

**ARTICLE XI - BUSINESS B-2 DISTRICT**

**1100-PURPOSE** - The purpose of the B-2 District is to encourage the establishment of areas for general business uses to meet the needs of a regional market area. Activities in this district are often large space users with limited and controlled access to the adjacent street and unlimited strip development should be discouraged.

**1101-PERMITTED USES** -After obtaining a valid zoning certificate in accordance with the provisions of these regulations, the following uses are permitted:

1. All permitted uses of the Business B-1 District. All conditionally permitted uses of the Business B-1 District unless otherwise stipulated in Section 1102 - Conditionally Permitted Uses.
2. Antique Shops and Art Galleries;
3. Auto repair – no more than two bays;
4. Clothing Stores;
5. Auditoriums and Performing Arts Theaters;
6. Auto Parts Stores;
7. Bakeries;
8. Beauty Shops, Barber and Styling Shops, Nail/ Manicuring;
9. Bed and breakfast establishments and short-term rental establishments;
10. Book and Stationary Store;
11. Cinema or Motion Picture Theater, Indoor;
12. Drug Stores;
13. Florists, Gift Shops and Specialty Shops;
14. Grocery Stores, General Retail Stores (where the composite site development area is less than 300,000 sq. ft. in area);
15. Gunsmiths and Licensed Firearms Dealers;
16. Funeral Homes;
17. Furniture, Home Furnishing, Office Equipment, and Office Supplies Stores;
18. Hardware and Home Improvement Stores and Building Supply Yards for retail sale;
19. Health Club or Fitness Center;
20. Hotels and Motels;
21. Jewelry Stores;
22. Laundromats & Dry Cleaning; Clothing Alteration Shops;
23. Libraries, Museums and Fine Art Centers;
24. Athletic Facilities - Indoor including tennis/racquet courts, swimming pools, roller/in-line and ice-skating rinks, batting cages, fitness tracks, or Similar Facilities;
25. Restaurants, Coffeehouses, Doughnut Shops, or Delicatessens with a maximum seating capacity not exceeding 30 persons – use Section 1105-Parking;
26. Restaurants, Coffeehouses, Doughnut Shops or Delicatessens, with a maximum seating capacity exceeding 30 persons - One parking space (10' x 20') per 50 sq. ft. of gross floor area;
27. Restaurant(s) or addition(s) to existing restaurant(s) located in a multi-tenant building occupying 20% or more of the gross square footage of the building - One parking space (10' x 20') per 50 sq. ft. of gross floor area;
28. Sporting Goods Stores;
29. Tattoo and Body Piercing Establishments;
30. Tobacconist or Cigar/Cigarette Shops.

**1102-CONDITIONALLY PERMITTED USES** - After obtaining a conditional use permit in accordance with the provisions of these regulations, the following uses may be permitted:

1. Car Wash Establishments;
2. Boarding Kennels and Catteries;
3. Community Shopping Center, Plazas or Malls (where the composite building area is larger than 300,000 square feet - the composite building area shall be defined as the lot area developed with

business floor space, parking lot area, traffic accesses, retention/detention areas, buffer areas, and loading space/delivery areas);

4. Bar, Tavern, Pub, Brewpub, Cocktail Lounge, Night Club, Micro-Brewery;

5. Auto body/auto trim shops;

6. Arcades, Indoor or Outdoor Amusement Centers, Game Rooms, Miniature Golf, Golf Driving Ranges, Bowling Alleys, Outdoor Batting Cages, or Similar Facilities;

7. Used Car Lot;

8. Automobile Dealership; Truck Dealership, Recreational Vehicle Dealership, Boat Dealership, Heavy Equipment Dealership, Lift Dealership;

9. Automobile, Truck and other Motor Vehicle Fueling Stations, Gas Stations and Similar Facilities;

10. Nurseries and garden centers;

11. Intimate Apparel Shop;

12. Offices of Veterinarians, Animal Hospitals and Clinics;

13. Research, Development, and Light Testing Laboratories;

14. Institutions;

15. Hospitals;

16. Crematories;

17. Medication Maintenance Facilities or Dispensaries;

18. Banquet Facilities and Additions to existing banquet facilities;

19. Outdoor Cinema or Motion Picture Complex;

20. Outdoor Amphitheaters and Performance Stages;

21. Lottery Booths, Drive-Up Kiosks, Detached ATM Drive Up;

22. Facilities, Reverse Vending Machines, or similar facilities;

23. Flea Markets, Pawnshops and Dealers of Second-Hand Merchandise (except for used or vintage clothing and children's goods);

24. Mining and Extraction Uses;

25. Towing and/or vehicle impoundment lot; vehicle storage lot;

26. Auto Repair – More than two bays;

27. Self Storage;

28. In-door shooting ranges.

**1103-PROHIBITED USES** -Without limiting the foregoing, the following are specifically prohibited:

1. Any process of manufacturing, including fabrication, converting, assembly or treatment and machine and welding shops, or yeast processing;

2. Slaughtering poultry and animals, rendering lard and other fats and meat smoking, whether or not the same is incidental to a retail business;

3. Junk yards, secondhand material yards and automobile graveyards and disassembly plants;

4. Laundry and dry-cleaning plants employing more than ten (10) persons;

5. Commercial warehouses, wholesale lumber and coal yards, wholesale building material storage yards, loading and transfer stations and truck terminals;

6. The storage of explosives, and the storage of crude oil or any part of its volatile products or other highly inflammable liquids in above-ground tanks except in accordance with state fire and building code regulations thereto;

7. Bottling works;

8. Stone or monument works;

9. All buildings, structures and uses prohibited in Industrial Districts;

10. Abandoned, unlicensed, inoperable, wrecked or dismantled automobiles, vans, trucks, buses, recreational vehicles, motorcycles, trailers, farm equipment, aircraft, boats, furniture or other miscellaneous items and materials;

11. Strip mining;

12. Automobile wrecking yards;
13. No trailer shall be used for a business or retail use;
14. No cargo trailer, shipping container, or metal trailer, mounted on axles or devoid of axles, shall be used for storage purposes; and shall not be stored on a business parcel;
15. Transportation semi-tractor trailers shall not be used for purposes of storage of goods, products, or merchandise; and shall not be stored on a business parcel;
16. Cyber-café gaming facility;
17. Rolling Tobacco Private Club.

**1104-PROHIBITED USES** - Any other use not designated as a permitted or conditionally permitted use within the Business B-2 District is classified as a prohibited use.

***1105-GENERAL REQUIREMENTS OF BUSINESS B-2 -***

***LOT AREA AND WIDTH*** - Minimum width of one hundred (100) feet of frontage on a dedicated right-of-way and a minimum lot area of 20,000 square feet shall be required, except that nothing in this ordinance shall prevent the use of a lot platted prior to the time of enactment of this amendment to the ordinance, providing the front yard, rear yard, side yard requirements stipulated herein are met.

***FRONT SETBACK*** - 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 and/or ODOT. See also Article XVII-Supplementary District Regulations, Section 1713-Minimum Off-Street Parking Requirements.

**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 area within the front parking setback 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.

**1107-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.

**1108-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.

**1109-DRIVEWAYS/PARKING LOT AREAS** - All access driveways leading from the street right-of-way to a Business B-2 structure(s) shall be constructed as hard surface driveways, consisting of either concrete or asphalt. All parking lot area(s) in conjunction with said

commercial structure(s) shall be constructed as hard surface areas, consisting of either concrete or asphalt.

**1110-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.