

ARTICLE XXVII. - BU-3 LIBERAL BUSINESS DISTRICT

Footnotes:

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Editor's note— Ord. No. 74-25, § 1, amended Art. XXVII to read as set out in §§ 33-254—33-256.8. Section 4 of said ordinance provided:

"Section 4. The provisions of this ordinance shall become effective ten (10) days from date of its enactment. However: "Provisions of this ordinance shall not apply to those buildings for which a building permit has been issued and is in effect or for which proper and complete applications and plans have been submitted for building permits within sixty (60) days from the effective date of this ordinance provided that the construction under the permit shall be commenced and progressively carried to a conclusion within the time limitations for permits established by the Building Code. As to all such buildings, the pertinent zoning regulations in effect prior to the effective date of this ordinance shall be applicable. Where a development or project site plan has been approved prior to the adoption of this ordinance by resolution of the Zoning Appeals Board or Board of County Commissioners, or prior to the adoption of this ordinance, an agreement, letter of intent, or performance standards encompassing all of the basic items constituting a site plan has been recorded or adopted by resolution of the Zoning Appeals Board or the Board of County Commissioners, this ordinance shall not be applicable thereto so long as the following conditions are met:

- (1) This exception shall apply only to those properties covered by that specific site plan, letter of intent, performance standards, or agreement.
- (2) Such project is developed in accordance with the approved site plan or agreement, letter of intent or performance standards and in accordance with pertinent regulations in effect prior to the effective date of this ordinance.
- (3) Such development or project shall be commenced on or before the expiration of nine (9) months from the effective date of this ordinance. Site preparation, such as filling, or excavating as well as commencement of construction of buildings, shall, for the purpose of this section, constitute commencement of work.
- (4) Such project is under continual construction unless acts of God cause an interruption in construction. Any cessation of construction for a period of nine (9) months shall be conclusive presumption to be an abandonment of the approved project or development and the uncompleted portion of said project or development shall be subject to terms and conditions of this ordinance."

Sec. 33-254. - Purpose.

The purpose of the BU-3 Liberal Business District is to provide for large scale commercial activities.

(Ord. No. 74-25, § 1, 4-16-74)

Sec. 33-255. - Uses permitted.

No land, body of water and/or structure in the BU-3 District shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, arranged or intended to be used, occupied or maintained for any purpose, unless otherwise provided for, except for one or more of the following uses:

- (1) All uses permitted in the BU-1, BU-1A, and BU-2 Districts.
- (2) Airports, airport hangars and airplane repair facilities.
- (3) Automobile and truck services and facilities including:

- (a) Open lot car and truck sales new and or used, including as ancillary uses, automobile repairs, body and top work and painting, provided that no more than fifteen (15) percent of the gross building area is devoted to such ancillary uses, and subject to the following conditions:
- (1) That a continuous, densely planted greenbelt of not less than fifteen (15) feet in width, penetrated only at points approved by the Directors of the Planning and Zoning and Public Works Departments for ingress and egress to the property, shall be provided along all property lines abutting public rights-of-way or properties zoned residential. Said greenbelt shall have shade trees planted at a maximum spacing of thirty (30) feet on center and a hedge of a minimum of six (6) feet in height abutting residentially zoned property and a minimum of three (3) feet in height abutting public rights-of-way. The shade trees shall have a minimum caliper of two and one-half (2 ½) inches at time of planting.
 - (2) A minimum of twenty (20) percent of the net lot area of the site shall be developed as landscaped open space.
 - (3) That such uses be located only on major access roads, including major roadways (three (3) or more lanes) and frontage roadways serving limited access highways and expressways.
 - (4) That such uses be conducted on sites consisting of at least one (1) net acre.
 - (5) That attention attracting devices, such as blinking or flashing lights, streamer lights, pennants, banners, streamers and all fluttering, spinning advertising devices (either mobile or stationary) are prohibited, except as permitted under point of sale sign regulations.
 - (6) That outdoor lighting shall be designed to avoid spilling beyond the site boundaries.
 - (7) That no vehicular test drives shall be conducted on residential local traffic streets (fifty-foot right-of-way or less).
 - (8) That the applicant obtains a certificate of use, which shall be automatically renewable yearly upon compliance with all terms and conditions.
 - (9) All outdoor paging or speaker systems are expressly prohibited. This provision (9) shall also apply to all establishments in existence as of September 10, 1996.
- (b) Open lot car rental.
- (c) Automobile parts, secondhand from store building only.
- (d) Automobile body and top work and painting.

