

2.14 Small Scale General Business District

General Business (GB1)

Intent

The "GB1" district is intended to provide an area for a variety of small-scale business uses. The "GB1" zoning district should be used only within the City limits.

The Greencastle Plan Commission and Board of Zoning Appeals should strive to use this district to provide a variety of goods and services which are accessible to the city's residential neighborhoods and complimentary to its other types of business districts.

A. Permitted Uses**Residential Uses**

- dwelling, single-family (upper floors)
- dwelling, two-family (upper floors)
- dwelling, multi-family (upper floors)

Public/Institutional Uses

- lodge or private club
- community center
- day-care center
- government office
- fire/police/rescue station
- parking lot/garage

Communications/Utility Uses

- railroad right-of-way
- utility substation/transmission line/right-of-way

Park Uses

- nature preserve/center

Commercial Uses

- auto-oriented uses (small/medium scale)
- recreation uses (small scale)
- personal service uses
- office uses
- retail uses (small/medium scale)
- data processing center

Notes

1. Use Matrix: The Use Matrix at the end of this Article (p. 40) provides detailed use listings for all zoning districts.
2. Planned Unit Developments: Any zoning district may be re-zoned to "PUD", Planned Unit Development as specified in Article 8 of this Ordinance.
3. Subdivisions Permitted: The subdivision of land in this district shall be consistent with all applicable provisions of the Greencastle Subdivision Control Ordinance, unless such land is located outside of the Greencastle City Limits in which case all applicable regulations of Putnam County shall apply.
4. Incidental Uses: Incidental uses and standards are listed in Chapter 5.6 of this Ordinance.

B. Special Exception Uses**Agricultural Uses**

- farmer's market (for products grown off-site)
- commercial greenhouse

Residential Uses

- assisted living/retirement facility
- nursing home

Public/Institutional Uses

- church or other place of worship
- funeral home/mortuary/crematory
- hospital/medical center
- institutional facility for the mentally ill
- institutional facility for the developmentally disabled
- government facility (non-office)
- post office
- library
- museum
- school (P-12)
- trade or business school

Communications/Utility Uses

- wireless telecommunications tower/facility
- watertower

Park Uses

- athletic fields/courts/areas
- park/playground
- theater (outdoor)

Commercial Uses

- auto-oriented uses (large scale)
- bus/mass transit terminal
- recreation uses (medium scale)
- retail uses (large scale)

Industrial Uses

- contractor's warehouse/storage yard

C. Lot & Yard Standards

Minimum Lot Area:

- 15,000 square feet

Maximum Lot Area:

- 1.5 acres

Minimum Lot Width:

- 100 feet (measured at the front building setback line)

Minimum Lot Depth:

- 150 feet

Maximum Lot Depth:

- 3.5 times the lot width

Minimum Lot Frontage:

- 75 feet on a public road (with access from that road)

Minimum Front Yard Setback:

- 50 feet when adjacent to a Principal Arterial Street
- 35 feet when adjacent to a Minor Arterial Street
- 25 feet when adjacent to a Collector Street
- 15 when adjacent to a Local Street

Minimum Garage Setback:

- 25 feet (for residential garages when the garage door faces a public street)

Minimum Side Yard Setback:*

- 10 feet

Minimum Rear Yard Setback:*

- 10 feet

*Indicates setback for primary structures, setbacks for accessory structures are prescribed by Chapter 5.6 of this Ordinance.

Minimum Living Area/Dwelling:

- 600 square feet

Minimum Ground Floor Area:

- no limit

Maximum Primary Structures per Lot:

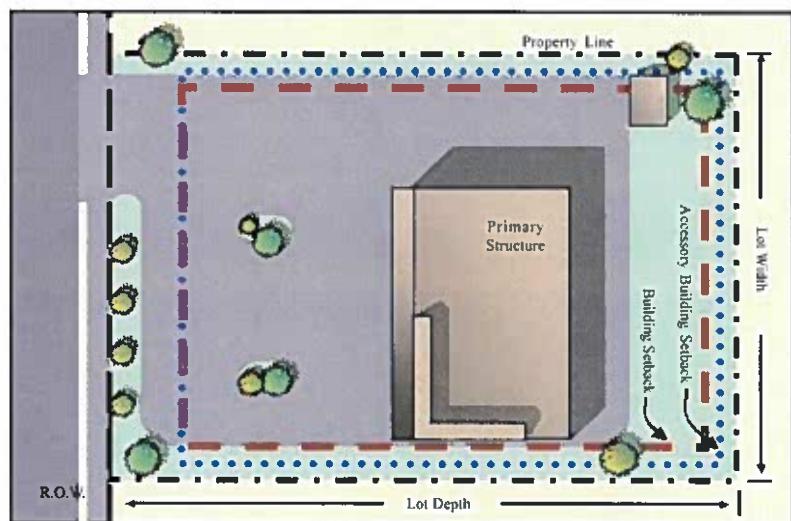
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Maximum Structure Height:

- 45 feet for Primary Structures
- 25 feet for Accessory Structures
- All telecommunications facilities shall conform to the requirements of Chapter 5.23

Development Standards

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Illustrative Layout (Does not reflect all requirements established by this Ordinance)

Article 9

Nonconformities

9

Nonconforming Status

Intent

Upon adoption of this Ordinance some structures, lots, and uses, which were previously established and maintained consistent with all applicable requirements, may no longer conform to the regulations of the zoning district in which they are located. This Article provides the rules, policies and regulations that apply to these structures, lots, and uses; referred to as Legal Nonconforming.

- A. **Illegal Nonconforming:** A structure or lot which is non-conforming, and was constructed or is being used without an approved Improvement Location Permit or approval from the Board of Zoning Appeals or Plan Commission is considered illegal nonconforming. An illegal nonconforming property shall be subject to actions and penalties allowed by this Ordinance and all other applicable City ordinances and shall be altered to conform with all applicable standards and regulations of this Ordinance.
- B. **Legal Nonconforming ("Grandfathered"):** Legal Nonconforming differs from Illegal Nonconforming in that the reason for the nonconformance is caused by the enactment of a Zoning Ordinance or a change to the Zoning Ordinance (including the Official Zoning Map). The structure, lot or use has not changed, but due to the Zoning Ordinance enactment or change, the property no longer conforms to the standards of the zoning district in which it is located. When this situation occurs, the property is deemed Legal Nonconforming or "Grandfathered".

9.2 Nonconforming Signs

Nonconforming Signs

- A. **Legal NonConforming Signs:** Any sign, lawfully established prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the development standards shall be deemed a Legal Nonconforming Sign.
- B. **Sign Defined:** For the purposes of this Article, a sign shall include the sign face and any supports, poles, frames, or other associated lighting, electrical, mechanical, and structural features.
- C. **Continuation of Nonconforming Signs:** The continuation and modification of nonconforming signs shall be consistent with the following requirements:
1. **Increases in Nonconformity:** No legal nonconforming sign shall be enlarged or altered in terms of face area, height, or any other aspect that increases its nonconformity.
 2. **Intentional Alterations:** Any legal nonconforming sign which is intentionally altered, moved for any distance, or replaced shall conform to the regulations of the district in which it is located, and the discontinued legal nonconforming features may not be resumed.
 3. **Accidental Alterations:** Legal nonconforming signs which are required to be altered or removed due to government action or damage resulting from fire, flood, other natural disaster, or a criminal act may be restored to their legal nonconforming condition. Such signs, if rebuilt or restored, shall conform with the requirements of this Ordinance, or shall be identical in scale and all other aspects to that which was altered or removed.
 4. **Sign Faces and Messages:** The sign faces and/or message on a legal nonconforming sign may be altered, replaced, repainted, and repaired provided that the nonconformity of the sign is not increased. Nothing in this Article shall be interpreted as requiring a sign to be brought into conformance with this Ordinance if it is changed only to the extent that the face area is changed, but not increased in size or altered in shape.
 5. **Temporary Signs:** Any signs in existence at the time this Ordinance becomes effective that were previously permitted as temporary signs may only remain in use consistent with the requirements of this Ordinance. Any temporary signs which are no longer permitted shall be removed within 60 days of the effective date of this Ordinance. Any nonconforming temporary signs shall be considered to be in violation of this Ordinance and shall be subject to the provisions of Article 13, Enforcement and Penalties.

9.3 Nonconforming Structures

Nonconforming Structures

- A. **Legal Nonconforming Structures:** Any structure, lawfully established prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the development standards shall be deemed a Legal Nonconforming Structure.
- B. **Continuation of Nonconforming Structures:** The continuation and modification of nonconforming structures shall be consistent with the following requirements:
1. **Increases in Nonconformity:** No legal nonconforming structure shall be enlarged or altered in a manner that increases its nonconformity, but any structure may be altered to decrease its nonconformity.
 2. **Intentional Alterations:** Any legal nonconforming structure which is intentionally altered, moved for any distance, or replaced shall conform to the regulations of the district in which it is located, and the discontinued legal nonconforming features may not be resumed.
 3. **Accidental Alterations:** Legal nonconforming structures which are required to be altered or removed due to government action or damage resulting from fire, flood, other natural disaster, or a criminal act may be restored to their legal nonconforming condition. Such structures, if rebuilt or restored, shall conform with the requirements of this Ordinance, or shall be identical in scale and all other aspects to that which was altered or removed.

