

TITLE XIV-GENERAL BUSINESS (B-3) ZONING DISTRICT

SECTION 1: Intended Purpose:

The General Business (B-3) Zoning District is designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Neighborhood Business (B-1) Zoning District or the Community Business (B-2) Zoning District. The General Business (B-3) Zoning District is intended to serve predominantly motorists.

The following provisions shall apply to General Business (B-3) Zoning Districts:

- A. All business, service, storage, merchandise, display, and where permitted, repair and processing, shall be conducted wholly within an enclosed building, unless authorized as a variance, and except as otherwise permitted herein for specific uses.
- B. Goods sold shall consist primarily of new merchandise, and any goods produced on the premises shall be sold at retail on the premises unless otherwise permitted herein for specified uses.
- C. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter, or water-carried waste.
- D. Where a commercial building is located on a lot which abuts property zoned for residential use, an opaque landscape screen, an opaque fence or screening having a minimum height of six (6) feet shall be provided along any side and/or rear lot line contiguous to the property zoned for residential use.
- E. Sign requirements shall be in accordance with the provisions set forth in TITLE XXII of this Zoning Ordinance, as amended from time to time.
- F. Parking spaces shall be in accordance with the provisions set forth in TITLE XXVII of this Zoning Ordinance, as amended from time to time.
- G. **(Amended May, 1996 No. 680)** In all Business, Conditional and Industrial Zoning Districts, where garbage, refuse and other debris is maintained and kept or stored outside any principal building and/or accessory building/structure, the garbage, refuse and other debris must be stored within corrals or structures designed to screen the garbage, refuse and debris from public view.
- H. Special Activity permits may be obtained for temporary outdoor sales, public rummage sales, flea markets, swap meets, farmers market, special events or promotional events.

SECTION 2: Use Regulations:

- A. The following shall apply to the General Business (B-3) Zoning District as permitted uses:

- 1) Any Business or Commercial uses permitted in the Community Business (B-2) Zoning District, subject to the regulations of this Zoning Ordinance, as amended from time to time, for the Zoning District;
- 2) Amusement establishments such as bowling alleys, pool halls, dancing halls, gymnasiums, swimming pools and skating rinks, and other similar uses;
- 3) Automobile repair stations;
- 4) Automobile service centers;
- 5) Automobile service stations;
- 6) Automobile, recreational vehicles (snowmobiles, motorcycles, boats, etc.) and equipment sales, including uses car sales;
- 7) Blueprinting and photocopying establishments;
- 8) Building materials sales, with accessory enclosed (fenced) storage;
- 9) Caskets and casket supplies;
- 10) Catering establishments;
- 11) Contractors' and construction offices, storage of construction equipment;
- 12) Clubs and lodges, private, fraternal or religious;
- 13) Extermination shops;
- 14) Frozen food shops, including locker rental in conjunction therewith;
- 15) Garages, public;
- 16) Garden supply centers with open lot sales;
- 17) Machinery and equipment sales, including service, repair or reconditioning of all machinery within enclosed buildings;
- 18) Meat markets, including the processing and sale of meat and meat products when conducted as a part of the retail business of the premises;
- 19) Monument sales;
- 20) Orthopedic and medical appliance stores, but not including the assembly or manufacture of such articles;

- 21) Parking lots, automobile;
- 22) Plumbing showrooms and shops;
- 23) Radio and television service and repair shops;
- 24) Typewriter, adding machine and home computer sales and service establishments;
- 25) Undertaking establishments and funeral parlors;
- 26) Hotels and motels;
- 27) Body or Fender Works;
- 28) Automobile Painting.

B. The following uses shall apply to the General Business (B-3) Zoning District, provided that where they are located within One Hundred Fifty (150) feet of a more restrictive Zoning District, they shall be conducted wholly within a building, except for the Off-Street loading or unloading of delivery vehicles which are incidental thereto as required in TITLE XXVII:

- 1) Agricultural implements, automobile or trailer sales-provided that any display or storage area shall be developed as required in this Zoning Ordinance, and that any incidental repair of implements, automobiles or trailers shall be conducted and confined wholly within a building where the mechanical power employed in the operation of any machine or tool does not exceed twelve (12) horsepower;
- 2) Building material sales yard including the sale of lumber, rock, sand and gravel, but excluding concrete mixing;
- 3) Carpenter, cabinet, plumbing or sheet metal fabricating shops, but excluding the manufacturing of any such products;
- 4) Farm and contractor's equipment storage yard or plant;
- 5) Feed or fuel yard;
- 6) Ice manufacturing or cold storage;
- 7) Public utility service yard or electrical receiving or transforming station;
- 8) Trade or business school or other similar private school operating as a commercial enterprise;
- 9) Warehousing;

- 10) Wholesale merchandise storage;
- 11) Second hand store, if entirely within a building;
- 12) Upholstery Shop, if entirely within a building.

