

Sec. 34-117. - B-1 Business district.

- (a) *Purpose and intent.* The purpose of this business-commercial district is to guide and regulate commercial uses including personal and business services and general retail business. It is the intent of this district to allow a wide-range of commercial uses, provide for a medium to high concentration of commercial activity, and ensure compatibility with the adjacent properties, and allow the potential for mixed-use commercial and residential development. This district is compatible with the commercial and commercial high land use categories.
- (b) *Permitted principal and accessory uses and structures.* Within any B-1 Business district, no building, structure, or land shall be used except for one or more of the following uses:
  - (1) Any retail business or commercial use which does not involve the manufacturing, harvesting, or processing of products from raw materials.
  - (2) Personal service establishments including, but not limited to, barber shops, beauty salons, shoe repair.
  - (3) Restaurants, cocktail lounges.
  - (4) Hotels, motels, rooming houses, bed and breakfast inns, group homes, nursing homes, day care centers.
  - (5) Hardware or building supply stores without outside storage.
  - (6) Vehicle sales (except seasonal or temporary sales pursuant to subsection 34-117(d), services, parts, fuel and repair).
  - (7) Private clubhouses not operated for gain.
  - (8) Bakery (where goods are prepared for wholesale and/or retail distribution).
  - (9) Dry cleaning, dyeing and laundry establishments.
  - (10) Activities involving the assembly and/or modification of parts which have been manufactured off site to make a completed product. The building area containing these activities shall not exceed 10,000 square feet. This area does not include such uses as offices, display areas, or storage.
  - (11) No outside storage except for whole products to be used outdoors (vehicles, lawn mowers, etc.). Other business related outside storage shall be fully buffered by approved fencing or natural buffers to conceal from public view.
  - (12) Other uses similar in character to those listed above, which will not be noxious or offensive by reason of the emission of odor, dust, vibration, or noise and will not be injurious to the district.
  - (13) Permanent makeup as defined as: A cosmetic technique which employs tattoos (permanent pigmentation of the dermis) as a means of producing designs that resemble makeup, such as eye lining and other permanent enhancing colors to the skin of the face, lips and eyelids. Also

to produce artificial eyebrows and to disguise scars and white spots in the skin such as in vitiligo. Also to restore or enhance the breast's areola, such as after breast surgery.

- (14) Bowling alleys, game rooms or arcades for pool, billiards, and other coin operated machines.
- (15) Funeral homes with or without crematoriums.
- (16) Churches and accessory uses.
- (17) Adult arcade amusement centers in compliance with the Code of Ordinances section 14-121.
- (18) Tattoo studios or parlors and related uses.
  - a. The total number of tattoo studios and parlors permitted in this zoning district shall be limited to three.

(c) *Permitted special exception.* Permitted special exceptions, which are subject to approval by the planning, zoning and appeals board, in the B-1 district shall be as follows:

- (1) Single-family per section 34-111.
- (2) Uses permitted in the residential districts, and multifamily uses.
- (3) Other uses and structures not listed above that with certain restrictions can be compatible with the permitted uses of the district as determined by the planning, zoning and appeals board.
- (4) Mixed-use developments or projects.

(d) *Prohibited uses.*

- (1) Temporary or seasonal sales of automobiles, trucks, motorcycles, boats, or similar retail sales except motorcycle sales or specialty or unique vehicles sales being conducted during Bikeweek or Biketoberfest or during specialty or unique events or shows.

(e) *Area regulations.* Area regulations within the B-1 Business district shall be as follows:

- (1) *Front yard.*
  - a. There shall be a front yard of not less than 25 feet measured from the property line to the front building line.
  - b. For platted parcels of less than 10,000 square feet and/or less than 100 feet in width, there shall be a front yard of not less than ten feet.
- (2) *Side yard.*
  - a. No side yards are required except for those lots whose side lot lines are on streets. Such lots shall have a ten-foot side yard.
  - b. When a lot in the B-1 Business district abuts a residential district, there shall be a side yard of not less than 15 feet.
- (3) *Rear yard.* There shall be a rear yard of not less than ten feet unless abutting an alley.
- (4) *Building site area regulations.*

- a. For single and two-family dwellings, the minimum lot or building site shall be 10,000 square feet and have a width of not less than 100 feet measured at the front building line.
- b. For dwelling structures having an excess of two dwelling units, not less than 7,260 square feet of lot area for the first two units with 2,000 square feet of lot area added to the site for each dwelling unit in excess of two; to a maximum of 20 dwelling units per acre.
- c. The floor area ratio (FAR) is limited to 0.4 FAR.

(5) *Maximum lot coverage.* Main and accessory buildings shall cover no more than 50 percent of the total lot area with a maximum of 60 percent impervious area.

(f) *Height regulations.* No building shall exceed 35 feet in height or 40 feet in height for mixed-use buildings.

(g) *Off-street parking.* Off-street parking shall be as regulated in article V, division 2 of this chapter.

(h) *Mixed-use development regulations.* Mixed-use projects may include residential densities up to 20 units per acre. However within mixed-use projects residential uses must maintain a 15-percent minimum up to a 40-percent maximum area of the project, with commercial uses a minimum of 35 percent up to a 60-percent maximum of the project. This includes family dwellings above buildings with street level, commercial occupancy.

(LDC 1991, ch. 4, art. X, § IV; Ord. No. 2005-22, Pt. A, 6-21-05; Ord. No. 2008-11, § 2, 3-4-08; Ord. No. 2008-27, § 1, 7-1-08; Ord. No. 2009-17, § 1, 6-2-09; Ord. No. 2012-31, § 2, 1-7-13; Ord. No. 2013-03, § 1, 1-28-13)

**Editor's note**— Section 2 of Ord. No. 2012-31, adopted Jan. 7, 2013, amended and renumbered former § 34-115 as § 34-117.