

**1147.02 PERMITTED USES.**

In the three business districts, land and structures may be used or occupied, and structures may be erected, constructed or reconstructed, enlarged, moved or structurally altered, only for a main use specified for a particular district in Section 1147.02(a), a conditional use in accordance with Section 1147.02(b), or an accessory use to a permitted principal or conditional use in accordance with Section 1147.02(c).

(a) Main Uses in B-1, B-2 and B-3 Districts. The main uses enumerated in Schedule 1147.02 are permitted by right in the district indicated, provided that all requirements of other City ordinances and this Code have been met.

(b) Conditional Uses in B-1, B-2 and B-3 Districts. The categories of conditional uses enumerated in Schedule 1147.02 may (together with their accessory uses) be permitted in the district indicated, provided they conform to the conditions, standards and requirements set forth for the particular use in Section 1161.03 and are approved for a particular zoning lot in accordance with the regulations and administrative procedures of Sections 1161.02 and 1161.04.

Schedule 1147.02

PERMITTED PRINCIPAL AND CONDITIONAL USES IN B-1, B-2 AND B-3 DISTRICTS

<b>Permitted Uses</b>	<b>B-1 Retail Business District</b>	<b>B-2 General Business District</b>	<b>B-3 Office Business District</b>
<b>Permitted Uses</b>	<b>B-1 Retail Business District</b>	<b>B-2 General Business District</b>	<b>B-3 Office Business District</b>
(1) Office/Professional/Service/Medical			
A. Professional, administrative offices.	P	P	P
B. Financial establishments without drive-thru facilities; offices.	P	P	P
C. Medical clinics.	P	P	P
D. Research laboratories.		P	P
E. Radio, television transmission facilities.		P	
F. Mortuaries, funeral homes.	C	P	C
G. Hospitals.	C	P	C
H. Veterinary hospitals.	C	P	
I. Urgent care clinics.	C	P	C
J. Nursing homes; intermediate and long term care facilities.	C	P	C

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P = Permitted Use

C = Conditional Use

<b>Permitted Uses</b>	<b>B-1 Retail Business</b>	<b>B-2 General Business</b>	<b>B-3 Office Business</b>
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	<i>District</i>	<i>District</i>	<i>District</i>
<b>Permitted Uses</b>	<b>B-1 Retail Business District</b>	<b>B-2 General Business District</b>	<b>B-3 Office Business District</b>
(2) Retail/Service			
A. Retail stores and services such as drugstore, laundry counter outlet, barber and beauty shops may be located in an office building pursuant to Section 1147.02(d).	P	P	P
B. Retail stores such as grocery, drug, hardware and appliance, variety, department, camera and record, clothing and shoe, sporting goods, gifts, flowers and book stores.	P	P	
C. Restaurants without drive-thru facilities, including establishments selling soft drinks, juices and ice cream.	P	P	C
D. Drive-thru facilities	C	P	C
E. Establishments serving alcoholic beverages for consumption on the premises.	C	C	C
F. Barber and beauty shops; shoe repair, tailoring.	P	P	
G. Dry cleaning, laundry counter outlets, self-service laundry.	P	P	
H. Retail greenhouses, including, outdoor storage.		P	
I. Pet shops.	P	P	
J. Hotels, motels.	C	P	C
K. Tourist homes.	C		
(3) Automotive			
A. Gasoline stations.	C	P	C
B. Service garages.	C	P	
C. Car washes.	C	P	
D. Auto sales, new.	P	P	
1. Used automobiles.	C		
E. Recreational vehicles, truck and boat sales and rental		C	
F. Commercial parking lots.	C	P	
G. Commercial parking garage.	C	C	C
(4) Commercial Entertainment/Recreation			
A. Amusement and recreational services conducted wholly within an enclosed building, including assembly halls, bowling lanes, dance halls, theaters and skating rinks.	C	P	

