

Sec. 42-346. - B-1, neighborhood business districts.

(a) *Uses permitted.* Uses permitted in the B-1 district shall be as follows:

- (1) Stores for the retail sale, of confectionery, dairy products, dressed poultry, drug products, flowers, fruit and vegetables, garden supplies, gift, groceries, hardware, hobby supplies, ice cream, jewelry, meats, music, notions, pet supplies; dressed, frozen or otherwise prepared seafood; souvenirs, sundries, tobacco, toys and wearing apparel; notwithstanding the provisions of subsection (b)(7) of this section, stores, which are engaged primarily in the sale of foodstuffs at retail may in addition sell beer and wine for consumption on or off the premises.
- (2) Bakeries or delicatessens, provided any food which is prepared is for retail sale, not to be consumed on the premises, and no such establishment shall employ more than six persons.
- (3) Personal service shops, including barbershops, beauty parlors, hat cleaning and blocking, pressing and mending, shoe repair and shoeshine shops.
- (4) Day nurseries and nursery schools, dressmaking shops, laundry and dry cleaning pickup stations; medical office, attorneys, engineers, architects, accountants and other professionals; nonalcoholic beverage sales, restaurants, self-service ice stations, tailor shops, watch and jewelry repair, self-service laundries; sporting goods sales provided that the sale of live bait shall be prohibited but the sale of frozen bait or iced fresh bait no more than 24 hours old, shall be permitted and further, under no circumstances shall any bait or fish odors emanate from the building so as to be detectable from the outside in any way.
- (5) Residential uses accessory to a permitted use.
- (6) Banks and financial institutions, custom brokers and manufacturers' agencies, employment offices, post office and other governmental offices, messenger offices, public utility offices, stockbroker offices, ticket offices, travel agencies, and newspaper news and circulation offices.
- (7) Convenience stores. No similar use in the city can be located within a 1,000 feet of each other, by airline measurement.
- (8) Any use of a similar nature.
- (9) All merchandise offered for sale, displayed or stored must be new merchandise, and cannot be secondhand or used.

(b) *Conditional uses.* Conditional uses permitted in the B-1 district shall be as follows and subject to the requirements of section 42-360, 42-362 and 42-363 as applicable:

- (1) Full service dry cleaning establishments.
- (2) Children's dance school.

(c) *Uses prohibited.* Uses permitted in the B-1 district shall not be construed or interpreted to include as either principal or accessory use any of the following:

- (1) Automobile, truck, trailer, motorcycle, boat or machinery sales, storage or service outlets, including repair garages, used car lots, service stations or car washes.
- (2) Mortuaries.
- (3) Drive-in restaurants or refreshment stands.
- (4) Wholesale establishments.
- (5) Pawnshops.
- (6) Lumber or building materials sales, storage or display outlets.
- (7) Movie theaters, drive-in movie theaters, theaters, nightclubs, or establishments for consumption of alcoholic beverages on the premises.
- (8) Plumbing, electrical or sheet-metal shops.

- (9) Animal hospitals or veterinary clinics.
- (10) Cabinet or carpenter shops.
- (11) Storage or warehouse uses, except as incidental to a permitted use.
- (12) Sign shops or any other use first permitted in a less restricted district.
- (13) Nicotine dispensing device retail store.
- (14) Fortune teller or similar use.
- (15) Package stores.
- (16) Amusement arcade or gaming arcade and similar uses.
- (17) Animal/pet related uses such as kennels, pet boarding, pet shops, shelters and similar uses.
- (18) Retail sale of animals.
- (19) Check cashing stores or payday loans or similar uses.
- (20) Healthcare uses as described in section 42-371.
- (21) Sale of alcoholic beverages for consumption on premises.
- (22) Shelters and halfway houses.
- (23) Any use of a similar nature.

Any sale of goods or merchandise unless under roof and within the confines of the building for which the local business license for the sale or display of such goods or merchandise is issued.

