

SECTION 6

BH HIGHWAY BUSINESS DISTRICT

A. GENERAL DESCRIPTION

This highway business district is established to provide areas in which the principal use of land is devoted to commercial establishments which cater specifically to the needs of motor vehicle oriented trade. The intent of this district is to provide appropriate space and sufficient depth from the street to satisfy the needs of modern commercial development where access is entirely dependent on motor vehicle trade; and to encourage the development of these locations with such uses and in such a manner as to minimize traffic hazards and interference with other uses.

B. USES PERMITTED

The following uses shall be permitted in the BH Highway Business District:

1. Retail stores, sales and display rooms and shops.
2. Offices.
3. Hotels and motels.
4. Finance, insurance, and real estate services.
5. Personal services including: laundering, dry cleaning, and dying services; photographic services (including commercial); beauty and barber services; alteration and garment repair; fur repair and storage service, shoe repair,

shoe shining, and hat cleaning services.

6. Business services including: advertising services; consumer and mercantile credit reporting services; adjustment and collection services, blue printing and photocopying services; stenographic services; news syndicate services; employment services.
7. Repair services of a minor nature such as: radio and television repair services; watch, clock, and jewelry repair services. No major repair services such as automobile repair services will be permitted
8. Professional services including: medical and other health services; legal services; engineering and architectural services; educational and scientific research services; accounting, auditing, and bookkeeping services; urban and regional planning services.
9. Governmental services including: administrative office activities of the agencies or special authorities involved in governmental functions including the legislature and courts; postal services, civil defense and related activities.
10. Educational services including: vocational and trade schools; business and stenographic schools; barber and beauty schools; air and music schools; dancing schools; correspondence schools.
11. Miscellaneous services including: religious activities; welfare and charitable services, civic, social, and fraternal associations.
12. Amusement, entertainment and recreational establishments. (excluding adult entertainment establishments).
13. Public buildings.
14. Off street parking facilities.
15. Signs as regulated in Article VI, Section 22.
16. Retail establishments including incidental manufacturing of goods for sale at retail on the premises provided, however, that the space devoted to manufacturing does not exceed twenty (20%) percent of the gross floor area of the establishment.
17. Sales and display rooms and lots, but not including yards for storage of new or used building materials or yards for any scrap or salvage operations.

18. Automobile service and repair establishments, including gasoline service stations, repair garages, and automatic car washing establishments.
19. Wholesale and distribution establishments not involving over five thousand (5,000) square feet for storage of wares to be wholesaled or distributed.
20. Small animal hospitals, provided that all animals shall be kept inside soundproof air-conditioned buildings.
21. Linen supply and industrial laundry services and dry cleaning plants.
22. Funeral and crematory services.
23. Food lockers (with or without food preparation facilities).
24. Reupholster and furniture repair services.
25. Other uses and structures which are customarily accessory and clearly incidental to permitted uses and structures and are not of a nature prohibited under "Prohibited Uses and Structures".
26. Souvenir shop, roadside stand, and curio shops.
27. Garden center, greenhouse, and nursery.
28. Mobile home sales and service.
29. Prefabricated and shell house sales.
30. Auction house.
31. Recreational uses, such as: amusement parks, bowling alleys, roller skating rinks, archery ranges, miniature golf courses, golf driving ranges, and other similar recreational uses.
32. Open storage uses shall comply with the following provisions:
 - a. All open storage and display of merchandise, material and equipment shall be screened by adequate fencing or evergreen planting at the side and rear of the lot on which said open storage or display occurs.
 - b. All of the lots used for parking of vehicles, for the storage and display of merchandise and all driveways shall be constructed and

maintained in such a manner that no dust will be produced by continued use.

- c. All servicing of vehicles carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
- d. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be of a flashing or intermittent type.

33. Limited bulk plant gasoline facilities, provided the following conditions are met:

- a. All bulk liquids are stored in underground tanks.
- b. The handling of bulk liquids must be in conjunction with a gasoline service station, utilizing the same storage tanks.
- c. Vehicles used in the redistribution of bulk gasoline shall not exceed a capacity of one thousand five hundred (1,500) gallons.
- d. The use must be approved by the Three Way Fire Prevention Bureau and be in accordance with all provisions of the Fire Prevention Code as adopted. In granting approval the Fire Prevention Bureau may impose additional restrictions that may be needed in the interest of the public welfare.

34. Group Day Care Homes and Child Care Centers as herein defined and regulated in Article VI, Section 10.

35. Other uses similar in character to those enumerated above and which in the opinion of the Board of Zoning Appeals will not be injurious to the District.

C. USES PERMITTED AS SPECIAL EXCEPTIONS

Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit, as special exceptions:

- 1. Any use permitted as a special exception use in the BN (Neighborhood Business) District.
- 2. Mini-warehouses as regulated in Article VI, Section 17.

3. Commercial Mobile Communications Services (CMCS), as regulated by Article VI, Section 21.

D. PROHIBITED USES AND STRUCTURES

The following uses are prohibited in the BH (Highway Business) District:

1. Dwelling units.
2. Manufacturing uses.
3. Junk yards and salvage yards.
4. Bulk storage of flammable materials, except as provided under “Uses Permitted”.
5. All uses and structures of a nature that in the opinion of the Board of Zoning Appeals would be injurious to the district.

E. AREA REGULATIONS

The following requirements shall apply to all uses permitted in this district:

1. Lot Area
 - a. For those areas served by a sanitary sewer system, there shall be a minimum lot area of not less than ten thousand (10,000) square feet.
 - b. For those areas not served by a sanitary sewer system, the lot area requirements shall be determined by the planning commission based on recommendations by the Health Department, but in no case less than ten thousand (10,000) square feet.

2. Front Yard

All buildings shall be set back from the street right-of-way lines not less than fifty (50) feet. However, if a building or buildings on an adjoining lot or lots provide front yards less than fifty (50) feet in depth, a front yard equal to the average of adjoining front yards may be provided, but in no case shall a front yard be less than twenty-five (25) feet, except with the approval of the Board of Zoning Appeals.

3. Side Yard

The width of any side yard which abuts a residential district, shall be not less than twenty-five (25) feet. In all other cases each side yard shall be not less than twelve (12) feet.

4. Rear Yard

Each lot shall have a rear yard of not less than ten (10) feet; where a commercial building is serviced from the rear there shall be a rear yard not less than thirty (30) feet, the depth of a rear yard which abuts a residential district shall be not less than thirty (30) feet.

5. Lot Width

Each lot shall have a width at the front building line of not less than seventy-five (75) feet.

6. Maximum Lot Coverage

The maximum lot area which may be covered by any principal and accessory building shall not exceed forty percent (40%).

F. HEIGHT REGULATIONS

No building shall exceed ten (10) stories except as provided in Article VI, Section 6 and subject to the following conditions:

1. The maximum height of a structure at the building line shall be two (2) times the distance the structure sets back from the side and rear property lines, not to exceed ten (10) stories.
2. A light plane shall be established as follows:
 - a. The plane will extend from the maximum height at the building lines in a forty-five (45) degree angle to intersect a horizontal line drawn at the maximum allowed height of ten (10) stories and parallel with the base ground elevation.
 - b. No part of the structure shall extend beyond the established light plane except as provided in Article VI, Section 6.

G. OFF STREET PARKING

As regulated in Article VI, Section 12.