

*DIVISION 9. B-1, LIMITED BUSINESS DISTRICT*

**Sec. 48-453. Principal uses permitted by right.**

Principal uses permitted by right in the B-1, limited business district are as follows:

- (1) Public buildings and facilities.
- (2) Institutions for human care.
- (3) Clinics.
- (4) Hotels, motels.
- (5) Business and professional offices, including medical and dental.
- (6) Offices for medical, dental and optical laboratories and offices for operations devoted exclusively to scientific research.
- (7) Churches, parish houses, and similar religious facilities.
- (8) Restaurants.
- (9) Inns, bed and breakfasts.
- (10) Private, noncommercial clubs, lodges, and recreational or community facilities.
- (11) Museums.
- (12) Group homes for no more than eight individuals as defined in section 48-2.
- (13) Parking lots, subject to site plan review by the designated agent.
- (14) Schools and day care facilities complying with the provisions of the state code.
- (15) The following retail business and service establishments, provided that all business, service, fabrication, preparation or processing shall be conducted entirely within an enclosed building, and that all goods shall be only for retail sale on the premises: Food stores, beverage stores, drugstores, bakeries, confectioneries, self-service laundries, laundry or cleaning depots, shoe repair shops, barbershops or beauty salons, clothing stores, variety stores, gift shops, studios, banks, antique shops, jewelry stores, florists, photo shop, music stores, bookstores or stationery stores, appliance stores, office equipment stores, furniture stores, hardware stores, garden supply stores, mortuaries, department stores, theaters and any other retail and service uses determined by the zoning administrator to be consistent with uses permitted in this subsection.
- (16) Mixed-use redevelopments, as permitted and regulated in article V, division 5 of this chapter.

(Code 1982, § 38-23(a); Ord. No. 1382, 11-25-1991; Ord. No. 1427, 12-16-1992; Ord. No. 1439, 5-24-1993; Ord. No. 1477, 5-9-1994; Ord. No. 1531, 12-11-1995; Ord. No. 1536, 2-26-1996; Ord. No. 1541, 3-25-1996; Ord. No. 1557, 10-15-1996; Ord. No. 1561, 12-9-1996; Ord. No. 1583, 7-14-1997; Ord. No. 1627, 9-28-1998; Ord. No. 1636, 3-8-1999; Ord. No. 1695, 3-26-2001; Ord. No. 1734, 5-12-2003; Ord. No. 1766, 9-13-2004; Ord. No. 1908, 10-28-2013; Ord. No. 1991, 12-18-2018; Ord. No. 2104, 12-8-2025)

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## **Sec. 48-454. Conditional uses permitted by special use permit.**

Conditional uses permitted by special use permit in the B-1, limited business district are as follows:

- (1) Outdoor display, when incidental to a permitted principal use, subject to the following conditions and any other applicable condition within section 48-172: The purpose of this subsection is to promote pedestrian activity and otherwise enliven the city's commercial districts by permitting outdoor display areas that are accessory to a store's indoor business and that are attractively arranged so as to be appealing to casual shoppers, subject to the following:
  - a. If a site plan is on file for this property, the area permitted for the outdoor use shall be shown on a revised plan; or, alternatively, where there is no site plan on file, a plot plan may be substituted which addresses the information required in sections 48-1136 and 48-1137.
  - b. The appropriateness of the outdoor use shall be determined by such factors as:
    1. Area and extent of the use compared to the extent of the interior use.
    2. Type and appearance of structures, if any, to be constructed to shelter the outdoor use.
    3. Hours of operation of the outdoor use.
    4. Lighting, noise and other factors affecting adjacent properties.
- (2) Group homes not otherwise permitted by right.
- (3) Adult uses, subject to chapter 48, article V, division 10 and chapter 8, article VII.
- (4) Drug paraphernalia establishments, subject to the following conditions, with it duly noted that nothing contained herein shall be construed in any way to limit the application of any state statute relating to these matters:
  - a. Shall be located 1,000 feet or more from residentially zoned or residentially used property.
  - b. Shall be located 1,000 feet or more from the lot line of any school, church, park or other property used for recreational, public or eleemosynary purposes.
  - c. No two or more locations of these activities shall be closer than 1,000 feet from each other.
- (5) Amusement arcade, as a principal or accessory use, subject to the following conditions:
  - a. There shall be at least 1,000 feet between the boundaries of such uses.
  - b. Such use shall not be located closer than 1,000 feet to any church or to any school, public or private, that provides education to children under the age of 18, measured from the boundaries of each use.
  - c. Such use shall not be located closer than 100 feet to any R district boundary, unless the entrances and parking area for such use are located on the far side of a building from an R district, such that the building completely blocks the line of sight from the R district to the entrances and parking area for such use.
  - d. Such use shall be operated in accordance with an operations plan approved by the board of zoning appeals which specifies:
    1. Procedures to preclude gambling, littering and loitering;
    2. The hours of operations;
    3. Number of amusement machines;