- (d) *Maximum floor area.* In the B-1 district, the maximum floor area for the first floor of stores shall be 5,000 square feet, including the display surface or sales areas open to the public.
- (e) *Building height limitations.* No building or structure in the B-1 district shall be erected or altered to a height greater than two stories, or 30 feet. The 30-foot height shall be the vertical distance from grade to the highest finished roof surface of a flat roof or the average level of a gable, or hip roof. On a flat roof, air-conditioning units, elevator shafts, walkout bulkhead doors, atrium skylights or other accessory mechanical equipment may be located on top of the flat roof so long as the maximum height of any of such additions does not exceed ten feet above the flat roof and there is constructed on the flat roof a four-foot parapet wall set in a minimum of four feet from the roof edge which parapet wall shall enclose the rooftop equipment.
- (f) *Setback limits.* Structures in the B-1 district shall be set back 15 feet from rear lot lines.
- (g) *Property abutting residential property.* In any instance where B-1 zoned property abuts property with a residential classification, the owner of the B-1 property shall, before using such property, construct a fence or hedge in accordance with applicable construction and zoning standards, over and across that portion of his property which abuts the residential property.

(Code 1979, ch. 21, § 5.39; Ord. No. 2006-865, § 2, 11-14-2006; Ord. No. 2007-0872, § 2, 8-28-2007; Ord. No. 2014-0909, § 2, 3-25-2014; Ord. No. 2014-0912, 9-10-2014; Ord. No. 2016-0940, § 3, 6-28-2016)

Sec. 42-347. - B-2, community business districts.

- (a) *Uses permitted.* Uses permitted in the B-2 district shall be as follows:
 - (1) Any use permitted in a B-1 district.
 - (2) Retail stores intended primarily to service, shopping and limited service needs of several neighborhoods, including, fashions and durable goods, including the following and similar retail outlets:

- a. Antiques, art supplies, automobile accessories, new automobile parts, bait and tackle, business machines, camera and photographic supplies and optical goods, corsetiere, department, dry goods, furniture and household furnishings, furriers, greeting cards, home appliances, leather goods and luggage, draperies, linens and other fabrics, millinery and modiste, musical instruments, newsstands, office furniture and furnishings and equipment, package store without a drive-thru, paint, pet shops provided that the sale of cats and dogs shall be subject to the regulations of section 42-358, books and stationery, television, radio and phonograph sales and service, wallpaper, locksmith and garden supplies.
 - b. Automobile service stations, provided that no service station shall be erected or constructed within 700 feet of another service station, lying between the same two consecutive streets. Service stations shall not include the incidental display and storage of more than five rental trailers or five rental trucks, or any combination thereof, the total combined number not to exceed five. All rental trailers shall be limited to a maximum size of 50 square feet of floor area in the rental trailer and all rental trucks shall be limited in size so as not to exceed a rated capacity of one ton or less.
 - c. Spa uses, commercial gymnasiums, fur storage, quick service laundries, establishments for dining and consumption of alcoholic beverages on the premises, and outdoor dining at establishments for dining and consumption of alcoholic beverages on the premises.
 - d. Dry cleaning establishments directly servicing customers, subject to the following limitations:
 1. Service shall be rendered directly to customers who personally bring in and pick up articles to be cleaned, and establishment shall not provide pickup or delivery service.
 2. No more than five persons shall be employed in the operation of the establishment.
 3. No more than two cleaning units, each with a rated capacity of 40 pounds or less, shall be used in any establishment.
 4. The entire cleaning and drying process shall be carried on within completely enclosed solvent-reclaiming units. All solvents used in the cleaning process and their vapors shall be nonexplosive and nonflammable.
 - e. Schools teaching art, charm, dancing, dramatics, music, business or commercial courses, artists' studios, auctions of art goods, jewelry, rugs and similar items, costumers, dental laboratories, interior decorators, motor bus terminals, lawn furniture sales, photographic studios, radio and television studios, swimming pools and cabanas for commercial public use.
 - f. Museums and similar nonprofit institutions, publicly owned or operated facilities, including community buildings, parks and playgrounds.
 - g. Marine supplies and similar retail items.
 - h. Automobile parking lots and parking areas.
- (3) All merchandise offered for sale, displayed or stored shall be new merchandise, and shall not be secondhand or used.
 - (4) Hotels and motels.
 - (5) Community facilities.
 - (6) Group home.
 - (7) Nicotine dispensing device retail stores, subject to the following limitations:
 - a. It shall not be located within 250 feet from any- church or school, measured from the main entrance to main entrance, except in the case of a school the measurement shall be the nearest point of the school property used as part of school facilities; provided that if the nicotine dispensing device retail store has been lawfully established and thereafter a church

