

Sec. 732-203. C-3 Neighborhood Commercial District.

Statement of purpose: The C-3 District is designed to permit the development of a complete range of retail sales and personal, professional and business services required to meet the maximum demand of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; require outdoor operations; or permit outdoor service and consumption of food and beverages. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

(a) Permitted C-3 uses. Permitted uses in the C-3 District shall conform to the general commercial district regulations and performance of section 732-200, and the C-3 District development standards of section 732-203(b). The following uses shall be permitted in the C-3 District:

- (1) Any use permitted in the C-1 District (except convalescent or nursing home, assisted-living facility, day care center).
- (2) Automobile oil change or lubrication shops, subject to the provisions of section 732-203(b)(1)f.
- (3) Check cashing or validation service.
- (4) Coupon or trading stamp redemption service.
- (5) Drinking place (no dancing or entertainment), subject to the provisions of section 732-203(b)(1)e., including:
 - a. Bar
 - b. Tavern
- (6) Eating place, any type of restaurant, subject to the provisions of section 732-203(b)(1)e.
- (7) Emergency shelter.
- (8) Gasoline service station (except truck stop), subject to the provisions of section 732-203(b)(1)f.
- (9) Outdoor advertising signs, subject to the sign regulations of Chapter 734 of this Code.
- (10) Parcel packing/mailing service (excluding industrial).
- (11) Personal service establishment, including the following:
 - a. Barber shop
 - b. Beauty shop
 - c. Dry cleaning or laundry pickup stations
 - d. Garment pressing laundromats
 - e. Interior decorator
 - f. Key duplicating shop
 - g. Locksmith
 - h. Mail order store
 - i. Photofinishing ("one-hour" photo service)
 - j. Photography studio
 - k. Power laundry
 - l. Radio or television service
 - m. Tailor, seamstress or dressmaker
 - n. Tanning salon
 - o. Tattoo parlor, subject to the grant of a Special Exception and the provisions of section 732-215
- (12) Post office.

- (13) Rental or leasing of:
 - a. Clothing
 - b. Computers
 - c. Costumes
 - d. Furniture
 - e. Office machines.
- (14) Repair of:
 - a. Bicycles
 - b. Cameras
 - c. Clocks, watches or jewelry
 - d. Computers
 - e. Dental instruments
 - f. Drafting instruments
 - g. Musical instruments
 - h. Optical goods
 - i. Radios or televisions
 - j. Shoes
 - k. Typewriters
- (15) Retail-type use, including the following:
 - a. Antique store
 - b. Appliance store (household or minor)
 - c. Clothing, apparel or accessory store, any type, including uniforms
 - d. Bait and tackle shop
 - e. Bicycle store
 - f. Book store (new or used, excluding adult book stores)
 - g. Camera and photographic supply store
 - h. Card store
 - i. Computer or computer software store
 - j. Department store, any type
 - k. Drapery/curtain store
 - l. Drug store
 - m. Fabric store
 - n. Food store, any type, including: Bakery; Candy, nut or confectionery stores; Convenience market, subject to the provisions of section 732-203(b)(1)f; Deli; Grocery store; Produce, fruit, fish or meat markets
 - o. Floor covering store, including: carpet, linoleum, tile
 - p. Florist (including telegraph service)
 - q. Frame shop
 - r. Furniture store, any type
 - s. Gift shop
 - t. Hardware store
 - u. Hobby, toy or game shop, including: Arts and crafts shop
 - v. Hospital and sick room sales/rental and equipment
 - w. Jewelry store
 - x. Liquor store (package), subject to the provisions of section 732-203(b)(1)e.
 - y. Luggage and leather goods
 - z. Music store, new or used, including: Musical instrument store, Record, tape or compact disc store, Sheet music store
 - aa. Office supply store
 - bb. Optical goods store
 - cc. Paint or wallpaper store
 - dd. Pawn shop
 - ee. Pet grooming
 - ff. Pet obedience school
 - gg. Pet shop
 - hh. Pool and billiard table store
 - ii. Radio, television or consumer electronics store
 - jj. Religious goods store
 - kk. Second hand store (excluding automotive or building materials)
 - ll. Stationer
 - mm. Telephone store
 - nn. Tobacco store
 - oo. Trading stamp center
 - pp. Trophy shop
 - qq. Typewriter shop
 - rr. Variety store
- (16) Schools, including:
 - a. Art
 - b. Barber college/school
 - c. Beauty or cosmetology college/school

- d. Dance
- e. Karate or martial arts
- f. Photography
- (17) Singing society.
- (18) Social club, membership.
- (19) Temporary seasonal retail sales use, subject to the provisions of section 732-214(f).
- (20) Other uses similar and comparable in character to the above permitted uses.
- (21) Accessory uses and structures, subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and located in the same building with the primary use, shall be subject to the requirements of section 732-203(b)(1)g.
- (22) Temporary structures, including fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction shall be subject to the requirements of section 732-214(e).