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4. Presence of other uses, if any; and
  5. The number of adult attendants on the site during hours of operation.
- e. The size of the arcade, the number of amusement machines, presence of accessory uses or activities, if any, and the hours of operation shall be compatible with and shall not adversely affect the adjacent area, the general safety or the public welfare.
  - f. The proposed exterior appearance of the building within which such use is to be located shall be subject to review and recommendation by the architectural advisory board.
  - g. Off-street parking for such use shall be provided in the amount of one space per two amusement machines available for use by patrons. In addition, a secure and convenient bicycle rack shall be provided on the site, unless the amusement machines are not available to persons under the age of 18 years.
- (6) Dry cleaning or laundry establishment, other than a depot or self-service laundry; provided that:
    - a. The operation of such establishment shall not release hazardous amounts of chemicals into the environment.
    - b. Such establishment shall, in terms of its size and the nature of its operations, be compatible with the uses permitted by right in the district in which it is located.
  - (7) Satellite television antenna or ground-mounted conventional television or radio antenna, as permitted and regulated in article V, division 9 of this chapter.
  - (8) The assembling by solder process of miniaturized computer and communications equipment.
  - (9) Temporary uses, in anticipation of development or redevelopment of permanent improvements in accordance with the adopted master plan, subject to the following conditions, in addition to any other conditions that may be applicable by virtue of article V, division 7 of this chapter:
    - a. The owner or contract-owner (applicant) shall provide with his application, information in writing setting forth the applicant's plans for permanent development. The written statement must also set forth why the proposed temporary use will not impair, impede or delay the plans for permanent development or redevelopment.
    - b. Such temporarily use may include one or more of the following activities, conducted indoors or outdoors:
      1. Parking lot.
      2. New vehicle storage lot.
      3. Nursery.
      4. Sale of garden and landscape materials.
      5. Sale of produce and seasonal items, and other similar uses.
    - c. A site plan for the temporary use shall be submitted with the application for special use permit. The planning commission may waive or reduce any of the site improvement requirements set forth in article V, divisions 2 and 7 of this chapter, when such waiver or reduction is deemed necessary. Such waiver or reduction shall be clearly related to the temporary nature of the use and shall not adversely affect the public health, safety or welfare.
    - d. A special use permit for a temporary use as set forth in this subsection may be granted for up to five years. Approval exceeding an 18-month period shall be based on specific site considerations, including the improvements and/or expenditures necessary for the temporary use. Renewals, in

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increments of up to five years, may be granted by the board of zoning appeals following recommendation by the planning commission.