= Permitted Use

C = Conditional Use

<b>Permitted Uses</b>	<b>B-1 Retail Business District</b>	<b>B-2 General Business District</b>	<b>B-3 Office Business District</b>
<b>Permitted Uses</b>	<b>B-1 Retail Business District</b>	<b>B-2 General Business District</b>	<b>B-3 Office Business District</b>
(5) General Commercial			
A. Printing shops.	C	P	
B. Monument sales.		P	
C. Telephone exchange.		P	
D. Transformer stations.	C	P	C
(6) Institutional			
A. Schools.	C	C	C
B. Religious facilities.	C	C	C
C. Public libraries, museums.	C	C	C
D. Public administrative offices.	P	P	P
E. Municipal recreation buildings.	P	P	P
F. Parks, playgrounds.	P	P	P
G. Public safety facilities.	P	P	P
H. Public service and maintenance facilities.	C	C	
(7) Other Similar Uses	As determined in Section 1161.12		

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P = Permitted Use

C = Conditional Use

(c) Accessory Uses in B-1, B-2 and B-3 Districts. Accessory uses permitted in B-1, B-2 and B-3 Districts include the following:

- (1) Off-street parking and loading areas, as regulated in Chapter 1155;
- (2) Storage sheds;
- (3) Trash and recycling receptacles, as regulated in Section 1147.08(b);
- (4) Signs, as regulated in Chapter 1347; and
- (5) Other similar uses provided that any accessory use conforms to the following standards:

A. It is customarily accessory and clearly incidental and subordinate to the permitted principal or conditional use;

B. It does not involve the conduct of a trade or business except one related to and in furtherance of the permitted principal or conditional use and does not involve operations not in keeping with the character of the districts;

C. It is located on the same zoning lot as the permitted principal or conditional use; and

D. It is not likely to be a generator of a significant numbers of visitors independently to the permitted principal or conditional use.

(d) Retail and Services Located in B-3 District Office Buildings. Convenience retail and services may be located in an office building in the B-3 District provided the sum of the areas of such businesses occupy no more than fifty percent (50%) of the first floor area or fifteen percent (15%) of the floor area of the building, whichever is less.

(e) Outdoor Activities in the B-1, B-3 and LSS-DD Districts. Unless otherwise specifically permitted and regulated in this Code, all principal and conditionally permitted uses in the B-1 and B-3 and LS-DD Districts shall be conducted in a completely enclosed building or garden center except for accessory parking, loading and unloading, and trash receptacles and similar incidental accessory activities.

(f) Used automobile sales are only permitted as a conditional use for existing used automobile uses as of January 1, 1996 where the existing use proposes to expand to immediately adjacent properties and upon such condition as may be imposed as a conditional use pursuant to Section 1147.10.

(Ord. 1997-167. Passed 12-9-97; Ord. 2018-058. Passed 6-26-18; Ord. 2019-028. Passed 3-26-19.)

**1147.03 AREA REGULATIONS FOR B-1, B-2 AND B-3 DISTRICTS.**

The minimum area and width of a lot and maximum coverage of such lot by buildings in any B-1, B-2 or B-3 District are specified in Schedule 1147.03.

Schedule 1147.03

**MINIMUM LOT AREA AND WIDTH**

<i>District</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Width</i>	<i>Maximum Building Lot Coverage</i>
B-1	1 acre	150 ft.	30%
B-2	1 acre	150 ft.	30%
B-3	2 acres	200 ft.	30%

(Ord. 1996-017. Passed 2-12-96.)

**1147.04 MINIMUM YARD AND PARKING SETBACK REQUIREMENTS.**

(a) Yard and Parking Setbacks Required. Every permitted use of land and structures and accessory off-street parking shall be located on a zoning lot in such a manner as to create and preserve a front yard adjacent to each street on which such lot abuts, a side yard or yards, rear yard and parking setbacks, conforming to the requirements of Schedule 1147.04.

Schedule 1147.04

**MINIMUM YARD AND PARKING SETBACK REQUIREMENTS**

Minimum Dimensions in Feet			
District	Front Yard Depth	Rear Yard Depth	Side Yard Depth

		Adjacent to Non-Industrial/Residential Districts	Adjacent to Industrial/Residential Districts	Adjacent to Non-Industrial/Residential Districts	Adjacent to Industrial/Residential Districts
B-1:					
Main Building	60	10	30	10	30
Parking Setback	20	5	15	5	15
B-2:					
Main Building	60	10	30	10	30
Parking Setback	20	5	15	5	15
B-3:					
Main Building	60	30	30	30	30
Parking Setback	20	10	15	10	15

(b) Supplemental Setbacks. When a lot in a B-1, B-2 or B-3 District abuts a residential district along a side or rear lot line, the minimum side or rear yard specified in Schedule 1147.04 shall be increased as follows:

(1) When the height of the building on such commercially zoned lot exceeds thirty-five feet, the minimum side and rear yard shall be increased one foot for each foot of height exceeding thirty-five feet; and

(2) When the length of the building on such commercially zoned lot exceeds seventy feet, the minimum side or rear yard, whichever is adjacent to the wall which exceeds seventy feet, shall be increased by one-half foot for each foot of length of the wall exceeding seventy feet; provided that, in no case shall the minimum required side or rear yard exceed 120 feet in depth.

