signs within a stadium, open-air theater, outdoor shopping center, arena or other similar use, which signs are not visible from a public right-of-way or adjacent property and can be viewed only by persons within such stadium, open-air theater, outdoor shopping center, parks, arena, or other similar use. Signs located on structures used for interior signs that are visible from a public right-of-way or adjacent property are subject to the requirements of this article;
- (D) Any works of art that do not contain a commercial message;
- (E) Any sign located on umbrellas or similarly related private patio furniture or seating provided it is located outside of the right-of-way and complies with any other applicable standards of this code;
- (F) Any sign on a truck, bus or other vehicle that is used in the normal course of a business for transportation (See also Paragraph 12.06(G).) or vehicle signage required by the State or Federal government;
- (G) Signs installed or required by the Boardman Township, Mahoning County, approved transit agency, or any agency of the State of Ohio or federal government;
- (H) Any sign located inside a building that is mounted in a manner so that it is intended to be seen from outside through a transparent window or door;
- (I) Any signs located on fuel pumps or similar structures that are not legible from the lot line;
- (J) Any warning signs or traffic safety signs required by public utility providers; and
- (K) Any lighting, signs, or related decorations erected on a seasonal basis in observance of religious, national, or state holidays that are not intended to be permanent in nature and which do not contain a commercial message.

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#### **12.05 ZONING CERTIFICATE REQUIRED**

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- (A) No person shall erect, place, relocate, expand, modify, maintain, or otherwise alter a sign, or cause a sign to be erected, placed, relocated, expanded, modified, maintained, or otherwise altered unless all provisions of this resolution have been met. To ensure compliance with these regulations, a zoning certificate shall be required to be issued unless specifically exempted in this article.
- (B) The repainting, changing of parts and preventive maintenance of signs, and a change in the message on a changeable copy sign shall not be deemed alterations requiring a zoning certificate.
- (C) A zoning certificate shall be required for a sign face change.

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#### **12.06 PROHIBITED SIGN TYPES**

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The following types of signs are specifically prohibited within the township:

- (A) Signs that are applied to trees, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure, or otherwise placed in the public right-of-way;
- (B) Any sign or sign structure which in the opinion of the Zoning Inspector is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
- (C) No sign shall be installed, erected, or attached in any shape, manner, or form, to a fire escape or to any door or window that is required ingress and egress for fire safety.
- (D) Pennants, streamers and other similar type devices;
- (E) Signs that employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention except for electronic message centers permitted in accordance with this article;
- (F) Laser lights, beacons and searchlights, except for emergency purposes;

- (G) Motor vehicles, tractor trailers, or similar vehicles with signs painted on, attached to, or otherwise affixed to the vehicle shall not be parked or stored long-term on a lot as a form of signage. This standard does not apply to vehicles used in the day-to-day business of the applicable use (e.g., delivery vehicles or vehicles used by employees). Vehicles with signage that are parked for more than 24-hours on a lot without a principal use or parked, without any movement, for more than one week on a lot with a principal use, shall be considered a violation of this subsection.
- (H) Any signs that utilizes illumination by means of bare bulbs, flames, or both;
- (I) Any signs which imitate or resemble official traffic or governmental signs that are designed or used in a manner as to interfere with, mislead, or confuse drivers along streets;
- (J) Any sign that violates the traffic visibility requirements of Section 4.09(B)(1);
- (K) Any sign located in a public right-of-way except as provided for in Section 12.08(L);
- (L) Blade or feather signs;
- (M) Signs mounted to light poles unless in compliance with Section 12.11(G).
- (N) Roof signs unless approved as part of a planned unit development; and
- (O) Any other sign type that is not specifically allowed by this article.

## 12.07 SIGN MEASUREMENTS AND COMPUTATIONS

The following regulations shall control the computation and measurement of signs.

### (A) Sign Setback

All required setbacks for signs shall be measured as the distance in feet from the applicable lot line, or other stated point of measurement, to the closest point on the sign structure.

### (B) Sign Height

- (1) The height of a sign shall be computed as the distance from the base of the sign at normal grade (average grade at the base of the sign) to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely undertaken for the purpose of locating or increasing the height of sign.
- (2) In cases where the normal grade is below grade at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street. See Figure 12.07-A.

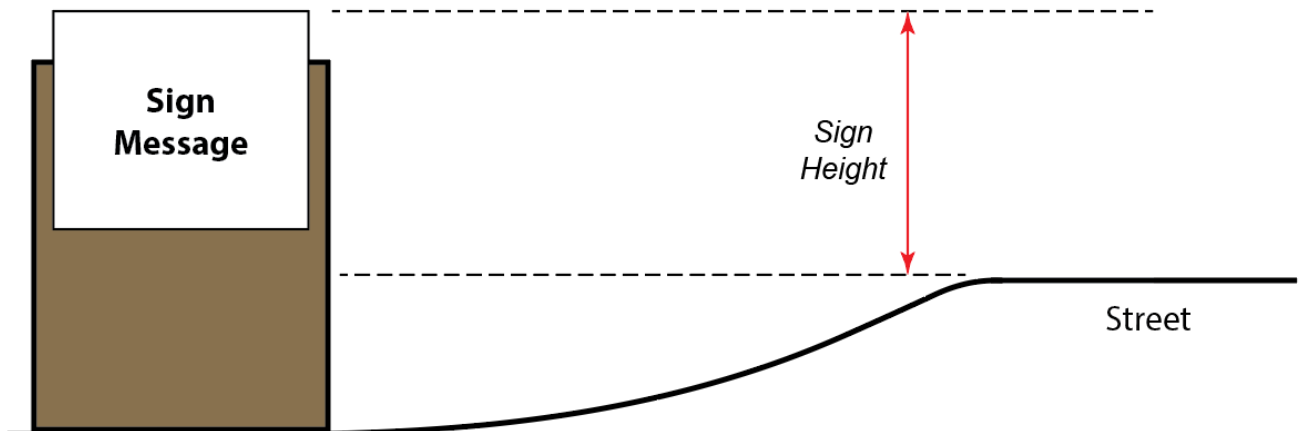


Figure 12.07-A: Illustration of the measurement of sign height when the grade at the bottom of the sign is below the grade of the adjacent street.

- (3) The height of an awning, canopy, projecting, wall or window sign shall be determined by measuring the vertical distance between the top part of a sign panel or individual letters or characters, whichever is highest, to the elevation of the ground underneath the sign.
- (4) Any material whose major function is providing structural support for a sign shall be considered part of the sign for purposes of determining sign height.

(C) **Sign Area**

The surface of a sign to be included when computing maximum allowable square footage of sign area shall be calculated as follows:

- (1) When calculating street frontage, only the street frontage that lies in the unincorporated area of the Boardman shall be used in the calculation.
- (2) For sign copy mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the background panel, cabinet, or surface. See [Figure 12.07-B](#), [Figure 12.07-C](#), and [Figure 12.07-D](#).

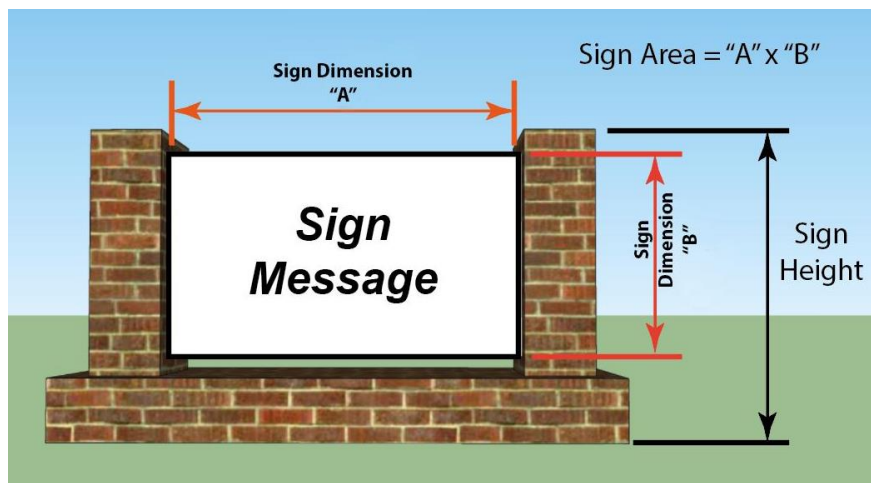


Figure 12.07-B: Illustration of sign area calculation for a monument sign with copy on a distinct cabinet.



Figure 12.07-C: Illustration of computing the sign area for wall signs with a background panel or cabinet.

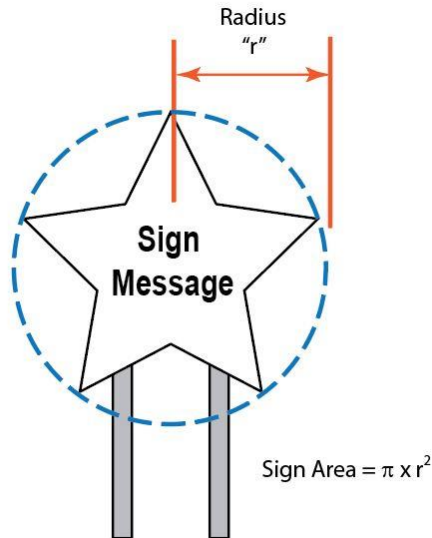


Figure 12.07-D: Example of sign area computation by the smallest circle encompassing the extreme limits of the sign message. For the purposes of calculations,  $\pi$  equals 3.14.

- (3) For sign copy where individual letters or elements are mounted or painted on a building façade where there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the combination of the smallest square, circle, rectangle, triangle, or combination thereof that encloses all the letters or elements associated with the sign. See Figure 12.07-E. In cases where there are multiple sign elements on the same surface, the Zoning Inspector shall have the authority to determine the outermost boundaries of individual sign elements. Decorative edging or other window treatments that are not an integral part of the sign copy shall not be considered a part of the sign for the purposes of this article. See Figure 12.07-E and Figure 12.07-F.



Figure 12.07-E: Illustration of sign area calculation for two differently shaped wall signs with individual letters.



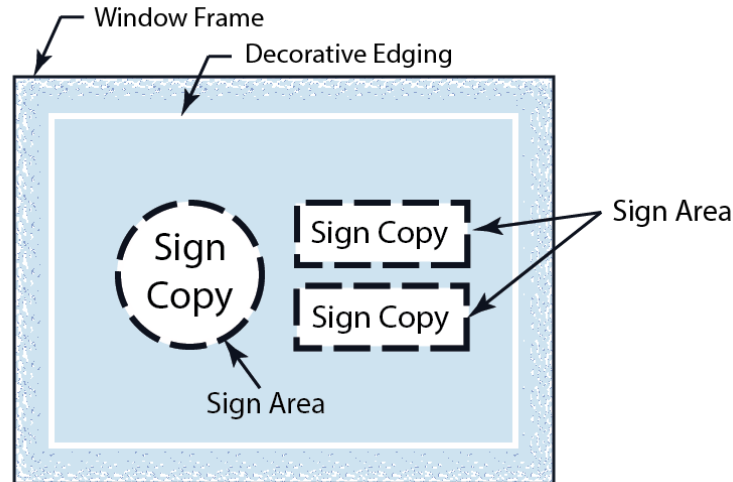


Figure 12.07-F: Illustration of sign area calculations for multiple sign areas on a window sign

- (4) The calculation of sign area shall not include any supporting framework, bracing, or decorative fence or wall unless such structural support is determined to constitute an integral part of the sign design by means of text or other commercial message, as determined by the Zoning Inspector. See [Figure 12.07-B](#).
- (5) Where matter is displayed in a random or unconnected manner, without organized relationship of components, each component shall be considered to be a single sign.
- (6) In the case of a three-dimensional sign where the sign faces are not mounted back-to-back, the sign area shall be calculated by the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the profile of the sign message. The profile used shall be the largest area of the sign message visible from any one point. See [Figure 12.07-G](#).

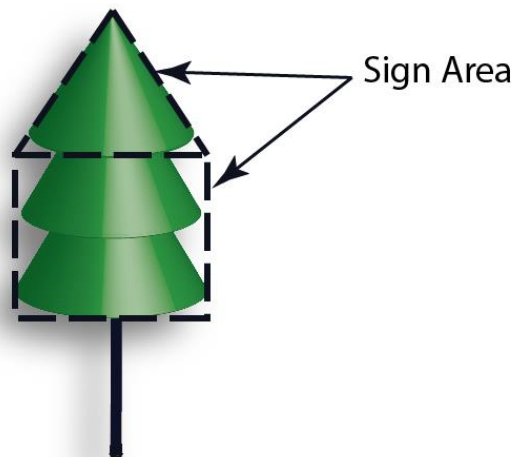
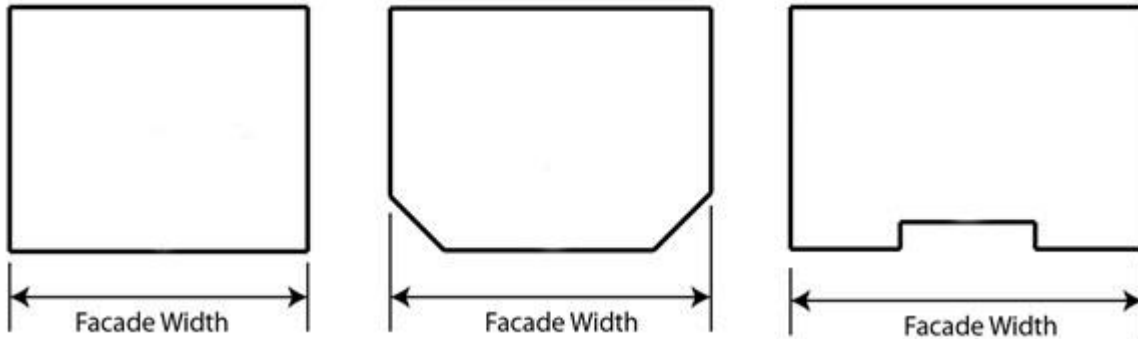


Figure 12.07-G: The sign area of a three-dimensional sign is measured measuring the largest profile of the sign.

- (7) Except for three-dimensional signs, the sign area for a sign with more than one face (multi-faced signs) shall be computed by adding together the area of all sign faces when the interior angle is greater than 45 degrees.
- (8) When two identical, flat sign faces are placed back-to-back or at angles of 45 degrees or less, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 12 inches apart, the sign area shall be computed by the measurement of one of the faces. If the two faces are unequal, the sign area shall be calculated based on the larger of the two faces

**(D) Determining Building Frontage and Building Facades**

- (1) For the purposes of this chapter, the length of the building wall that faces a public street shall be considered the building frontage or building facade.
- (2) The calculation of the width or lineal measurement of any façade shall be the measurement of the façade between two side facades. The calculation shall be based on viewing the façade from a 90-degree angle (i.e., straight on), regardless of façade insets, offsets, or angles. See [Figure 12.07-H](#).



