

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
Residential Districts	
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
Nonresidential Districts	
O	Office District
GB	General Business District
RB	Regional Business District
NMB	North Market Business District
I	Industrial District
Special Districts	
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
Residential Districts	
R-1: Single-Family Residential District and 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
Nonresidential Districts	
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
Special Districts	
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.

4.07 PERMITTED USES

(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 P = Permitted Use; PS = Permitted with Standards C = Conditional Use Blank Cell = Prohibited	R-1A, R-1B, & R-1-C	R-2	R-3	O	GB	RB	NMB	I	AG	P-I	Use-Specific Standards See Section:
Agricultural Use Classification											
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			
Residential Use Classification											
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)
Public and Institutional Use Classification											
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)
Commercial and Office Use Classification											
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

Permitted Use Types P = Permitted Use; PS = Permitted with Standards C = Conditional Use Blank Cell = Prohibited	R-1A, R-1B, & R1-C	R-2	R-3	O	GB	RB	NMB	I	AG	P-I	Use-Specific Standards
											See Section:
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)
Industrial Use Classification											
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			
Miscellaneous Use Classification											

TABLE 4.07-1: PERMITTED USE TABLE

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

4.08 USE-SPECIFIC STANDARDS

(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

(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](#).

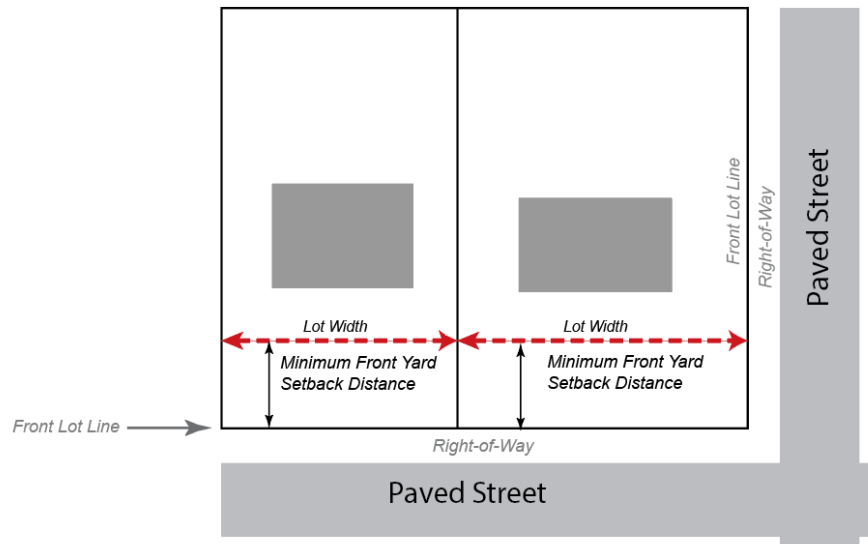


Figure 4.09-A: Illustration of the location for measuring the lot width on a typical interior lot (left) and on a corner lot (right).

(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](#).

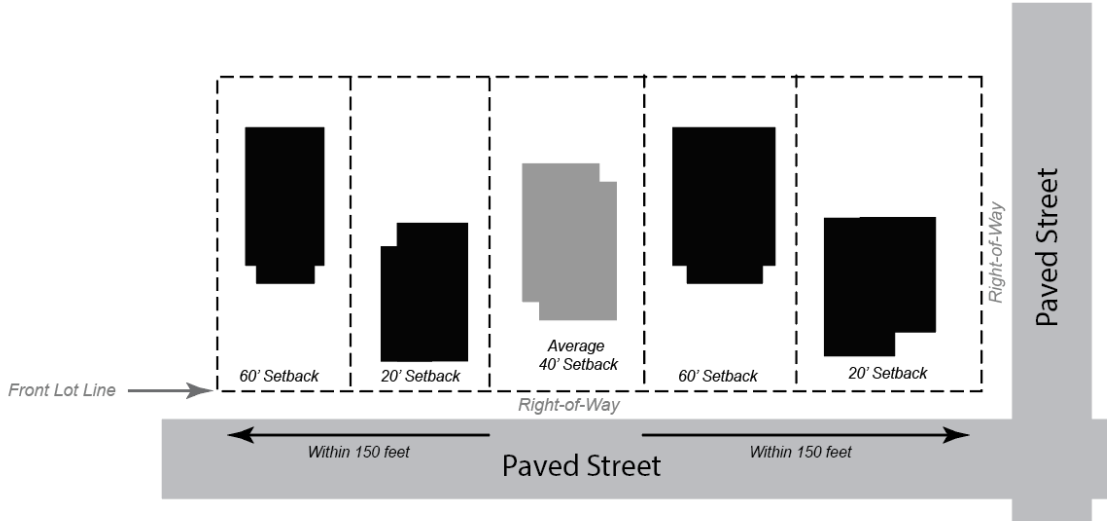


Figure 4.09-B: Illustrative example of the provision for a front yard exception where structures on nearby lots do not meet the minimum front yard setback.

