

Article 7: General Development Standards

7.01 ABANDONMENT OF EQUIPMENT

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

7.02 HVAC UNITS AND GENERATORS

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

7.03 DUMPSTERS AND TRASH CONTAINERS

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

7.04 EXTERIOR LIGHTING

(A) Purpose

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

(B) Applicability

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

(3) **Exemptions**

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

(4) **Prohibited Lights**

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

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

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

(D) **Lighting for Residential Uses**

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

(E) **Exterior Lighting Requirements**

(1) **Type of Fixtures**

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

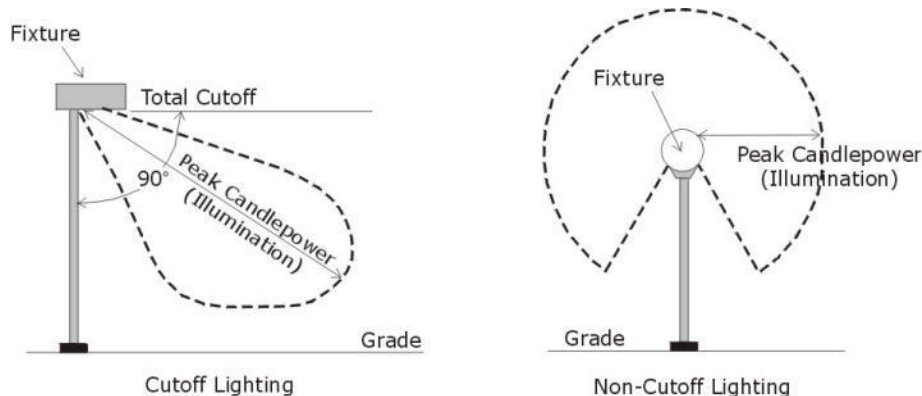


Figure 7.04-A: Illustration of cutoff lighting versus non-cutoff lighting

(2) **Height of Fixtures**

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

- (b) All cut-off exterior lighting shall be designed, located, and mounted with the maximum height as follows:
 - (i) The maximum height of light fixtures in the R-2, R-3, and NMB districts, as well as for nonresidential uses in the AG and all residential zoning districts shall be 15 feet.
 - (ii) The maximum height of light fixtures in the O, GB, RB, and I Districts shall be 30 feet.
 - (iii) The maximum height for residential uses or areas in a PUD District shall be 15 feet while the maximum height for nonresidential uses shall be 24 feet.
- (c) In no case shall the height of light fixtures exceed the maximum permitted building height within the applicable zoning district.
- (d) Lighting located under canopies shall be flush mounted or recessed within the canopy.
- (e) Height shall be measured from the finished grade adjacent to the base of the light fixture to the top most point of the fixture.

(3) Illumination

- (a) Exterior lighting shall be designed and located to have the following maximum illumination levels. The levels shall be measured at the finished grade at the lot line as demonstrated by a lighting plan:
 - (i) The maximum illumination at a lot line that abuts a lot zoned or used for residential purposes shall be 0.0 foot-candles.
 - (ii) The maximum illumination at a lot line that abuts a lot in a nonresidential district shall be 1.0 foot-candles.
 - (iii) The maximum illumination at a lot line for properties used for outdoor sports and recreation shall be reviewed for compliance with regard to the intent of these guidelines to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way.
 - (iv) In parking areas, the light intensity shall average a minimum of 0.5-foot candles, measured five feet above the surface.
 - (v) In pedestrian areas, the light intensity shall average a minimum of 2.0-foot candles, measured five feet above the surface.
 - (vi) The illumination across any property shall be designed so as to not create excessively dark spots that may create safety issues.
- (b) All applicants are strongly encouraged to submit lighting plans with components that reduce light pollution including, but not limited to, automatic shut-off of fixtures, auto-dimming to adjust lighting based on ambient lighting, and the use of as little lighting as necessary without creating safety issues.

(4) Modifications

Should any exterior light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the Zoning Inspector for approval, together with adequate information to assure compliance with this section, which must be received prior to substitution.

7.05 FENCING, WALLS, HEDGES, AND SIMILAR STRUCTURES

(A) Applicability

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

(B) Zoning Certificate Required

- (1) The construction of fences, walls, and similar permanent structures shall require the issuance of a zoning certificate.

- (2) The planting of hedges shall not require a zoning certificate but shall be done in a manner that will comply with the location and height requirements of this section.

