

**§ 233-29. Compliance required.**

Within the Business B Zone, no premises, lot, building or structure shall be used, and no building or structure shall be erected or altered to be used in whole or in part for any other than the following specified purposes.

**§ 233-30. Permitted uses.**

Permitted uses shall be as follows:

- A. Retail business activities of and similar to the following types may be permitted:
- (1) Groceries and food stuffs.
  - (2) Package liquors.
  - (3) Drugs and pharmaceuticals.
  - (4) Confectionery.
  - (5) Dry goods and notions.
  - (6) Stationery.
  - (7) Hardware and paints.
  - (8) Radio and television service.
  - (9) Books and tobacco.
  - (10) Periodicals and newspapers.
  - (11) Antiques.
  - (12) Barber and beauty shops.
  - (13) Tailoring and dressmaking.
  - (14) Dry cleaning collection but not processing.
  - (15) Shoe repairing.
  - (16) Retail florist.
  - (17) Retail bakery.
  - (18) Uses similar to those listed above.
- B. Business and professional offices, banks and fiduciary institutions.
- C. Parking lot for private passenger vehicles, but not for the storage of used or new motor vehicles for sale or hire.
- D. Restaurant, tavern, grill and other eating establishments, but not including transient or mobile structures or drive-in restaurants.

- E. Mortuary or funeral homes.
- F. Assembly hall, bowling alley and other similar commercial recreational activity, provided that it is carried on within a building.
- G. Sexually oriented businesses, as a conditional use, subject to the conditions set forth in § 233-34.1. **[Added 4-5-2005 by Ord. No. 05:04]**
- H. Restaurants subject to the following supplementary standards that will apply if the property line of a restaurant adjoins a residential use or district: **[Added 12-19-2006 by Ord. No. 06:22; amended 3-11-2020 by Ord. No. 20:02]**
  - (1) A landscaped buffer at least five feet in width shall be maintained on the restaurant property at its border with the residential district or use. Landscaping shall be provided in accordance with the requirements of § 231-29 of the Site Plan Ordinance.
  - (2) Enclosures for trash and recycling shall be fenced and screened by landscaping so as to not be visible from the residential district or use.
  - (3) There shall be no outdoor storage of any items or materials absent site plan approval and screening and/or a fence as approved by the applicable land use board.
  - (4) Hours of operation of the restaurant shall be limited to 7:00 a.m. to 11:00 p.m. In addition, deliveries may not be made earlier than 7:00 a.m., nor later than 11:00 p.m., and no trash or recycling pick-up shall occur before 6:00 a.m.
  - (5) Lighting shall meet the standards set forth in § 231-28, provided that at the property line with the residential district or use, lighting intensity shall be no greater than 0.1 footcandle.
  - (6) There shall be no emanation of orders, fumes, and noise on the exterior of the restaurant use.
  - (7) There shall be no signage located in the side or rear yard of the restaurant that adjoins a residential district or use.
  - (8) Parking and loading areas shall be screened so as not to be visible from the residential property or district.
- I. Automobile service stations, with or without convenience stores, as a conditional use.

### **§ 233-31. General requirements.**

- A. Each business use shall provide loading and unloading facilities which must be located on the same lot and shall not be located in the required front yard and shall not be closer than 10 feet to the lot line of any property zoning for residential purposes.
- B. Where a business structure locates adjacent to an existing business structure, the side yard adjacent to the existing business need not be required, provided that there is vehicle access to the rear yard or some other location; however, all other requirements pertaining to the business must be complied with.

- C. Business structures or uses shall not display goods for sale purposes outside of the structure in which such activity is carried on.
- D. No storage of any kind is permitted in this zone other than with an enclosed roofed building.
- E. No building or premises shall be used and no building erected which is arranged, intended or designed to be used for any kind of manufacturing or treatment of products, except that any kind of manufacturing or treatment of products not included within the prohibition of this section may be carried on if it is customarily incidental to the conduct of a retail business conducted on the premises. However, the space used for such manufacturing or treatment of products shall not exceed 25% of the total floor space occupied by such retail establishment on the premises.
- F. Any trade, industry or use prohibited in Light Industrial and Laboratory Administrative Zones are prohibited in the Business Zone.
- G. Exposed vertical exterior exhaust ducts or vents exiting the side and rear of a building must be enclosed, surrounded, or walled to match the exterior of the building and the exterior facade. **[Added 12-14-2022 by Ord. No. 2022:10]**

#### **§ 233-34. Prohibited uses.**

The following uses and activities are specifically prohibited in the Business B Zone:

- A. Dance hall, billiard room.
- B. Used car lot.
- C. Trailers and trailer parks.
- D. Gasoline stations and auto-repair shops.
- E. Theaters, including outdoor and temporary.
- F. Drive-in restaurants.
- G. Businesses that depict, sell, present, or display, in any manner, any obscene form of expression or material. **[Added 4-5-2005 by Ord. No. 05:04]**
- H. Sexually oriented businesses are permitted, but only as a conditional use, subject to the requirements of § 233-34.1. **[Added 4-5-2005 by Ord. No. 05:04]**
- I. Communications towers. **[Added 12-30-2009 by Ord. No. 09:13]**
- J. Tattoo parlors. **[Added 3-11-2020 by Ord. No. 20:02]**
- K. Automobile repair service, major. **[Added 3-11-2020 by Ord. No. 20:02]**
- L. Drive-through uses, with the exception of, coffee shops, banks, and pharmacies. **[Added 3-11-2020 by Ord. No. 20:02]**
- M. Laundromats or dry cleaners where laundry or dry cleaning is conducted on the premises. **[Added 3-11-2020 by Ord. No. 20:02]**

- N. Check cashing establishments or financial service centers. **[Added 3-11-2020 by Ord. No. 20:02]**
- O. Self-storage facilities. **[Added 3-11-2020 by Ord. No. 20:02]**
- P. Pawn shops. **[Added 3-11-2020 by Ord. No. 20:02]**
- Q. Billiard or pool establishments. **[Added 3-11-2020 by Ord. No. 20:02]**
- R. Massage establishments. **[Added 3-11-2020 by Ord. No. 20:02]**

**§ 233-34.1. Sexually oriented businesses as conditional uses. [Added 4-5-2005 by Ord. No. 05:04]**

Sexually oriented businesses are permitted as conditional uses in the Business Zone, provided that the following conditions are complied with:

- A. No sexually oriented business may be located on any lot that is within 1,000 feet of the lot on which there is located any existing sexually oriented business; any church, synagogue, temple, or place of worship; any elementary or secondary school or school bus stop; any municipal or county playground or place of public resort or recreation; any hospital or child-care center; or any area zoned for residential use.
- B. Every structure used by a sexually oriented business shall be surrounded by a perimeter buffer of at least 50 feet in width, with plantings, fencing, or other physical dividers along the outside of the perimeter sufficient to impede the view of the interior of the premises in which the business is located.
- C. No sexually oriented business shall display more than two exterior signs, consisting of one identification sign and one sign giving notice that the premises are off limits to minors. The signs shall be in compliance with the requirements for signs in the zone, except that the identification sign shall be no more than 40 square feet in size.
- D. No obscene material may be depicted, sold, presented, or displayed in or by any sexually oriented business.
- E. Every sexually oriented business shall comply with the area and bulk requirements of the zone, except as otherwise provided in this section.