(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](#).

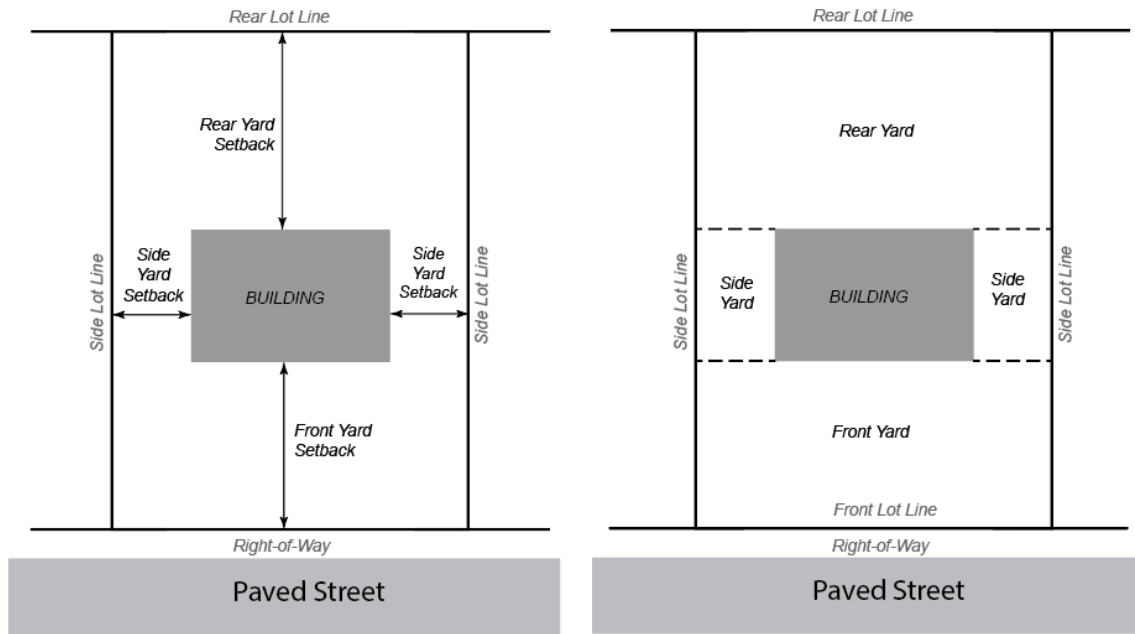


Figure 4.09-C: Typical lot lines and setback locations for an interior lot (left image) and typical yard locations (right image).

(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](#).