- (10) Drive-thru or drive-through facility. For additional supplementary regulations, see section 48-867.
- (11) Temporary shelters, with the following restrictions:
- a. Shelters may operate only on nights between November 1 and March 31.
  - b. All persons admitted to shelters must be referred by the intake staff of a licensed county shelter.
  - c. No persons can be admitted to shelters after 9:00 p.m., unless accompanied by a member of the staff of a county shelter or a public human services agency or by a local law enforcement officer; every person in a shelter must leave by 8:00 a.m.
  - d. Transportation by van or other similar means that is sufficient for all persons admitted must be provided both to and from the shelters.
  - e. A total of no more than 30 homeless persons may be served by all shelters in the city on any single night.
  - f. No persons who are under the influence of alcohol or drugs can be allowed in the shelters.
  - g. All health, safety and fire codes must be met.
  - h. Any standards applicable to county shelters with regard to staff/client ratio, level of staff training, procedures for monitoring clients while at the shelter, and resources available for cases of emergency shall also apply as a minimum standard to every shelter in the city.
- (12) Assisted living facilities. For additional supplementary regulations, see section 48-867.

(Code 1982, § 38-23(b); Ord. No. 1382, 11-25-1991; Ord. No. 1427, 12-16-1992; Ord. No. 1439, 5-24-1993; Ord. No. 1477, 5-9-1994; Ord. No. 1531, 12-11-1995; Ord. No. 1536, 2-26-1996; Ord. No. 1541, 3-25-1996; Ord. No. 1557, 10-15-1996; Ord. No. 1561, 12-9-1996; Ord. No. 1583, 7-14-1997; Ord. No. 1627, 9-28-1998; Ord. No. 1636, 3-8-1999; Ord. No. 1695, 3-26-2001; Ord. No. 1734, 5-12-2003; Ord. No. 1766, 9-13-2004; Ord. No. 1846, 6-28-2010; Ord. No. 1908, 10-28-2013)

### **Sec. 48-455. Special exceptions.**

City council may, by special exception, modify the requirements of this division, for the B-1, limited business district to allow:

- (1) Residential development within mixed-use development projects. The following shall also apply to the residential special exception:
- a. A height bonus of up to 30 feet may be granted by the city council, if the city council determines that the project is exemplary in terms of conformance with the criteria in subsections 48-90(d)(1) and (2); and the bonus shall significantly assist in conformance with subsections 48-90(d)(2) and (3). Maximum height shall not exceed 85 feet. The height of all structures that abut an R district must be tapered to be compatible with the maximum heights permitted in the abutting R district, taking into consideration the height of existing buildings in that area. The upper stories of structures should be stepped back to be compatible with the maximum by-right height permitted within the B district in which the structure will reside.
  - b. A height bonus of up to 30 feet may be granted by the city council for certain preferred uses. These uses must be located on the primary street frontage portion of structures. These uses may include, but are not limited to entertainment uses, health clubs open to the public, theaters, art galleries, antique stores, clothing stores, and restaurants with outdoor dining facilities, and will

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be incorporated into the special exception conditions. Maximum height shall not exceed 85 feet. The height of all structures within a special exception project that abut an R district must be tapered to be compatible with the maximum heights permitted in the abutting R district, taking into consideration the height of existing buildings in that area. The upper stories of structures should be stepped back to be compatible with the maximum by-right height permitted within the B district in which the structure will reside.

- c. The city council may identify certain uses that will not be encouraged in the primary street frontage portion of the first floor of the required commercial component for each application. These uses may include, but are not limited to travel agencies, insurance agencies, nail salons, laundromats, mortuaries, and offices for financial advisers, consultants, dentists, doctors and realtors.
  - d. The retail component of projects, shall be located adjacent to major thoroughfares or designated shopping streets, on the first or second floor of structures, but may extend to upper floors.
  - e. All structures containing residential uses shall be a minimum of three stories in height.
- (2) A height bonus of up to 30 feet may be granted by the city council for projects composed solely of commercial uses. Maximum height shall not exceed 85 feet. The height of all structures within a special exception project that abuts an R district must be tapered to be compatible with the maximum heights permitted in the abutting R district, taking into consideration the height of existing buildings in that area. The upper stories of structures should be stepped back to be compatible with the maximum by-right height permitted within the B district in which the structure will reside.

