

ARTICLE VI. PROVISIONS GOVERNING COMMERCIAL DISTRICTS

Sect. 600 P-1 Professional Offices District

Intent: The intent of this zoning district is to provide areas to accommodate offices as a use into themselves as well as a zone to be used as a transition between more intense commercial uses and less intense residential uses both single and multi-family.

1.) Permitted Uses

A.) Professional offices uses and personal service businesses where the principal use is the provision of service to individuals not retail sales of goods. Illustrative uses include but are not limited to the following: banks; veterinarians; funeral homes; professional, business and governmental offices; research, development or testing laboratories; real estate offices; studios for the production or teaching of fine arts, such as photography, music, dance, and drama; churches and cemeteries; ticket and travel agencies; medical and dental offices, laboratories and clinics; schools and colleges for academic, technical and vocational or professional instruction; nursing homes, convalescent, extended care or assisted care living facilities.

B.) Multi-family residential use as regulated in the R-3 zone.

C.) Dwellings units; attached, occupying the same structure as an otherwise allowed use, not consisting of over 50% of the square footage dedicated to the commercial/office use.

2.) Accessory Uses Permitted.

A.) Garage or other accessory buildings

B.) Private recreational facilities such as parks and social and/or golf clubs

C.) Drive-In Facilities, serving a principal use, determined by the City or County Engineer not to be a traffic hazard.

3.) Conditional Uses allowed

A.) Conditional use listed as permitted in all zones (see section 210(3)(B))

B.) Bed and Breakfast Establishments: allowing sleeping accommodations to be rented for profit with minimal food service provided. The Board of Adjustment when granting requests for bed and breakfast establishments may, limit the number of rooms to be used, limit the area of structure to be dedicated to the use, require a specific number of parking spaces as well as impose any other requirement that it deems necessary to help the requested

use blend into its unique surroundings.

4.) Dimensional Requirements

Subject to the special requirements of Article VIII (*Except when the P-1 zone abuts a residential district, in which case the residential setbacks if more strict apply*)

- A.) Maximum Height - 35 feet
- B.) Minimum Lot Area w/ sanitary sewer - none
- C.) Minimum Lot Area without sanitary sewer - 1 acre
- D.) Maximum Lot coverage - 40 percent
- E.) Minimum Lot Width - 50 feet
- F.) Minimum Front Yard - 50 feet
- G.) Minimum Side yard - 5 feet
- H.) Minimum Rear Yard - 5 feet

5.) Parking Regulations

- a.) All-weather off-street automobile parking, paved with bituminous asphalt or concrete shall be provided on all lots on which any of the following uses are established such space shall be provided with vehicular access to a street or alley.
- b.) All other parking shall be provided as indicated in Article XIII.
- c.) Parking Exceptions Article XIII, Section 1300(2).

6.) Signage

All signs shall be installed as allowed and indicated in Article X.

7.) Landscape and Buffering

All landscape and buffering to be installed as specified in Article IX.

Sect. 601 B-1 Neighborhood Commercial District

Intent: The intent of this zoning district, when properly applied, is to provide resident consumer more localized opportunities to purchase convenience goods and services. It is not the intent of this zoning district to provide areas for the purchase of regionally demanded goods and services, only that demanded, on more of a convenience basis, by the local resident population. It is also intended to provide for logical, productive development in downtown areas of the community.

1.) Permitted Uses.

A.) Professional offices uses and personal service businesses and all other uses as allowed and regulated in the P-1 Professional Office District.

B.) Retail sales establishments, for the sale of convenience goods, personal service establishments, and other consumer services, provided that all processing is performed as a consumer service for retail customers served on the premises and all such establishments are limited to a maximum of 5000 square feet of floor area; including but not limited to convenience stores, mini-marts including gasoline sales, restaurants, specialty retailers, video rental stores, grocery stores, etc..

C.) Dwellings units; attached, occupying the same structure as an otherwise allowed use, not consisting of over 50% of the square footage dedicated to the commercial/office use.

2.) Accessory Uses Permitted.

A.) Garage or other accessory buildings

B.) Private recreational facilities

C.) Drive-In Facilities, serving a principal use, determined by the City or County Engineer not to be a traffic hazard.

3.) Conditional Uses allowed

A.) Conditional Use listed as permitted in all zones (see section 210(3)(B))

B.) Bed and Breakfast Establishments: allowing sleeping accommodations to be rented for profit with minimal food service provided. The Board of Adjustment when granting requests for bed and breakfast establishments may, limit the number of rooms to be used, limit the area of structure to be dedicated to the use, require a specific number of parking spaces as well as impose any other requirement that it deems necessary to help the requested use blend into its unique surroundings.

