

## ARTICLE XV – SITE PLAN REVIEW

### PART ONE: SITE PLAN REVIEW

#### A. PURPOSE

This amendment to the Boardman Township Zoning Ordinance is exacted under the authority of Ohio Revised Code Chapter 519.02, "Township Zoning" to protect the health, safety and general welfare of the residents of Boardman Township. The site plan review process is intended to regulate the placement and use of structures and sites in a manner, which considers the following concerns and, where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances. The principal areas of concern are:

1. The balancing of landowner's request to use their land with the corresponding rights of abutting and neighboring landowners to live without undue disturbance (i.e. noise, smoke, fumes, dust, odor, glare, storm water runoff, etc.);
2. The convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent roads;
3. The adequacy of waste disposal methods and pollution of surface or groundwater; and
4. The protection of historic and natural environmental features on the site under review and in adjacent areas.

#### B. PROJECTS AND PLANS REQUIRING SITE PLAN REVIEW

No permit for the construction, exterior alteration, relocation, occupancy, or change in use of any building shall be given, and no existing use shall be established or expanded in floor area, except in conformity with a site plan approved by the Boardman Township Trustees, or their designees. Change in use shall be construed in accordance with the Ohio Basic Building Code where such changes in use would exceed thirty percent (30%) of the original use. Site plan review shall also be required for the resumption of any use greater than thirty percent (30%) of total building square footage that has been vacant for more than six (6) months, or for the expansion of any existing use. "Expansion" shall include a floor space increase of twenty-five percent (25%) 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. Required approval includes proposals for commercial, industrial, office, municipal, institutional, utility, fraternal, recreational purposes, etc.

When at any time the use changes on any building or structure in a commercial or industrial district, the parking requirements for the new and/or proposed use shall apply in accordance with Article X, "Commercial Districts".

#### C. EXCEPTIONS FROM SITE PLAN REVIEW

Site plan review shall not be required for the following:

1. The construction or enlargement of any single family or two family dwelling, or building accessory to such dwelling;
2. The construction or alteration of any building used exclusively for agriculture, horticulture, or floriculture;
3. Construction or alteration providing for not more than two hundred (200) sq. ft. total floor area after construction; and,
4. Customary home occupations as defined in the zoning by-laws.

**D. PROCEDURE**

1. An application for a zoning permit under this section shall file with the Township Zoning Inspector five (5) copies each of the site plan for each zoning request. The Township Zoning Inspector shall acknowledge receipt of these plans by endorsing them with his/her signature and the date of receipt. A copy of the site plan shall be kept on file by the Township Zoning Department.
2. After reviewing the application for completeness, and upon determining that it is complete in accordance with all submission requirements provided in Part 2, "Submission Requirements", the Zoning Inspector shall transmit copies of the proposed plan to the Chairperson of the Site Plan Review Board, Police Chief, Fire Chief, Road Superintendent and Township Administrator for review and comment. The recipients of the plan have ten (10) working days to respond to the Zoning Inspector concerning the following:
  - A. That the site plan should be approved based upon a determination that the proposed plan or project is in compliance with the standards set forth in this Article and these regulations;
  - B. That the site plan should not be approved based upon a determination that the proposed plan or project is in non-compliance with the standards set forth in this Article and these regulations;
  - C. That 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 and Administrator which will assure that the project meets the standards for review.
3. If upon receipt or submission of a site plan or revised site plan the Zoning Inspector and Administrator determine that the proposed/subject plan conforms to the "Model Design Guidelines and Performance Standards" set forth in Part 3 of this Article by our Inspector may contact the Chairperson of the Site Plan Review Board in accordance with Part 4, "Site Plan Review Board" for further review by said Board. The Zoning Inspector shall indicate to the Chairperson those areas of the proposed plan or project where variance applications made to the Zoning Board of Appeals are or may be required prior to approval of the plan for purposes of obtaining additional review and comment by the Site Plan Review Board. The Zoning Inspector shall have the authority to request additional copies of plans and/or other information deemed necessary for the use by the Site Plan Review Board.

**E. SUBMISSION REQUIREMENTS**

A site plan shall include all data, details and supporting information as outlined in Part 2, "Submission Requirements" and Part 3, "Design Guidelines and Performance Standards."

**F. STANDARDS FOR REVIEW**

The Zoning Inspector shall review the site plan and supporting documentation taking into consideration the reasonable fulfillment of the objectives listed below:

1. **LEGAL:**  
Conformance with provisions of the Township Zoning Ordinance.
2. **TRAFFIC:**  
Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
3. **PARKING:**  
Provisions for the off-street loading and unloading of vehicles incidental to the normal operations of the

establishment, adequate parking, adequate lighting, and external traffic control.