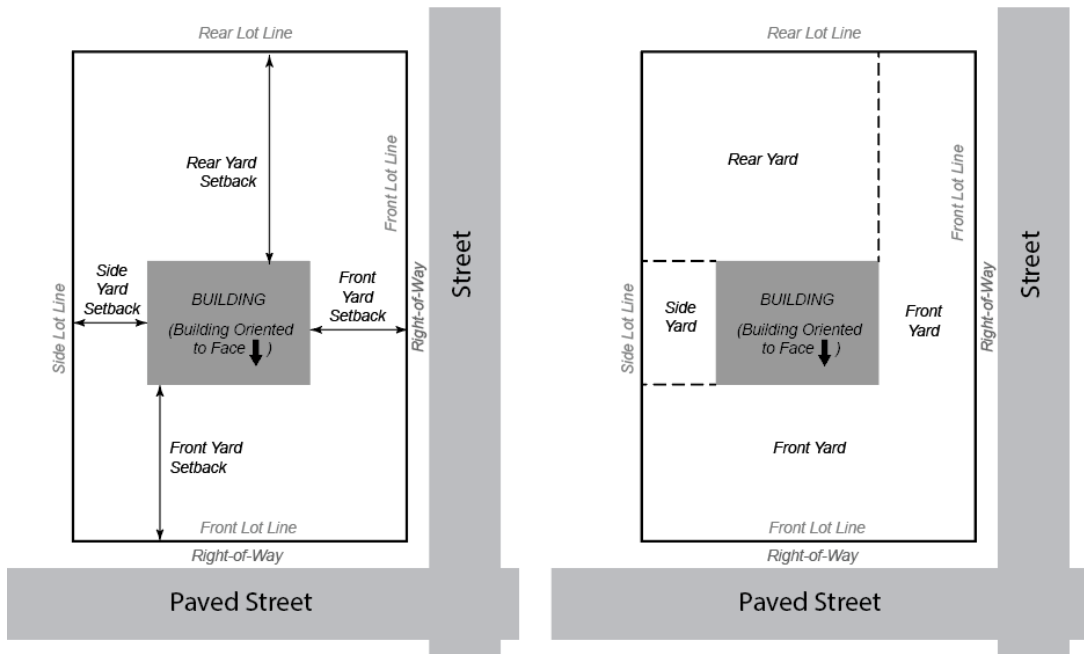


Figure 4.09-D: Typical lot lines and setback locations for a corner lot with the building oriented toward the narrow street frontage (left image) and typical yard locations (right image).

- (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.

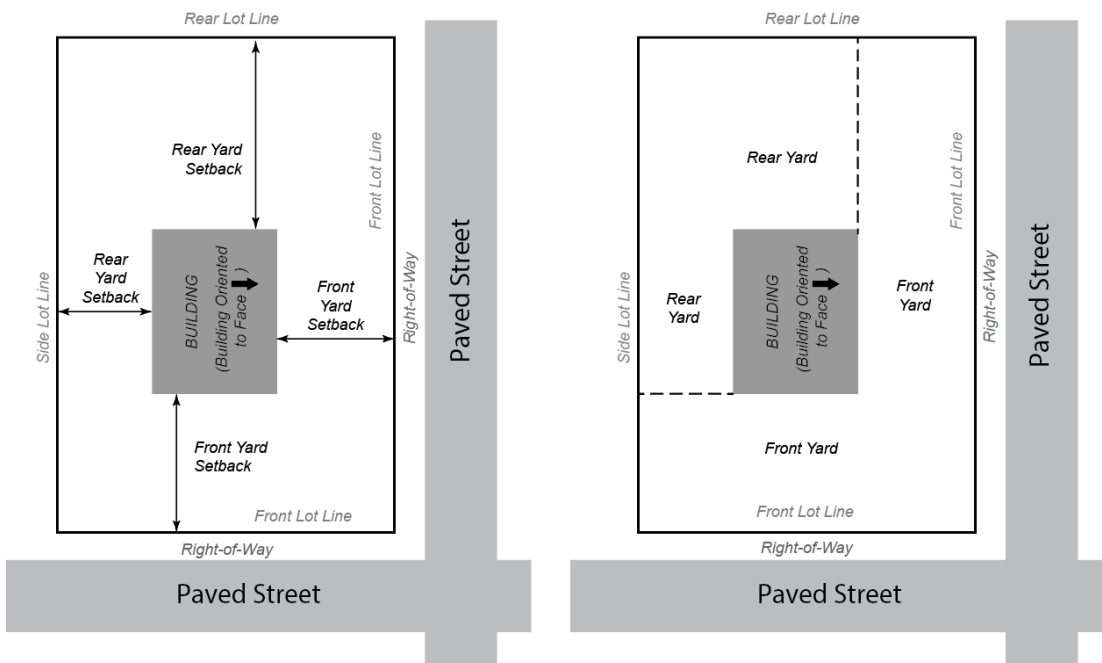


Figure 4.09-E: Typical lot lines and setback locations for a corner lot with the building oriented toward the wider street frontage (left image) and typical yard locations (right image).

(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](#).