*Figure 12.07-H: Illustration of façade width measurement on varied façade shapes.*

- (3) For multi-tenant buildings, the portion of a building that is owned or leased by a single occupant or tenant shall be considered the tenant space. The building frontage for a tenant space shall be measured from the centerline of the party walls defining the tenant space.
- (4) The primary facade shall be the portion of a frontage that serves as the main access point to a building or building unit. A site or building will be considered to have secondary facades when any of the following site/building characteristics are present (See [Figure 12.07-I](#)):
  - (a) The subject site is a corner lot;
  - (b) The primary parking area is not located adjacent to a public street; or
  - (c) The building or unit has walls with public or customer entrance points that do not face the public street.

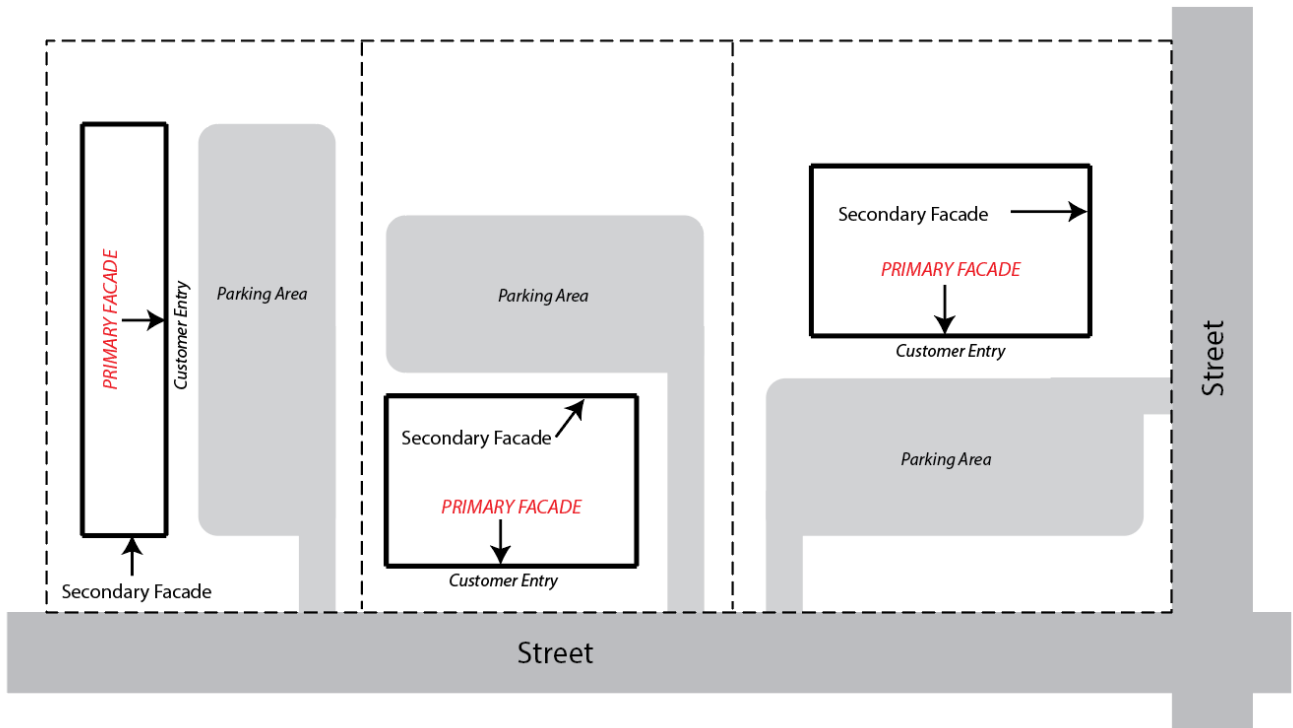


Figure 12.07-I: Common examples of the location of primary and secondary facades.

- (5) When a site has primary and secondary facade as defined herein, the Zoning Inspector shall determine which wall shall be the primary building facade and which wall(s) shall be the secondary building facade. Only one outside wall of any business shall be considered its primary facade.

**(E) Determining Window Area**

The window area of a building shall be the total glass area of windows on the building frontage. For the purposes of determining window area for ground floor occupants, the ground floor shall be considered to be no more than 15 feet in height above grade. See [Figure 12.07-J: The window area is illustrated within the dashed line area for the two storefronts in the above image.](#)



Figure 12.07-J: The window area is illustrated within the dashed line area for the two storefronts in the above image.

## 12.08 GENERAL REGULATIONS

Unless otherwise specifically stated, the following regulations shall apply to all signs within the township:

- (A) All signs with a commercial message shall be professionally manufactured, or of equivalent quality.  
(B) All sign supports shall be an integral part of the sign design.

- (C) The construction, erection, safety, and maintenance shall comply with all applicable building and electrical codes.
- (D) No sign or sign structure shall be placed on private or public property without the written consent of the owner or agent thereof.
- (E) No signs shall be located nearer than eight feet vertically, or eight feet horizontally from any overhead electric wires or conductors or public utility guy wires.
- (F) All signs shall maintain a minimum clearance over pedestrian and vehicular ways, as required by the adopted building code.
- (G) Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.
- (H) All signs shall be subject to the clear vision triangle standards established in Section 4.09(B)(1).
- (I) Permanent signs shall be fabricated with rigid materials that are of good quality and good durability.
- (J) In the event there is a conflict between the provisions of this section and the provisions of any applicable building codes, the provisions of the applicable building code shall govern.
- (K) **General Standards for All Permanent Signs**
  - (1) All freestanding signs shall be located in a landscaped area equal to or larger than the total sign area of the applicable sign. Such landscaped area may be an area that fulfills any landscaping requirements of this resolution.
  - (2) The landscaped area shall include all points where sign structural supports attach to the ground.
  - (3) All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the applicable building or electrical codes.
  - (4) The back side of all permanent signs that do not contain a second sign face, and structural supports shall be completely enclosed.
- (L) **Signs in Rights-of-Way**
  - (1) Signs shall be prohibited in the right-of-way with the exception of:
    - (a) Signs installed by the Boardman Township, Mahoning, State of Ohio, federal government, or approved transit agency;
    - (b) Any warning signs or traffic safety signs required by public utility providers; or
    - (c) Sidewalk signs as allowed in Section 12.12(F).
  - (2) Any sign to be installed in the right-of-way by an agency other than Boardman Township shall require prior approval of the Road Department.
  - (3) The Zoning Inspector may remove or cause to be removed any unlawful sign in the public right-of-way.
- (M) **Illumination**

In all zoning districts except residential districts, signs shall be permitted to be illuminated in compliance with the following:

  - (1) Light sources shall be shielded from all adjacent buildings and streets.
  - (2) Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists or cause reasonable objection from adjacent residential districts.
  - (3) No colored lights shall be used in a location or manner in which they might be confused with traffic control devices or vehicular traffic.
  - (4) An illuminated sign or lighting device shall employ only light of constant intensity.
  - (5) **Electronic Message Centers**

Where electronic message center signs are allowed, such signs shall be subject to the following:

    - (a) Electronic message centers are allowed in nonresidential districts only, in accordance with the standards in this article.

- (b) Electronic message centers may only be used as part of a window sign (See Section [12.11\(A\)](#)), freestanding sign (See Section [12.11\(C\)](#)), or drive-through sign (See Section [12.11\(F\)](#)) in accordance with this article.
- (c) All electronic message centers shall be set back a minimum of 100 feet from a residential dwelling unit.
- (d) Any message change shall be a static, instant message change.
- (e) Messages can only change once every six seconds or longer.
- (f) The transition time between messages shall be less than one second.
- (g) All electronic message centers shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.
- (h) The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
- (i) Illumination shall not exceed 0.3 footcandles over ambient lighting conditions when measured at 50 feet in any direction from an electronic message center sign.
- (j) Audio emissions from electronic message center signs shall be prohibited.

**(N) Maintenance**

- (1) All signs shall be maintained in a safe and good condition at all times to avoid becoming a deteriorated sign, including, but not limited to, the replacement of defective bulbs, parts or materials, painting, repainting, cleaning and other acts required for the maintenance of said sign.
- (2) Failure to maintain a sign in accordance with this section shall be a violation of this resolution, subject to [Article 14: Enforcement and Penalties](#).

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**12.09 SIGNS PERMITTED IN PUD DISTRICTS**

- (A) All development in a PUD District shall be subject to the standards of this article unless otherwise modified through the PUD review and approval process. In general:
  - (1) Single-family residential uses and public and institutional uses in a PUD shall comply with the sign requirements of the R-1A District.
  - (2) Multi-family residential uses in a PUD shall comply with the sign requirements of the R-3 District.
  - (3) Commercial and office uses in a PUD shall comply with the sign requirements of the GB District.
  - (4) Industrial uses in a PUD shall comply with the sign requirements of the I District.
- (B) This section shall apply to both permanent and temporary signs.

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**12.10 PERMANENT SIGNS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS**

The following are the permanent signs allowed in agricultural and residential districts:

**(A) Signs for Individual Dwellings**

- (1) One wall sign is permitted on each individual lot used for residential purposes provided the sign is mounted flush to the façade of the principal dwelling and does not exceed two square feet.
- (2) Such sign may also be permanently attached to a window.
- (3) The sign shall not be internally or externally illuminated.
- (4) A zoning certificate shall not be required for this type of sign.

**(B) Signs at Entrances**

Two wall signs or one permanent freestanding monument sign may be permitted for any subdivision or multi-family dwelling development that contains 10 units/lots or more provided that the signs meets the following requirements:

**(1) General Standards**

- (a) Each sign may have a maximum sign area of 24 square feet.
- (b) No such sign or any portion of the structure shall exceed six feet in height.
- (c) The sign may only be illuminated through an external light source.

- (d) The sign shall be an on-premise sign.

**(2) Monument Sign**

- (a) A maximum of one freestanding monument sign may be permitted for each entrance to the subdivision or development on a collector or arterial street, as determined by the Administrative Officer.
- (b) In all cases, the sign shall be set back a minimum of 10 feet from any rights-of-way and 20 feet from any lot lines.
- (c) The monument sign shall have a maximum of two sign faces, mounted back-to-back.
- (d) If an applicant proposes to use a monument sign, no wall signs, as allowed in Section [12.10\(B\)\(3\)](#), below, shall be permitted.
- (e) For entrances to multi-family dwelling developments, a post and panel sign may be permitted instead of the monument sign.

**(3) Wall Signs on Entry Fences or Walls**

- (a) A maximum of two wall signs may be permitted for each entrance to the subdivision or development on a collector or arterial street, as determined by the Zoning Inspector.
- (b) If two signs are utilized, the signs shall be separated by a minimum of 50 feet.
- (c) The signs shall be mounted to a decorative wall or fence that generally runs parallel with the street.
- (d) If an applicant proposes to use wall signs, no monument sign, as allowed in Section [12.10\(B\)\(2\)](#), above, shall be permitted.

**(C) Signs for Nonresidential Uses in Residential Zoning Districts**

- (1) One permanent freestanding monument sign may be permitted on a lot containing a nonresidential use in a residential zoning district provided the sign meets the following requirements:
  - (a) In all cases, the sign shall be set back a minimum of five feet from any lot lines or rights-of-way.
  - (b) The maximum sign area shall be 24 square feet.
  - (c) A maximum of 75 percent of the monument sign area may be devoted to a manual changeable copy or an electronic message center. In addition to the requirements for electronic message centers in Section [12.08\(M\)\(5\)](#), electronic message centers in residential districts shall be restricted to a single color of message illumination on a black or dark background.
  - (d) No such sign or any portion of the structure shall exceed six feet in height.
- (2) Building signs shall be permitted for all nonresidential uses in a residential district in the same manner as permitted for nonresidential uses in the GB District. This shall not apply to signs located on lots used exclusively for residential dwellings where signage is controlled by Section [12.10\(A\)](#).

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**12.11 PERMANENT SIGNS IN NONRESIDENTIAL ZONING DISTRICTS**

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The following standards apply to signs on lots zoned O, GB, RB, NMB, I, or P-I:

**(A) Window Signs**

Window signs do not require a sign permit provided they comply with the following standards:

- (1) Window signs shall not occupy more than 50 percent of the window area of any ground floor window areas. See Section [12.07\(E\)](#) for locations used in the calculation of sign area. The sign area is based on the window area, regardless of the presence of an awning.
- (2) For a multi-story building, each occupant above the ground floor shall be permitted one window sign for each individual tenant provided the sign does not exceed six square feet or 25 percent of the area of the window in which the sign is placed, whichever is smaller.
- (3) Window signs may be temporarily or permanently attached.
- (4) For each ground floor tenant, one window sign with a maximum sign area of one square foot may be comprised of an electronic message center. This sign shall be calculated as part of the total area of window signs allowed.

**(B) Building Signs**

Building signs are permitted on all principal structures in accordance with the following:

- (1) The building sign area allowed in [Table 12.11-1](#) shall include the total amount of all awning, canopy, marquee, projecting, hanging, or wall signs on each façade wall. Standards for each individual building sign type are established in this section.
- (2) Building signs shall also be subject to any applicable standards for building sign types in Section [12.11\(B\)\(7\)](#).
- (3) Building signs shall not extend above the top of the roofline of the building to which it is attached.
- (4) Building signs may not be attached to mechanical equipment or roof screening.
- (5) Building signs shall not include electronic message centers.

**(6) Size**

- (a) [Table 12.11-1](#) establishes the maximum amount of sign area for all building signs permitted on the primary facade of a building based on the zoning district, building, and/or use that they serve.
- (b) An applicant may provide additional building signage for all the secondary facades as follows:
  - (i) The maximum total amount of building signs permitted on all of the secondary facades shall be equal to 50 percent of the amount of signage allowed on the primary façade.
  - (ii) The building signage allowed on the secondary facades may not be placed as additional building signs on the primary façade.
  - (iii) Buildings signs on secondary facades shall not be illuminated if they are visible from an adjacent lot that is zoned residential or is occupied by a residential use.
- (c) There is no maximum number of building signs but the total square footage of building signs located on a single façade shall comply with the requirements of this section.
- (d) The amount of building signs permitted shall be based on the façade width of the principal building regardless if the signs are to be attached to gas pumps, gas pump islands, or similar accessory structures.
- (e) The maximum building sign area provided for in this section shall apply to building signs, regardless if the message is a commercial or noncommercial message.