4. **TOWNSHIP SERVICES:**

Reasonable demands placed on township services and infrastructure.

5. **POLLUTION CONTROL:**

Consideration of the adequacy of methods for sewage and refuse disposal and the protection from pollution of both surface waters and ground water. This includes minimizing soil erosion both during and after construction.

6. **NUISANCES:**

Protection of abutting properties and township amenities from undue disturbances caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, storm water runoff, etc.

7. **EXISTING VEGATION:**

Minimizing the area from which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to replacement of trees.

8. **AMENITIES:**

The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetation buffers, roadside plantings and the retention of open space and agricultural land.

9. **TOWNSHIP CHARACTER:**

The building setbacks, area and location of parking, signage and landscaping of the development, and how these features harmonize with surrounding neighborhoods and the natural landscape.

**G. ENFORCEMENT**

1. The Zoning Inspector may suspend any permit license when work is not performed as required.

**PART TWO: SUBMISSION REQUIREMENTS**

**A. SUBMISSION REQUIREMENTS**

The site plan shall include the following data, details, and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. All of the requirements must be met in each plan, with notations explaining the reasons for any omissions.

Site plans shall be prepared by a registered professional engineer, or an architect licensed in the State of Ohio, at a minimum scale of one (1) inch equals 100 feet on standard 24" x 36" sheets, with continuation on 8 1/2" X 11" sheets as necessary for written information.

Items required for submission include:

1. Name of the project, boundaries, and locus maps showing site's location in town, date, north arrow and scale of the plan.
2. Name and address of the owner of record, developer and seal of the engineer and/or architect license in the State of Ohio.
3. All existing lot lines, lands uses, and the location and use of structures on abutting properties or submission of photographs or a video demonstrating the character of the neighborhood within a minimum of 300' will be accepted.
4. The location and use of all existing and proposed buildings and structures, including size and space relationship dimensions, within the development, as well as all dimensions of height and floor and area,

all exterior entrances, and all anticipated, future additions and alterations.

5. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls, and fences. Location, type and screening details for all waste disposal containers shall also be shown. Plan submission shall also depict existing traffic flow patterns within the site, entrances and exits, loading and unloading areas. Also, curb cuts within three hundred (300) feet of the site shall be depicted.
6. The location, height, intensity, and bulb type (e.g. fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjacent properties shall be shown.
7. The location, height, size, materials and design of all proposed signage.
8. The location of all present and proposed utility systems including:
  - sewage or septic systems;
  - water supply system;
  - telephone, cable and electrical systems, and utility easements; and
  - storm drainage systems including existing and proposed drain lines, culverts, catch basins, headwalls, hydrants, manholes, and drainage swales.
9. Plans to prevent all the pollution of surface or ground water, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties as applicable.
10. A Plan showing, in general, all existing natural land features, trees, forest cover and water sources, and all proposed changes to these features including general size and type of plant materials. Surface water sources include ponds, lakes, brooks, streams, wetlands, flood plains, and drainage retention/detention areas as submitted and required in Part Three, J and K of this Article.
11. Zoning district boundaries within five hundred (500) feet of site perimeter shall be drawn and identified on the plan as an insert, unless already on record.
12. For new construction or alterations to any existing building, a table containing the following information must be included:
  - a. area of building to be used for a particular use such as retail operation, office, storage, etc.;
  - b. estimated number of employees;
  - c. maximum seating capacity, where applicable; and,
  - d. number of parking spaces existing and required for the intended use as required through zoning and building codes.

## **PART THREE: MODEL DESIGN GUIDELINES AND PERFORMANCE STANDARDS**

### **A. SETBACKS**

1. Where existing buildings are at traditional consistent setbacks within the permitted parameters of existing zoning requirements, it is desirable to continue this pattern in order to retain a particular area's character.
2. Where business, commercial and industrial use is proposed adjacent to a residential use or agricultural use, a landscaped buffer area shall be incorporated as follows:
  - a. Where fences or walls are utilized (reference Part 3, Section C, Item #6); a minimum 30' buffer shall be incorporated.
  - b. Where screen plantings are utilized (reference Part 3, Section C, Item #7); a minimum 20' buffer shall be incorporated.
  - c. Should a safety or fire lane be deemed necessary by the township safety forces (Police, Fire,

Road, Zoning, Administration), such area will be required in addition to any landscaped/buffer area.