C. The following shall be applicable to the General Business (B-3) Zoning District, subject to the conditions contained herein:

- 1) Automobile service station, in accordance with Chapter II "Rules and Regulation of the State Fire Marshall Regulating the use, handling, storage and sale of flammable liquids in the State of Indiana" provided that any tire or tube repairing, battery charging and storage of merchandise or supplies are conducted wholly within a building. Plans for the erection or structural alteration of an automobile service station shall be approved by the Plan Commission. The Plan Commission may require such change therein in relation to yards, location, site and lighting of advertising devices and construction of buildings as it deems best suited to insure safety and to minimize traffic difficulties and to safeguard adjacent property.

D. Other uses similar to those cited above, may be permitted in this General Business (B-3) Zoning District, upon interpretation by the Plan Commission.

E. Accessory structures and uses customarily incidental to the above permitted uses may be permitted in this General Business (B-3) Zoning District.

SECTION 3: Special Use Exceptions:

A. In the exercise of approval of any uses as Special Exceptions, such conditions may be imposed regarding the location, character of development and other reasonable requirements deemed necessary to safeguard the community and general welfare.

B. The following uses may be allowed by special exception:

- 1) Those special exception uses allowed for in the Community Business (B-2) Zoning District, except those which are permitted in the General Business (B-3) Zoning District.
- 2) Any use permitted in the Light Industrial (M-1) Zoning District;
- 3) Animal hospitals;
- 4) Dog kennels;
- 5) Job printing shops;
- 6) Microwave relay towers;
- 7) Bottling works;

- 8) Ice cream manufacture, including storage of frozen food products;
 - 9) Outdoor amusement establishments, golf driving range, miniature golf courses, par three golf courses, kiddie parks, and other similar amusement centers and places of amusement;
 - 10) Satellite dish sales establishments;
 - 11) Second-hand stores (re-sale shops), rummage shops, auction houses and flea markets;
 - 12) New and/or used car sales, with Body Repair Shop;
 - 13) Theaters;
 - 14) Hospitals
 - 15) Nursing Homes.
 - 16) Sale of Legal Fireworks
- C. A Special Exception may only be approved upon a determination in writing by the Town Council, after recommendation from the Board of Zoning Appeals. The Town Council and/or Board of Zoning Appeals, may consider and impose such conditions as will insure that:
- 1) The establishment, maintenance or operation of the special use or special exception will not be detrimental to or endanger the public health, safety , comfort, morals or general welfare, and is in accordance with the Comprehensive Master Plan of the Town;
 - 2) The special exception or special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the Town;
 - 3) The establishment of the special exception or special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the Zoning District;
 - 4) The special exception or special use shall be required to comply with reasonable time limitations on commencement and duration of special exception of special use, as well as holder of rights to special exception or special use.
 - 5) Adequate utilities, access roads, drainage and/or other necessary facilities will be provided;
 - 6) Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

- 7) The special exception or special use shall in all other respects conform to the applicable regulations of the Zoning District in which it is located and the Town Council finds that there is a public necessity for the special exception or special use.

SECTION 4: Height Regulation:

The maximum height of any buildings or other structures shall be two (2) stories, or not more than thirty (30) feet.

SECTION 5: Area, Width and Yard Regulations:

- A. **Minimum Lot Area and Width:** A minimum lot area of not less than twenty thousand (20,000) square feet, and a lot width of not less than one hundred (100) feet at the building line shall be provided for every building or other structure erected or used for any use permitted in this Zoning District. In the case of a Developmental Plan, the heights of buildings and other structures erected or enlarged in this Zoning District, and area, width, yard and building coverage requirements, therefore, shall be as specified on or in connection with the aforesaid Developmental Plan. The Development Plan shall be of not less than ten (10) acres.
- B. **Front Yard:** Each lot shall front on a dedicated and improved street. There shall be a front yard between the building line and the highway line and the highway or street right-of-way lines as follows:
 - 1) On existing four (4) lane Federal or State highways a distance of sixty (60) feet.
 - 2) On existing two (2) lane Federal or State highways, a distance of seventy-five (75) feet.
 - 3) All streets designed as a part of the Federal Aid Urban System, as delineated by the State Highway Commission, a distance of fifty (50) feet.
 - 4) All other streets, a distance of thirty (30) feet.
- C. **Side Yard:**
 - 1) On corner lots, each side yard abutting a street shall be the same.
 - 2) On a lot abutting any Residential Zoning District, or more restrictive Zoning District, there shall be a side yard abutting such Zoning District having a width of not less than fifteen (15) feet, which shall be effectively screened from abutting lots by a strip of planting not less than fifteen (15) feet in ultimate width, such planting consisting of not less than fifty (50%) percent evergreen material scattered throughout.
 - 3) Where abutting lots have buildings or other structures employing a common party wall, no side yard is required.
 - 4) All interior lots shall have two (2) side yards, each having a width of not less than five (5) feet, except where party walls are used.

- D. **Rear Yard:** There shall be a rear yard on each lot, the depth of which shall not be less than thirty (30) feet from the rear lot line.
- 1) On a lot abutting any residential Zoning District, there shall be a rear yard abutting such district having a depth of not less than ten (10) feet, which shall be effectively screened from abutting lots by a strip of planting, such planting consisting of not less than fifty (50%) percent evergreen materials scattered throughout.
- E. **Building Coverage:** No more than fifty (50%) of any lot may be covered by buildings.