**TABLE 12.11-1: MAXIMUM BUILDING SIGN AREA ALLOWANCE PER FACADE**

| <b>Building Type/Occupancy</b>                                | <b>O, NMB, and P-I Districts</b>                              | <b>GB, RB, and I Districts</b>   |
|---|---|--|
| Single-Tenant or Multi-Tenant Buildings [1]                   | 1.5 square foot of sign area per lineal foot of façade width. | 2.0 square foot of sign area per lineal foot of façade width.  |
| Large-Scale Nonresidential Buildings with a Single Tenant [2] | Not Applicable  | The sign area shall not exceed 5 percent of the total facade area and shall not exceed 35 percent of the height of the facade, as measured from the bottom most point of the message to the top most point of the message. [3] |

**Notes:**

- [1] For buildings with multiple tenants, the ratio shall be applied to each lineal foot of building facade width assigned to each individual tenant. If there is no clearly established delineation of tenant space on the exterior of the façade, the amount of building signage shall be based on the total façade width, to be divided by the property owner or agent.
- [2] Large-scale nonresidential buildings shall be defined as a building with a single tenant that exceeds 200,000 square feet of gross floor area.
- [3] Signs shall be limited to wall signs only. If the owner wants to utilize other building sign types, the maximum sign allowance shall be the same for single-tenant or multi-tenant buildings.



**(7) Standards for Permanent Building Sign Types**

**(a) Wall Signs**

- (i) Wall signs shall be mounted on or flush with a wall and shall not protrude more than 24 inches from the wall or face of the building to which it is attached.
- (ii) A wall sign may be painted directly on a building wall, mounted on the façade wall, or mounted on a raceway.
- (iii) Any wall sign, except for signs painted directly onto the wall, shall be mounted so there is a minimum clearance of eight feet above the sidewalk and 16 feet above any driveway or vehicular use area.
- (iv) Permanent signs that are attached to gas pumps, gas pump islands, or similar structures, that can be read or understood from a public street by most persons of normal vision shall be considered a wall sign for the purposes of this chapter and shall be based on the wall sign allowance for the principal building.
- (v) Cabinet style wall signs are prohibited in the NMB District.
- (vi) Wall signs may be internally or externally illuminated.

**(b) Awning, Canopy, or Marquee Signs**

Any canopy, awning, or marquee sign allowed pursuant to this section shall comply with the following standards:

- (i) Signage shall not cover more than 50 percent of any individual awning, canopy, or marquee.
- (ii) An awning, canopy or marquee shall be considered part of the face of a structure. However, no sign may project more than six inches from an awning, canopy or marquee.
- (iii) All components of the awning, canopy, or marquee shall have a minimum height clearance of eight feet from the sidewalk.
- (iv) Marquee signs may include manual changeable copy signs.

**(c) Projecting or Hanging Signs**

- (i) Only one projecting or one hanging sign shall be permitted for each tenant on each street frontage where the tenant has building frontage.
- (ii) A projecting sign shall be perpendicular to the wall of the building to which it is attached and shall not extend more than four feet from the façade wall to which it is attached.
- (iii) A hanging sign may be attached to the ceiling of an outdoor arcade or underneath a canopy, awning, or marquee if it complies with the sign area, height, and clearance standards of this section.
- (iv) Projecting and hanging signs shall maintain a minimum six-inch clearance from the façade of any building.
- (v) Decorative supporting structures for projecting signs are encouraged and shall not count toward the maximum square footage of signs allowed, however, in no case shall the supporting structure exceed six square feet.
- (vi) The maximum sign area for a projecting sign shall be six square feet.
- (vii) The maximum sign area for any single hanging sign shall be four square feet.
- (viii) All components of the projecting sign shall have a minimum clearance of eight feet above a sidewalk or any walkway and a maximum height of 14 feet.
- (ix) Projecting signs shall not be internally illuminated.
- (x) Projecting and hanging signs must be suspended from brackets approved by the Mahoning County Building Department and contain no exposed guy wires or turnbuckles.
- (xi) Projecting or hanging signs shall not extend over the right-of-way or over any internal drive with vehicular access.

- (xii) If a projecting or hanging sign is illuminated it shall be by indirect lighting methods such as gooseneck lighting.

**(C) Permanent Freestanding Signs**

Permanent freestanding signs permitted in nonresidential districts shall comply with the following regulations:

- (1) All freestanding signs permitted under this section shall be a monument sign or may be a cabinet sign mounted on poles or supports that are no taller than three feet from the adjacent grade provided the area under the sign is landscaped in a manner as to screen the view of the poles or supports. See [Figure 12.11-A](#).
- (2) The base of all freestanding monument signs shall be constructed of exposed stone or brick. See [Figure 12.11-A](#).



*Figure 12.11-A: The sign on the left is a freestanding monument sign on a solid base. The sign on the right is a cabinet sign mounted on a pole, screened by landscaping. Both types are permitted.*

- (3) All freestanding signs shall be placed in a manner as to enhance the overall site design and complement the building and adjacent surroundings.
- (4) There shall be a pole cap on all freestanding signs unless the pole is an integral part of the sign design.
- (5) Post and panel signs are prohibited in all nonresidential districts except the Industrial District. When utilized in the Industrial District, such sign shall have a wrap around the supporting posts at the bottom to create the base for the sign.



*Figure 12.11-B: The sign on the left is a post and panel sign. The sign on the right is a post and panel sign with a wrap around the bottom that is permitted in Industrial District.*

**(6) Electronic Message Centers**

Electronic message centers are permitted on monument signs in nonresidential zoning districts provided they comply with the following:

- (a) The size of an electronic message center sign shall not exceed 90 percent of the total sign area.
- (b) Electronic message centers shall only be permitted on monument signs.

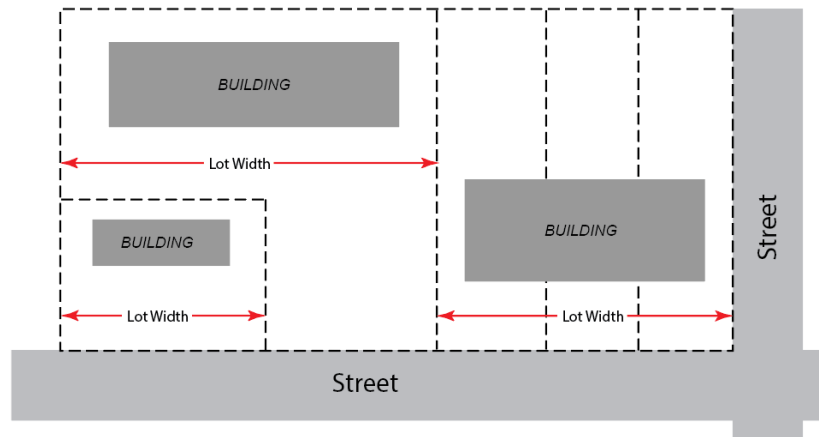
- (c) The area of an electronic message center sign shall be included in the applicable maximum sign area allowed pursuant to [Table 12.11-2](#).

**(7) Permitted Freestanding Sign Standards**

- (a) [Table 12.11-2](#) identifies the maximum sign area, sign height, and required setbacks for permanent freestanding signs.

| TABLE 12.11-2 :PERMANENT FREESTANDING SIGNS                                |                  |                   |                     |  |
|--|------------------|-------------------|---------------------|--|
| District   | Lot Width        | Maximum Sign Area | Maximum Sign Height | Minimum Setback from a ROW or lot line |
| O, NMB, GB, RB and I   | 0 - 100 feet     | 50 square feet    | 25 Feet [1]         | 5 feet                                 |
|  | 101 - 200 feet   | 100 square feet   |                     |  |
|  | 201 - 300 feet   | 150 square feet   |                     |  |
|  | 301 or more feet | 200 square feet   |                     |  |
| NOTE:<br>[1] The maximum sign height in the NMB District shall be 16 feet. |                  |                   |                     |  |

- (b) For the purposes of measuring lot width for this section on freestanding signs, the lot width shall be measured along a straight line that runs parallel with the street frontage at the widest point of the lot. This measurement shall be regardless of the presence of driveway entrances to the lot or the presence of smaller outlots in front of the applicable lot. See [Figure 12.11-C](#).



*Figure 12.11-C: The above image illustrates different methods of measuring lot width when calculating the amount of freestanding sign area permitted on a lot.*

- (c) Where a building is located across multiple lots under the same ownership, the lot width shall be measured as an aggregate of the lot widths of all lots and only one freestanding sign shall be permitted on each street frontage, regardless of the number of lots.
- (d) For lots that have a lot width of over 400 feet along one street frontage, a second freestanding signs shall be permitted with a maximum sign area of 50 square feet and a maximum sign height of 25 feet.
- (e) Where two freestanding signs are places along the same street frontage, the signs shall be separated by a minimum of 100 feet.

**(8) Signs on Lots with Multiple Public Street Frontages**

For lots that have frontage on multiple public streets, one permanent freestanding monument sign may be placed on each frontage based on the standards in [Section 12.11\(C\)](#). The maximum sign area of each sign shall be based on the width of the individual street frontage.

**(D) Driveway Signs**

Permanent signs shall be permitted near driveway entrances to a street and at intersections of internal drives under the following provisions:

- (1) Driveway signs shall comply with the vision clearance requirements of Section 4.09(B)(1) but in no case shall the sign be set back more than 25 feet from the driveway entrance or intersection of internal drives. Furthermore, such signs shall be set back a minimum of two feet from the public right-of-way or easement for roadway purposes.
- (2) Up to two driveway signs may be permitted per individual driveway or internal intersection.
- (3) Driveway signs may not exceed three square feet in area and four feet in height.
- (4) Driveway signs may be internally or externally illuminated.
- (5) Driveway signs may be mounted on a pole provided the entire structure does not exceed the maximum sign height established above.
- (6) Driveway signs shall not be included in the total calculated allowed signage for a property under the remainder of this article.

**(E) Development/Subdivision Signs**

For commercial or industrial subdivisions or parks in the GB, RB, or I Districts that contain five or more nonresidential businesses on individual lots or that are 50 or more acres in size, such subdivision or park may incorporate one subdivision or development sign in accordance with the following:

- (1) The primary development/subdivision sign shall be a monument sign and subject to the same standards as freestanding signs in Section 12.11(C).
- (2) The maximum height of a monument sign shall be 16 feet.
- (3) The sign shall be set back a minimum of 75 feet from any residential lot line.
- (4) The sign may be internally or externally illuminated but shall not include an electronic message center.
- (5) The monument sign shall have a maximum of two sign faces, mounted back-to-back.
- (6) Such sign may be located on a lot with another freestanding sign as allowed in Section 12.11(C) without reducing the amount of other signage allowed on the same lot in accordance with this article.

**(F) Drive-Through Signs**

- (1) Up to two freestanding drive-through signs shall be allowed for each stacking lane in a drive-through facility provided the total aggregate sign area of all drive-through signs, for each facility, does not exceed 64 square feet. In no case shall a single drive-through sign exceed 32 square feet in sign area.
- (2) If a drive-through sign is completely screened from view from any right-of-way or adjacent residential uses, there shall be no maximum sign area.
- (3) Drive-through signs shall only be permitted in a side or rear yard.
- (4) Drive-through signage shall not be included in the total calculated allowed signage for a property under the remainder of this article. Any signs attached to a wall of building or the structure shall be calculated as part of the building signage allowance in Section 12.11(B).
- (5) No drive-through sign shall exceed seven feet in height measured from the grade of the adjacent driving surface to the top of the sign.
- (6) Drive-through signs may be 100 percent electronic message center subject to Section 12.08(M)(5).
- (7) Drive-through signs may be mounted on a pole provided the entire structure does not exceed the maximum sign height established above.
- (8) Drive-through signs may be internally or externally illuminated.

**(G) Light Pole Signs**

Temporary banners that are constructed of durable fabric, plastic, or other light and pliable material may be attached to permanent light poles if they comply with the following:

- (1) The total maximum sign area of banners allowed on any single lot shall equal 12 square feet for every 50 feet of lot width as defined in Section 12.11(C)(7)(b).
- (2) The maximum sign area of any single banner shall be 12 square feet.
- (3) Only one banner may be placed on an individual light pole.

- (4) The banner shall be mounted to the light pole with a permanent support pole or bracket at the top and bottom of the banner to prevent movement.
- (5) The banners shall not be mounted in a manner that will place any portion of the banner above the light fixture.
- (6) A zoning certificate for the initial installation of the light poles and the banner supports. Any subsequent replacement of the individual banners shall not require a zoning certificate.

## **12.12 TEMPORARY SIGNS**

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The following temporary signs shall be permitted anywhere within the township provided they meet the established standards.

### **(A) Standards that Apply to all Temporary Signs**

- (1) Temporary signs shall not be mounted, attached, affixed, installed, or otherwise secured in a manner that will make the sign a permanent sign.
- (2) No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured so as to protrude above the roofline of a structure.
- (3) Unless otherwise specifically stated, temporary signs shall not be illuminated.
- (4) No temporary sign shall require a foundation, support, wiring, fittings, or elements that would traditionally require a building permit or electrical permit.
- (5) All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind that could pose a danger to people, vehicles, or structures.
- (6) Mobile signs on wheels, runners, casters, parked trailers, parked vehicles, or other temporary or movable signs shall not be permitted unless otherwise specifically stated in this article.
- (7) Temporary signs shall be constructed of durable fabric, plastic, paper, or other light pliable material. Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such sign is a deteriorated sign.
- (8) Temporary signs shall not contain any changeable copy.
- (9) Unless otherwise stated, a zoning certificate for temporary signs with a commercial message shall be required for temporary signs that exceed 12 square feet.

### **(B) Temporary Signs without a Commercial Message**

Temporary signs without a commercial message do not require a sign permit provided they comply with the following standards:

- (1) Temporary signs that do not contain a commercial message shall not be posted in any place or in any manner that is destructive to public property including, but not limited to, rights-of-way, utility poles, or public trees.
- (2) Temporary signs that do not contain a commercial message shall be required to comply with the clear visibility requirements. See Section 4.09(B)(1).
- (3) The maximum height of temporary signs without commercial message shall be six feet unless it is a banner sign mounted to a structure, in which case, the banner sign shall not be mounted above the roofline or the top of the structure. Provided, however, a temporary sign without commercial message is entitled to the maximum height allowed any sign within the same zoning district.
- (4) Such signs shall be limited to yard signs or banner signs and shall comply with the applicable sign type standards in Section 12.12(G).

