

ARTICLE X - BUSINESS B-1 DISTRICT

1000-PURPOSE - The purpose of the B-1 District is to encourage the establishment of professional, administrative, clerical and similar uses; and also to encourage the establishment of those businesses which have no retail trade on the premises. It is recognized that this district can be effectively used as a transitional buffer between more intense business districts and residential districts.

1001-PERMITTED USES - After obtaining a valid zoning certificate in accordance with the provisions of these regulations, the following uses are permitted:

1. All uses permitted in a Residence R-2 District;
2. Administrative offices primarily engaged in general administration; supervision, purchasing, accounting and other management functions;
3. Businesses offices carrying on no retail trade with the general public and having no stock or goods for sale to customers, such as:
 - a) Banks and Financial Institutions
 - b) Holding, Investment and Trust Companies;
 - c) Real Estate Offices;
 - d) Insurance Offices;
4. Professional Offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions, such as:
 - a) Office of Physicians and Surgeons;
 - b) Offices of Dentists and Dental Surgeons;
 - c) Offices of Osteopathes;
 - d) Offices of Chiropractors;
 - e) Medical and Dental Laboratories - normally associated with and directly serving the medical and dental offices permitted in this district;
 - f) Legal Services;
 - g) Engineering and Architectural Services;
 - h) Accounting, Auditing and Bookkeeping Services;
 - i) Day Schools, Nursery Schools, Private and Commercial Schools;
 - j) Recording Studios;
 - k) Fire and Police Stations;
 - l) Government Offices;
 - m) U.S. Post Offices;
4. Child Day Care Center; Adult Day Care Center;
5. Libraries, Museums and Fine Art Centers;
6. Adult Group Homes for developmentally disabled;
7. Bed and breakfast establishments and short-term rental establishments;

1002-CONDITIONALLY PERMITTED USES - After obtaining a conditional use permit in accordance with the provisions of these regulations, the following uses may be permitted:

1. Offices of Veterinarians, Animal Hospitals and Clinics;
2. Beauty Shops, Barber and Styling Shops, Nail/ Manicuring;
3. Research, Development, and Light Testing Laboratories;
4. Commercial Broadcasting Stations and Towers;
5. Institutions
6. Hospitals
7. Funeral Homes and Crematories;
8. Medication Maintenance Facilities or Dispensaries;
9. Health Club or Fitness Center;
10. Recreation Facilities, Indoor non-governmental including tennis/racquet courts, swimming pools, roller/in-line and ice-skating rinks and fitness tracks;
11. Auditoriums and Performing Arts Theaters;

12. All uses specified in Article XVI, Section 1600 of this ordinance.

1003-PROHIBITED USES – Any other use not designated as a permitted or conditionally permitted use within the Business B-1 District is classified as a prohibited use.

1004-GENERAL REQUIREMENTS -

LOT AREA AND WIDTH - Minimum width of eighty (80) feet of frontage on a dedicated right-of-way and a minimum lot area of 10,000 square feet; except that nothing in this ordinance shall prevent the use of lots platted prior to the enactment of this ordinance provided all other general requirements are met.

FRONT YARD - Minimum of fifty (50) feet. In the case of corner lots, the setback from the side street property line shall be no less than twenty (20) feet. If a service or delivery area is located on the side street side, this minimum shall be doubled.

SIDE YARD - Total side yard of no less than twenty (20) feet and the width of the narrower shall be no less than five (5) feet.

REAR YARD- Minimum of fifteen (15) feet. If a service court, delivery area or alleyway is located in the rear yard, the minimum shall be increased to forty-five (45) feet.

HEIGHT - No building shall exceed forty (40) feet in height.

SIGNS - All signage shall be as regulated in Article XVIII of this ordinance.

PARKING - One parking space measuring 10' x 20' (200 square feet), exclusive of access and driveways, shall be provided for 80% of the total gross floor space on each floor. Up to twenty (20%) percent of required parking stalls may be land banked with green space only. If installed post development the land banked stalls will require storm water management designed to the criteria of the Mahoning County Engineer's Office. See also Article XVII-Supplementary District Regulations, Section 1713-Minimum Off-Street Parking Requirements.

1005-RESIDENTIAL USES - In those structures which are to be used solely for dwelling purposes, as permitted, the front, side and rear yard requirements, and the area, lot, width and height restrictions for Residence R-2 District shall be adhered to.