or school is established within a distance prohibited herein, the establishment of such church or school shall not render the location of the store illegal.

- b. Commercially reasonable efforts will be made to rapidly identify minors (meaning persons under the age of 18 years of age) in the premises, including examining the identification of any person who a reasonably prudent person would believe is 18 years of age or younger, and cause such minors to leave the premises immediately upon identification unless accompanied by a parent or legal guardian.
 - c. It shall be prohibited from selling, gifting or delivering to a person under 18 years of age, or a person who appears to be under the age of 27 years without first examining identification to confirm that the recipient is at least 18 years of age, of any:
 - 1. Nicotine dispensing device, including electronic cigarettes (or e- cigarette), personal vaporizers (PV), electronic nicotine delivery systems (ENDS), or any similar product, or any part thereof or accessory thereto; or
 - 2. E-juice, e-liquid, any other product intended for use in a nicotine dispensing device or any similar product.
 - d. No part of the premises shall be used for the possession, manufacture, display, sale or viewing of paraphernalia, as defined below, including, but not limited to, (a) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls, (b) hash pipes, (c) water pipes, (d) carburetion tubes and devices, (e) smoking and carburetion masks, (f) roach clips, meaning objects used to hold burning material, such as marijuana cigarette, that has become too small or too thin to be held in the hand, (g) miniature cocaine spoons, and cocaine vials, (h) chamber pipes, (i) carburetor pipes, (j) electric pipes, (k) air-driven pipes. (l) chillums, (m) bong, (n) ice pipes or chillers, (o) blow tubes, (p) hookah pipes, (q) rolling papers, cigarette rollers or other items used to make cigarettes or cigars, (r) other objects or products used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, or other controlled substances into the human body, or (s) other objects or products used, intended for use, or designed for use in the combustive smoking of tobacco, herbs, or any other product;

"Paraphernalia" means all equipment, products, and materials of any kind which are intended for use or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, tobacco, or herbs.
 - e. The sale of products with names similar to, or which resemble, illegal substances, such as, by way of example only, but not of limitation, "liqweed," "cocoa e-juice," and "hash oil e-juice," or similar names or descriptions is prohibited.
 - f. The sale of products that imply, infer or otherwise indicate that they may be used by or provide the user an experience (euphoria, etc.) similar to but not limited to marijuana, hemp, cocaine, LSD, heroin, ecstasy, or angel dust, is prohibited.
 - g. The sale of products such as butane lighters, vaporizer pens, acetone, vaporizers for waxy oils, alcohol vaporizers, dabs, or other delivery devices not associated with nicotine dispensing devices is prohibited.
- (8) Any uses of a similar nature.
- (b) *Uses prohibited.* The following uses shall be prohibited in the B-2 district:
- (1) Dumps, sanitary fills or incinerators.
 - (2) All uses prohibited in B-1 districts except as specifically permitted in subsection (a)(2) of this section.