3. All business, commercial and industrial uses shall provide a minimum three (3) feet landscaped buffer.

## B. PARKING

The visual impact of parking areas upon the community character can be easily reduced through landscaped buffers, whose width at the roadside edge shall be based upon the length of the parking area exposed to the street.

1. Paving is prohibited within road right-of-way. A minimum of ten (10) feet, plus two (2) feet for every one-hundred (100) feet or part thereof of lot depth, shall be maintained as a grass and/or landscaped area. Paving is also prohibited within three (3) feet of sides and rear lot lines, or five (5) feet in areas utilized for, and/or adjacent to, parking. Abutting right-of-way/easement areas are to be maintained as grass or landscaped areas in order to retain the character of a particular district.
2. Large, unbroken parking areas shall be prohibited whenever a parking lot contains ten or more spaces; at least ten percent of the parking lot area shall be landscaped, open and/or green space. Said percentage shall include landscaping located in front of buildings.
3. Parking lots containing ten or more spaces shall be planted with one tree per ten (10) spaces. The trees, of a 2" inch caliper or larger, shall be surrounded by no less than 40 square feet of permeable, unpaved area.
4. All construction requires a table be provided for building usage, employees, capacity and parking (reference Boardman Township Article X Section D).
5. For Commercial/Business/Industrial usage, the parking requirement will be one (1) space for every two hundred (200) square feet of building space utilized and described in the submitted site plan, plus one (1) space for each two (2) employees.
  - a. Building space utilized shall be the retail/professional/business space used excluding hallways, mechanical-utility rooms, storage-stockrooms, restroom, stairwells, and elevators as specified in site plan.
6. Parking space shall be at least one hundred sixty two (162) square feet (9ft X 18ft) in area exclusive of access thereto.
7. Parking lot must be paved with blacktop or concrete and provide adequate drainage for surface water.
8. When the parking area is only partially developed a minimum of fifty percent of the required parking must be installed with the remaining area clearly shown on the site plan as future parking.
  - a. The entire drainage system must be installed for the required parking regardless of parking lot installation.
  - b. All future, designated parking areas must be adequately maintained.
  - c. The future parking cannot be used for any other construction or later be sold as an out parcel.

## C. LANDSCAPING/LAWN REQUIREMENTS

1. Seeding and/or sodding of site shall take place prior to occupancy permits and approvals being issued from the permitting agencies, from March 15 through October 15 or within six months for construction completed between the dates of October 15 and March 15. All landscaped areas shall be adequately maintained. Lush areas shall be reasonably free from weeds.

2. Sign landscape design is integral to the Township in all applicable Zoning Districts. Trees and shrubs help to integrate conspicuous, freestanding signs into the landscape, softening their larger scale.

The following are the minimum requirements per 100' foot of frontage, applicable to the area between the street side facade of the building(s) and the right of way:

10 native or ornamental trees 2" caliper or larger

25 shrubs 18" – 24" in height or larger.

Native trees and shrubs shall be planted whenever possible.

3. Landscaping shall be used to screen parking areas from adjacent residential use properties to the sides and rear of the property.
4. Ground mounted mechanical or electrical equipment shall be screened from view and integrated into the landscaping concept for the site.
5. Large, unbroken parking areas shall be prohibited. Whenever a parking lot contains ten or more spaces, at least ten percent of the parking lot area shall be landscaped.
6. Where fences or walls are utilized, they shall be six (6) feet in height and constructed of wood, iron, decorative aluminum, stone, brick or decorative block or concrete. Where new fencing would create a continuous surface greater than ten (10) feet in length, such new fencing shall be softened with tree and shrub plantings.
7. Screen plantings, where required, shall have a minimum height when planted of six (6) feet and should be of such size, species and spacing as can reasonably be expected to produce a solid six foot screen within three years. The plants shall be placed so that mature plants can be maintained within the property lines.
8. All sites shall be designed so that plants and structures on the site do not interfere with the movement of motor vehicle traffic, bicycles or pedestrians.
9. Any portion of the lot not used by structure, parking, aisles or sidewalks shall be provided with an all season, well maintained vegetative cover.
10. All plantings and beds shall be adequately maintained and kept reasonably weed free. Dead or diseased plant materials shall be replaced.
11. In instances where healthy plant material exists on the site prior to its development, in part or in whole for purposes of off-street parking or other vehicular use areas, the Site Plan Review Board may recommend to the applicant and Zoning Inspector the application of the above-mentioned standards to allow credit for such plant material if, in its opinion, such an adjustment is in keeping with and will preserve the intent of these standards.
12. Because trees are extremely important to the character of any community, removal of trees over five (5) inches in diameter is prohibited within the buffer areas. Removal of existing trees can usually be lessened by shifting the site of the building, parking lot or the entrance/exit drive. Planting of new or replacement trees a maximum of fifty (50) feet along roadsides is required. Such trees should be deciduous hardwoods, such as maple, oak, linden, sycamore, etc., (not conifers or flowering ornamentals) in order that a stately atmosphere may ultimately be created.
13. In instances where unique landscape and/or water features (ponds, lakes, waterfalls, bridges, etc.) are included in a site plan submission, the Site Plan Review Board may recommend to the Zoning Inspector the application of the above mentioned standards to allow credit for plant materials if such an adjustment is in keeping with, and will preserve, the intent of these standards.