### **(C) Temporary Signs on Properties with Development or Construction Activities**

- (1) One temporary may be posted on the site where a development project or subdivision is under construction.
- (2) A zoning certificate shall be required for the sign.
- (3) The sign may be posted 60 days prior to and throughout the duration of construction.
- (4) Such signs shall not exceed 16 square feet in agricultural or residential districts and 32 square feet in area for any other zoning district.



- (5) The maximum height of the signs shall be six feet.
- (6) Such signs shall be limited to yard signs or banner signs and shall comply with the applicable sign type standards in Section 12.12(G).

**(D) Temporary Signs on Properties for Lease or Sale**

**(1) Temporary Signs on Properties for Lease or Sale in Agricultural or Residential Districts**

- (a) One temporary yard sign that contains a commercial message may be permitted on an individual lot that is for lease or sale.
- (b) Such signs shall have a maximum sign area of six square feet and a maximum height of four feet. If the lot is five acres or larger, the sign area may be increased to a maximum sign area of 18 square feet.
- (c) The sign shall not require a zoning certificate.

**(2) Temporary Signs on Properties for Lease or Sale in Nonresidential Districts**

- (a) One temporary yard sign that contains a commercial message may be permitted on an individual lot that is for lease or sale.
- (b) Such signs shall have a maximum sign area of 32 square feet.
- (c) The maximum height of the sign shall be six feet.
- (d) The sign shall not require a zoning certificate.

**(E) Additional Temporary Signs in Agricultural and Residential Zoning Districts**

- (1) In addition to the temporary signs permitted in 12.12(B) through 12.12(D), additional temporary sign with a commercial message shall be permitted on any single lot in an agricultural or residential district in accordance with this subsection.
- (2) The signs are limited to yard signs, banner signs, or signs posted in a window subject to the sign-specific standards in Section 12.12(G).
- (3) The maximum sign area shall be 12 square feet with a maximum height of four feet. No single sign shall exceed six square feet in sign area.

**(F) Additional Temporary Signs in Nonresidential Zoning Districts**

In addition to the temporary signs permitted in Sections 12.12(B) through 12.12(D), additional temporary sign with a commercial message shall be permitted on any single lot in a nonresidential district in accordance with this subsection.

**(1) A-Frame or T-Frame Sidewalk Signs**

- (a) Only one sidewalk sign is allowed for any one business establishment at one time and shall be located within five feet of such business.
- (b) There shall be no time limit for sidewalk signs with the exception that the sign shall only be placed outside during the hours of the establishment's operation.
- (c) Such signs shall not exceed 12 square feet in area with a maximum height of four feet.
- (d) The sign may be located on a public or private sidewalk or walkway provided it is placed on pavement and not in any landscaped areas or on pavement used for vehicles (e.g., driveways and parking lots).
- (e) If the sign is placed on a sidewalk or walkway, the sign can only be placed where the paved sidewalk or walkway width, not including curb top, is at least seven feet wide. The width and placement of the sign shall be such so that there shall be a minimum width of four feet of clear and passable sidewalk or walkway for pedestrians.
- (f) The sign must be freestanding and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure.
- (g) The sign must not obstruct access to parking meters, bicycle racks and other features legally in the right-of-way.
- (h) The sign must not interfere with the opening of car doors in legal spaces, or with the operation of wheelchair lifts and ramps, cab stands, loading zones or bus stops.
- (i) The sign shall be internally weighted so that it is stable and windproof.

- (j) Boardman Township shall be held harmless from any liability resulting from accident or injury caused by the placement and/or maintenance of such sign.

**(2) Temporary Signs Covering Permanent Signs**

For zoning certificate applications related to the establishment of a new use or change of use within an existing building where there is existing permanent sign, a banner sign may be approved for up to 60 consecutive days to cover the existing permanent signs. Such banner sign shall not exceed the sign area of the permanent sign and shall require a sign permit.

**(3) Other Temporary Sign Types Allowed**

- (a) One additional temporary sign shall be permitted in any nonresidential district for a maximum of 14 days per occurrence with a maximum of four occurrences per calendar year.
- (b) The temporary sign shall require a zoning certificate.
- (c) The maximum sign area of any temporary sign shall be 16 square feet.
- (d) The following sign types are permitted for the additional temporary sign allowance subject to the sign-specific standards of Section 12.12(G).
  - (i) Banner signs; or
  - (ii) Temporary yard signs.

**(G) Standards for Temporary Sign Types**

**(1) Banner Signs**

- (a) Banner signs may be attached to a building, fence, or other similar structure. Banner signs attached to posts and mounted in a yard or landscaped area shall be regulated as a temporary yard sign.
- (b) The maximum height standard for temporary signs shall not apply to a banner sign but such signs shall not be mounted in a manner that extends above the roofline of a building or the top of the structure on which it is mounted.

**(2) Yard Signs**

- (a) There shall be a maximum of two faces to the sign, mounted back-to-back.
- (b) The maximum height shall be six feet.

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**12.13 NONCONFORMING SIGNS**

**(A) Determination of Legal Nonconformity**

Existing signs that do not conform to the specific provisions of this article may be eligible for the designation of a "legal nonconforming sign" provided that the nonconforming sign:

- (1) Is properly maintained and does not in any way endanger the public or constitute a nuisance; and
- (2) The sign was erected pursuant to a valid zoning certificate or variance and complies with all other applicable laws on the effective date of this resolution.

**(B) Loss of Legal Nonconforming Status**

A legal nonconforming sign loses the legal nonconforming designation if:

- (1) The sign is relocated;
- (2) The sign structure is replaced;
- (3) The establishment where the sign is located ceases to operate for a period of two years. This does not refer to general maintenance, changeable marquees, or to face and copy changes; or
- (4) The sign is removed or abandoned for a period of two years. This does not refer to general maintenance, changeable marquees, or face and copy changes.

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**12.14 SIGNS IN VIOLATION**

- (A)** Any sign or device located within a public right-of-way shall be deemed a public nuisance and can be removed by the Zoning Inspector without any written notice.



- (B)** If any such sign or device has not been removed on or before the expiration of the time limits as stated in this section, following receipt of said notice, it shall be deemed a violation of this resolution and the Zoning Inspector shall take the appropriate action necessary for removal of the sign or device, or the correction of the violation at the owner's expense.

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## Article 13: Nonconformities

### 13.01 PURPOSE

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Within the districts established by this resolution, some lots, uses of lands or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this resolution, but that are prohibited, regulated, or restricted under the terms of this resolution. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for the continuance of such uses, subject to regulations limiting their completion, restoration, reconstruction, extension, and/or substitution. Nevertheless, while it is the intent of this resolution that such nonconformities be allowed to continue until removed, they should not be encouraged to survive, unless otherwise allowed in this article or specifically addressed in this resolution.

### 13.02 GENERAL PROVISIONS

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- (A) The lawful use of any use, building, structure, or of any land or premises as existing and lawful at the time of enactment of this resolution may be continued although such use, building, structure, or of any land does not conform to the provisions of this resolution.
- (B) Passage of this resolution in no way legalizes any illegal uses existing at the time of its adoption.
- (C) An applicant for any development review that includes a nonconformity shall bear the burden of proof in demonstrating that the use was a legal nonconformity on the effective date of this resolution.
- (D) **Repair and Maintenance**
  - (1) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the footprint and height of the structure as it existed, when it became nonconforming, shall not be increased unless in accordance with this article.
  - (2) Nothing in this section shall be deemed to prevent the strengthening or restoring to safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

### 13.03 DETERMINATION OF NONCONFORMITY STATUS

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- (A) At the time of application for a zoning certificate or request for variance regarding a nonconforming lot, building, structure or use, the property owner shall submit sufficient evidence for the Zoning Inspector or BZA, as applicable, to determine that such lot, building, structure, or use was lawfully created or established in accordance with the zoning regulations in existence at that time.
- (B) If the evidence submitted indicates the lot, building, structure or use was legally established and has since become nonconforming because of the establishment of or amendment to this resolution, the Zoning Inspector shall issue a zoning certificate identifying it as a legal nonconformity. A copy of such certificate shall be kept on file in the township zoning office.

### 13.04 NONCONFORMING USES AND VARIANCES

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- (A) Whenever a nonconforming use has been changed to a conforming use, such use shall no longer be defined as a nonconforming use nor shall the property be returned to the former nonconforming use.
- (B) The granting of a variance for a use that otherwise complies with this resolution, shall not create a nonconformity when the variance is granted.
- (C) When a property owner or authorized agent is granted a variance for a nonconformity that addresses the nonconformity, the use, structure, or lot, shall no longer be considered nonconforming.
- (D) If a property owner or authorized agent is granted a variance for a nonconformity that addresses some nonconformities but additional nonconformities continue, the use, structure, or lot shall still be subject to the provisions of this article

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### 13.05 NONCONFORMING USES

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Where, at the time of adoption of this resolution, lawful uses of land or structures exist that would not be permitted by the regulations of this resolution, the uses may be continued, changed, or expanded so long as they remain otherwise lawful and provided:

- (A) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land that was occupied at the effective date of adoption or amendment of this zoning resolution unless it complies with the provision of Section 13.05(E): [Expansion of a Nonconforming Use](#).
- (B) No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment if this zoning resolution.
- (C) No additional structures shall be constructed on a lot with a nonconforming use unless such new structure complies with the requirements of this resolution and the applicable zoning district.
- (D) **Change or Substitution of Nonconforming Use**
  - (1) A nonconforming use of a building, structure, or land shall not be changed or substituted to another nonconforming use unless the BZA, as part of a variance, finds that the use proposed is equally appropriate or more appropriate to the district than the existing nonconforming use, and that the use proposed is in less conflict with the character of uses permitted in the applicable zoning district than the existing nonconforming use. In permitting such change or substitution, the BZA may require appropriate conditions and safeguards in accordance with other provisions of this resolution.
  - (2) Whenever a nonconforming use is changed to a less intensive use, such use shall not thereafter be changed to a more intensive nonconforming use.
- (E) **Expansion of a Nonconforming Use**
  - (1) Notwithstanding the foregoing provisions to the contrary, the usable area of a nonconforming residential use may be increased or improved, regardless of the applicable zoning district.
  - (2) Notwithstanding the foregoing provisions to the contrary, the usable area of a nonconforming, nonresidential use may be increased or improved, regardless of the applicable zoning district, where the owner of such use can demonstrate through application to the BZA that the manner in which the useable area of the nonconforming use will be increased or improved will have minimal adverse impact upon adjacent properties and other permitted land uses in the surrounding neighborhood or can be made compatible with the adjacent properties and the uses in the surrounding neighborhood upon compliance with specified conditions.
  - (3) Variances to expand a nonconforming use into a required setback or to otherwise vary a regulation that applies to the subject site shall be prohibited.
  - (4) The BZA shall review a request to expand a nonconforming use pursuant to the variance procedure in Section 3.04: [Variance or Conditional Use](#), and shall be subject to the review criteria of this section.
- (F) **Existing Use Reclassified as a Conditional Use**

In the event an existing use that was permitted by right at the time the use was established is thereafter reclassified as a conditional use for applicable district due to a zoning text amendment, such use shall be considered to be an approved conditional use without any further action. However, any subsequent change to such use shall require review and approval by the BZA in accordance with this article.
- (G) **Termination of Nonconforming Uses**
  - (1) **Termination of Use through Discontinuance**

When any nonconforming use is voluntarily discontinued or abandoned for two years or more, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.
  - (2) **Termination of Use by Damage or Destruction**
    - (a) If a nonconforming residential use in a nonresidential district is damaged or destroyed to any extent, such structure and use may be reestablished, restored, or reconstructed on the same lot. Such reestablishment, restoration, or reconstruction of the use shall require the issuance of a zoning certificate.

- (b) If a nonconforming, nonresidential use in a residential district is damaged, but not to an extent greater than 60% of the principal structure's value, such structure and use may be reestablished, restored, or reconstructed on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage or destruction. Such reestablishment, restoration, or reconstruction of the use shall require the issuance of a zoning certificate.
- (c) If a nonconforming, nonresidential use in a residential district is damaged beyond 50% of the principal structure's value, such structure and use may only be reestablished, restored, or reconstruction with approval by the BZA after consideration of surrounding uses and the impact of the nonconforming use.

### **13.06 NONCONFORMING STRUCTURES AND SITES**

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A nonconforming building or structure may continue to be used or occupied by a use permitted applicable zoning district so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- (A) Any nonconforming structure or site may be enlarged, maintained, repaired, or altered provided, however, no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure or site, unless otherwise specified in this resolution.
- (B) A nonconforming structure shall not be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the applicable zoning district after being relocated.
- (C) The principal use of a nonconforming building may be changed to any other use permitted in the applicable zoning district as long as the new use complies with all regulations of this resolution specified for such use, except the regulations to which the building did not conform prior to the change in use.
- (D) The governmental acquisition of a portion of a lot for a public purpose that results in reduction in a required yard or building setback below that required in the applicable zoning district shall not render a structure nonconforming.
- (E) **Damage or Destruction of a Nonconforming Structure Containing a Conforming Use**
  - (1) If a nonconforming structure is damaged and/or completely destroyed, the owner may rebuild the structure to the same height, and setbacks as the original nonconforming structure as it existed prior to the damage or destruction. Such work shall require the owner to submit an application for, and receive an approved, zoning certificate.
  - (2) If an owner rebuilds a legally nonconforming structure, they may expand the structure provided any expansion or change does not increase the nonconformity that existed prior to the damage.
  - (3) If the owner voluntarily removes the structure or reduces the nonconformity, that owner shall not be permitted to rebuild the structure to the original height, size, or setback and shall be required to bring the structure into compliance with these regulations to the maximum extent feasible.

### **13.07 NONCONFORMING LOTS OF RECORD**

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A nonconforming lot of record may be used in accordance with this section.

#### **(A) Nonconforming Lots of Record in Residential Districts**

- (1) If an existing lot of record in residential district is occupied by a dwelling, such dwelling shall be maintained and may be repaired, modernized or altered, provided that:
  - (a) The building shall not be enlarged in floor area unless the enlarged section(s) complies with all regulations of this resolution, with the exception of the lot area and the lot width regulations.
  - (b) The number of dwelling units shall not be increased unless in conformance with this resolution.
  - (c) Dwelling units may be expanded without requiring any additional garage space or parking space provided the addition does not occupy space that could be used for parking or a garage in compliance with these regulations.

