

ARTICLE 11

INTERCHANGE SERVICE BUSINESS (B-5P) ZONE

11-1 INTENT - The intent of the Interchange Service Business (B-5P) zone is to permit the establishment of limited commercial facilities at limited access highway interchange areas so that the traveling public is conveniently provided with transient type services without endangering the movement along, as well as access to and from, the limited access highway. The standards contained in this Article are intended to provide adequate protection for, and consideration of, the traveling public.

11-2 PRINCIPAL USES PERMITTED - The following are principal permitted uses in an Interchange Service Business (B-5P) zone:

- a. Automobile Service Stations and automobile and vehicle refueling stations providing full service, self service, or a combination thereof; including the sale of convenience type merchandise in conjunction therewith in an enclosed building not exceeding 3,000 square feet in floor area. Such uses shall conform to all requirements of Article 16.
- b. Facilities for the sale of convenience type merchandise in an enclosed building not exceeding 3,000 square feet in floor area in conjunction with pumps for the sale of fuel for vehicles.
- c. Restaurants, excluding drive-in restaurants.
- d. Cocktail Lounges, Nightclubs, and Discotheques, with or without live entertainment or dancing.
- e. Brew-pubs, when located at least 100 feet from a residential zone, which shall be soundproofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.
- f. Hotels and Motels.
- g. One Confectionery or Candy Store, not exceeding 1,500 square feet, per interchange quadrant.
- h. Overnight Trailer and Camping Facilities.
- i. Carnivals on a temporary basis, and upon issuance of a permit by the Division of Building Inspection, which may restrict the permit in terms of time, parking, access, or in other ways to protect public health, safety, or welfare or deny such if public health, safety, or welfare are adversely affected. A carnival may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
- j. Temporary cellular telephone transmitting facility; not to exceed 70' in height and with a 1:1 height to yard ratio.
- k. Car washing establishments, provided that surface water from such uses shall not drain onto adjacent property or over a public sidewalk, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes. The use shall be located at least 150 feet from a residential zone or

residential structure in a non-residential zone; or the use shall be designed so that all vehicular stacking areas and machine operations, including vacuuming and mechanical washing, shall be conducted inside a building, or shall be separated from the residential zone or residential structure in a non-residential zone by a building or an eight-foot solid wall.

11-3 ACCESSORY USES PERMITTED - Accessory uses permitted in the B-5P zone are those uses which are customarily accessory, clearly incidental, and subordinate to any permitted principal use, such as:

- a. Swimming pools.
- b. Meeting rooms.
- c. Tennis courts, putting greens, handball courts, and other similar indoor or outdoor recreational facilities.
- d. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
- e. Bus agencies.

11-4 CONDITIONAL USES - The following are conditional uses in an Interchange Service Business (B-5P) zone (Permitted only with Board of Adjustment approval):

- a. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
 - 1) That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
 - 2) That a reasonable degree of reclamation and proper drainage control is feasible; and
 - 3) That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
- b. Circuses, provided all structures are located not less than 200 feet from any residential zone; and further provided that all structures for housing animals shall be 200 feet from any residential zone, residential use, school, hospital, nursing home or rest home. A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.

11-5 PROHIBITED USES - All uses, other than those

specifically named as permitted uses, shall be prohibited in the B-5P zone.

11-6 LOCATIONAL STANDARDS - A B-5P zone may be established only upon land having a minimum of 500 feet of frontage on a street designated by the Commission as an arterial and abutting a limited access highway interchange. The location of such B-5P zone shall have an acceptable relationship to the design of the limited access highway which it abuts.

11-7 MINIMUM DESIGN STANDARDS

11-7(a) ACCESS - There shall be no direct entrances or exits from any establishments to any arterial street unless acceleration and deceleration lanes not less than 200 feet in length and 11 feet in width are provided for both directions of travel.

11-7(b) NON-CONFORMING USES - Development of a B-5P zone in accordance with the provisions of this Article shall include the removal of any non-conforming use located on the property involved.

11-7(c) PARKING - Off-street parking areas for each permitted principal use shall be provided at least equal to those required for each such use in the B-3 zone.

11-7(d) SCREENING - Landscaping and screening shall be provided as required in Article 18.

11-7(e) LOT, YARD AND HEIGHT REQUIREMENTS - Lot and yard requirements shall be as for the Highway Service Business (B-3) zone. There shall be no height restriction except when a side or rear yard adjoins a residential zone, then a 3:1 height-to-yard ratio.

11-8 PROCEDURE - The procedure for obtaining a Zoning Map Amendment to the B-5P zone shall be the same as provided in Article 6 herein above; and in addition, as follows:

11-8(a) PRELIMINARY DEVELOPMENT PLAN REQUIRED - A preliminary development plan shall be submitted with the application for a Zoning Map Amendment with the information as specified in Article 21 herein below.

11-8(b) FINAL DEVELOPMENT PLANS REQUIRED - Within two (2) years of approval by the Urban County Council of any B-5P Zoning Map Amendment, unless an extension is granted by the Commission, the applicant shall submit a final development plan to the Commission for its review and approval; otherwise, an application to change the B-5P zone to its previous zone or other appropriate zone may be filed by the Commission, as provided under Article 6 herein above. The final development plan shall show the information as specified by Article 21 herein below. The Commission shall approve, conditionally approve, or disapprove a final development plan within ninety (90) days after

the applicant submits the development plan.

11-8(c) BUILDING PERMIT REQUIRED - No building permit shall be issued until a final development plan has been approved by the Commission and certified to the Division of Planning, after which a permit for construction may be issued by the Division of Building Inspection. The approved final development plan shall limit and control the issuance of all building and occupancy permits, and shall restrict the construction, location, and use of all land and structures to all conditions set forth in the plan. Amendments to the plan can be made only as permitted in Article 21: Development Plans.