(3) When the adjacent residential lot is occupied by existing institutions, churches, schools, public buildings or related non-residential uses, the increase in the side or rear yard setback described in paragraph (2) above shall not apply and the setback requirements per Schedule 1147.04 shall be utilized.

In cases where this exception is allowed, such side or rear yard shall be planted to a width of not less than ten feet with trees and shrubs in such a manner as to reasonably screen the business lot and buildings from the residential district. The trees and shrubs provided shall be a mix of evergreens and deciduous varieties to provide year round screening.

(Ord. 2009-122. Passed 10-27-09.)

#### **1147.05 LANDSCAPING AND SCREENING REQUIREMENTS.**

(a) Landscaping and Maintenance of Yards. Except as provided in this section, required yards and treelawns shall not be obstructed by any structure and such areas, together with all other portions of the zoning lot not covered by permitted structures, shall be landscaped (including covering such areas with trees, shrubbery and grass or other appropriate ground cover or landscaping material) so as to assure absorption of rainfall, and prevent erosion and rapid run-off of surface water, and such landscaping shall be maintained.

(b) Screening When Lot Abuts Residential District. When a lot in a B-1, B-2 or B-3 District abuts any residential district, screening or buffering of parking and storage areas shall be provided in accordance with the following regulations, and shall be approved as part of the development plan required by Section 1161.11.

(1) Screening shall consist of one or a combination of the following:

- A. A dense vegetative planting incorporating trees and/or shrubs of a variety which shall be equally effective in winter and summer.
- B. A nonliving opaque structure such as a solid masonry wall, solidly constructed decorative fence, or louvered fence.
- C. A landscaped mound or berm.

(2) The height of screening shall be in accordance with the following:

- A. Visual screening walls, fences, or mounds and fences in combination shall have a minimum height of five feet in order to accomplish the desired screening effect.
- B. Vegetation shall be planted with such minimum height to assure that the required five feet screening shall be achieved not later than twelve months after the initial installation.

(3) All screening shall be free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

(4) The required landscaping shall be maintained in healthy condition by the current owner and replace when necessary. Replacement material shall conform to the original intent of the landscape plan.

(c) Required Parking Lot Landscaping. For parking areas or portions of parking areas designed to accommodate thirty or more vehicles, a minimum of five percent (5%) of the land area within the parking area shall be appropriately designed with landscaped areas and planted islands, developed and distributed throughout the parking area as to interrupt the expanse of the paved area. Such planted islands and landscaped areas shall be a minimum of ten feet in any dimension. Shrub plantings adjacent to a building and areas that are part of a required yard shall not be counted as interior landscaping.

(Ord. 1996-017. Passed 2-12-96.)

**1147.06 HEIGHT REGULATIONS.**

(a) Maximum Height Established. The maximum height of any structure for a permitted principal or accessory use in a B-1, B-2 or B-3 District is set forth in Schedule 1147.06, except as otherwise provided in Section 1147.06(b).

Schedule 1147.06

**MAXIMUM HEIGHT REGULATIONS**

District	Building Classification	Maximum Height
B-1	Principal	35 ft.(a)
	Accessory	15 ft.
B-2	Principal	35 ft.(a)
	Accessory	15 ft.
B-3	Principal	75 ft.
	Accessory	15 ft.

Notes for Schedule 1147.06:

(a) A maximum height of 75 feet shall be permitted in specific locations indicated on the Zoning Map.

(b) Exceptions to Height Regulations. Chimneys, church spires, flagpoles, ornamental towers, radio towers, water tanks, aerials, antennas, street lighting and other mechanical appurtenances may be built to a height not exceeding seventy-five feet above the finished grade when erected upon or as an integral part of a building.