All outdoor paging or speaker systems are expressly prohibited. This provision shall also apply to all establishments in existence as of the effective date of this ordinance.

- (4) Bakeries, retail and wholesale.
- (5) Barbecue stands or barbecue pits provided that establishments using wood burning for cooking are permitted only upon approval at a public hearing.
- (6) Bottling of beverages.
- (7) Cabinet working and carpentry shops.
- (8) Cold storage warehouse and pre-cooling plants.
- (9) Contractor's plants and storage yards.
- (9.1) Dog kennels, as an exception to Section 33-256.5, subject to the following conditions:
 - (a) All outdoor exercise runs shall be set back fifty (50) feet from property lines and shall not be located closer than five hundred (500) feet from residentially zoned or residentially developed property. Where outside exercise runs are provided, a landscaped buffer or decorative masonry wall shall enclose the runs, and use of the runs shall be restricted to use during daylight hours.
 - (b) Where outside exercise runs are not provided, an outside area shall be designated for dogs (or cats) to relieve themselves, and that area shall be enclosed by a landscape buffer or masonry wall. Additionally such area shall be set back fifty (50) feet from property lines and shall not be located closer than five hundred (500) feet from residentially zoned or residentially developed property.
 - (c) All kennel buildings shall be soundproofed and air-conditioned.
 - (d) An administrative site plan review (ASPR) shall be required. The site plan shall show all fencing, berms, and soundproofing designed to mitigate the noise impact of the kennel on the surrounding properties.
- (10) Dry cleaning and dyeing establishments.
- (11) Engines, gas, gasoline, steam and oil; sales and service.
- (12) Feed, hay and other livestock supplies.
- (13) Fertilizer stores.
- (14) Garage or mechanical service. * including automobile repairs, body and top work and painting. All outdoor paging or speaker systems are expressly prohibited. This provision shall also apply to all establishments in existence as of September 10, 1996.
- (15) Glass installation.
- (16) Gun shops.
- (17) Leather goods manufacturing, excluding tanning.
- (18) Locksmith shops, sharpening and grinding shops.
- (19) Lumber yards.*

- (20) Pawnbrokers shall be permitted only upon approval after public hearing.
- (21) Poultry markets and commercial chicken hatcheries.*
- (22) Railroad motor truck and water freight and passenger stations.
- (23) Secondhand stores for the disposal of furniture, fixtures and tools.
- (23.1) Self-service mini-warehouse storage facility. "Self-service mini-warehouse storage facility" shall be defined as a fully enclosed space used for warehousing which contains individual storage units. This use shall only be permitted subject to the following conditions:
 - (a) Each individual storage unit shall have a floor area no greater than 400 square feet and an interior height not to exceed 12 feet.
 - (b) No business or business activity, and no wholesale or retail sales are permitted in an individual storage area within a self-service mini-warehouse storage facility.
 - (c) Ancillary rentals of trucks other than light trucks are permitted in conjunction with a self-service mini-warehouse storage facility, providing such facility is situated on a site containing not less than 2.5 acres gross, subject to compliance with the following requirements:
 - (1) That a decorative masonry wall at least 8 feet in height shall enclose the rental truck storage area; and
 - (2) There shall be a landscaped buffer between the masonry wall and any abutting roads which may be a hedge, and/or trees at least 48 inches high at the time of planting, or other reasonable landscape plans acceptable to the department; and
 - (3) That there be no rental of any truck having a net vehicle weight exceeding 12,600 pounds; and
 - (4) That for each 100 self-storage units there shall be no more than two rental trucks stored, e.g., 1-100 units: 2 rental trucks; 101-200 units; 4 rental trucks, etc.; provided however, no more than ten rental trucks may be stored on the premises; and
 - (5) That no loading or unloading of trucks is permitted outside the enclosed area and all trucks must be stored inside the enclosed area at all times; and
 - (6) That there shall be no repairs or maintenance work on the rental trucks on the premises of the self-service mini-warehouse storage facility.
 - (d) Ancillary storage of recreational vehicles and boats is permitted in conjunction with a self-service mini-warehouse storage facility, subject to compliance with the following requirements:
 - (1) That a decorative masonry wall at least 8 feet in height shall enclose the recreational vehicle and boat storage area; and
 - (2)