- (2) In any residential district, a single-family dwelling and its customary accessory uses may be erected on a vacant single lot of record after the effective date of this resolution provided the buildings comply with the following:
  - (a) The width of the side yard of any such lot need not exceed 10 percent of the width of the lot, provided, however, that there shall be a minimum side yard setback of five feet.
  - (b) The rear yard setback of any such lot need not exceed 20 percent of the depth of the lot, provided, however, that the minimum rear yard setback shall be 10 feet.

**(B) Nonconforming Lots of Record in Nonresidential Districts**

In any nonresidential district, a use that is permitted in the applicable district, and its customary accessory uses, may be erected on a vacant single vacant lot of record provided the buildings comply with the following:

- (1) The width of the side yard of any such lot need not exceed 10 percent of the width of the lot, provided, however, that there shall be a minimum side yard setback of five feet.
- (2) The rear yard setback of any such lot need not exceed 20 percent of the depth of the lot, provided, however, that the minimum rear yard setback shall be 10 feet.
- (3) In no case shall a nonresidential use on a nonconforming lot of record be exempt from the provisions of [Article 10: Landscaping Standards](#).

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### **13.08 NONCONFORMING SIGNS**

See Section [12.13: Nonconforming Signs](#), for the regulation of nonconforming signs.

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# Article 14: Enforcement and Penalties

## 14.01 ENFORCING OFFICER

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The Zoning Inspector, or their designee, shall be the enforcing officer of this resolution. The enforcing officer is hereby authorized to enforce, issue orders to prevent and stop violations, and administer the provisions of this resolution. The Zoning Inspector may be assisted by other personnel as the Board of Trustees deems necessary.

## 14.02 VIOLATIONS

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- (A) Any of the following shall be a violation of this resolution and shall be subject to the enforcement remedies and penalties provided by this article and by the ORC:
- (1) To engage in any construction, use of land or building, expansion, change of occupancy, or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of Boardman Township without all of the required certificates or reviews, or other forms of authorization as may be set forth in this resolution;
  - (2) To engage in any construction, use of land or building, expansion, change of occupancy, or other activity of any nature in any way inconsistent with any approved certificate or approval granted by the township in accordance with this resolution;
  - (3) To violate, by act or omission, any term, condition or qualification placed by the township upon a required certificate or approval granted by the township;
  - (4) To violate any other term, condition, standard, or requirement of this resolution; or
  - (5) To continue any of the above-stated violations.
- (B) Each day a violation continues shall be considered a separate offense.
- (C) In all cases, the Board of Trustees, the Mahoning County Prosecutor's Office, the Zoning Inspector, or any adjacent or neighboring property owners who would be especially damaged by such violations, in addition to other remedies provided by law, may, at their own expense, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate or remove such violation.

## 14.03 INSPECTIONS

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The Zoning Inspector shall inspect each alleged violation and shall, in writing, order correction of all conditions which are found to be in violation of this Resolution. The Zoning Inspector will prepare a written report and case file on any matter that might warrant suit or prosecution for a violation of this resolution.

## 14.04 REMEDIES

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Pursuant to Section 519.24 of the ORC, in case any building or land is used, altered, constructed, enlarged or any other action proposed in violation of the provisions of this resolution or any amendment or supplement thereto, the Board of Trustees, the Mahoning County Prosecutor's Office, the Zoning Inspector, or any person or any property owner damaged by or subject to damage by such violation, in addition to remedies provided by law, is hereby empowered or authorized to institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, enlargement, change maintenance or use.

## 14.05 PENALTIES

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- (A) Any person or entity convicted of violating any regulation, provision, amendment or supplement to this resolution shall be fined not more than \$500.00 per offense. Each and every day during which such violation continues may be deemed a separate offense.
- (B) If the violation is related to [Article 8: Riparian Corridor Setbacks](#), the person who violates any section of Article shall be subject to the above penalties and shall be required to restore the riparian setback through a restoration plan approved by the BZA.

#### **14.06 OTHER ACTIONS**

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The imposition of any other penalties provided herein shall not preclude Boardman Township from instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the Boardman Township.

# Article 15: Definitions

## 15.01 PURPOSE

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It is the purpose of this article to define words, terms, and phrases, or identify references, contained in this resolution.

## 15.02 GENERAL RULES FOR INTERPRETATION

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The following rules shall apply for construing or interpreting the terms and provisions of this resolution.

**(A) Meanings and Intent**

All provisions, terms, phrases, and expressions contained in this resolution shall be interpreted in accordance with the general purposes set forth in Section [1.01: Purpose](#), and the specific purpose statements set forth throughout this resolution. When a specific section of this resolution gives a different meaning than the general definition provided in this article, the specific section's meaning and application of the term shall control.

**(B) Headings, Illustrations, and Text**

In the event of a conflict or inconsistency between the text of this resolution and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

**(C) Lists and Examples**

Unless otherwise specifically indicated, lists of items or examples that use terms like “for example,” “including,” and “such as,” or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

**(D) References to Other Regulations or Publications**

Whenever reference is made to a resolution, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such resolution, statute, regulation, or document, unless otherwise specifically stated.

**(E) Delegation of Authority**

Any act authorized by this resolution to be carried out by a specific official of the township may be carried out by a designee of such official.

**(F) Technical and Non-technical Terms**

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

**(G) Public Officials and Agencies**

All public officials, bodies, and agencies to which references are made are those of Boardman Township, Mahoning County, Ohio, unless otherwise indicated.

**(H) Mandatory and Discretionary Terms**

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

**(I) Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1)** “And” indicates that all connected items, conditions, provisions or events apply; and
- (2)** “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

**(J) Tenses and Plurals**

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

**(K) Terms Not Defined**

If a term used in this resolution is not defined in this article, the Zoning Inspector shall have the authority to provide a definition based upon the definitions used in accepted sources, including but not limited to, A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association. The Zoning Inspector may also rely on Webster's Dictionary or a similar source for the definition of terms.

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**15.03 DEFINITIONS AND REFERENCES**

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**ABUTTING OR ADJACENT**

The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

**ACCESSIBILITY RAMPS**

Permanent or portable ramps utilized to provide a disabled person with accessibility to a structure.

**ACCESSORY BUILDING, STRUCTURE, OR USE**

See definitions under "building, accessory" "structure, accessory" or "use, accessory."

**ACCESSORY DWELLING UNITS**

Detached living quarters located on a lot with an existing principal dwelling where the accessory dwelling unit is designed for the use of persons employed on the premises or for the temporary use of guests of the occupants of the principal dwelling. Such guesthouse or accessory dwellings are not rented, leased, or otherwise transferred to an individual or organization as a separate dwelling.

**ACTIVE PARKS AND RECREATION**

Any park or recreational facility owned by Boardman Township, Mahoning County, State of Ohio, or a non-profit organization, that requires grading of the land, construction of facilities, lighting, or is developed for athletic fields, tennis courts, swimming pools, skate parks, disc golf, and other similar outdoor facilities.

**ADULT ARCADE**

Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

#### **ADULT BOOKSTORE OR ADULT VIDEO STORE**

A commercial establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade; derives a significant or substantial portion of its revenues from; devotes a significant or substantial portion of its interior business or advertising to; or maintains a substantial section of its sales or display space for the sale or rental of any of the following:

- Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas; and/or
- Instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.

Adult bookstore, adult novelty store, or adult video store includes a commercial establishment as defined in the ORC. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. The existence of other principal business purposes does not exempt an establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental for some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.

#### **ADULT CABARET**

A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

- Persons who appear in a state of nudity or semi-nudity;
- Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities; or

Films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

#### **ADULT ENTERTAINMENT ESTABLISHMENT**

An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, sexual encounter establishment, or a nude or semi-nude model studio. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated by the ORC, is not defined as an adult entertainment establishment.

#### **ADULT MOTION PICTURE THEATER**

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

#### **ADULT THEATER**

A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.

#### **AGRICULTURAL USES AND AGRICULTURE**

Agricultural uses and agriculture shall be as defined in the ORC.

#### **AIR-ACTIVATED GRAPHICS**

A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

#### **ALTERATION**

Any change, addition, or modification in construction, type of occupancy, increase in floor space, the consummated act of which may be referred to herein as "altered" or "reconstructed."

**AMATEUR RADIO ANTENNAS**

Any transmitter, antenna, tower, or other apparatus designed for communications through amateur radio, also referred to as ham radio.

**ANTENNA**

Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

**APPEAL**

An appeal of an administrative decision made by the Zoning Inspector, considered by the BZA, in accordance with Section 3.07: Appeals.

**APPLICANT**

A person who is authorized by the provisions of this resolution to file an application.

**APPLICATION**

The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate township department, board, or commission for an application.

**ASSEMBLY HALLS AND CONFERENCE CENTERS**

Facilities or buildings available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the public, and/or outdoor gardens, decks, or reception facilities.

**AUTHORIZED AGENT**

A person with express written consent to act upon another person's behalf.

**AUTOMATED TELLER MACHINE (ATM)**

An automated device that provides bank and financial institutional customers with cash withdrawal and other financial services without the need for a bank teller.

**AUTOMOTIVE REPAIR (HEAVY)**

Any general repair, rebuilding, reconditioning, body or fender work, framework, painting or the replacement of parts to motor vehicles.

**AUTOMOTIVE SERVICE (MINOR REPAIR)**

Any structure or premises used for dispensing or sale of automotive vehicle fuels or lubricants, including lubrication of motor vehicles and replacements or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting. Such uses shall also include establishments that sell parts or tires for vehicles as a retail establishment, regardless if the parts are installed on-site.

**AWNING**

A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. See also definition of "canopy".



*Figure 15.03-A: Examples of traditional awnings*

**BANKS AND FINANCIAL INSTITUTIONS**

Establishments engaged in deposit banking. Banks or financial institutions may include, but are not limited to, commercial banks, loan or mortgage companies, stockbrokers, savings institutions, credit unions, and other similar uses.

**BANNER**

See definition of "sign, banner."

**BASEMENT**

That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

**BASKETBALL HOOPS**

Small accessory basketball hoops that are either mounted to a wall or freestanding, by which occupants of the principal use can play basketball.

**BED AND BREAKFAST ESTABLISHMENT**

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner's personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

**BERM**

In the context of landscaping or screening requirements, shall mean a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible uses. See also the definition of "mound."

**BIKE AND SKATEBOARD RAMPS**

An accessory structure utilized for recreational purposes related to bicycle and skateboard use.

**BLOCK**

The property lying between the two nearest intersecting streets, crossing or terminating, or between the nearest such street and a railroad right-of-way, unsubdivided acreage, a river or live stream, or between any of the foregoing and any other barrier to the continuity of development or the boundaries of Boardman Township.

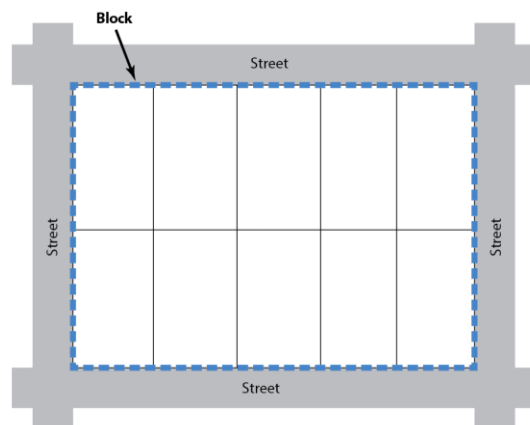
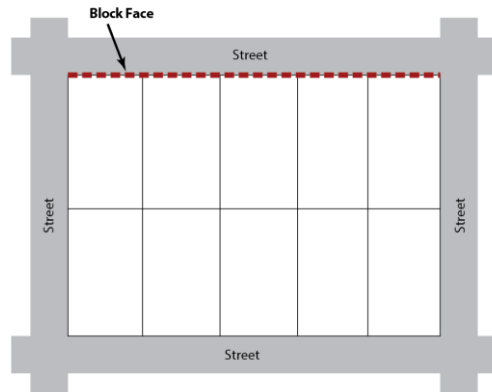


Figure 15.03-B: Illustration of block



**BLOCK FACE**

All lots that have frontage on the same street as the subject lot between an intersecting street or other boundary.



*Figure 15.03-C: Illustration of block face*

**BOARD OF TRUSTEES**

The Boardman Township, Mahoning County, Ohio, Board of Township Trustees

**BOARD OF ZONING APPEALS (BZA)**

The Boardman Township, Mahoning County, Ohio, Board of Zoning Appeals

**BUFFER OR BUFFERYARD**

An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving or portion of such land use, for the purposes of separating, screening, and softening the effects of the land use, no part of which buffer is used for active recreation or parking, or interior access drives. A buffer may include a wall, fence, or berm as provided in accordance with the provisions of [Article 10: Landscaping Standards](#).

**BUILDING**

Any structure, either temporary or permanent, that has a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, or property of any kind.

**BUILDING FRONTAGE**

See definition of "frontage, building."

**BUILDING HEIGHT**

The vertical distance of a building as measured pursuant to Section [4.09\(A\)\(4\): Height Measurement and Exceptions](#).

**BUILDING LINE (FRONT FAÇADE)**

A line that runs parallel and adjacent to the primary front building façade. See definition of "façade, primary."

**BUILDING, ACCESSORY**

A building on the same lot with, and of a nature customarily incidental and subordinate to the principal building.

**BUILDING, NONCONFORMING**

A building that lawfully occupied a lot at the effective date of this resolution, or amendments thereto, and that does not currently conform to the regulations of the applicable zoning district.

**BUILDING, PRINCIPAL**

The building containing the main or principal uses on the lot.

### **CANOPY**

A permanent structure made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building façade (e.g., structural legs, building extensions, etc.). See also definition of “awning.”



*Figure 15.03-D: Example of a canopy and related sign*

### **CEMETERIES**

A place for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

### **CHURCHES AND PLACES OF WORSHIP**

A building used principally for religious worship. The word “churches and places of worship” or “church” shall not include or mean an undertaker’s chapel or a funeral home. Such places shall exist as public buildings, and as such, shall meet state and local building codes.

### **COLLOCATION**

Locating wireless telecommunication antenna(s) and associated equipment from more than one provider on a single wireless telecommunication-communication tower.

### **COMMERCIAL ENTERTAINMENT OR RECREATION (OUTDOORS)**

Land or facilities operated as a business and which are open to the general public for a fee that shall include, but is not limited to: pay-to-play athletic fields, golf courses, outdoor swimming pools, amusement parks, racetracks (animal racing only) and other similar businesses. Commercial recreation facilities shall not include “active parks and recreation” uses that are owned either publicly or by a non-profit organization, and opened to the general public.