(Ord. 1996-017. Passed 2-12-96.)

#### **1147.07 RADIO AND TV INTERFERENCE; NOISE.**

(a) No business operation shall be conducted in such a manner as to adversely affect, at any point beyond any property line of the lot on which such business operation is located, the operation or use of radio, television and microwave transmitting and/or receiving devices.

(b) No business operation shall be conducted in such a manner as to permit unnecessary sound from the business operation to emanate beyond the confines of the property on which the business operation is located.

(Ord. 1996-017. Passed 2-12-96.)

#### **1147.08 ACCESSORY USE REGULATIONS.**

Accessory uses, buildings and structures permitted in business districts shall conform to the following standards.

(a) General Regulations.

(1) An accessory use customarily incident to the permitted principal or conditional use shall be permitted in business districts only upon the same lot with the permitted principal or conditional use.

(2) Any accessory building shall comply with the minimum front, side and rear yard setbacks for main buildings as set forth in Schedule 1147.04.

(b) Waste Receptacles.

(1) Handling of solid waste. All solid waste products resulting from any permitted principal, conditionally permitted or permitted accessory use shall either be disposed of, or stored in buildings or completely enclosed containers.

(2) Screening requirements. Dumpsters and containers pursuant to Section 1147.08(b)(1), including receptacles for recyclable materials, shall be completely screened from any parking area or street right-of-way by a vision obscuring fence or plant material.

(c) Off-Street Parking and Loading Regulations. Off-street parking and loading regulations shall be provided in accordance with Chapter 1155.

(d) Sign Regulations. The use of signs in any business district shall be in accordance with Chapter 1347 .

(e) Storage Containers. Storage containers are not permitted in the front yard of any business district. Temporary use of storage containers for the limited purposes of storing or maintaining supplies, equipment, and merchandise during building repairs or renovations for the period of time determined necessary to complete said repairs or renovations may be permitted in as a conditional use in accordance with Chapter 1161 . In addition to restrictions imposed by Chapter 1161 , the Planning Commission may only approve placement of the storage container in a front yard in the case of an exceptionally irregular, narrow, shallow or steep lots or other exceptional physical conditions effecting placement of said storage containers.

(Ord. 1996-017. Passed 2-12-96; Ord. 2022-073. Passed 9-13-22.)

**1147.09 SUPPLEMENTAL STANDARDS FOR CERTAIN PERMITTED B-2 USES.**

In addition to the above regulations, certain permitted uses in the B-2 District shall comply with the following standards:

(a) Gasoline Stations.

(1) Gasoline stations located on a corner lot shall have not less than 150 feet of frontage on each of the two intersecting streets.

(2) Fuel pumps may be erected in a front yard but not less than thirty feet from the street right-of-way; pavement in association with a gasoline pump shall be located no less than twenty feet from the street right-of-way. The resulting open space shall be landscaped and maintained in satisfactory condition and, except for entrance and exit drives and permitted signs, shall not be used for any other purpose.

(3) A canopy may be constructed over the pump island provided the canopy shall be no closer than fifteen feet to the right-of-way.

(4) The only services permitted to be performed on a vehicle shall be limited to the dispensing of fuel, oil, air and windshield wiper fluid, and other similar minor activities.

(5) The location, display or storage of rental trailers, automobiles, trucks or other rental equipment on the premises is not permitted unless in full compliance with the standards for such uses.

(6) A gasoline station may be combined with a car wash or auto service garage provided that such dual use is in compliance with the regulations established for each use.

(b) Service Garages, Car Wash.

(1) An auto service garage or a car wash may be combined with a gasoline station provided the regulations for each use are maintained.

(2) If adjacent to any residential district, the hours of operation shall be between 7:00 a.m. and 10:00 p.m.

(3) Lighting that creates a glare on any street or on any adjacent residential property shall not be permitted.

(4) The sale or rental of recreational vehicles or utility trailers shall be prohibited.

(c) Drive-Thru Facilities.

(1) The location of access drives shall be evaluated according to Section 1155.09.

(2) The minimum number of off-street waiting spaces shall be in compliance with Section 1155.07.

(3) The Planning Commission may impose restrictions on the hours of operation to assure that the business operates in a manner similar to the prevailing characteristics of other businesses in the vicinity.

(Ord. 1996-017. Passed 2-12-96.)