C.) Car Wash: The Board of Adjustment when reviewing applications for

this Conditional Use, shall review plans for the operation to determine if traffic circulation/vehicle storage and wash water discharge are adequately provided for. The opinion of the City or County Engineer shall be sought concerning traffic circulation/vehicle storage provisions. Wash water shall be discharged into sanitary sewers of a facility approved by the Spencer County Health Department.

D.) Mini-warehouses: which provide for rental, small storage facilities that are offered for use to the public. The Board of Adjustments when granting requests for mini-warehouse facilities may limit the number of units provided, restrict the size or orientation of any structure, require screening, buffering, or landscaping, require a specific type of building material, require green landscape buffer areas, require storm water abatement measures or impose any other requirement that it deems necessary to help the requested use blend into its unique surroundings.

4.) Dimensional Requirements

Subject to the special requirements of Article VIII. *(Except when the zone abuts a residential district, in which case the residential setbacks if more strict apply)*

- A.) Maximum Height - 35 feet
- B.) Minimum Lot Area w/ sanitary sewer - none
- C.) Minimum Lot Area without sanitary sewer - 1 acre
- D.) Maximum Lot coverage - 40 percent
- E.) Minimum Lot Width - 50 feet
- F.) Minimum Front Yard - 50 feet
- G.) Minimum Side yard - 5 feet
- H.) Minimum Rear Yard - 5 feet

5.) Parking Regulations.

- a.) All-weather off-street automobile parking, paved with bituminous asphalt or concrete shall be provided on all lots on which any of the following uses are established such space shall be provided with vehicular access to a street or alley.
- b.) All other parking shall be provided as indicated in Article XIII.
- c.) Parking Exceptions Article XIII, Section 1300(2).

6.) Signage.

All signs shall be installed as allowed and indicated in Article X.

7.) Landscape and Buffering

All landscape and buffering to be installed as specified in Article IX.

Sect. 602 B-2 General Commercial District

Intent: The intent of this zoning classification, when properly applied, is to provide areas for major retail service and goods providers to locate without the limitations as imposed in lower intensity commercial zones. Areas zoned to this classification are primarily those with high accessibility for the community at large.

1.) Permitted Uses.

A.) Professional offices uses and personal service businesses and other uses as allowed and regulated in the P-1 Professional Office District and the B-1 Neighborhood Commercial District.

B.) Retail sales establishments, for the sale of consumer goods, personal service establishments, and other consumer services, provided that all processing is performed as a consumer service for retail customers served on the premises with no limitation on square feet of floor area; including but not limited to convenience stores, mini-marts including gasoline sales, appliance and furniture stores, video rental stores, grocery stores, hardware stores, hotels/motels etc.

C.) Places of public assembly such as movie theaters, private schools, lecture halls, convention centers providing adequate off street parking.

D.) Dwellings units; attached, occupying the same structure as an otherwise allowed use, not consisting of over 50% of the square footage dedicated to the commercial/office use.

E.) Properties zoned B-2 on August 5, 2014 that have continuously maintained that zoning classification thereafter are entitled to uses listed as permitted in the B-3 District herein in addition to those listed above.

2.) Accessory Uses Permitted.

A.) Garage or other accessory buildings

B.) Private recreational facilities

C.) Drive-In Facilities, serving a principal use, determined by the City or County Engineer not to be a traffic hazard.

D.) Outside Storage of materials or inventory as used by an otherwise permitted use as approved by the Board of Adjustment. Screening and/or buffering must be provided that, in the opinion of the Board of Adjustment applied to the specific circumstances, adequately blocks the view of the outside storage from adjacent properties zoned less intensely than B-2.

3.) Conditional Uses allowed

A.) Conditional Use listed as permitted in all zones (see Sect. 210(3)(B))

B.) Bed and Breakfast Establishments: allowing sleeping accommodations to be rented for profit with minimal food service provided. The Board of Adjustment when granting requests for bed and breakfast establishments may, limit the number of rooms to be used, limit the area of structure to be dedicated to the use, require a specific number of parking spaces as well as impose any other requirement that it deems necessary to help the requested use blend into its unique surroundings.

C.) Car Wash: The Board of Adjustment, when reviewing applications for this Conditional Use, shall review plans for the operation to determine if traffic circulation/vehicle storage and wash water discharge are adequately provided for. The opinion of the City or County Engineer shall be sought concerning traffic circulation/vehicle storage provisions. Wash water shall be discharged into sanitary sewers of a facility approved by the Spencer County Health Department.