(b) C-3 development standards.

(1) Use.

- a. No single use, whether freestanding or contained within an integrated center, shall exceed sixty thousand (60,000) square feet of gross floor area. No shopping center or integrated center shall exceed one hundred twenty-five thousand (125,000) square feet of total gross floor area.
- b. All uses and operations (except off-street parking, off-street loading and drive-through customer service windows) shall be conducted completely within enclosed buildings, except where otherwise specifically permitted. On-site vehicular circulation and traffic patterns for all drive-through facilities shall be subject to the requirements of section 732-213.
- c. No outdoor storage shall be permitted, except:
 - 1. Trash containers. Trash container(s) exceeding six (6) cubic feet shall:
 - i. Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
 - ii. Be located behind the established front building line; and
 - iii. Not be located within a required yard or required transitional yard.
 - 2. Recycling containers shall be permitted, subject to the requirements of section 732-214(d) (requirements for recycling containers).
- d. Vending machines shall be permitted, provided the machine(s) shall:
 - 1. Be located within a building; or
 - 2. Be located on the exterior of a building abutting its exterior wall; and
 - 3. Not be located within a required yard or required transitional yard.
- e. Taverns, package liquor stores, fast food or drive-through restaurants, and such establishments, where food or alcoholic beverages may be carried out, shall:

1. Provide adequate outdoor convenience trash containers; and
 2. Not provide outdoor tables and/or seats; and
 3. Not be located within one hundred (100) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street (see section 732-217, Diagram J).
- f. Gasoline service stations, lubricating and oil change services, convenience markets, services centers or functions, shall:
1. Not include the following:
 - i. Any outdoor service operations (other than the dispensing or installation of gasoline, oil, antifreeze, headlights, wiper blades and other similar products and the performance of minor services for customers as related to such dispensing or installation);
 - ii. The sale, rental, display or storage of vehicles, trailers, tractors, machinery or other similar equipment;
 - iii. Commercial parking of vehicles;
 - iv. Major servicing or motor or body repair such as, but not limited to, body or fender work, motor overhaul, major transmission repair, auto glass work, tire recapping, muffler repair or installation, auto body painting or trim shops; or
 - v. Dismantling or wrecking of any vehicles, or the storage of inoperable, damaged or wrecked vehicles, other than those awaiting immediate repair.
 2. The exterior display, sale or storage of antifreeze, batteries, tires, oil, and other merchandise or products is permitted, provided such display or storage is:
 - i. Accessory to the primary use; and
 - ii. Located immediately adjacent to the primary structure, but not within any required yard or required transitional yard; and
 - iii. Not more than two hundred (200) square feet in total area; and
 - iv. Maintained in an orderly manner; and
 - v. Not illuminated.
 3. A maximum of three (3) accessory indoor service bays may be provided for minor automotive servicing and repair. "Service bay" is defined in section 732-217.
- g. Accessory uses or structures shall have a total gross floor area which does not exceed twenty-five (25) percent of the total gross floor area of the primary uses or structures.

(2) Required minimum street frontage. Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to section 732-200(a)(6), lot frontage exception), and shall gain access from such street frontage.

(3) Required minimum front yards, minimum front setback. The setback requirements of section 732-214(a) shall be provided along all street right-of-way lines, unless subject to the established setback provisions of section 732-200(a)(3)b. or c.

(4) Required minimum side yards, minimum side setback. No side yard or side setback shall be required unless subject to the requirements for transitional yards of section 732-203(b)(6) or (8).

(5) Required minimum rear yards, minimum rear setback. No rear yard or rear setback shall be required unless subject to the requirements for transitional yards of section 732-203(b)(6) or (8).