### **COMMERCIAL ENTERTAINMENT OR RECREATION (INDOORS)**

Land or facilities operated as a business and which are open to the general public for a fee that shall include, but is not limited to: roller blade rental, billiard parlors, ice skating rinks, indoor swimming pools, indoor soccer arenas, bingo parlors, and other similar businesses.

### **COMMERCIAL MESSAGE OR SPEECH**

Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

### **COMMON AREAS**

Parcels of land, together with the improvements thereon, the use and enjoyment of which shall be shared by the owners and occupants of the individual building sites within a development.

### **COMMUNITY CENTERS**

A building used for the meeting, recreation, or social activity designed to accommodate and serve the residents of a subdivision or development to which the use is associated with and that may be privately owned or jointly owned by property owners.

**COMMUNITY GARDEN**

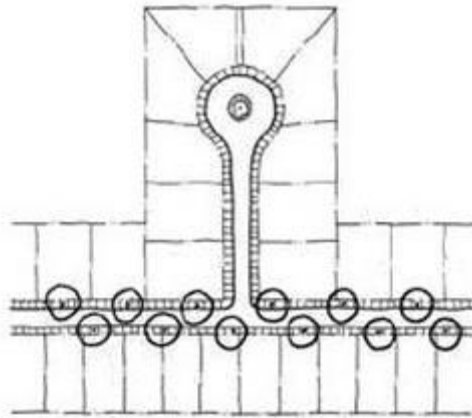
A single piece of land that is gardened collectively, as an accessory use, by a group of persons, which may include individual garden plots designated for individual gardens.

**COUNTY**

Mahoning County, Ohio

**CUL-DE-SAC**

A street having only one outlet for vehicular traffic (to another street) and where the other terminus is either a turnaround or is a dead-end or stub street to an adjacent, undeveloped property.



*Figure 15.03-E: Illustration of a cul-de-sac street*

**CULTURAL INSTITUTIONS**

Public or private facilities used for display, performance, or enjoyment of heritage, history, or the arts. This use includes, but is not limited to, museums, libraries, art performance venues, cultural centers, and interpretative sites but does not include movie theaters.

**DAY CARE CENTERS (ADULT OR CHILD)**

A facility operated for the purpose of providing care, protection, and guidance to individuals during part of a 24-hour day. This term includes nursery schools, preschools, adult day care centers, child day care centers, and similar uses. Day care center does not include public or private educational facilities or any facility offering care to individuals for a full 24-hour period. See also definition for "Type-B Family Day Care Home"

**DBH**

See "diameter-at-breast height"

**DECK**

A flat surface attached to a building that does not have walls or a roof and that is elevated above the ground, at its highest point, by at least 18 inches. Decks are not used as habitable space.

**DECK**

A flat surface, that is not paved, which is capable of supporting weight similar to a floor, constructed outdoors and elevated from the ground that is either freestanding or attached to a building. Decks may also include stairways. Decks are unenclosed by solid or nonsolid walls or a roof. If a pergola or other roof structure is attached to the principal building and extends over the deck, then then the deck and roofing shall be considered a porch. When fully enclosed by a roof and walls (including screening), such use shall be considered a part of the principal building as established in Section 6.01(E)(19).



*Figure 15.03-F: Example of a deck.*

**DENSITY**

The quotient of the total number of dwelling units as divided by total area of the site. Unless otherwise specified in this resolution, density shall mean gross density as defined in “density, gross.”

**DENSITY, GROSS**

Unless otherwise defined, gross density shall be the total number of dwelling units divided by the gross area of a site (including streets, easements, rights-of-way, open space set-asides, and/or other public dedications established as part of the development.).

**DETACHED ACCESSORY BUILDINGS OR STRUCTURES**

Accessory buildings or structures that are detached from the principal building or structure including, but not limited to, garages, pavilions, gazebos, permanent outdoor kitchens (if they require a water, sewer, or building permit), storage sheds, and other structures.

**DEVELOPMENT**

Any manmade change to improved or unimproved land, including but not limited to the construction of buildings or other structures, mining, dredging, filing, grading, paving, excavation, or drilling.

**DEVELOPMENT REVIEW**

The procedure for evaluating an application and making a recommendation or decision as outlined in in [Article 3: Review Procedures](#).

**DIAMETER-AT-BREAST HEIGHT (DBH)**

DBH is used to measure the caliper of a tree trunk at the specific height of 4.5 feet above the ground.

**DISTRICT**

See definition of “zoning district.”

**DRIVE-THROUGH FACILITIES**

An establishment that encourages or permits customers to receive services, or obtain goods while remaining in their motor vehicles.

**DRIVEWAY**

A private way, other than a street or alley, that provides access to one lot of record for the use of vehicles and pedestrians unless approval has been granted for a shared driveway in which case, the driveway may serve multiple uses.

**DWELLING**

A building or portion thereof used exclusively for permanent residential purposes, including single-family, two-family, and other attached dwellings, but not including hotels, motels, tents, recreational vehicle, cabins, or boarding or lodging houses.

**DWELLING UNIT**

A single unit of one or more rooms providing complete, permanent independent living facilities for one family or, alternatively, one housekeeping unit including permanent provisions for living, sleeping, eating, cooking, and sanitation but not including a tent, cabin, hotel, motel recreational vehicle, or other temporary or transient structure or facility. A dwelling unit shall not include a mobile home or recreational vehicle, camping equipment, or a manufactured home except for permanently sited manufactured housing that conform to the requirements for such uses.

**DWELLING, MULTI-FAMILY**

A building or portion thereof design for or used exclusively for residential purposes by two or more families or housekeeping units each in their own separate dwelling units.

**DWELLING, SINGLE-FAMILY**

A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

**DWELLING, TWO-FAMILY**

A building designed for or used exclusively for residential purposes by two families or housekeeping units each in their own separate dwelling units.

**DWELLINGS, MULTI-FAMILY (6 OR LESS UNITS)**

A building or portion thereof design for or used exclusively for residential purposes by two to six families or housekeeping units.

**DWELLINGS, MULTI-FAMILY (MORE THAN 6 UNITS)**

A building or portion thereof design for or used exclusively for residential purposes by more than six families or housekeeping units.

**EASEMENT**

Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his or her property.

**EDUCATIONAL FACILITIES (PRIMARY AND SECONDARY)**

A public or private facility that provides a curriculum of primary, elementary, secondary or college preparatory academic instruction, including, but not limited to, kindergartens, elementary schools, junior high schools, and high schools. This definition shall not be deemed to include colleges, trade or business schools, or other post-secondary education facilities. See also "educational facilities, higher."

**EDUCATIONAL FACILITIES, HIGHER**

Any private or public secondary educational institution that includes, but is not limited to: colleges and universities, trade schools, business schools, seminaries, or any other institution providing collegiate level curriculum.

**ELECTRONIC MESSAGE CENTER**

A sign designed so that the characters, letter or illustrations can be changed or rearranged automatically on a lampbank or through mechanical means (e.g. electronic or digital signs).

**ESCORT**

A person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

**ESCORT AGENCY**

A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one its primary business purposes for a fee, tip, or other consideration.

**ESSENTIAL SERVICES**

The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement by public utilities, county, or other governmental agencies of streets, roads, underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories and the use of land in connection therewith, for the furnishing of adequate service by such utilities or governmental departments for the public health, safety and general welfare.

**EXPANSION**

An increase in the size of an existing structure or use, including physical size of the land, building, parking, or other improvements or structures.

**FACADE**

The exterior wall on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

**FAÇADE, FRONT**

The façade of a building that contains the primary entrance of the building.

**FAÇADE, PRIMARY**

For the purpose of the sign regulations, a primary façade shall be deemed a façade that faces directly onto a public street. See Section [12.07: Sign Measurements and Computations](#) for the rules on measuring the primary façade.

**FAÇADE, SECONDARY**

For the purpose of the sign regulations, a secondary façade shall be deemed a façade that does not face directly onto a public street as defined in Section [12.07\(D\)](#).

**FAMILY**

One or more persons, with their direct lineal descendants and adopted children (and including the domestic employees thereof), together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or fewer persons living in such housekeeping unit shall be considered a separate family for the purpose of this resolution.

**FARM MARKET**

The use of any land or a structure for the sale of produce grown on the same lot in accordance with the provisions of Section [6.01: Accessory Use Regulations](#).

**FENCE**

An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

**FLAG**

Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

**FOOTCANDLE**

A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

**FOOTPRINT**

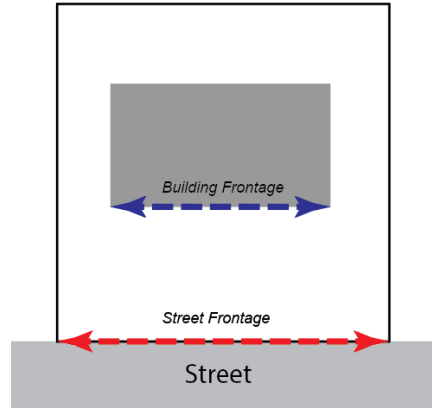
The area of a building measured from the exterior surface of the exterior walls at grade level.

**FRONTAGE, BUILDING**

The length of the facade of an enclosed building facing a public or private street. See [Figure 15.03-G](#).

### **FRONTAGE, STREET**

The distance for which the front boundary line of the lot and the street line are coincident.



*Figure 15.03-G: An illustration of street frontage versus building frontage*

### **FUEL STATIONS**

An establishment that sells unleaded and diesel gasoline or any other fuel used for in vehicles.

### **FUNERAL HOMES OR MORTUARIES**

A building or part thereof used for human funeral services. It may include space for the embalming and other services used in the preparation of the dead for burial; the storage of caskets, funeral urns, and other related uses and supplies; the storage of funeral vehicles; facilities for cremation; and chapels.

### **GARAGE**

An accessory building primarily intended for and used for the enclosed storage or shelter of private motor vehicles of the owner or occupant of the principal building.

### **GARAGE OR ESTATE SALES**

Sales by residents of used or surplus personal possessions including, but not limited to all sales entitled garage, yard, lawn, basement, attic, porch, room, tent, backyard, patio, or moving. This term shall include garage sales, lawn sales, attic sales, rummage sales or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large can be made aware of such sale.

### **GAS AND OIL WELLS**

A hole bored into the earth that produces natural gases and oils that are brought to the surface for further refining and distribution.

### **GENERAL OFFICES (ADMINISTRATIVE, PROFESSIONAL, BUSINESS)**

Establishments providing executive, management, administrative, or professional services including, but not limited to, real estate, architecture, legal, travel, employment, advertising, design, engineering, accounting, and similar uses.

### **GLARE**

Direct light that causes annoyance, discomfort or loss in visual performance and visibility.

### **GOVERNMENT OFFICES AND BUILDINGS**

Buildings or office space utilized for the provision of services by Boardman Township, an Ohio municipality, Mahoning County, the State of Ohio, or the Federal Government.

### **GRADE**

The average level of the finished surface of the ground adjacent to the sign, building, or other structure being measured.

### **GRASS**

A species of perennial grass grown as permanent lawns or for landscape purposes, as distinguished from those species grown for agricultural or commercial seed purposes.



**GROUND COVER**

A plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

**GROUP HOME**

Any residential facility meant as a permanent residence for persons, licensed by the State of Ohio, designed to allow for a group of persons, needing specialized care, counseling, ongoing medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate living activity in a non-institutional environment as regulated by Chapters 5119 and 5123 of the Ohio Revised Code.

**HEDGE**

A line of closely spaced shrubs and tree species, planted and trained in such a way as to form a barrier, screen, or to mark the boundary of an area.

**HOME OCCUPATIONS**

An occupation or profession which is incidental to and carried on entirely within a dwelling unit excluding an attached garage or patio area, by resident occupants of the dwelling unit and which occupation is clearly incidental to and accessory to the residential use of the property.

**HOSPITALS**

A facility providing physical or mental health services, outpatient care, inpatient accommodations, and medical or surgical care of the sick or injured.

**HOTEL AND MOTELS**

A building in which lodging, with or without meals, is offered for compensation and in which there are more than five sleeping rooms. Hotels and motels may include typical accessory uses within the principal building including, but not limited to, swimming pools, bars, and restaurants.

**HOUSEKEEPING UNIT**

Five or fewer unrelated persons occupying a single dwelling unit, living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a hotel, motel, or other group living arrangement. Such definition shall also include group homes that allow for more than five persons when permitted as a group home. This definition does not apply to a group temporarily occupying a bed and breakfast establishment, hotel, or motel.

**IMPERVIOUS SURFACE**

Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to buildings, roofs, parking areas, driveways, sidewalks, and pavement.

**INDUSTRIAL SERVICE USES**

Establishments primarily engaged in rendering services to office, business, or industrial establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; office equipment rental and leasing; commercial research; development and testing; photo finishing; machine repair, and personal supply services.

**INDUSTRIAL USES, HEAVY**

Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. "Heavy industrial uses" shall also mean those uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment or work processes involving solvents, recycling establishments, public works yards, and container storage.

**INDUSTRIAL USES, LIGHT**

The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations is not noticeable from the adjacent properties.

**KENNELS (COMMERCIAL) AND ANIMAL DAY CARES**

Any lot or premises, on which four or more dogs, cats or other household animals (not owned by the owner or operator of the establishment) boarded, cared for, or trained for commercial purposes. This use shall also include the breeding of the same type of animals for commercial purposes, regardless of ownership of the animals.

**LANDSCAPE MATERIAL**

Landscaping consists of:

- Material such as, but not limited to, living trees, shrubs, vines, lawn grass, ground cover, and landscape water features; and
- Non-living durable material commonly used in landscaping including, but not limited to, rocks, pebbles, sand, decorative walls and fences, brick pavers and earthen mounds, but excluding pavements for vehicular use.

**LANDSCAPING**

The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects.

**LIGHT TRESPASS**

Light emitted by a lighting fixture that falls beyond the boundaries of the property on which the fixture is installed.

**LIGHT, CUTOFF**

An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 7.04: Exterior Lighting.

**LIGHT, NON-CUTOFF**

An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 7.04: Exterior Lighting

**LOADING SPACE**

An off-street space on the same lot with a building, or a group of such buildings and accessory buildings, or utilized for the principal use and accessory use.

**LOT**

A parcel of land that is part of a plat, legally recorded in the Recorder's Office of Mahoning County, Ohio, occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in this resolution.

**LOT AREA**

The total area within the lot lines of a lot as measured in accordance with Section [4.09\(A\): Measurements, Computations, and Exceptions](#).