D.) Mini-warehouses: which provide for rental, small storage facilities that are offered for use to the public. The Board of Adjustments when granting requests for mini-warehouse facilities may limit the number of units provided, restrict the size or orientation of any structure, require screening, buffering, or landscaping, require a specific type of building material, require green landscape buffer areas, require storm water abatement measures or impose any other requirement that it deems necessary to help the requested use blend into its unique surroundings.

4.) Dimensional Requirements

Subject to the special requirements of Article VIII. *(Except when the zone abuts a residential district, in which case the residential setbacks if more strict apply)*

A.) Maximum Height - 55 feet

B.) Minimum Lot Area w/ sanitary sewer - none

C.) Minimum Lot Area without sanitary sewer - 1 acre

D.) Maximum Lot coverage - 40 percent

E.) Minimum Lot Width - 50 feet

F.) Minimum Front Yard - 50 feet

G.) Minimum Side yard - 5 feet

H.) Minimum Rear Yard - 5 feet

5.) Parking Regulations

a.) All-weather off-street automobile parking, paved with bituminous asphalt or concrete shall be provided on all lots on which any of the following uses are established such space shall be provided with vehicular access to a street or alley.

b.) All other parking shall be provided as indicated in Article XIII.

c.) Parking Exceptions Article XIII, Section 1300(2).

6.) Signage

All signs shall be installed as allowed and indicated in Article X.

7.) Landscape and Buffering

All landscape and buffering to be installed as specified in Article IX.

Sect. 603 B-3 Heavy Commercial District

Intent: The intent of this zoning district, when properly applied, is to provide areas for wholesale and heavy commercial uses. These uses, by their nature, tend to be more intrusive in their operational characteristics and should be located in areas dedicated to commercial use, segregated from primarily residential areas.

1.) Permitted Uses.

A.) Professional offices uses and personal service businesses and other uses as allowed and regulated in the P-1 Professional Office District, the B-1 Neighborhood Commercial District and the B-2 General Commercial District.

B.) Wholesale businesses and heavy commercial such as but not limited to the following: warehouses and storage facilities including mini-warehouses; sale of building materials, lumber yards and contractors businesses; sale of feed, grain or agricultural supplies; greenhouses and plant nurseries; boat and marine supplies sales and service; mobile home and travel trailer sales and service; new or used car, truck or heavy equipment sales lots; truck terminals and freight yards; machine shops; establishments and lots for the display, rental, sale and repair of farm equipment and contractors equipment and trucks.

C.) Parking lots and structures

D.) Dwellings units; attached, occupying the same structure as an otherwise allowed use, not consisting of over 50% of the square footage dedicated to the commercial/office use.

2.) Accessory Uses Permitted.

A.) Garage or other accessory buildings

B.) Private recreational facilities

C.) Drive-In Facilities, serving a principal use, determined by the City or County Engineer not to be a traffic hazard.

3.) Conditional Uses allowed

A.) Conditional Use listed as permitted in all zones (see Sect. 210(3)(B))

B.) Car Wash: The Board of Adjustment, when reviewing applications for this Conditional Use, shall review plans for the operation to determine if traffic circulation/vehicle storage and wash water discharge are adequately provided for. The opinion of the City or County Engineer shall be sought concerning traffic circulation/vehicle storage provisions. Wash water shall be discharged into sanitary sewers of a facility approved by the Spencer County Health Department.

C.) Mobile Home as Place of Residence for a Commercial Watchman: The Board of Adjustment, when reviewing applications for this Conditional Use, shall consider the following factors: if there other facilities that can reasonably accommodate a watchman's residence, if so the permit may be denied; if there is a necessity for a watchman living on site; sewage disposal facilities; as well as aesthetic considerations, appearance, and maintenance concerns.

4.) Dimensional Requirements

Subject to the special requirements of Article VIII. *(Except when the zone abuts a residential district, in which case the residential setbacks if more strict apply)*

- A.) Maximum Height - 35 feet
- B.) Minimum Lot Area w/ sanitary sewer - none
- C.) Minimum Lot Area without sanitary sewer - 1 acre
- D.) Maximum Lot coverage - 40 percent
- E.) Minimum Lot Width - 50 feet
- F.) Minimum Front Yard - 50 feet
- G.) Minimum Side yard - 5 feet
- H.) Minimum Rear Yard - 5 feet

5.) Parking Regulations.

All-weather off-street automobile parking, paved with bituminous asphalt or concrete shall be provided on all lots on which any of the following uses are established such space shall be provided with vehicular access to a street or alley.

All other parking shall be provided as indicated in Article XIII.

Parking Exceptions Article XIII, Section 1300(2).

6.) Signage.

All signs shall be installed as allowed and indicated in Article X.

7.) Landscape and Buffering

All landscape and buffering to be installed as specified in Article IX.