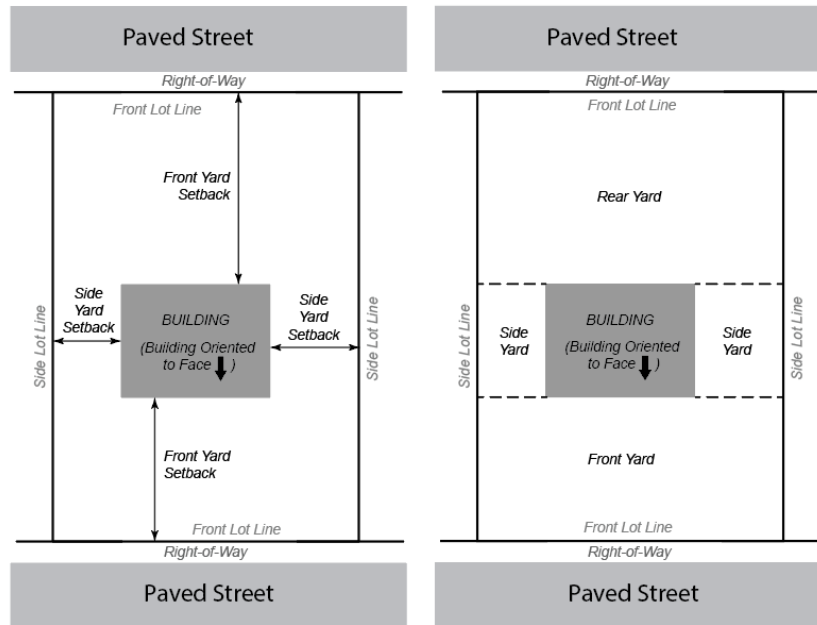


Figure 4.09-F: Typical lot lines and setback locations for a double frontage (through) lot (left image) and typical yard locations (right image). Please note the location of the rear yard for the purpose of accessory use location.

- (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](#).

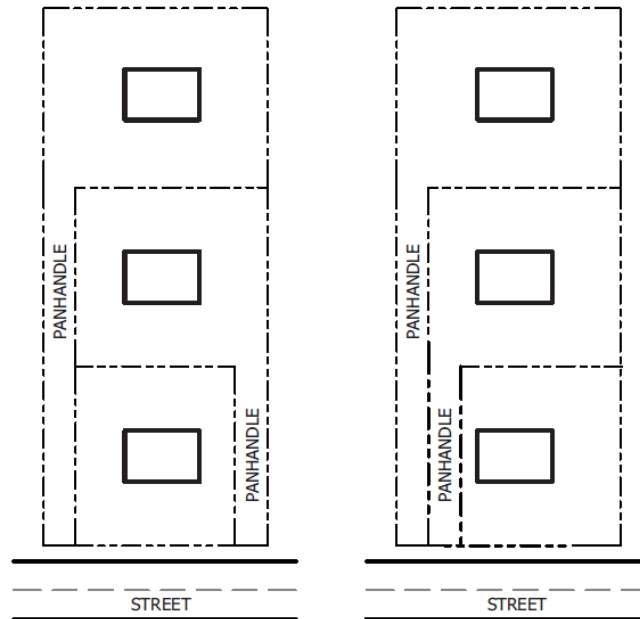


Figure 4.09-G: The above illustration shows the stacking of flag (panhandle) lots, which is prohibited.

- 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.