There shall be a landscaped buffer between the masonry wall and any abutting roads which may be a hedge, and/or trees at least 48 inches high at the time of planting, or other reasonable landscape plans acceptable to the department; and

- (3) That there shall be no repairs or maintenance work on the recreational vehicles or boats on the premises of the self-service mini-warehouse storage facility.
- (24) Television and broadcasting stations, including studio, transmitting station and tower, power plants and other incidental and unusual uses permitted to such a station.
- (25) Tire vulcanizing and retreading or sale of used tires.*
- (26) Truck storage, only within an enclosed building or an area enclosed by a CBS wall.
- (27) Upholstery and furniture repairs.
- (28) Wholesale salesroom and storage rooms.
- (29) Other similar uses as approved by the Director.

*NOTE: Provided no such establishment is located within five hundred (500) feet of any RU or EU District except after approval after public hearing. Provided, that, this spacing limitation shall be two hundred fifty (250) feet if the use is confined within a building and an exterior wall or walls of the building located on the establishment is not penetrated with any openings directly facing the RU or EU District. It is further provided that, except for exterior uses, such distances shall be measured from the closest point of the subject use in the building to the RU or EU District. In connection with exterior uses, the distance of five hundred (500) feet shall be measured from the closest point of the IU District to the RU or EU District. For purposes of establishing such distances, the applicant for such use shall furnish a certified survey from a registered surveyor, which shall indicate such distances. In case of dispute, the measurement scaled by the Director of the Department of Planning and Zoning shall govern.

(Ord. No. 74-25, § 1, 4-16-74; Ord. No. 85-37, § 2, 6-6-85; Ord. No. 88-122, § 1, 12-20-88; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 96-129, § 1, 9-10-96; Ord. No. 00-74, § 1, 6-6-00; Ord. No. 03-78, § 1, 4-8-03; Ord. No. 03-238, § 1, 11-4-03; Ord. No. 08-11, § 3, 1-22-08; Ord. No. 18-136, § 4, 11-8-18; Ord. No. 20-20, § 10, 2-19-20)

Sec. 33-255.1. - Reserved.

Editor's note— Ord. No. 02-23, § 1, adopted Feb. 12, 2002, repealed section 33-255.1 in its entirety. Former section 33-255.1 pertained to additional uses permitted and derived from Ord. No. 91-112, § 1, adopted Oct. 1, 1991; Ord. No. 92-122, § 1, adopted Oct. 13, 1992; Ord. No. 96-12, § 1, adopted Jan. 16, 1996; Ord. No. 98-125, § 21, adopted Sept. 3, 1998; Ord. No. 99-32, § 1, adopted April 13, 1999; and Ord. No. 01-227, § 1, adopted Dec. 20, 2001.

Sec. 33-256. - Setbacks, cubic content, yard area, etc.

Setbacks, cubic content, yard area, lot sizes, etc., shall be as specified in article II of this chapter.

(Ord. No. 74-25, § 1, 4-16-74)

Sec. 33-256.1. - Height.

The maximum height of a building is not limited except as all other provisions of this article must be complied with, especially the floor area ratio and lot coverage and the landscaped open space requirements.

(Ord. No. 74-25, § 1, 4-16-74)

Sec. 33-256.2. - Floor area ratio and lot coverage.

The floor area ratio shall be forty-one-hundredths (0.40) at one (1) story and shall be increased by eleven-hundredths (0.11) for each additional story up to eight (8) stories, thereafter the floor area ratio shall be increased by six-hundredths (0.06) for each additional story. Structure parking shall not count as part of the floor area, but shall be counted in computing building height and number of stories. The total lot coverage permitted for all buildings on the site shall not exceed forty (40) percent of the total lot area. Enclosed or nonenclosed mall areas shall not count as part of the floor area, for floor area ratio computation purposes, nor as part of the lot coverage.

