

## **CHAPTER 1123 B-2 Community Business District**

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### **1123.001 INTENT.**

The primary intent of the B-2 Community Business District is to designate certain land areas for community and highway oriented retail and service establishments which serve the entire community.

(Ord. A-2248. Passed 4-9-01.)

### **1123.01 PRINCIPAL USES.**

No building, structure or land shall be erected, altered or used which is arranged or designed for other than one or more of the following uses, except as provided herein and in Chapter 1109. The following retail business and service establishments:

- (a) Apparel shop; shoe store; millinery shop; dressmaking establishment or tailor;
- (b) Appliance sales and/or service establishment; music store;
- (c) Bail and surety bond offices;
- (d) Bakery;
- (e) Barber shop; beauty shop; reducing salon;
- (f) Bicycle repair shop;
- (g) Business or professional office;
- (h) Catering;
- (i) Charitable bingo halls and similar establishments conducting legal games of chance, subject to the provisions of Chapter 517 of the Code of Ordinances;
- (j) Consignment shop;
- (k) Daycare center, commercial;
- (l) Department store; variety stores; mail order office; furniture store; toy store; dry goods store;
- (m) Drug store;
- (n) Dry cleaning establishment;
- (o) Finishing, custom: furniture and fixtures
- (p) Financial institution;
- (q) Florist shop;
- (r) Funeral home or mortuary;

- (s) Furniture store, including new and used home furnishings, appliances, sewing machines, wall and floor coverings;
  - (t) Gift shop; artists supply store or art shop; antique shop; office supply and equipment store;
  - (u) Grocery; meat market; fruit and vegetable store; supermarket; delicatessen;
  - (v) Hardware store; paint store; sporting goods store;
  - (w) Hospital; nursing home;
  - (x) Hotel; motel;
  - (y) Indoor theater; billiard room or pool hall; bowling lanes;
  - (z) Jewelry store;
  - (aa) Landscaping service and retail business;
  - (bb) Laundry pick-up store; self-service laundry; self-service dry cleaner;
  - (cc) Motor vehicle customizing shop;
  - (dd) Motor vehicle full service station;
  - (ee) Motor vehicle sales, rental or lease;
  - (ff) Motor vehicle self service station/mini mart;
  - (gg) Motor vehicle wash facility;
  - (hh) Movie theater;
  - (ii) Newsdealer;
  - (jj) Off-premises sign, subject to the provisions of Chapter 1149;
  - (kk) Pawn shop;
  - (ll) Postal station; telegraph office; bus depot;
  - (mm) Private club or lounge;
  - (nn) Public parking area;
  - (oo) Publicly owned or operated recreation facility; commercial recreation facility;
  - (pp) Religious institution;
  - (qq) Restaurant or tavern, but not including drive-in establishments; soda fountain or ice cream parlor; night club or cocktail lounge; liquor sales subject to applicable regulations and such permits as may be required by law;
  - (rr) Shoe repair shop;
  - (ss) Tattoo and body piercing;
  - (tt) Tool and equipment rental;
  - (uu) Trade or business school; photographic studio; dancing studio; radio or television broadcasting studio;
  - (vv) Wireless telecommunications facility, subject to the provisions of Chapter 1150;
  - (ww) Printing and publishing.
  - (xx) Automobile parts store - retail sales only;
  - (yy) Motor vehicle accessory – retail sales only;
  - (zz) Video rental store;
  - (aaa) Consumer electronics sales, including computer, audio, video, wireless and handheld devices.
- (Ord. A-2248. Passed 4-9-01; Ord. A-2288. Passed 1-14-02; Ord. A-2419. Passed 1-24-05; Ord. A-2515. Passed 5-29-07. Ord. A-2642. Passed 5-24-10.)