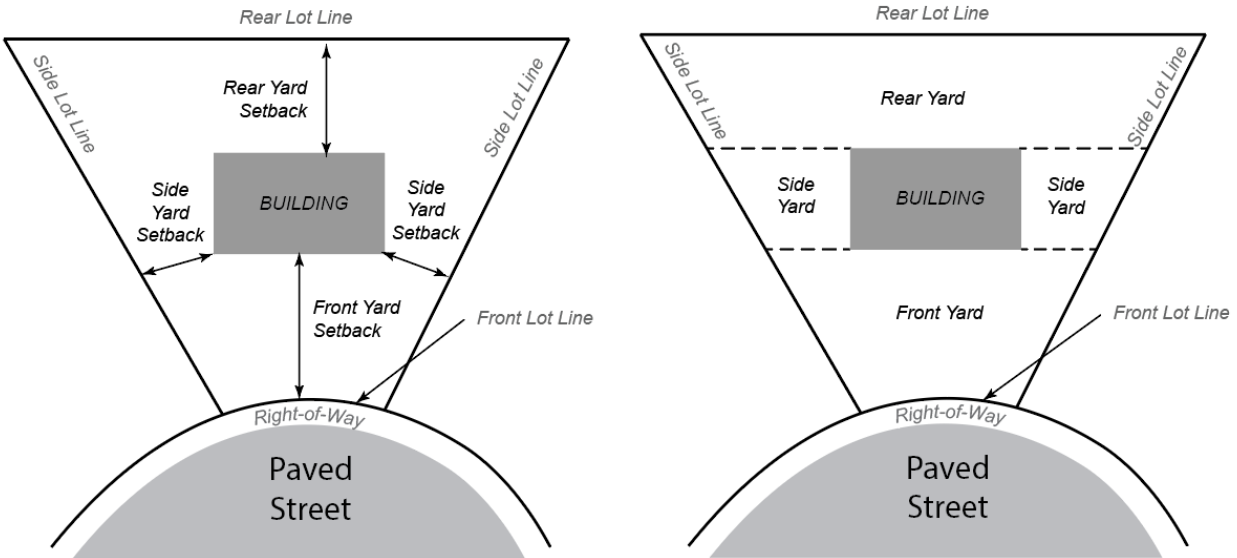


Figure 4.09-I: Typical lot lines and setback locations for a lot with a curved frontage (left image) and typical yard locations (right image).

(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](#).

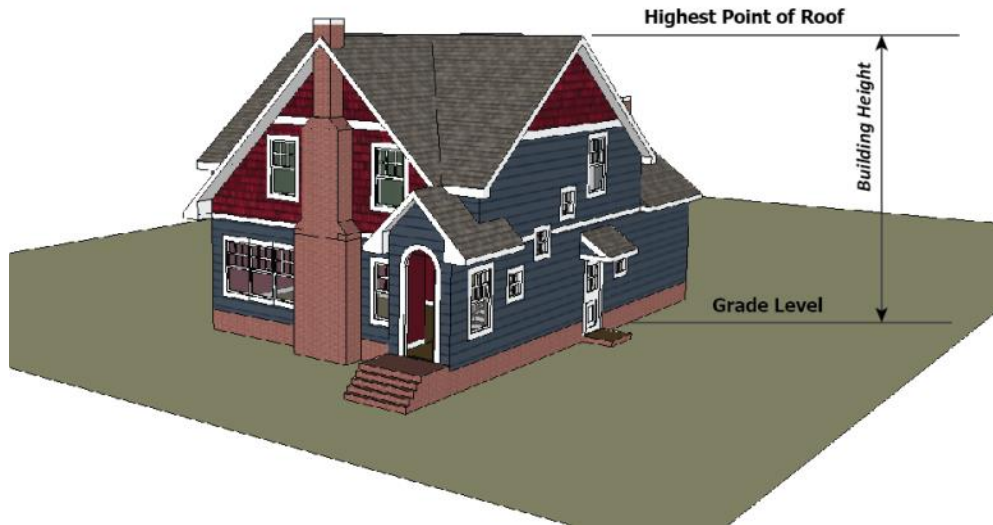


Figure 4.09-J: Measurement of building or structure height

- (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](#).

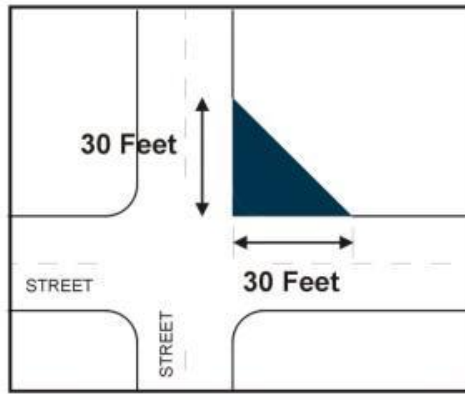


Figure 4.09-K: Traffic safety visibility triangle for intersecting streets.

- (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.

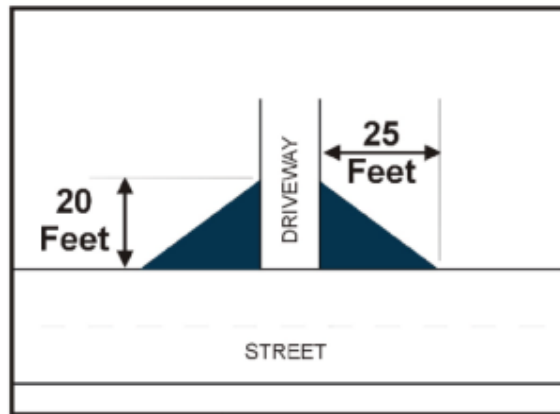


Figure 4.09-L: Traffic safety visibility triangle for driveway and street intersections.

- (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] (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:
 [1] Additional side and/or rear setbacks may be required to accommodate landscaping and buffering requirements in [Article 10: Landscaping Standards](#).