- (3) Any use of a similar nature of those prohibited by B-1 district.
- (c) *Building height limitations.* No building or structure in the B-2 district shall be erected or altered to exceed a height of 50 feet as measured to the highest finished roof surface of a flat roof or to the average level of a gable, or hip roof. There shall be permitted to be constructed on the flat roof air conditioners, mechanical equipment, elevator shafts, walkout bulkhead doors or atrium sky lights so long as the maximum height of any of the additions does not exceed ten feet above the flat roof and there is constructed on the flat roof a four-foot parapet wall set in a minimum of four feet from the roof edge which parapet wall shall enclose the rooftop equipment.
- (d) *Setback limits.* Structures in the B-2 district shall be set back a minimum of 15 feet from rear lot lines.
- (e) *Property abutting residential property.* In any instance where B-2 zoned property abuts property with a residential classification, the owner of the B-2 property shall, before using the such property, construct a fence or hedge in accordance with applicable construction and zoning standards, over and across that portion of his property as abuts the residential property.

(Code 1979, ch. 21, § 5.40; Ord. No. 778, § 2, 3-13-2001; Ord. No. 2014-0912, § 3, 9-10-2014; Ord. No. 2016-0940, § 4, 6-28-2016)

Sec. 42-348. - B-2A, planned business districts.

- (a) *Uses permitted.* Uses permitted in the B-2A district shall be as follows:
 - (1) Any use permitted in B-2 districts.
 - (2) Yacht clubs, including as incidental to the operation thereof, swimming pools, tennis courts, shuffleboard courts, sport and fishing boats, and similar uses for either public or private use.
 - (3) All merchandise offered for sale, displayed or stored shall be new merchandise, and shall not be secondhand or used unless as incidental (not to exceed 40% of the main use retail area) to the sale of new merchandise.
 - (4) Diagnostic testing center.
 - (5) Any use of a similar nature.
- (b) *Uses prohibited.* The following uses shall be prohibited in the B-2A district:
 - (1) Uses permitted shall not be construed or interpreted to include as either principal or accessory uses any use prohibited in B-2 districts, or any use of a similar nature prohibited in B-2 districts.
 - (2) Stand-alone baths and massage parlors.
- (c) *Building height limitations.* No building or structure in the B-2A district shall be erected or altered to exceed a height of 50 feet as measured to the highest finished roof surface of a flat roof or to the average level of a gable, or hip roof. There shall be permitted to be constructed on the flat roof air conditioners, mechanical equipment, elevator shafts, walkout bulkhead doors or atrium sky lights so long as the maximum height of any of the additions does not exceed ten feet above the flat roof and there is constructed on the flat roof a four-foot parapet wall set in a minimum of four feet from the roof edge which parapet wall shall enclose the rooftop equipment.
- (d) *Plot size.* Every development in the B-2A district shall be located on a plot owned or substantially controlled by the developer, at least 100 feet in width and 10,000 feet in total area.
- (e) *Approval of development plan.*
 - (1) No building or structure shall be erected or structurally altered, or any land or water used, or use consummated, in area zoned B-2A, nor shall any building permit be issued therefor, unless and until a development plan for such building, structure and/or use shall have been presented to and approved by the development and review committee and planning and zoning board. After such

approval all buildings, structures and/or use shall be erected, altered, installed, maintained and operated in full conformity with the approved development plan.

- (2) In considering the approval of development plans for B-2A districts, the development review committee and planning and zoning board shall consider the site plan procedures and requirements of article II, division 3, subdivision II, of this chapter; the location, size, height, spacing, appearance, character, type of construction and use of any building, structure or proposed operations and their appurtenances; access and circulation for vehicles and pedestrians; streets, parking areas, yard and open spaces, and relationship to adjacent properties. The development and review committee and planning and zoning board shall not approve any such development plan unless such plan conforms to all applicable provisions relating to B-2A districts in this section, and such committee and board find that the public safety and convenience are assured by architectural compatibility and space separation to contiguous and nearby residential properties. Any reasonable conditions, limitations or requirements found necessary by the board to effectuate the purpose of this section and carry out the spirit and purpose of the B-2A zoning district requirements may be attached to the board's approval of a development plan.
- (f) *Setback limits.* Structures in the B-2A district shall be set back a minimum of 15 feet from rear lot lines.
- (g) *Property abutting residential property.* In any instance where B-2A zoned property abuts property with a residential classification, the owner of the B-2A property shall, before using the such property, construct a fence or hedge in accordance with applicable construction and zoning standards, over and across that portion of his property which abuts the residential property.