(Ord. No. 74-25, § 1, 4-16-74)

Sec. 33-256.3. - Landscaped open space.

The minimum landscaped open space at one (1) story shall be in accordance with the following table:

Size of the Total Lot Area	Percent of the Total Lot Area
Up to one (1) acre	18.0%
More than one (1) acre and up to five (5) acres	16.0%
More than five (5) acres and up to twenty-five (25) acres	14.0%
More than twenty-five (25) acres	12.0%

The minimum landscaped open space shall be increased by one and one-half (1.5) percent for each additional story or part thereof, up to eight (8) stories, thereafter the landscaped open space shall increase by two and one-half (2.5) percent for each additional story or part thereof. For the purpose of computing the amount of required landscaped open space where the building height varies, the number of stories shall be equal to the sum of the product(s) of the number of stories of each part of the building(s) of a different

height times its floor area divided by the sum of the floor area of all parts of the building(s). Said open space shall be extensively landscaped with grass, trees and shrubbery. Water areas may be used as part of the required landscaped open space provided such water areas do not exceed twenty (20) percent of the required landscaped open space. The specific areas within enclosed or nonenclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art displays may be used as part of the required landscaped open space provided such areas do not exceed ten (10) percent of the required landscaped open space. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.

(Ord. No. 74-25, § 1, 4-16-74; Ord. No. 95-223, § 1, 12-5-95)

Sec. 33-256.4. - Prohibited uses.

Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots shall be prohibited. Such business on private or public property shall be conducted only from within approved permanent substantial buildings.

(Ord. No. 74-25, § 1, 4-16-74)

Sec. 33-256.5. - Enclosed uses.

All uses shall be conducted within completely enclosed buildings unless otherwise specifically provided herein. All materials and products shall be stored within the building or within an area completely enclosed with walls which have a life expectancy of twenty (20) years or more from the date of installation of said walls. Storage shall not be made above the height of the walls.

(Ord. No. 74-25, § 1, 4-16-74)

Sec. 33-256.6. - Business property adjacent to residential districts.

Where a business lot abuts an AU, GU, RU or EU zoned property, a decorative masonry wall at least five (5) feet in height shall be erected on the business lots along the common property line separating the two (2) districts. Where a dedicated alley separates the two (2) districts, the five-foot decorative masonry wall shall be erected along the business lots adjacent to the alley, permitting only openings for egress and ingress purposes with the smallest width possible for this purpose. Where the business property is a through lot, and the rear of the business lot lies across the street right-of-way from AU, GU, RU or EU zoned property, said wall shall be located on the business lot ten (10) feet in from the official right-of-way line at the rear of the lot, and the ten-foot strip shall be substantially landscaped. The Director shall determine which part of the lot is the rear property line. No wall will be required along the front property line of the

business lot where the same is separated from a residential zone by a street. Where the common property line between the two (2) districts is an interior side property line, the required wall shall extend only to a point fifteen (15) feet from the official front property line.

(Ord. No. 74-25, § 1, 4-16-74)

Sec. 33-256.7. - Reserved.

Editor's note— Section 33-256.7, pertaining to expansion of existing commercial structures, has been deleted as obsolete. The section was derived from Ord. No. 74-25, § 1, adopted April 16, 1974.

Sec. 33-256.8. - Review Procedure/Administrative Site Plan Review (ASPR).

All development shall be reviewed in accordance with Section 33-310.4.

(Ord. No. 19-51, § 26, 6-4-19)

Editor's note— Ord. No. 19-51, § 26, adopted June 4, 2019, repealed the former § 33-256.8, and enacted a new § 33-256.8 as set out herein. The former § 33-256.8 pertained to plan review standards and derived from Ord. No. 74-25 § 1, adopted April 16, 1974; Ord. No. 95-19, § 12, adopted Feb. 7, 1995; Ord. No. 95-215, § 1, adopted Dec. 5, 1995; Ord. No. 95-223, § 1, adopted Dec. 5, 1995; Ord. No. 96-127, § 18, adopted Sept. 4, 1996; Ord. No. 99-38, § 13, adopted April 27, 1999; Ord. No. 12-47, § 4, adopted July 3, 2012; and Ord. No. 18-134, § 14, adopted Nov. 8, 2018.