

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)