



**Planning &
ZONING**
BOARDMAN TOWNSHIP

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TO: Chairman Tom Costello and Board of Boardman Township Trustees

FROM: TJ Keiran, Director of Planning and Zoning

CC: Jason Loree, Township Administrator

DATE: August 3, 2023

SUBJECT: PUBLIC HEARING MATERIALS FOR CASE A-2023-04, A ZONING TEXT AMENDMENT TO ADDRESS DEVELOPMENT STANDARDS, REQUIREMENTS AND REGULATIONS FOR DRIVE-THROUGH USES AND SITE PLAN REVIEW

After holding a Public Hearing on July 18, 2023, the Boardman Township Zoning Commission unanimously recommended approval of Case A-2023-04, a Zoning Text Amendment to address development standards, requirements and regulations for drive-through uses and Site Plan Review processes. The amendment includes:

1. Drive-through uses
 - a. No longer permitting accessory drive through uses in the North Market Business Zoning District because the lots are too small and the use conflicts with the purpose of the district.
 - b. Requiring a Conditional Use Permit whenever the use is adjacent to a Residential or Special Use Zoning District.
 - c. Whenever a drive-through speaker is within 250' of a residential property, the applicant must demonstrate the decibels will not exceed 40 dB at the property line, which is the level of ambient urban evening noise level.
 - d. Requiring screening and landscaping if a drive-through use is proposed between the front of a building and the Right-of-Way

2. Site Plan Review processes
 - a. Provides a consolidated list of submittal requirements that are found throughout the Zoning Resolution.
 - b. Provides an optional submittal process when an Architectural Review Board recommendation is needed prior to a hearing for a Variance or Conditional Use Permit
 - c. Clarifies or corrects discrepancies with Site Plan Review procedural processes

A Nice Place To Call Home

Boardman Township

8299 MARKET STREET ▪ BOARDMAN, OHIO 44512 ▪ (330) 726-4177 ▪ FAX: (330) 729-2054

BOARD OF TRUSTEES

BRAD CALHOUN, LARRY MOLITERNO, THOMAS P. COSTELLO

RESOLUTION

The **BOARD OF TRUSTEES OF BOARDMAN TOWNSHIP**, Mahoning County, State of Ohio, meeting in regular session on Monday, August 14, 2023 did adopt the following resolution:

WHEREAS, on June 20, 2023, in accordance with authority provided in **Boardman Township Zoning Resolution Sections 2.03(B)(1), 3.02(A)(2) and 3.03 (B)(1)(a)**, the Boardman Township Zoning Commission initiated zoning text amendment procedures and directed staff to prepare the materials and provide notice as required by **Boardman Township Zoning Resolution Section 3.03 ZONING TEXT OR MAP AMENDMENT** to update the Boardman Township Zoning Resolution's relevant adopted development standards, requirements and regulations for drive-through uses and to update Article 3: Review Procedures and all references to the Site Plan Review process as provided in Attachment A; and

WHEREAS, on July 18, 2023 the Boardman Township Zoning Commission held a duly noticed public hearing to receive testimony and forwarded the item to the Board of Trustees with a recommendation to approve the amendments; and

WHEREAS, on August 14, 2023 the Boardman Township Board of Trustees held a duly noticed public hearing to receive testimony;

THEREFOR, on August 14, 2023 the Boardman Township Board of Trustees passed Resolution _____ on the first reading

TRUSTEES: Bradley Calhoun ▪ Larry Moliterno ▪ Thomas P. Costello FISCAL OFFICER: William D. Leicht

In accordance with Boardman Township Zoning Resolution Section 3.03(D)(1), this resolution shall become effective thirty (30) days after the date of adoption.

Motion offered by: _____

Motion supported by: _____

ROLL CALL: AYE: NAY:

Mr. Calhoun: _____ _____

Mr. Moliterno: _____ _____

Mr. Costello: _____ _____

RESOLUTION ADOPTED this 14th day of August, 2023.

**BOARDMAN TOWNSHIP TRUSTEES,
MAHONING COUNTY, OHIO:**

Tom Costello, Chair

Larry Moliterno, Trustee

Brad Calhoun, Trustee

ATTEST:

William D. Leicht, Fiscal Officer

CERTIFICATION

I, William D. Leicht, Clerk of Boardman Township, do hereby certify that the foregoing Resolution is taken from the Minutes of Boardman Township at a meeting duly-held on August 14, 2023 that the same has been compared by me with the original Resolution of said Minutes, and that said Resolution is a true and correct copy thereof.