(Code 1982, § 38-23(c); Ord. No. 1382, 11-25-1991; Ord. No. 1427, 12-16-1992; Ord. No. 1439, 5-24-1993; Ord. No. 1477, 5-9-1994; Ord. No. 1531, 12-11-1995; Ord. No. 1536, 2-26-1996; Ord. No. 1541, 3-25-1996; Ord. No. 1557, 10-15-1996; Ord. No. 1561, 12-9-1996; Ord. No. 1583, 7-14-1997; Ord. No. 1627, 9-28-1998; Ord. No. 1636, 3-8-1999; Ord. No. 1695, 3-26-2001; Ord. No. 1734, 5-12-2003; Ord. No. 1766, 9-13-2004)

### **Sec. 48-456. Conditions applying to permitted uses.**

Along any side or rear lot line of a B-1, limited business district adjoining an R district there shall be provided a buffer in accordance with the provisions of article V, division 8 of this chapter.

(Code 1982, § 38-23(d); Ord. No. 1382, 11-25-1991; Ord. No. 1427, 12-16-1992; Ord. No. 1439, 5-24-1993; Ord. No. 1477, 5-9-1994; Ord. No. 1531, 12-11-1995; Ord. No. 1536, 2-26-1996; Ord. No. 1541, 3-25-1996; Ord. No. 1557, 10-15-1996; Ord. No. 1561, 12-9-1996; Ord. No. 1583, 7-14-1997; Ord. No. 1627, 9-28-1998; Ord. No. 1636, 3-8-1999; Ord. No. 1695, 3-26-2001; Ord. No. 1734, 5-12-2003; Ord. No. 1766, 9-13-2004)

### **Sec. 48-457. Accessory uses permitted.**

Accessory uses permitted in the B-1, limited business district are as follows:

- (1) Uses which are customarily accessory and incidental to any permitted principal use, including accessory signs subject to the restrictions in article VI of this chapter.
- (2) Outdoor dining when extending a permitted principal indoor food sales or food service use. For additional supplementary regulations, including approval requirements, see sections 48-1219 through 48-1221.

(Code 1982, § 38-23(e); Ord. No. 1382, 11-25-1991; Ord. No. 1427, 12-16-1992; Ord. No. 1439, 5-24-1993; Ord. No. 1477, 5-9-1994; Ord. No. 1531, 12-11-1995; Ord. No. 1536, 2-26-1996; Ord. No. 1541, 3-25-1996; Ord. No. 1557,

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10-15-1996; Ord. No. 1561, 12-9-1996; Ord. No. 1583, 7-14-1997; Ord. No. 1627, 9-28-1998; Ord. No. 1636, 3-8-1999; Ord. No. 1695, 3-26-2001; Ord. No. 1734, 5-12-2003; Ord. No. 1766, 9-13-2004; Ord. No. 2059, 3-27-2023)

**Sec. 48-458. Conflicting provisions.**

In any conflict between this division and article V, division 5 of this chapter, as applies to mixed-use redevelopments, the provisions of article V, division 5 of this chapter shall govern.

(Code 1982, § 38-23(f); Ord. No. 1382, 11-25-1991; Ord. No. 1427, 12-16-1992; Ord. No. 1439, 5-24-1993; Ord. No. 1477, 5-9-1994; Ord. No. 1531, 12-11-1995; Ord. No. 1536, 2-26-1996; Ord. No. 1541, 3-25-1996; Ord. No. 1557, 10-15-1996; Ord. No. 1561, 12-9-1996; Ord. No. 1583, 7-14-1997; Ord. No. 1627, 9-28-1998; Ord. No. 1636, 3-8-1999; Ord. No. 1695, 3-26-2001; Ord. No. 1734, 5-12-2003; Ord. No. 1766, 9-13-2004)

**Secs. 48-459—48-484. Reserved.**