**LOT COVERAGE**

That portion of a lot that is covered by the principal and/or accessory building, structures, and surfaces that prevent the passage or absorption of stormwater including paving and driveways (impervious surfaces).

**LOT LINE, FRONT**

The front lot line, which is coterminous with the street right-of-way. A front lot line is generally parallel to or less than 45 degrees to the rear lot line. The front lot line is generally opposite the rear lot line except as may be identified in Section [4.09\(A\): Measurements, Computations, and Exceptions](#).

**LOT LINE, REAR**

A lot line opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. See Section [4.09\(A\): Measurements, Computations, and Exceptions](#).

**LOT LINE, SIDE**

A lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line. See Section [4.09\(A\): Measurements, Computations, and Exceptions](#).

**LOT LINES**

The property lines bounding the lot.

**LOT, CORNER**

A lot abutting upon two or more streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of less than 135 degrees. See Section [4.09\(A\): Measurements, Computations, and Exceptions](#).

**LOT, CUL-DE-SAC OR CURVED STREET**

A lot with frontage along a curved street or cul-de-sac. See Section [4.09\(A\): Measurements, Computations, and Exceptions](#).

**LOT, DOUBLE FRONTAGE (THROUGH)**

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Section [4.09\(A\): Measurements, Computations, and Exceptions](#).

**LOT, FLAG OR PANHANDLE**

A lot that has limited frontage on a public street and where access to the public street is through a narrow strip of land that is commonly referred to as a panhandle. See Section [4.09\(A\): Measurements, Computations, and Exceptions](#).

**LOT, INTERIOR**

A lot that has a single street frontage, a rear lot line, and at least two side lot lines. See Section [4.09\(A\): Measurements, Computations, and Exceptions](#).

**LOT, NONCONFORMING**

A vacant lot that does not meet the minimum lot width, street frontage, and/or lot area requirements of the applicable zoning district.

**MAXIMUM EXTENT FEASIBLE**

That no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize the potential harm or adverse impacts have been undertaken. Economic considerations may be taken into consideration.

**MEDICAL MARIJUANA**

Marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

**MEDICAL MARIJUANA DISPENSARY**

A use owned and operated by a person holding a dispensary license as allowed and issued by the State of Ohio for the purposes of dispensing medical marijuana to clients with a medical marijuana prescription. This use is specifically prohibited in the township.

**MEDICAL MARIJUANA TESTING AND PROCESSING**

A facility where medical marijuana is tested and or processed in accordance with all rules established for such facilities in the ORC. Such use shall not include a "medical marijuana dispensary."

**MEDICAL/DENTAL OFFICES OR CLINICS**

Office or clinic uses concerned with the diagnosis, treatment, and care of human beings. This definition does not include hospitals, skilled nursing facilities, or personal care facilities

**MEDICATION MAINTENANCE FACILITY OR DISPENSARY**

A facility or use where any form of prescription medication is dispensed to patients, by a doctor, for use or consumption on-site as opposed to a pharmacy that dispenses prescription medication for use at home. Such use shall not include a "medical marijuana dispensary." Such use may include, but is not limited to, methadone treatment facilities as licensed by the State of Ohio.

**MICROBREWERY, MICRODISTILLERY, OR MICROWINERY**

An establishment with a primarily use as a bar or tavern where beer, liquor, wine, or other alcoholic beverage is manufactured on the premises in a limited quantity subordinate to the primary table service restaurant use. The gross floor area utilized in a microbrewery, microdistillery or microwinery for the production of beer, liquor, wine, or other alcoholic beverage shall be no greater than the gross floor area utilized for the associated bar or tavern. A microbrewery, microdistillery or microwinery may include some off-site distribution of its alcoholic beverages consistent with state law. A tasting room or taproom may exist in a microbrewery, microdistillery or microwinery where patrons may sample the manufacturer's products.

**MIXED USE BUILDINGS**

A building that contains a commercial or office use and an attached residential use within a single building as provided for in this resolution.

**MONOPOLE**

A single, slender and typically cylindrical, vertical structure to which antennas or antenna support structures are affixed.

**MULTI-TENANT DEVELOPMENTS**

A principal building with multiple uses of a similar use classification (e.g., commercial, industrial, etc.) but that has multiple tenant spaces and/or multiple use types. A strip mall or strip center with a mixture of retail uses such as restaurants, retail stores, and personal service establishments is an example of a multi-tenant building. Such use does not include any use within the residential use classification.

**NONCOMMERCIAL MESSAGE OR SPEECH**

Any sign, wording, logo or other representation that is not classified or defined as "commercial message or speech."

**NONCONFORMITY**

A use, lot, structure, building, sign, or lighting that does not comply with the provisions of this zoning resolution. See also the definitions for "use, nonconforming," "lot of record," "building, nonconforming," and "structure, nonconforming."

**NUDE OR SEMI-NUDE MODEL STUDIO**

Any place where a person, who regularly appears in a state of nudity or semi-nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. A modeling class or studio is not a nude or seminude model studio and is not subject to this resolution if it is operated in any of the following ways:

- By a college or university supported entirely or partly by taxation;
- By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation;
- In a structure that has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or semi-nudity is available for viewing, if in order to participate in a class in the structure, a student must enroll at least three days in advance of the class and if not more than one nude or seminude model is on the premises at any one time.

**NUDITY, NUDE, OR STATE OF NUDITY**

The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering; or the showing of the female breasts with less than a fully opaque covering of any part of the nipple.

- Regularly features or regularly shown means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment.

**NURSERIES OR GREENHOUSES**

An establishment used for the growing, storage, and sale of legal garden plants, shrubs, trees, or vines for retail or wholesale sales.

**NURSERY SCHOOLS OR DAY CARE CENTERS (CHILDREN OR ADULTS)**

**OAC**

The Ohio Administrative Code, as amended

**ORC**

The Ohio Revised Code, as amended

**OUTDOOR DINING**

Areas on sidewalks (public or private), patios, or other unenclosed areas, excluding vehicular use areas, which are designated for outdoor seating where patrons may be served food and beverage for on-site dining.

**OUTDOOR DISPLAYS AND SALES**

The placement of products or materials for sale outside of a retail or wholesale sales establishment.

**OUTDOOR DROP-OFF BOXES**

Drop-off boxes are small collection facilities where recyclable materials, clothing, or household goods are accepted from the public (e.g., neighborhood recycling stations and thrift store collection boxes).

**OUTDOOR LIGHTING**

Any source of light that is installed or mounted outside of an enclosed building or structure, but not including streetlights installed or maintained along public streets by a government agency or public utility. See Section 7.04: Exterior Lighting.

**OUTDOOR STORAGE AND BULK SALES**

The keeping, storage, or sales of any goods, material, merchandise, or vehicles in the same place for more than 24 hours in an area that is not fully enclosed by a structure. This may include areas established for the sale of large and/or bulk items.

**OUTDOOR VENDING MACHINES AND**

Vending machines are small machines that are capable of accepting money in return for the automatic dispensing of goods (e.g., drink machines, snack machines, video machines).

**OWNER**

A person recorded as such on official real estate records and including duly authorized agent, purchaser, devisee, and person having a vested or contingent interest in the property in question.

**PARAPET OR PARAPET WALL**

That portion of a building wall that rises above the roof level.

**PARCEL**

A distinct portion or tract of land as is recorded and distinguished in the Clermont County Auditor's Property Tax Atlas. See also definition of "lot."

**PARKING AISLE**

The driveway or access drive by which a car enters and departs a parking space.

**PARKING GARAGES**

Structures used to provide parking spaces along with adequate drives and aisle, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles. This may be permitted as a principal use of the lot in accordance with [Article 4: Zoning Districts and Principal Use Regulations](#) or as an accessory to a principal use as established in [Article 11: Parking, Loading, and Circulation Standards](#).

**PARKING LOTS**

A surface area designed for the parking of vehicles that includes parking spaces and any driveways or access drives specifically related to the parking spaces.

**PARKING SPACE**

A designated parking area designed for one vehicle that is exclusive of drives, aisles or entrances giving access thereto.

**PASSIVE PARKS, RECREATION, AND OPEN SPACE**

Any park or recreational facility where there is no grading of the land, the construction of facilities, lighting, or development of ball fields with the exception that passive parks, recreational facilities, and conservation areas may include the development of trails and sidewalks.

**PATIO**

An unenclosed outdoor hard-surfaced area that is no higher than 18 inches above the ground. If a pergola or other roof structure is attached to the principal building and extends over the patio, then the patio and roofing shall be considered a porch.



*Figure 15.03-H: Example of a patio.*

**PERGOLA**

A pergola is an outdoor structure forming a shaded walkway, passageway, or sitting area consisting of vertical posts or pillars that usually support cross-beams and an open lattice.



*Figure 15.03-I: Example of a pergola*

**PERMANENTLY SITED MANUFACTURED HOUSING**

A building unit or assembly of closed construction as defined in the ORC,

**PERSON**

Any individual, corporation, government agency, government official, business trust, partnership, association, two or more persons having a joint interest, or any other legal entity.

**PERSONAL CARE**

In addition to room and board, personal services such as help in walking and getting in and out of bed; assistance with bathing, dressing, and feeding; preparation of a special diet; and supervision over medications which can be self-administered.



**PERSONAL CARE FACILITY**

A long-term or short-term residential facility that provides personal care. Such facility shall also include any use providing some form of inpatient treatment that is not defined as a “hospital,” or “group home” including, but not limited to, inpatient drug and alcohol treatment.

**PERSONAL SERVICE ESTABLISHMENTS**

Establishments that are primarily engaged in providing services generally involving the care of the person or person’s possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios. Personal service establishments shall not include tattoo and body piercing establishments that are regulated by the township in accordance with Boardman Township Home Rule Resolution No. 00-03.

**PLANNED UNIT DEVELOPMENT (PUD)**

A development that is planned for a single use, or to integrate a variety of uses with collateral uses, in which lot size, setback lines, yard areas, and building types may be varied and modified to achieve particular design objectives and make provision for open spaces, common areas, utilities, public improvements, and collateral uses. See [Article 5: Planned Unit Development \(PUD\) District](#).

**PLANNING COMMISSION**

The Mahoning County, Ohio, Planning Commission

**PLAYSETS, TREEHOUSES, AND TRAMPOLINES**

Recreational equipment for children that may include, but is not limited to, swings, slides, monkey bars, and play enclosures.

**POND**

A natural or man-made depression in the ground that holds water. For the purposes of this resolution, a pond is regulated when it has a water surface area of more than 100 square feet and a depth greater than 24 inches.

**PORCH**

An unenclosed area with a roof that is attached to a building but not used for livable space. A porch also includes paved areas without a roof if the surface area is higher than 18 inches above the adjacent grade (e.g., stoops).



*Figure 15.03-J: Examples of a front porch (left) and back porch (right).*

**PORTABLE STORAGE UNITS**

A portable structure or container that allows for storage of goods or materials, on or off-site and which is not permanently affixed to a foundation and that is related to the construction, renovation, or rehabilitation of the building on which the site is located.

**PUBLIC HEARING**

A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed resolutions, amendments or other official township business which require public participation and input.



**QUASI-PUBLIC, FRATERNAL, OR SERVICE FACILITIES**

A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit which is customarily carried on as a business.

**QUORUM**

The minimum number of members that must be present in order to conduct official business or take official action.

**RAISING OF SMALL LIVESTOCK**

The non-commercial raising and caring of female chickens, rabbits, or small livestock of a similar size, on a residential lot, as an accessory use.

**REAL ESTATE SALES/MODEL HOMES**

A dwelling unit temporarily converted into a sales and display office or a temporary sales office established in a development or subdivision for the purpose of providing an example of the units in the development.

**RESEARCH AND DEVELOPMENT FACILITIES**

An establishment or facility for carrying on investigation in the natural, physical, or social sciences, or engineering and development as an extension of investigation with the objective of creating end products. Such establishment shall not include the manufacturing or assembly of products beyond the development of prototype systems or products. All activities shall take place within an enclosed building.

**RESTAURANTS AND TAVERNS**

- A tavern is an establishment providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.
- A restaurant is an establishment with table service whose principal business is the selling of unpackaged food and beverages to the customer in a ready to consume state, in individual servings, or in non-disposable containers, provided that no drive-through window is permitted. For the purposes of this definition, a restaurant shall not include any drive-in or carry-out services unless a drive-through facility is permitted as an accessory use.

**RETAIL AND SERVICE COMMERCIAL USES**

Establishments primarily engaged in the sale of goods, materials, and general services to the public. Examples of this use type may include, but are not limited to, bookstores, antique stores, bakeries, grocery stores, and other similar uses.

**RIGHT-OF-WAY**

An area or strip of land, either public or private, on which an irrevocable right- of-passage has been recorded for the use of vehicles or pedestrians or both.

**ROOF LINE**

The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**SATELLITE DISHES**

A parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

**SCREEN OR SCREENING**

A visual shield between uses accomplished by the use of berms, landscaping, walls or other aesthetic means.

**SEASONAL AGRICULTURAL SALES**

A temporary structure or vehicle used in the sale of agricultural products such as fruits, vegetables, and juices where such facilities may sell agricultural products not grown on site. Seasonal sales, including the sale of such items as trees, pumpkins, seasonal produce, and similar agricultural products, which may be permitted on a temporary basis pursuant to Section 6.02: Temporary Uses and Structures.

**SEASONAL COVER**

A temporary shelter for items including, but not limited to, firewood, equipment, motor vehicles, recreational vehicles, and similar items, where such items are stored or parked for a temporary period of time or season.

**SELF-STORAGE FACILITIES (INDOORS)**

A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, or controlled-access stalls or lockers for the dead storage of a customer's goods or wares. The stalls or lockers used for storage shall only be accessible internally within the building and there shall be no storage of goods or wares outside.

**SELF-STORAGE FACILITIES (OUTDOORS)**

A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, or controlled-access stalls or lockers for the dead storage of a customer's goods or wares. The stalls or lockers used for storage may be accessible from outside and the use may include the outdoor storage of goods and wares, including recreational vehicles, in an orderly manner.

**SEMINUDE OR STATE OF SEMI-NUDITY**

A state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

**SETBACK**

The minimum distance a building or structure must be built from a lot line or road right-of-way as defined further in Section [4.09\(A\): Measurements, Computations, and Exceptions](#).

**SETBACK LINE**

The line created when applying the required setback distance to a lot.

**SETBACK, FRONT**

The minimum distance required between a building, structure, or improvement and the front lot line.