William D. Leicht
Fiscal Officer

~~Red strikout text are proposed deletions~~ Red strikout text are proposed deletions

Green underlined text are proposed additions Green underlined text are proposed additions

Boardman Township Zoning Resolution Section 2.03

(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 Conditional Use Permit applications, ~~Variance applications related to site plan review applications for proposed commercial, industrial or multi-family residential uses, when the multi-family residential use is greater than six units;~~ and
- (5) Perform all other duties as specified in this zoning resolution.

Boardman Township Zoning Resolution Section 3.05

3.05 SITE PLAN REVIEW

(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 or recommendations to the Board of Zoning Appeals for certain land use decisions. For the purposes of this resolution, site plan review is divided into two distinct categories:

(1) Type A: Recommendation for Zoning Certificate Decision or Deciding Final PUD

- (a) Purpose: The purpose of a Type A Site Plan Review is for the applicant to demonstrate compliance with all applicable development regulations prior to submitting for a building permit from Mahoning County or Final PUD approval. The application must include complete and certified plans, drawings and calculations necessary to make a final and binding decision.
- (b) Applicability: Type A Site Plan Review is required for the following permits or processes for:
- (i) All commercial, industrial or multi-family residential uses, when the multi-family residential use is greater than six units, new construction, exterior alteration, expansion of floor area, expansion of parking lot area, relocation, change in occupancy, or change in use.
 - (ii) 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.
 - (iii) 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.
 - (iv) Planned Unit Development (PUD) Final Plat Review in accordance with Section 5.04(C)(3)

(2) Type B: Recommendation to Board of Zoning Appeals or Zoning Commission

- (a) Purpose: The Type B Site Plan Review is an optional process the applicant may choose when applying for a land use decision including a Variance for commercial, industrial or multi-family residential uses, when the multi-family residential use is greater than six units or a Conditional Use Permit. The purpose of a Type B Site Plan Review is for the Architectural Review Board to make a recommendation to either the Board of Zoning Appeals regarding one of these land use application and some applicants find providing preliminary designs may be sufficient and cost effective until the land use decision is made. The applicant who chooses the Type B Site Plan Review process understands the Board of Zoning Appeals may determine the information is insufficient and deny the request or adjourn the hearing until additional information is provided. If the land use permit is awarded, the applicant must then submit a Type A Site Plan Review application.
- (b) Applicability:
- (i) An application for a Variance for a commercial, industrial or multi-family residential structure, when the multi-family residential structure is greater than six units; or

(ii) An application for a Conditional Use Permit

~~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.~~

(D) Applicability

- ~~(6) Unless specifically exempted in Section 1.01(D)(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.~~
- ~~(7) Site plan review shall be required for all variance and conditional use applications.~~
- ~~(8) 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.~~
- ~~(9) 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.~~

(1) 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.

(E) Review Procedure(1) Step 1— Pre-application Conference (Optional)

- (f) 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.
- (g) 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— Type A Site Plan Review Application**

(a) The applicant shall submit an application for a site plan review prior to submitting for a building permit from Mahoning County, Final PUD approval, or any activity provided in Section 3.05.A.1.

(i) The applicant shall submit a completed application form signed by the property owner. If the property is owned by a business, corporation, trust, etc., then a notarized letter stating the applicant has the authority to represent the interest must also be submitted.

A. The owner may designate a representative.

(ii) The applicant shall submit ten (10) hard copy full-size (i.e. 24" x 36" or comparable) plan sets containing:

A. A Site Plan that includes, at a minimum:

1. Address of the site, if applicable;
2. Mahoning County Auditor's Tax Parcel Identification number of the subject property and all adjacent properties;
3. Property boundaries and adjacent property boundaries extended a minimum of 50 feet from the property lines;
4. Building footprints of all existing and proposed buildings;
5. Ingress/Egress locations and site circulation;
6. Parking areas. Show calculations of required and proposed parking spaces as per Section 11.04, OFF-STREET PARKING STANDARDS. Show loading zones and stacking spaces, if required;
7. Locations and details of all elements required under Article 7: General Development Standards;
8. Existing and proposed easements;
9. Designated Watercourses and Riparian Corridor Setbacks per Article 8, if applicable;
10. Wetlands, if applicable;
11. FEMA Special Flood Hazard Areas, if applicable;