9.4 Nonconforming Lots

Nonconforming Lots

All lots legally established and recorded prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meet any applicable provision of this Ordinance shall be deemed a Legal Nonconforming Lot of Record. Legal Nonconforming Lots of Record may be built upon only if the proposed use is permitted and all development standards of the applicable zoning district of this Ordinance are met.

Nonconforming Uses

- A. **Legal Nonconforming Uses:** Any lawful use of structures, land, or structures and land in combination established prior to the effective date of this Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located shall be deemed a Legal Nonconforming Use.
- B. **Continuation of Nonconforming Uses:** A legal nonconforming use may continue provided that it remains otherwise lawful, subject to the following conditions:
1. **Modification of Structures:** No existing structure devoted to a legal nonconforming use shall be enlarged, expanded, increased, extended, constructed, reconstructed, moved, or structurally altered except as to change the use of the structure to a use permitted in the district in which it is located or as otherwise specified in this Section.
 2. **New Structures:** No structure shall be constructed in connection with an existing legal nonconforming use of land.
 3. **Expansion Within Structures:** Any legal nonconforming use may be extended throughout any parts of an existing structure which were plainly arranged or designed for such use at the effective date of this Ordinance or its subsequent amendments, but no such use shall be extended to occupy any land outside the structure.
 4. **Expansion on the Property:** No legal nonconforming use of land shall be enlarged, increased, or expanded.
 5. **Change of Use (to a Another Nonconforming Use):** If no structural alterations are made, any nonconforming use may be changed to another nonconforming use.
 - a. *Similar Uses:* Nonconforming uses may be changed to other similar nonconforming use. For the purpose of this Section similar uses shall be considered those within the same land use categories (such as office uses, retail uses (small scale), etc.) as provided by Article 2 of this Ordinance.
 - b. *Dis-similar Uses:* Nonconforming uses may only be changed to other dis-similar nonconforming uses with the approval of the Board of Zoning Appeals. For the purpose of this Section dis-similar uses shall be considered those which are not within the same land use categories (such as office uses, retail uses (small scale), etc.) as provided by Article 2 of this Ordinance.
 - i. The Board shall find that the proposed use is equally or more appropriate to the district in which it is located than the existing use.
 - ii. The Board shall consider the development standards applicable to the proposed use established by this Ordinance and may make reasonable conditions as part of any approval.
 6. **Change of Use (to a Permitted Use):** When a legal nonconforming use is replaced by a permitted use, it shall conform to the regulations of the district in which it is located, the legal nonconforming use shall not be resumed.

7. Discontinuation of Use: If a legal nonconforming use is intentionally discontinued for 1 year or longer, any subsequent use of such land, structure or land and structure shall conform to the provisions of this Ordinance.
 - a. Uses which are required to be discontinued due to government action which impedes access to the premises or damage resulting from fire, flood, other natural disaster, or a criminal act shall be exempt from this provision.
 - b. Such exempt uses, if rebuilt or restored, shall be identical in scale, lot coverage, and all other aspects to that which was discontinued.
 8. Nonconforming Structures and Land in Combination: Where legal nonconforming use status applies to a structure and land in combination, the intentional removal or alteration of the structure shall eliminate the legal nonconforming status of the land. Legal nonconforming uses located in structures specifically constructed or modified to suit only such use are exempt from this provision and may be resumed if the structure has since not been intentionally altered to serve permitted uses or used to house another nonconforming use with the approval of the Board of Zoning Appeals as specified in this Section. (Example: legally established apartment units located in a single family dwelling zoning district at the effective date of this Ordinance may continue to be used as apartments after a period of vacancy if the structure has not been modified to remove the apartments)
- C. **Nonconforming Structures and/or Uses in Flood Hazard Areas:** Any structure, use, or structure and use in combination which is legal nonconforming due only to its presence in a flood hazard area subject to the Flood Hazard Area Standards of Chapter 5.14 of this Ordinance may be altered, enlarged, or extended on a one-time only basis provided that the new construction conforms with the Flood Hazard Area Standards included in this Ordinance and does not increase the value of the structure or use (excluding the value of the land) by more than 50% of its pre-improvement market value. Such structures which are legal nonconforming as the result of other, non-flood related conditions shall be subject to the provisions of this Article which address those conditions (such as legal nonconforming signs, structures, etc.).
- D. **Repairs and Maintenance:** The following applies to legal nonconforming structures, and legal nonconforming uses of structures, or structures and land in combination:
1. Ordinary Repairs: Work may be done for ordinary repairs or replacement of walls, heating, fixtures, wiring, or plumbing; under the condition that the cubic content existing when the structure became nonconforming is not increased.
 2. Structures Declared Unsafe: Nothing in this Article shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any structure declared to be unsafe by the appropriate city official.