1006 PARKING LOT SETBACKS - All traffic pavement shall be set back from the front property line a minimum of twenty (20) feet except for those reasonable portions required for access to and from the street and to adjoining properties. For corner lots traffic pavement shall be set back from the side street property line a minimum of ten (10) feet except for those reasonable portions required for access to and from the street and to adjoining properties. The area created between the property lines and parking lot setback lines shall be landscaped with grass, evergreen ground cover or any other generally acceptable landscaping treatment as approved by the Zoning Inspector. The ratio for required plant material within the *front* parking lot setback is as follows:

- 1) One (1) deciduous tree measuring two-inch caliper for every twenty (20) feet of frontage on a dedicated improved right-of-way (recommended but not required: Locust tree);
- 2) Five shrubs measuring a minimum of eighteen (18) inches in height for every twenty (20) feet of frontage on a dedicated improved right-of-way.

In no case shall trees and shrubs be placed in such a manner which would present a safety hazard to vehicular or pedestrian traffic. The areas within the parking setbacks shall not be used for the placement of retention and/or detention ponds.

1007-BUFFERING – All buildings, dumpster enclosures, and pavement shall be set back a minimum of twenty (20) feet from all side and rear properties adjacent to Agricultural A-SER Districts, Residential R-1 Districts, Residential R-2 Districts, and Residential R-3 Districts. The following is required within designated buffer areas:

- 1) Where fences or walls are utilized, they shall be a minimum of six (6) feet in height and constructed of opaque materials; or
- 2) Screen evergreen plantings shall have when planted a minimum height of six (6) feet and should be of such size, species, and spacing as can reasonably be expected to produce a solid six (6) foot screen within three (3) years. The plantings shall be placed so that mature plants can be maintained within the property lines.

The area within a designated buffer setback shall not be used for the placement of retention and/or detention ponds. A required buffer may not be used, disturbed, or altered for any purpose unless otherwise approved by the Zoning Inspector or the Austintown Township Board of Appeals. Buffers required by this section shall be located completely on the lot subject to the buffer requirements. All landscaping materials shall be installed and maintained according to accepted nursery industry practices and procedures. The owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse, debris, and weeds at all times. All unhealthy or dead plant material shall be replaced within three (3) months, or by the next planting period, whichever comes first. No plant material required by these regulations shall be removed for any reason unless replaced with like kind and size at the time of removal. No approvals shall be required if replaced with a like kind and size of material. Any changes to an approved landscaping plan shall require approval in the same manner as landscaping plan originally approved.

1008-TRASH CONTAINERS - Shall be in accordance with Article XVII, Section 1710 of this ordinance or Section 1007 Buffering for areas adjacent to properties located in Agricultural A-SER Districts, Residential R-1 Districts, Residential R-2 Districts, and Residential R-3 Districts.

1008-SITE DRAINAGE - On-site surface drainage retention/detention areas and calculations must be presented to the Township Zoning Office as part of the site development plan for review by the office of the Mahoning County Engineer. Storm water management requirements must meet the design criteria of the Mahoning County Engineer's Office. If a property is located on a state right-of-way and draining into the state right-of-way ODOT storm water management requirements must also be met. The developer, contractor, and/or property owner must request a final on-site inspection by the zoning inspector of the required and approved storm water management improvements including retention, detention, grading, final elevations, and post-construction best management practices (BMPs). The developer, contractor, and/or property owner may be required at the discretion of the zoning inspector to submit for review by the Mahoning County Engineer a certified as built drawing(s) depicting and/or a construction certification letter assuring storm water management compliance.

Storm water management infrastructure required for site drainage must be maintained to the original approved design criteria. Storm water retention/detention systems must be free of rubbish, garbage, sedimentation build-up, or uncontrolled growth of plant materials/weeds. All structures including, but not limited to, headwalls, inlet-outlet pipes and control structures, orifices, catch basins, paving and curbing shall be in good repair and functioning at an optimal level as stipulated in the approved storm water management drawings. Swale ditch or ditches determined to be part of the storm water detention/retention system must be free of debris, rubbish, obstructions, and excessive plant growth so as to promote positive drainage flow. Underground/vault storm water retention/detention systems must be free of litter or rubbish and shall be in good repair and functioning at an optimal level as stipulated in the approved storm management design drawings. Surface grading must be maintained, to include filling of sinkholes, and any surface undulations that could pose a trip hazard to foot traffic if the affected area is open to public access.

1009-DRIVEWAYS/PARKING LOT AREAS - The access driveway leading from the street right-of-way to a Business B-1 structure/s shall be constructed as a hard surface driveway, consisting of either concrete or asphalt. All parking lot areas in conjunction with said commercial structure/s shall be constructed as hard surface areas, consisting of either concrete and asphalt.

1010-LIGHTING - Lighting of the business parcel shall not constitute a nuisance nor impair safe movement of traffic on any street or highway. The focus of all lighting shall be downward, directed towards the business parcel. No lighting shall be directed towards the sky. There shall be no running, flashing, or sequential building lights. Exterior lighting shall consist of dark sky

compliant light fixtures accompanied with a photometric site plan indicating zero (0) foot candles of light on adjacent properties.