#### D. LIGHTING

1. Lighting must be controlled in both height and intensity. To achieve this, luminaries shall be shielded to

prevent light shining beyond the lot lines onto neighboring properties or public ways, so as to impair the vision or the driver of any vehicle upon that way.

2. All external outdoor lighting shall consist of cut-off fixtures or down lighting to avoid unnecessary glare.
3. All exterior outdoor lighting fixtures within a development shall be from the same or similar manufacturer's type or family.

#### **E. SIGNAGE**

Refer also to Boardman Township Zoning Ordinance, Article XII, "Exceptions and Special Provisions", Section F, "Signs and Billboards".

An effectively designed sign utilizing bold, easily recognized symbols and clear crisp lettering will identify a business or actively, efficiently and attractively enhance the area in which it is located, and compliment the general appearance of the street and township.

#### **F. WATER QUALITY**

All outdoor storage facilities for fuel, chemical, or industrial waste and potentially harmful raw materials shall be constructed and maintained according to Local, State and Federal standards.

#### **G. DUST, FUMES, VAPOR, GASES AND ODORS**

The site design of any facility shall be constructed and designed to minimize the migration of the above off-site.

#### **H. NOISE**

Any site must be designed to minimize the migration of excessive noise off of the site.

#### **I. ACCESS CONTROL AND CIRCULATION**

The site plan provides for necessary land access while simultaneously preserving the safety, capacity, and speed of traffic on the surrounding road system. The site plan will provide for the smooth and safe movement of vehicles and pedestrians by minimizing pedestrian/vehicle conflicts and turning movements.

The site plan shall consider the following factors when providing access to the site:

1. Driveway location and design:  
The location, spacing, and design of driveways shall be determined with consideration given to joint access, sight distance standards, traffic signal location and progression, posted speed limits and functional roadway classification. Drives shall be designed with appropriate widths and turning radii and have a sufficient "throat length" to accommodate entering and exiting vehicles and prevent on site circulation hazards and traffic backups on adjacent roadways. Corner clearance, the separation of driveways from street intersections, shall be sufficient to allow motorists turning at or passing through an intersection enough time to react to pedestrians using the driveway. Driveway spacing at intersections should provide adequate sight distance and permit adequate maneuverability. The locating of driveways within the functional area of an intersection is prohibited.
2. Acceleration, deceleration, and/or left turn lanes:  
The use of special purposes lanes may be necessary to preserve the safety and/or traffic capacity of the existing roadway adjacent to the site. Deceleration lanes reduce the severity and number of rear-end conflicts on a roadway by allowing turning vehicles to leave through lanes at higher speeds. Deceleration lanes should be considered on roadways with posted speeds greater than 35 mph and

average daily traffic greater than 10,000 vpd.

3. Reverse frontage roads, frontage roads:

Consideration should be given to reverse frontage roads in site plan development. Highway frontage becomes the rear of the property and driveway connection is made on an internal local road. Frontage roads can also be considered in site plan development; however, their use must be closely analyzed to prevent inherent congestion, delay, and safety problems.

## **J. STORM WATER MANAGEMENT**

The process of development increases the storm water runoff rate and volume of runoff leaving a site. A storm water storage system, otherwise known as a detention area, minimizes the adverse effects of this increase. The intent of the detention area is to insure that storm water runoff, originating within the proposed site or conveyed through the proposed site, exits the site as near to pre-development rates as possible. Where inadequacies in existing downstream drainage systems occur, proposed site, improvements must further discharge rates so as not to adversely affect adjacent properties.

The increase in the rate of site surface runoff shall be controlled so that the peak rate of post-development runoff resulting from a one-hundred year frequency storm does not exceed the peak rate of pre-development runoff resulting from a ten year frequency storm.

It is important that the detention area is maintained during construction and after the construction activity is complete. The detention area must be designed in such a manner as to make perpetual maintenance for the owner as easy as possible.

The site plan must include all pertinent calculations and specifications set in the design and construction of the detention area and other drainage improvements.