(C) Decorative Fencing Exemption

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

(D) General Standards

- (1) All fences or walls shall be constructed of vinyl, wood, iron, decorative aluminum, stone, brick, decorative block or concrete, chain link with a gauge of 11.5 or heavier, or similar materials as determined by the Zoning Inspector.
- (2) No fence, wall, or hedge shall be constructed and maintained so as to be hazardous to existing or future neighboring uses.
- (3) The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced.
- (4) When erected near a property or lot line, the entire fence and any of its supporting structures or appurtenances shall be contained within the lot or property of the person erecting or having erected said fence.
- (5) All fences, walls, and hedges shall be maintained in a neat and orderly manner.
- (6) Barbed wire fencing and razor fencing shall only be permitted on top of other fencing in the I District for security purposes. Such fencing shall only be permitted in the side and rear yards.
- (7) Electric fencing is prohibited except as part of fencing for agricultural uses exempt from zoning.

(E) Location and Height Standards

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

(3) Front Yards

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

(4) Side and Rear Yards

- (a) Fences and walls located in the side (a) or rear yards shall not exceed a height of six feet in residential zoning districts and eight feet in nonresidential zoning districts. See [Figure 7.05-A](#).

- (b) Informal plantings, trees, and hedges may be taller than the above maximum height.

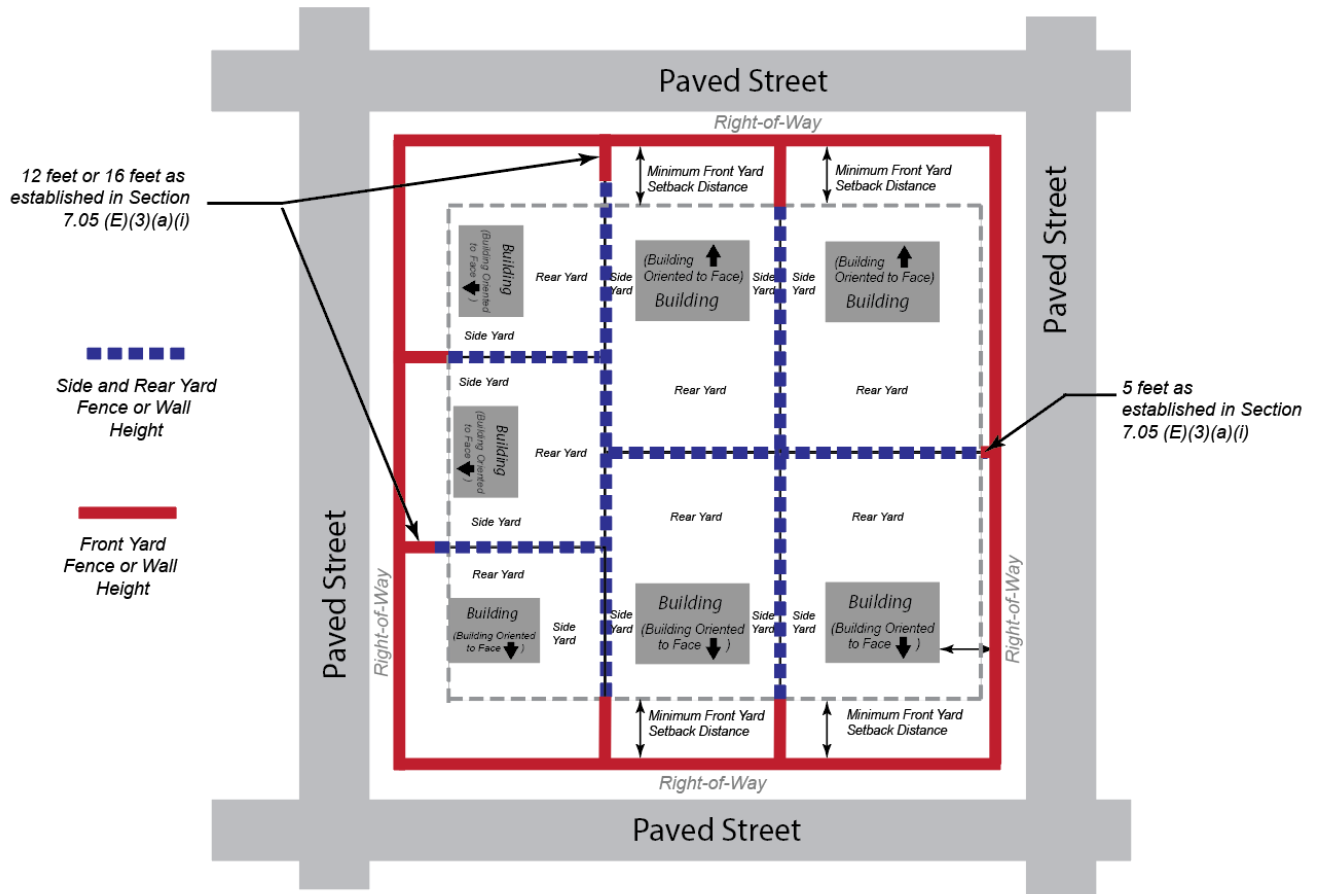


Figure 7.05-A: Illustration of the location of maximum fence or wall heights based on yards.

