

CHAPTER 1163

B-1 Local Business District

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1163.01 INTENT.

The B-1 Local Business District, as herein established is designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas.

(Ord. 82-1970. Passed 11-2-70.)

1163.02 PRINCIPAL USES PERMITTED.

In a Local Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in the Zoning Ordinance.

(a) Generally recognized retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.

(b) Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors or barber shops, photographic studios and self-service laundries and dry cleaners.

(c) Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.

(d) Business establishments which perform services on the premises, such as but not limited to: banks, loan companies, insurance offices and real estate offices.

(e) Professional services including offices of doctors, dentists, osteopaths and similar or allied professions.

(f) Branch Post Offices and similar governmental office buildings, serving persons living in the adjacent residential area.

(g) Restaurants, taverns or other places serving food or beverages except those having the character of a drive-in, except the sale of beer, wine and/or intoxicating liquors as the same are defined in the Liquor Control Act of Ohio, for the consumption on the premises of the seller, shall be prohibited within 500 feet of the nearest property line of any church mission, public or parochial school, hospital or public library.

(h) Other uses similar to the above uses.

(i) Accessory structures and uses customarily incident to the above permitted uses. (Ord. 82-1970. Passed 11-2-70.)

(j) Private clubs, fraternal organizations and lodge halls.

(Ord. 28-1972. Passed 5-15-72.)

(k) Miniature golf course. (Ord. 28-2010. Passed 4-5-10.)

1163.03 REQUIRED CONDITIONS.

(a) All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced.

(b) All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

(Ord. 28-1972. Passed 5-15-72.)

1163.04 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission:

(a) Gasoline service station for the sale of gasoline, oil and minor accessories and where only incidental repair work is done, but not including steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstering, auto glass work, outdoor storage of wrecked or inoperative vehicles, rental equipment and/or vehicles and such other activities whose external effects could adversely extend beyond the property line.

(1) The driveway or curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be located no less than ten feet from an adjoining property line, twenty-five feet if adjacent residential districts, as extended to the curb or pavement. Entrances shall also be no less than twenty-five feet from an intersecting street right-of-way line extended to the curb or pavement.

(2) The minimum lot area shall be 15,000 square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Gasoline service stations which are intended solely for the sale of gasoline, oil and minor accessories and having no facilities for repair or servicing of automobiles, including lubricating facilities, may be permitted on lots of 10,000 square feet, subject to all other provisions herein required. If rental vehicles or trailers are stored on the premises, a minimum lot area of 15,000 square feet shall be devoted

exclusively to service station use, and there shall be provided behind the line of the main building an additional area for the storage of rental vehicles or trailers on such premises. No vehicles or trailers shall be parked in front of the pump island setback line except vehicles actually being serviced at such pump island.

(3) No portion of such structure or its equipment shall be located less than fifty feet from a building in a residence district unless separated from the lots in such district by a street fifty feet or more in width. Furthermore, gasoline pumps or pump islands shall be located not less than fifteen feet from any street right-of-way line.

(4) The maximum volume of gasoline, lubricating oil or other motor fuel that may be stored at each service station, bulk station or other place where these materials are stored shall be 30,000 gallons and no tank or container used to store these materials shall be installed until written approval is received from the Fire Prevention Bureau of the City and also from the Chief of the Massillon Fire Department.

(5) All tanks shall be installed in accordance with State laws of Ohio and regulations of the State Fire Marshal, Columbus, Ohio.

(6) All above tanks must be underground, properly vented and placed in ground and on lot in accordance with the State laws of Ohio and regulations of the State Fire Marshal.

(7) Upon discontinuance of the use of the above tanks for the purpose for which they were installed, they must be removed from the property by the owner of same within ninety days.

(8) No open flame heating appliances permitted.

(b) Gasoline service stations for the sale of gasoline, oil, minor automotive accessories and goods designed to meet the day to day convenience shopping and service needs of persons residing in adjacent residential areas.

(1) Such use is subject to those special conditions listed pursuant to subsection (a) hereof.

(2) Such service stations shall not conduct nor have on site facilities for the repair or servicing of automobiles.

(3) All food products sold on the premises must be pre-packaged.

(4) Off-street parking requirements shall be provided in accordance with Section 1183.01.

(c) Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations; gas regulator stations with service yards but without storage yards; water and sewage pumping stations.

(Ord. 94-1978. Passed 10-2-78.)

(d) Bed and Breakfast Homes subject to the provisions of Section 1187.15.

(e) Bed and Breakfast Inns subject to the provisions of Section 1187.15.

(Ord. 5-2003. Passed 3-3-03.)