**SETBACK, REAR**

The minimum distance required between a building, structure, or improvement and the rear lot line.

**SETBACK, SIDE**

The minimum distance required between a building, structure, or improvement and a lot that is shared with another lot where such lot line is defined as a side lot line.

**SEXUAL ENCOUNTER ESTABLISHMENT**

A business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:

- Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.
- Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.

An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated by the ORC, is not a "sexual encounter establishment."

**SHORT-TERM RENTAL**

The leasing of any residential property, either the entire dwelling unit or individual rooms, for a period of time less than 30 consecutive days to one additional family or housekeeping unit. This use includes, but is not limited to homes or rooms being rented through services such as AirBnB, VRBO, HomeAway, etc.

**SHRUB**

A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

**SIDEWALK**

A pedestrian walkway within a right-of-way of a public street but not on the street surface.

**SIGN**

Any object, device, display or structure or part thereof situated outdoors or adjacent the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

**SIGN AREA**

The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to Section 12.07: Sign .

**SIGN FACE**

The area or display surface used for the message.

**SIGN HEIGHT**

The vertical distance to top of sign structure as measured pursuant to Section [12.07\(B\)](#).

**SIGN, ABANDONED**

An abandoned sign is a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found.

**SIGN, A-FRAME**

A freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of T-frame signs.

**SIGN, ANIMATED OR MOVING**

Any sign or part of a sign which changes physical position by any movement or rotation or which gives visual impression of such movement or rotation. This definition does not include signs classified as "electronic message centers."

**SIGN, BALLOON**

A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. See also the definition for air-activated graphics.

**SIGN, BANNER**

A temporary sign composed of cloth, canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method or that may be supported by stakes in the ground.

**SIGN, BLADE OR FEATHER**

A temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.

**SIGN, CABINET**

A sign that has a structural frame with one or more plastic, acrylic, or similar material faces (panels) that may or may not be internally illuminated.



*Figure 15.03-K: Example of a freestanding cabinet sign.*

**SIGN, CANOPY**

Any sign that is a part of or attached to a canopy or awning.

**SIGN, CHANGEABLE COPY**

A sign designed so that the characters, letter or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. May also be known as readerboards. See also the definition of “electronic message center.”

**SIGN, DEVELOPMENT/SUBDIVISION**

A sign identifying a recognized subdivision, condominium complex, or development.

**SIGN, DRIVE-THROUGH**

Any signage allocated along a drive-through lane that is oriented toward the customer or user in the drive-through lane.

**SIGN, DRIVEWAY**

A small permanent sign located near driveway access points and/or at the intersection of internal access drives.

**SIGN, FLASHING**

Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or any externally mounted intermittent light source. This definition does not include signs classified as “electronic message centers.”

**SIGN, FREESTANDING**

Any sign supported upon the ground by a monument, pedestal, pole, bracing, or other permanent measure and not attached to any building. See also the definition of “ground-mounted monument sign” and “pole sign.”

**SIGN, ILLEGAL**

A sign which does not meet the requirements of this chapter and which has not received legal nonconforming status.

**SIGN, ILLUMINATED**

A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

**SIGN, LIGHT POLE**

A sign made of fabric or materials similar to banners that can be attached to mounting brackets on a light pole. The sign banner may be changeable but the light pole and mounting brackets are permanent fixtures.

**SIGN, MANUAL CHANGEABLE COPY**

A sign or portion of a sign where it is possible to change the copy on a frequent basis but where such sign change must be manually made and is not made electronically.

**SIGN, MONUMENT**

A permanent freestanding sign other than a pole sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure, typically on a monument or pedestal structure.

**SIGN, NONCONFORMING**

Any sign which was erected legally prior to the adoption of this code, but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements.

**SIGN, PERMANENT**

A sign permitted by this resolution to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground.

**SIGN, POLE**

A permanent freestanding sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.

**SIGN, PORTABLE**

Any sign that is designed to be or capable of being moved or transported, and not permanently affixed or attached to any building, structure, or grounds. A vehicle not used regularly in the operation of a business shall be considered a portable sign.

**SIGN, PROJECTING**

A sign that is affixed perpendicular to a building or wall and extends more than eighteen inches beyond the face of such building or wall and the lowest point of which sign is not less than ten feet above the sidewalk or ground level. A projecting sign shall also include a sign hung perpendicular to the building façade to the bottom of an arcade.

**SIGN, ROOF**

A sign erected or maintained in whole or in part upon, against or directly above the roof or parapet line of a building.

**SIGN, SIDEWALK**

A temporary sign that may be placed on the sidewalk, in the public right-of-way, during business hours in accordance with this section and all other applicable ordinances and resolutions.

**SIGN, TEMPORARY**

A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and intended for a limited period of display.

**SIGN, T-FRAME**

A freestanding sign which is ordinarily in the shape of an upside down "T" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for A-frame signs.

**SIGN, WALL**

A sign attached directly to an exterior wall of a building and which does not extend more than eighteen inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall. Murals and other painted signs are considered wall signs pursuant to this section.

**SIGN, WINDOW**

A sign attached to, in contact with, placed upon or painted on the window or door of a building which is intended for viewing from the outside of such building. This does not include merchandise located in a window.

**SKILLED NURSING**

In addition to room and board, those nursing services and procedures employed in caring for the persons who require training, judgment, technical knowledge, and/or skills beyond those which the untrained person possesses. It involves administering medications and carrying out procedures in accordance with the orders, instructions, and prescriptions of the attending physician or surgeon.

**SKILLED NURSING FACILITY**

A residential facility that provides skilled nursing. Such facility shall also include any use providing some form of inpatient treatment that is not defined as a “hospital,” or “group home” including, but not limited to, inpatient drug and alcohol treatment.

**SMALL WIND ENERGY CONVERSION SYSTEM (SWECS)**

A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics that generates power for an individual property for the purpose of reducing on-site energy consumption with a rated nameplate capacity of 100kW or less. This includes, but is not limited to, storage, electrical collection and supply equipment, and transformers. Excess electrical power generated, and not presently needed for onsite use, may be utilized by the applicable utility company.

**SOLAR PANELS**

Structures designed to utilize solar energy as an alternate for, or supplement to, a conventional energy system.

**SPECIFIED ANATOMICAL AREAS**

Human genitals

**SPECIFIED SEXUAL ACTIVITIES**

Human genitals in a state of sexual stimulation or arousal: acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; and/or fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

**STACKING SPACE OR LANE**

A lane or area that is specifically designated for cars to “stack” in while utilizing drive-up or drive-through services at uses that may include, but are not limited to, car washes, restaurants, and financial institutions.

**STATE**

The State of Ohio

**STORY**

The portion of a building included between the surface of any floor and the surface of the next floor above it or if there is no floor above it than the space between the floor and the ceiling next above it.

**STREET**

A publicly dedicated or owned right-of-way constructed to Mahoning County Engineer standards intended or used, for vehicular and pedestrian movement, and, except where limited or controlled access, affording the principal means of access to abutting properties.

**STREET FRONTAGE**

See definition of “frontage, street.”

**STRUCTURE**

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. All buildings are considered structures.

**STRUCTURE, ACCESSORY**

A structure (including buildings but not fences) that is accessory and incidental to the principal building.

**STRUCTURE, NONCONFORMING**

A structure where the use is permitted in the applicable zoning district but the structure does not meet the setbacks, development standards, site development standards, or other dimensional or numerical standards for the applicable district.

**SUBSTANTIAL ENLARGEMENT (ADULT ENTERTAINMENT ESTABLISHMENTS)**

The substantial enlargement of an adult entertainment establishment means the increase in floor areas occupied by the business by more than 25 percent, as the floor areas exist on the date this amendment takes effect.

**SWIMMING POOL AND HOT TUB**

A structure, whether above or below grade level, designed to hold water more than 24 inches deep with a total surface area exceeding 100 square feet, that is designed to be used for personal recreation (private swimming pool) or as a recreational amenity to a larger development (community swimming pool). See also the definition of “pond.”

**TELECOMMUNICATIONS**

The technology permitting the passage of information from the sender to one or more receivers in a usable form by means of an electromagnetic system and includes the term “personal wireless services”.

**TEMPORARY SPECIAL EVENTS**

A temporary use on private property that is not usual or customary for that property and the zoning district in which the subject property is located (e.g., festivals, circuses, and other temporary events).

**TEMPORARY STRUCTURE FOR PUBLIC OR INSTITUTIONAL USES**

A temporary structure that is related and incidental to a use within the institutional use classification that may include temporary classrooms or storage facilities.

**TEMPORARY STRUCTURES FOR CONSTRUCTION PURPOSES**

Temporary facilities used for the collection of trash and solid waste on a construction site or temporary trailers or offices used in conjunction with a construction project.

**THEATERS**

A building or part thereof used for housing dramatic presentations, stage entertainments, motion-picture shows, or other similar entertainment.

**TOWER**

Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including support lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

**TREE, DECIDUOUS**

Generally, a tree that loses all of its leaves for part of the year. Sometimes called a broad-leaf tree or a hardwood tree.

**TREE, EVERGREEN**

A tree with foliage that is not dropped, or that remains green throughout the year.

**TREE, FASTIGIATE**

A narrow, often columnar tree where the branches are typically oriented in an upright position with clustered branches.

**TREE, ORNAMENTAL**

A small to medium tree with an expected height of 20 feet at maturity and that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

**TREE, SHADE**

A tree that is typically deciduous, designed to provide shade through perpendicular branches or an expanded canopy.

**TYPE-B DAY CARE HOMES (1-6 CHILDREN)**

A permanent residence of the provider in which child day care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the Type-B day care home shall be counted. Type-B day care homes do not include homes where all of the children being cared for are siblings and the residence is the home of the siblings. Type-B day cares homes do not include any child day camp as defined in the ORC.

**USE**

A purpose for which land, a building, lot, sign, or other structure is arranged, intended, designed, constructed, used, occupied, or maintained.



**USE, ACCESSORY**

A use or building on the same lot with, and of a nature customarily incident and subordinate to, those of the main use or building.

**USE, CONDITIONAL**

A use permitted within a district only with a conditional use permit approval from the BZA. See [3.04: Variance or Conditional Use](#).

**USE, NONCONFORMING**

A use that lawfully occupied a building or land until the effective date of this resolution, or amendments thereto, and that does not conform to the use regulations of the applicable zoning district.

**USE, PRINCIPAL**

The principal use to which the premises are devoted and the primary purpose for which the premises exist.

**USE, TEMPORARY**

A use or building permitted to exist during periods of construction of the main building or use, or for special events, but not inhabitable.

**VEHICLE SALES AND LEASING**

A building, lot, or both used for the display, sale, or rental of new or used motor vehicles or farm implements that are in operable condition, and where repair service may be an incidental accessory use.

**VEHICLE WASHING ESTABLISHMENTS**

The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

**VEHICULAR USE AREA**

Any paved ground surface area, except public rights-of-way, used by any type of vehicle, whether moving or at rest for the following purposes, but not limited to driving, parking, loading, unloading, storage or display.

**VETERINARIAN OFFICES, ANIMAL HOSPITALS, OR ANIMAL GROOMING (NO BOARDING)**

Facilities used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations in a wholly enclosed building on the premises only for treatment, observation and/or recuperation.

**WALL**

An architectural partition with a height and length greater than its thickness; used to divide or enclose an area or to support another structure

**WALL, RETAINING**

A retaining wall is a structure that holds back soil or rock from a building, structure or area. Retaining walls prevent downslope movement or erosion and provide support for vertical or near-vertical grade changes.

**WAREHOUSES AND DISTRIBUTION CENTERS**

Structures used for the storage or distribution of goods where there is no sale of items to retailers or the general public unless permitted as an accessory use to the warehouse.

**WHOLESALE BUSINESSES**

A business where the primary enterprise is the sale of merchandise to retail and service commercial uses, office uses, or institutional uses, or to other wholesalers, but not to the general public. Wholesale commercial uses may also mean acting as an agent or broker in the buying or selling of merchandise.

**WIRELESS TELECOMMUNICATION ANTENNA**

An antenna designed to transmit or receive telecommunications as authorized by the Federal Communications Commission ("FCC"), excluding amateur radio operator antennas.

**WIRELESS TELECOMMUNICATION FACILITY**

A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines for the provision of personal wireless services.

**WIRELESS TELECOMMUNICATION TOWER**

A tower including but not limited to self-supporting lattice or monopole, which elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment.

**YARD**

An open space on the same lot with a building, unoccupied, and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

**YARD, FRONT**

A yard extending across the full width of a lot and being the distance between the street right-of-way and the nearest wall of the principal building. See Section [4.09\(A\): Measurements, Computations, and Exceptions](#).

**YARD, REAR**

A yard extending across the full width of a lot between the side lot lines and being the distance between the rear lot line and the nearest wall of the principal building. See Section [4.09\(A\): Measurements, Computations, and Exceptions](#).

**YARD, SIDE**

A yard between the principal building and the side lot line, extending from the front yard to the rear yard. See Section [4.09\(A\): Measurements, Computations, and Exceptions](#).

**ZONING CERTIFICATE**

A permit where the Zoning Inspector has the authority to make a decision on the application in accordance with Section [3.06: Zoning Certificate](#).

**ZONING DISTRICT**

A section or sections of the unincorporated territory of Boardman Township for which regulations governing the use of buildings and premises, the height of buildings, development standards, yards, lot areas, and other standards are uniform. This may also be called a base zoning district.

**ZONING DISTRICT, NONRESIDENTIAL**

The term “nonresidential zoning district” shall include the O, GB, RB, NMB, P-I, and I zoning districts.

**ZONING DISTRICT, RESIDENTIAL**

The term “residential zoning district” shall include the R-1A, R1-B, R-1C, R-2, and R-3 zoning districts.

**ZONING INSPECTOR**

The Zoning Inspector, his/her assistants, or any other person designated by the Board of Trustees to perform the statutory duties of the Zoning Inspector.

**ZONING MAP**

The “Zoning District of Boardman Township, Mahoning County, Ohio”, as amended

**ZONING MAP AMENDMENT**

An amendment or change to the Official Zoning Map of Boardman Township, reviewed and approved by the Board of Trustees in accordance with Section [3.03: Zoning Text or Map Amendment](#).

**ZONING TEXT AMENDMENT**

An amendment or change to the text of the Boardman Township Zoning Resolution reviewed and approved by the Board of Trustees in accordance with Section [3.03: Zoning Text or Map Amendment](#).

**[www.BoardmanTwp.com/Zoning](http://www.BoardmanTwp.com/Zoning)**