(F) Measurement

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

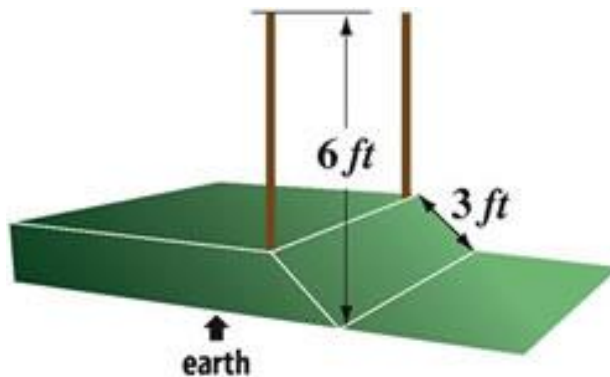


Figure 7.05-B: Fencing shall be measured from the lowest point within three feet on either side of the fence.

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

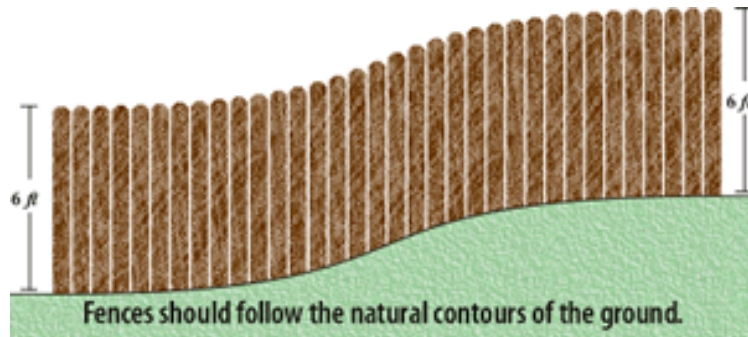


Figure 7.05-C: This illustrates how fencing is measured along a natural contour.

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

7.06 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 new construction unless:

- (1) The new construction is related to a single-family or two-family dwelling; or
- (2) The new construction is less than 1,000 square feet constructed on existing impervious surface. The 1,000 square foot threshold shall apply to the total square footage of any new buildings, building additions, accessory buildings, or outbuildings.

(B) On-site surface drainage retention/detention areas and calculations must be presented to the Township Zoning Office as part of any applicable site plan application. Such plans shall be reviewed by the office of the Mahoning County Engineer. The applicant is required to submit for review by the Mahoning County Engineer a certified as-built drawing(s) depicting and/or a construction certification letter assuring storm water management compliance.

(C) Stormwater drainage calculations, as required by Boardman Township, shall be prepared by a Professional Engineer registered in the State of Ohio and must be submitted for review in accordance with the Mahoning County Engineer's Drainage criteria.

(D) Stormwater drainage areas must be maintained as built.

7.07 EROSION, SEDIMENTATION CONTROL, GRADING, AND DRAINAGE

(A) Purpose and Intent

(1) The purpose of these regulations is to establish technically feasible and reasonable standards to achieve a level of water management, grading, clearing, and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the public health and safety.

(2) These regulations are further intended to:

- (a) Allow development while minimizing increases in downstream flooding, erosion, and sedimentation;
- (b) Address general issues with the clearing, grading, and storage of soils on properties; and
- (c) Reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.

(B) Words and Terms Defined

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

(C) Applicability

- (1) Section [7.07\(D\)](#) shall apply to all earth moving or disturbing activities on any lot in the township, regardless of size, as well as the storage of mulch, soil, and vegetative materials on a lot.
- (2) Sections [7.07\(D\)](#) through [7.07\(E\)](#) shall apply to all of the permitted and conditional buildings, structures, and uses set forth in every zoning district in this resolution if there will be earth-disturbing activities of one acre or more, except as otherwise provided herein.

(D) Requirements for All Lots

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

- (1) Positive drainage shall be maintained to existing stormwater systems or natural drainage.
- (2) If no development or construction will occur following the applicable activity, the site shall be cleared of tree stumps and graded, seeded, and/or mulched within 30 days of the completion of the applicable activity.
- (3) If soil is placed or stored on a site for temporary purposes longer than 30 days, such soil shall be seeded.
- (4) There shall be no storage of mulch or other materials that will block any natural drainage way, sidewalk, or street.
- (5) The Zoning Inspector may extend the 30-day time period in this section for one additional 30-day time period if good cause is shown.

(6) Protection of Lots

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

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

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

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

(1) Requirements and Application Procedures

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

(2) Compliance with State and Federal Regulations

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

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

- (iv)** Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, if an Individual Permit is required for the development project, public notice, or project approval. If an Individual Permit is not required, the lot owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:

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

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