B. Completed replat or lot combination, if required;

C. Landscaping Plan when required by Section 10.02;

D. Lighting/Photometric Plan when required by Section 7.04.B.2;

E. Stormwater Management Plan and Calculations prepared in accordance with Mahoning County Engineer's Drainage Criteria and Storm Water Manual when required by Section 7.06.A;

- F. Erosion and Sediment Control Plans when required by Section 7.07.E;
- G. Building Elevations when required in Article 9: Architectural Standards;
- H. A Traffic Impact Analysis if required by Recommendations of a traffic impact study, if required by Boardman Township, Mahoning County or Ohio Department of Transportation;
- I. Ohio Department of Transportation Right-of-Way Permit if connecting to a road owned by the State of Ohio;
- J. Ohio Department of Transportation Stormwater Plan Approval if connecting to their stormwater system

(iii) The application materials must also be submitted in pdf format on the township's application portal accessed via the Planning and Zoning Department website.

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

- (h) 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.
- (i) 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

- (j) 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.
- (k) 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.~~
 - ~~(l) 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.~~
 - ~~(m) 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 1.01(E)(3), above.~~

(F) Review Criteria

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

(G) Effect of Decision or Recommendation

- (10) If the site plan review application is approved, then the applicant shall be required to submit applications for zoning certificate approval.
- (11) 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.
- (12) 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

(H) Expiration

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

(3) Type B Site Plan Review Application

- (a) The applicant shall submit an application for a site plan review prior to submitting for:

- (i) An application for a Variance for a commercial, industrial or multi-family residential structure, when the multi-family residential structure is greater than six units; or
- (ii) An application for a Conditional Use Permit;
- (iii) The application for Type B Site Plan Review recommendation shall include a project narrative, explanation, and justification that will be used in the land use permit application to demonstrate satisfaction of the decision criteria;
- (iv) The applicant shall submit a completed application form signed by the property owner. If the property is owned by a business, corporation, trust, etc., then a notarized letter stating the applicant has the authority to represent the interest must also be submitted.
 - A. The owner may designate a representative.
- (v) The applicant shall submit ten (10) hard copy full-size (i.e. 24" x 36" or comparable) plan sets containing:
 - A. A Site Plan that includes, at a minimum:
 - 1. Address of the site, if applicable;
 - 2. Mahoning County Auditor's Tax Parcel Identification number of the subject property and all adjacent properties;
 - 3. Property boundaries and adjacent property boundaries extended a minimum of 50 feet from the property lines;
 - 4. Building footprints of all existing and proposed buildings;
 - 5. Ingress/Egress locations and site circulation;
 - 6. Parking areas. Show calculations of required and proposed parking spaces as per Section 11.04, OFF-STREET PARKING STANDARDS. Show loading zones and stacking spaces, if required;
 - 7. Locations and details of all elements required under Article 7: General Development Standards;
 - 8. Existing and proposed easements;
 - 9. Designated Watercourses and Riparian Corridor Setbacks per Article 8, if applicable;
 - 10. Wetlands, if applicable;
 - 11. FEMA Special Flood Hazard Areas, if applicable;
 - B. Completed replat or lot combination, if required;
 - C. Landscaping Plan when required by Section 10.02;

- D. Lighting/Photometric Plan when required by Section 7.04.B.2;
- E. Stormwater Management Plan and Calculations prepared in accordance with Mahoning County Engineer's Drainage Criteria and Storm Water Manual when required by Section 7.06.A;
- F. Erosion and Sediment Control Plans when required by Section 7.07.E;
- G. Building Elevations when required in Article 9: Architectural Standards;
- H. A Traffic Impact Analysis if required by Recommendations of a traffic impact study, if required by Boardman Township, Mahoning County or Ohio Department of Transportation;
- I. Ohio Department of Transportation Right-of-Way Permit if connecting to a road owned by the State of Ohio;
- J. Ohio Department of Transportation Stormwater Plan Approval if connecting to their stormwater system

The applicant should submit as much information as necessary to demonstrate the site design complies with requirements of the Zoning Resolution and other applicable development standards and does not conflict with any of the requirements, standards and guidance of the permit's decision criteria, where applicable.