(Code 1979, ch. 21, § 5.41; Ord. No. 2016-0940, § 5, 6-28-2016)

Sec. 42-349. - B-3, general business districts.

- (a) *Uses permitted.* Uses permitted in the B-3 district shall be as follows:
 - (1) Any use permitted in B-1, B-2 or B-2A districts.
 - (2) Drive-in restaurants.
 - (3) Armory, telephone exchange, taxidermist, veterinary, pest-control agency, plant nursery and landscaping.
 - (4) Tire and battery, retail plumbing and electrical fixtures, lawn mower rental, sales and service.
 - (5) Product research and testing laboratory.
 - (6) Any use of a similar nature.
- (b) *Uses prohibited.* The following uses shall be prohibited in the B-3 district:
 - (1) All uses prohibited in B-1 and B-2 districts.
 - (2) Open air sale or display of machinery, farm implements or construction equipment.
 - (3) Manufacturing, except as accessory to a permitted use, all products thus produced to be sold at retail on the premises.
 - (4) Wholesale warehouse or storage uses.
 - (5) Any use of a similar nature.
- (c) *Building height limitations.* No building or structure in the B-3 district shall be erected or altered to exceed a height of 50 feet as measured to the highest finished roof surface of a flat roof or to the average level of a gable, or hip roof. There shall be permitted to be constructed on the flat roof air conditioners, mechanical equipment, elevator shafts, walkout bulkhead doors or atrium sky lights so long as the maximum height of any of such additions does not exceed ten feet above the flat roof and

there is constructed on the flat roof a four-foot parapet wall set in a minimum of four feet from the roof edge which parapet wall shall enclose the rooftop equipment.

- (d) *Setback limits.* Structures in the B-3 district shall be set back a minimum of 15 feet from the rear lot lines.
- (e) *Property abutting residential property.* In any instance where B-3 zoned property abuts property with a residential classification, the owner of the B-3 zoned property shall, before using such property, construct a fence or hedge in accordance with applicable construction and zoning standards, over and across that portion of his property which abuts the residential property.

(Code 1979, ch. 21, § 5.42; Ord. No. 2016-0940, § 6, 6-28-2016)

Sec. 42-350. - B-3A, special business districts.

- (a) *Uses permitted.* Uses permitted in the B-3A district shall be as follows:
 - (1) Any use permitted in B-1, B-2, B-2A or B-3 districts.
 - (2) Hotels and motels.
 - (3) New automobile sales, display and service; used car sales, repairs, service garage and car wash as are incidental to new automobile sales only.
 - (4) New boat sales, display and service; used boat sales, repairs, service and boat wash as are incidental to new boat sales only.
 - (5) Kennels and pet boarding uses shall be located in a stand-alone building directly abutting federal highway and be soundproofed for any noise, vibration, base, etc. produced by any activity occurring inside the building.
 - (6) Automobile rental and leasing agencies. As an incident thereto when such automobile rental and leasing agency is licensed and situated upon and conducted from premises comprising a free-standing singular structure not part of a shopping center or strip store, mall or center and acquires new vehicles from a dealership or through the factory and uses the same exclusively for its rental and leasing fleet for a minimum of a six-month period, at such thereafter when it is determined that such vehicles are no longer needed for the rental and leasing business, they may be sold by the rental and leasing agency, on premises, subject to the following limiting conditions: (1) no more than five cars may be for sale at any one time; (2) no "for sale" or other signs signifying that the cars are being offered for sale on the premises shall be displayed except that a single sign not to exceed 12 inches x 18 inches may be placed inside no more than two vehicles; (3) all signage and other requirements of the city Code are complied with. This authority to sell used rental vehicles shall apply only to new vehicles purchased and used in the rental and leasing business and shall not apply to any used vehicles acquired by the rental or leasing agency for rental use and/or sale.
 - (7) Mortuary or undertaker.
 - (8) Any use of a similar nature.
- (b) *Conditional uses.* Conditional uses permitted in the B-3A district shall be as follows and subject to the requirements of section 42-360 and sections 42-364 through 42-373 as applicable:

Due to the operation and nature of conditional uses (1) through (3), a minimum distance separation of 1,000 feet by airline measurement shall be provided from one another, in addition to the conditional use requirements established for each individual use.

- (1) Pawnshop.
- (2) Fortune teller or similar use.
- (3) Check cashing or payday loans or similar use.

- (4) Gaming establishment, golf driving range, miniature golf course, playground, playfield, or similar use (indoor/outdoor).
 - (5) Nightclub or similar use.
 - (6) Theater, sports arena and similar uses.
 - (7) Consignment shop as described in section 42-370 or similar use.
 - (8) Healthcare uses as described in section 42-371.
 - (9) Hospital
 - (10) Thrift and donated item stores as described in section 42-373.
- (c) *Uses prohibited.* The following uses shall be prohibited in the B-3A district:
- (1) Any uses prohibited in B-2A and B-3 districts.
 - (2) Any uses of a nature similar to those prohibited in B-2A and B-3 districts.
 - (3) Multifamily apartment buildings.
- (d) *Building height limitations.* No building or structure in the B-3A district shall be erected or altered to exceed a height of 50 feet as measured to the highest finished roof surface of a flat roof or to the average level of a gable, or hip roof. There shall be permitted to be constructed on the flat roof air conditioners, mechanical equipment, elevator shafts, walkout bulkhead doors or atrium skylights so long as the maximum height of any of such additions does not exceed ten feet above the flat roof and there is constructed on the flat roof a four-foot parapet wall set in a minimum of four feet from the roof edge which parapet wall shall enclose the rooftop equipment.
- (e) *Setback limits.* Buildings within B-3A districts shall be set back a minimum of 15 feet from the rear lot lines.
- (f) *Property abutting residential property.* In any instance where B-3A zoned property abuts property with a residential classification, the owner of the B-3A property shall, before using the such property, construct a fence or hedge in accordance with applicable construction and zoning standards, over and across that portion of his property which abuts the residential property.
- (g) *Approval of development plan.*
- (1) No building or structure shall be erected or structurally altered, or any land or water used, or use consummated, in areas zoned B-3A, nor shall any building permit be issued therefor, unless and until a development plan for such building, structure and/or use shall have been presented to and approved by the development review committee and planning and zoning board. After such approval all buildings, structures and/or uses shall be erected, altered, installed, maintained and operated in full conformity with the approved development plan.
 - (2) In considering the approval of development plans for B-3A districts, the development review committee and planning and zoning board shall consider the site plan procedures and requirements of article II, division 3, subdivision II, of this chapter; the location, size, height, spacing, appearance, character, type of construction and use of any building, structure or proposed operations and their appurtenances, yard and open spaces, and relationship to adjacent properties. The development review committee and planning and zoning board shall not approve any such development plan unless such plan conforms to all applicable provisions relating to B-3A districts in this section, and such committee and board find that the public safety and convenience are assured by architectural compatibility and space separation to contiguous and nearby residential properties.
 - (3) Any reasonable conditions or requirements found necessary by the committee and board to effectuate the purposes of this section and carry out the spirit and purpose of the B-3A zoning district requirements may be attached to the committee and board's approval of a development plan.

(Code 1979, ch. 21, § 5.43; Ord. No. 732, § 1, 2-23-99; Ord. No. 2016-0940, § 7, 6-28-2016)