**1123.02 CONDITIONAL USES.**

The following uses shall be permitted only if expressly authorized by the Board of Appeals and subject to the provisions of Chapter 1147:

- (a) Animal hospital or kennel, provided that any enclosure or building in which animals are kept shall be at least 100 feet from an N, S or R District and that exercise runs be enclosed on all exterior sides by an opaque, well-maintained fence or wall at least six feet in height;
- (b) Commercial parking facility, subject to the provisions of Section 1147.37;
- (c) Drive-in restaurants;
- (d) Motor vehicle repair garage, but not including body and fender work or painting;
- (e) Municipal or governmental building;
- (f) Off-street parking accessory to any principal use, excluding a dwelling, not located on the same lot as the principal use;
- (g) Outdoor storage, subject to the provisions of Section 1147.38;
- (h) Public garage;
- (i) Public utility building necessary for the furnishing of adequate service to the area, but not including an outdoor storage yard or warehouse;
- (j) Radio, television or telephonic communication transmitting tower;
- (k) Self-service storage facilities;
- (l) Wireless telecommunications facility, subject to the provisions of Chapter 1150;
- (m) Other service commercial uses not otherwise listed as permitted principal uses which, in the opinion of the Board, are similar in nature to permitted B-2 uses, including some custom manufacturing or processing activities which, in the Board's opinion, are commercial service oriented businesses. Such uses shall comply with the following guidelines:
  - (1) Be located in a structure or building that does not contain residential uses;
  - (2) Have appropriate facilities and equipment for proper ventilation, storage of flammable materials, loading and unloading; and
  - (3) Provide for an inspection by the Fire Prevention Officer prior to the Zoning Board of Appeals consideration of the request, to assist the Board with an inspection report and recommendations concerning the proposed use. Such inspection report will also accommodate concerns such as glare, noise, smoke, flammability and other objectionable influences.
- (o) Plant nursery;
- (p) Single family residence as part of a funeral home / mortuary subject to the provisions of 1147.42.  
(Ord. A-2248. Passed 4-9-01; Ord. A-2419. Passed 1-24-05.)

**1123.03 ACCESSORY USES.**

Accessory uses, buildings and structures customarily incidental to any use listed as a permitted principal or conditional use in this chapter shall be permitted in conjunction with such use, provided that such buildings comply with yard setbacks of this district and that the total ground floor area of such accessory uses, buildings and structures does not exceed ten percent of the lot area nor fifty percent of the ground floor area of the principal building, including:

- (a) Architectural canopy sign, subject to the provisions of Chapter 1149;
- (b) Directional sign, subject to the provisions of Chapter 1149;

- (c) Interstate sign, subject to the provisions of Chapter 1149;
  - (d) Off-street parking facility;
  - (e) On-premises sign, subject to the provisions of Chapter 1149;
  - (f) Outdoor displays;
  - (g) Political sign;
  - (h) Portable or temporary sign, subject to the provisions of Chapter 1149;
  - (i) Projecting sign, subject to the provisions of Chapter 1149;
  - (j) Real estate sign, nameplate and institutional bulletin board, subject to the provisions on Chapter 1149;
  - (k) Temporary building for uses incident to construction;
  - (l) Temporary structures for uses related to labor disputes.
- (Ord. A-2248. Passed 4-9-01.)

**1123.04 REQUIRED CONDITIONS.**

All businesses, services or processing shall be conducted wholly within a completely enclosed building, except for off-street parking and conditionally approved outdoor storage. All products produced on the lot, whether primary or incidental, shall be sold at retail primarily on the lot where produced. Processes and equipment employed and goods produced or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste.

(Ord. A-2248. Passed 4-9-01.)

**1123.05 PROHIBITED USES.**

- (a) Dwellings and residences of any kind and schools are prohibited except as listed in Section 1123.02(p). Any use legally existing at the time of the adoption of this Zoning Code shall be classified as a legal nonconforming use.
- (b) No use shall be permitted or authorized to be established or maintained which is or may become hazardous, noxious or objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste.

(Ord. A-2248. Passed 4-9-01; Ord. A-2419. Passed 1-24-05.)

**1123.06 HEIGHT REGULATIONS.**

No building or structure shall exceed the following height except as provided in Chapter 1107:

- (a) Principal uses; conditional uses  
(except as provided in Chapter 1147) .....60 feet\*
- (b) Accessory uses .....25 feet

\*except that no building or structure on a lot, any portion of which is within 275 feet of the Shelby County Courthouse Square, shall exceed a height of three stories or 35 feet.

(Ord. A-2248. Passed 4-9-01.)

**1123.07 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.**

The following minimum requirements shall apply except as provided in Chapter 1107:

	Front Yard Depth (ft.)	Side Yard Width Each (ft.)	Rear Yard Depth (ft.)
(except as provided in Chapter 1147)	25	10*	25

\*Except when adjoining any S or R District, not less than 20 feet.

(Ord. A-2248. Passed 4-9-01.)

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