- (vi) The application materials shall also be submitted in pdf format on the township's application portal.

The Zoning Inspector shall acknowledge receipt of these plans by endorsing them with his/her signature and the date of receipt.

- (2) Step 3 – Determination of Completeness
 - (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 site plan shall be placed on the Architectural Review Board's next agenda for a full review and recommendation.
- (3) Step 4 – Review and Recommendations by the Full Architectural Review Board
 - (b) Where the Zoning Inspector finds the application complete, the application shall be forwarded to the full Architectural Review Board for their next regularly scheduled meeting or a special meeting.
 - (c) 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.

- (d) 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.

(I) Review Criteria

All applications for a Type B Site Plan Review shall demonstrate conformity with the provisions of this zoning resolution and the relevant criteria for the land use permit being sought.

(J) Effect of Governing Board's Decision

- (13) If the land use permit is awarded, the applicant shall submit an application for Type A Site Plan Review within the deadline provided in the land use decision. The site plan shall be consistent with that submitted for Type B Site Plan approval that was used during the land use permit hearing, except it shall be revised to include any conditions of approval included in the land use decision, if any.

2.04(A)

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.

3.02(A)

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~~ is required to provide written proof of such authority at the time of application.

3.04 Conditional Use Review Criteria

3.04(D)(4)(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 Boardman Township, Mahoning County or the Ohio Department of Transportation;

4.09(B)(1)

- (c) 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.~~

7.06 STORM WATER MANAGEMENT, SITE DRAINAGE, AND COMPLIANCE

(A) Applicability

Storm water management and drainage must be submitted for review for all zoning certificate applications where there is:

1. New impervious surface area totaling 500 square feet or more ~~construction~~ unless the new construction is related to a single-family or two-family dwelling; or
2. 1,000 square foot of new building footprint on existing impervious surface. The threshold shall apply to the total square footage of any new buildings, building additions, accessory buildings, or outbuildings.

Article 11: Parking, Loading, and Circulation Standards

11.02

- (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.

12.13 NONCONFORMING SIGNS

(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)~~ (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)~~ (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.~~

13.04 NONCONFORMING USES AND VARIANCES

(1) 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

(E) Damage or Destruction of a Nonconforming Structure ~~Containing a Conforming Use~~

If a nonconforming structure is damaged and/or completely destroyed, but not to an extent greater than 60% of the principal structure's value, 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 within two years of the event that damaged or destroyed the structure. The Zoning Inspector may extend the deadline for replacing the structure by one year upon written verification that extenuating circumstances exist such as ongoing legal processes or replacement materials back ordered.

Drive-Through Facilities

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

6.01(E)

10 Drive-Through Facilities

(a) A Conditional Use Permit is required for any Drive-through use adjacent to a Residential or Special District zoned property or any Drive-through use with an audible electronic device such as loudspeakers, automobile service order devices, and similar instrument within 250 feet from any residential dwelling unit located on a Residential or Special District zoned property. If a Conditional Use Permit is required, in addition to the Conditional Use Review Criteria provided on Section 3.04 (D), the following standards shall apply:

- (i) The primary access shall be from a state or county owned road whenever possible and the local collector road should be used as the secondary access.
- (ii) For any Drive-through use with an audible electronic device such as loudspeakers, automobile service order devices, and similar instrument within 250 feet from any residential dwelling unit located on a Residential or Special District zoned property, the applicant shall submit a noise impact study that demonstrates the noise level will be 40 dB or less at the subject property line either through natural conditions or mitigation measures.

(b) Drive-through facilities shall be subject to the vehicle stacking requirements of Section 11.07: Stacking Space Requirement

~~(c) 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.~~

~~(d) No service shall be rendered, deliveries made, or sales conducted within the required front yard setback; customers served in vehicles shall be parked to the sides and/or rear of the principal structure.~~

- (e) 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.
- (i) When locating the drive-through use in the side or rear yard is not feasible, the drive-through areas may be located between the structure and the required front yard setback provided the area is screened and landscaped.