Safeguards to prevent short-circuiting of detention system shall be designed into the system. If underground systems are used, monitoring and maintenance schedule may be required.

## **K. EROSION AND SEDIMENT CONTROL see ARTICLE XVIII EROSION AND SEDIMENT CONTROL (ESC)**

## **L. COMPLIANCE / SITE DRAINAGE**

The owner shall submit a notarized letter or related document to the Boardman Township Zoning Inspector upon completion of the site construction which shall be referred to as the "final compliance letter". This compliance letter or related document shall state that the project complies with all of the requirements of Boardman Township Zoning Ordinance and in the design standards. Any and/or all deviations from the approved plan shall be so stated in said compliance or related document, with all approvals granted by the Site Plan Review Board, if applicable, noted accordingly. On-site surface drainage retention/detention areas and calculations must be presented to the Township Zoning Inspector as part of the site development plan for review by the office of the Mahoning County Engineer. The developer, contractor, and/or property owner must request a final on-site inspection by the zoning inspector of the required and approved storm water management improvements including retention, detention, grading, final elevations, and post-construction best management practices (BMPs). The developer, contractor, and/or property owner may be required at the discretion of the zoning inspector to submit for review by the Mahoning County Engineer a certified as built drawing(s) depicting and/or a construction certification letter assuring storm water management compliance.

## **PART FOUR: SITE PLAN REVIEW BOARD**

### **A. SITE PLAN REVIEW BOARD**

There is hereby created in accordance with Article XV a "Site Plan Review Board" which shall be appointed by the Board of Township Trustees. The Site Plan Review Board shall consist of five (5) members who shall be residents of the unincorporated territory of Boardman Township. Appointments shall be for a period of one (1), two (2) and three (3) years, respectively, effective at the beginning of the new year so as to provide for appointment of an equal number each year. Appointed members may be removed for cause by the Township Trustees only after consideration of written charges and a public hearing. Any appointed vacancies in the Site Plan Review Board shall be filled in the same manner as new appointments. The Site Plan Review Board shall annually elect its own Chairperson and Vice Chairperson. The compensation of the appointed members, if any, shall be fixed by the Board of Trustees.

### **B. MEETINGS**

Upon notification of the Zoning Inspector as provided for in Part One, "Site Plan Review", Section D, "Procedure", Sub-Section 3, all meetings of the Site Plan Review Board shall be held at the call of the Chairperson or Vice Chairperson at such times as the Site Plan Review Board may be needed for additional plan review and comment.

The Chairperson's designee shall keep a record of its meeting showing the findings and actions of each meeting regarding proposed plans or projects. A simple majority of the current membership of the Site Plan Review Board shall constitute a quorum to conduct plan reviews provided that there shall be a minimum of three (3) members to conduct business. The board shall have the authority to request, for purposes of testimony and/or the gathering of information, the attendance of relevant Township Officials responsible for plan review which are listed under Part One, "Site Plan Review", Section D, "Procedure", Sub-Section 2. The Site Plan Review Board shall also have the authority to request the attendance of representatives of any proposed project or site plan, which has been submitted.

### **C. PLAN REVIEW PROCESS**

The Chairperson of the Site Plan Review Board shall review with the Board members the comments received from the Zoning Inspector regarding those areas of a proposed site plan or project where variance applications to the Boardman Township Zoning Board of Appeals are required prior to plan approval, with said variance applications attributable to this and or any other article of the Zoning Ordinance. The Site Plan Review Board shall have the authority: to review the plan and provide comment regarding the intent and application of the Model Design Guidelines and Performance Standards; to make suggestions for improvements or modifications regarding compliance with the Model Design Guidelines and Performance Standards; to make suggestions and written recommendations to applicants for eliminating the need for variances to the Zoning Ordinance; to make written recommendations to applicants regarding the final acceptance of the proposed or revised site plans or projects which are presented to the Zoning Board of Appeals regarding the approval and/or denial of requests and/or applications for variances to this or any other article of the Zoning Ordinance.

### **D. FINDINGS**

The Chairman shall report all findings, suggestions and/or written recommendations of the Site Plan Review Board in writing to the Zoning Inspector and applicant and/or representatives of a proposed project or plan prior to the issuance of a permit by the Zoning Inspector. The Chairman shall, if applicable, also report all findings,

suggestions and/or recommendations of the Site Plan Review Board in writing to the Zoning Board of Appeals regarding those applications that may require variances to the Zoning Ordinance. All comments of the Site Plan Review Board, if applicable, shall accompany the final compliance letter, which is required of an applicant upon completion of site construction.