(6) Required transitional yards, minimum setbacks. Minimum front, side and rear transitional yards and setbacks. Yards fronting upon or abutting a protected district are subject to the requirements of section 732-203(b)(7) or (8) in addition to the following requirements:

- a. Where a front yard abuts a street on the opposite side of which is a protected district, a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of section 732-200(a)(3)b. or c. or section 732-214(a). In the case where a proposed right-of-way does not exist or the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.
- b. Where a side or rear lot line abuts a lot line in an adjacent protected district, a required side or rear transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

1. Where a dedicated alley separates such side or rear lot line from the protected district, such required side or rear transitional yards and setback shall be not less than ten (10) feet.
2. Where the ground area required for required transitional yards exceeds twenty (20) percent of the lot area, the width of the side or rear transitional yards may be reduced by one-half (1/2), but to not less individually than six-foot planting areas, provided a six-foot opaque wooden fence or solid wall is erected.
3. The transitional yard requirements of section 732-203(b)(6) shall not apply in those instances where a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such property or abutting frontage property, although zoned as a protected district.

(7) Use of required yards. All required yards and required transitional yards shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials, subject to the requirements of section 732-214(g) and shall remain as open space free from structures except where expressly permitted by this chapter.

a. Required front yards:

1. May include pedestrian walks, driveways, flag poles, fences, screening walls and similar appurtenant structures; and
2. Shall not include parking areas or interior access drives, unless subject to the provisions of section 732-214(a).

b. Required front, side or rear transitional yards:

1. May include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and
2. Shall not include parking areas, interior access drives, or outdoor display or storage areas, unless subject to the provisions of section 732-214(a).

(8) Maximum height of buildings and structures. Thirty-five (35) feet, subject to the exceptions noted in section 732-200(a)(5). Provided, however:

- a. Along any required front, side or rear transitional yard, as specified in section 732-203(b)(6), the minimum required setback for that portion of the building exceeding eighteen (18) feet shall be increased by one (1) foot for each one (1) foot, or part thereof, of building or structural height above eighteen (18) feet (see section 732-217, Diagram I).
- b. The height of signs and sign structures shall comply with Chapter 734 of this Code.

(9) Signs. Signs and sign structures shall comply with Chapter 734 of this Code.

(10) Off-street parking. Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 732-211.

(11) Off-street loading. Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 732-212.

(12) Drive-through off-street stacking space requirements. Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of section 732-213.

(13) Additional development requirements. Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, temporary seasonal retail sales uses, or screening, landscaping and grounds maintenance, shall be in accordance with section 732-214.

Sec. 732-204. C-3C Corridor Commercial District.

Statement of purpose. The C-3C (Commercial Corridor) District, like the C-3 (Neighborhood Commercial) District, is designed for those professional offices and commercial businesses which typically do not draw customers from beyond their respective neighborhood boundaries. Examples of such types of uses include sales of retail convenience or durable goods, shopping establishments, and personal and professional service establishments. It is planned, therefore, for use in older urban commercial areas, which are located adjacent to established residential neighborhoods on select segments of primary and secondary thoroughfares. Characterized by small-scale commercial buildings abutting the pedestrian walkway and vehicular traffic, these areas often suffer from limited availability of off-street parking. In addition, certain redevelopment areas and infill projects can be suitably located in a C-3C District. To encourage the optimal utilization of these types of commercial areas, residential units are permitted in commercial buildings. This feature and the location of this district within walking distance to residential districts dictate that selected types of offices and other commercial uses which do not generate substantial vehicular traffic locate in the C-3C District. In order to perform its buffering function, floor areas are restricted, screening with fences, walls or landscaping is required and other similar amenities are necessary for optimum compatibility of this district with the adjacent residential development.

(a) Permitted C-3C uses. Permitted uses in the C-3C District shall conform to the general commercial district regulations and performance of section 732-200 and the C-3C District development standards of section 732-204(b). The following uses shall be permitted in the C-3C District:

- (1) Any use permitted in the C-1 District (except convalescent or nursing home, day care center).
- (2) Dwelling unit(s), as defined in section 732-217.
- (3) Eating place, any type of restaurant, subject to the provisions of section 732-204(b)(1).
- (4) Membership organization or club, any type.
- (5) Outdoor advertising signs, subject to the sign regulations of Chapter 734 of this Code.
- (6) Personal service establishments, including the following:
 - Barber shop
 - Beauty shop
 - Check cashing or validation service
 - Clothing rental, including costume or tuxedo
 - Computer store
 - Furniture rental/leasing
 - Hat cleaning and blocking shop
 - Garment pressing
 - Laundromats, coin-operated laundries and drycleaning
 - Locksmith
 - Pet grooming
 - Photography studio
 - Tailor, seamstress or dressmaker
 - Tanning salon
- (7) Repair of:
 - Bicycles
 - Cameras
 - Clocks, watches or jewelry
 - Computers
 - Dental instruments
 - Drafting instruments
 - Musical instruments
 - Optical goods
 - Radios or televisions
 - Shoes
 - Typewriters.
- (8) Retail-type use, including the following:

- Antique store
- Appliance store (household or minor)
- Clothing, apparel or accessory store, any type, including uniforms
- Bait and tackle shop
- Bicycle store
- Book store (new or used, excluding adult book store)
- Camera and photographic supply store
- Card store
- Computer or computer software store
- Drapery/curtain store
- Dry goods store
- Fabric store
- Floor covering store, including: carpet, linoleum, tile
- Florist (including telegraph service)
- Food store, any type, including:
 - ✧ Bakery
 - ✧ Candy, nut or confectionery stores
 - ✧ Deli
 - ✧ Grocery store
 - ✧ Produce, fruit, fish or meat markets
- Frame shop
- Furniture store, any type
- Gift shop
- Hardware store
- Hobby, toy or game shop, including:
 - ✧ Arts and crafts shop
 - ✧ Jewelry store
 - ✧ Luggage and leather goods
- Music store, new or used, including:
 - ✧ Musical instrument store
 - ✧ Record, tape or compact disk store
 - ✧ Sheet music store
- Office supply store
- Optical goods store
- Paint or wallpaper store
- Religious goods store
- Shoe store
- Sporting goods store
- Stationer
- Telephone store
- Tobacco store
- Trophy shop
- Typewriter shop
- Variety store
- Video tape rental or sales

(9) Other uses similar and comparable in character to the above permitted uses.

(10) Accessory uses and structures, subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and located in the same building with the primary use, shall be subject to the requirements of section 732-204(b)(1)h.

(11) Temporary structures, including fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction shall be subject to the requirements of section 732-214(e).

(b) C-3C development standards.

(1) Use.

- a. No single commercial establishment shall exceed eight thousand (8,000) square feet of gross floor area.
- b. All uses and operations (except off-street parking, and off-street loading) shall be conducted completely within enclosed buildings.
- c. No outdoor storage shall be permitted, except:
 1. Trash containers. Trash container(s) exceeding six (6) cubic feet shall:

- i. Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
 - ii. Be located behind the established front building line; and
 - iii. Not be located within a required yard or required transitional yard.
 2. Recycling containers shall be permitted, subject to the requirements of section 732-214(d) (requirements for recycling containers).
- d. No vending machines shall be permitted on the exterior of any building or structure on the premises. Vending machines may be located within a building.
- e. No outdoor display promoting products, merchandise or services retailed or offered by the use occupying the premises shall be permitted.
- f. No commercial establishment shall be permitted to use a drive-through service unit.
- g. Automated teller machines (ATM's) are permitted accessory uses in this district provided that the machine(s) shall serve pedestrian traffic only.
- h. Accessory uses or structures shall have a total gross floor area which does not exceed twenty-five (25) percent of the total gross floor area of the primary uses or structures.

(2) Required minimum street frontage. Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to section 732-200(a)(6), lot frontage exception), and shall gain access from such street frontage.

(3) Required minimum front yards, minimum front setback. The setback requirements of section 732-214(a) shall be provided along all street right-of-way lines, unless subject to the established setback provisions of section 732-200(a)(3)b. or c.

(4) Required minimum side yards, minimum side setback. No side yard or side setback shall be required unless subject to the requirements for transitional yards of section 732-204(b)(6) or (8).

(5) Required minimum rear yards, minimum rear setback. No rear yard or rear setback shall be required unless subject to the requirements for transitional yards of section 732-204(b)(6) or (8).

(6) Required transitional yards, minimum setbacks. Minimum front, side and rear transitional yards and setbacks. Yards fronting upon or abutting a protected district are subject to the requirements of section 732-204(b)(7) or (8) in addition to the following requirements:

- a. Where a front yard abuts a street on the opposite side of which is a protected district, a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of section 732-200(a)(3)b. or c. or section 732-214(a). In the case where a proposed right-of-way does not exist or the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.
- b. Where a side or rear lot line abuts a lot line in an adjacent protected district, a required side or rear transitional yard and setback of not less than fifteen (15) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

1. Where a dedicated alley separates such side or rear lot line from the protected district, such required side or rear transitional yard and setback shall be not less than ten (10) feet.
2. Where the ground area required for required transitional yards exceeds twenty (20) percent of the lot area, the width of the side or rear transitional yards may be reduced by one-half (1/2), but to not less individually than six-foot planting areas, provided a six-foot opaque wooden fence or solid wall is erected.
3. The transitional yard requirements of section 732-204(b)(6) shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such property or abutting frontage property, although zoned as a protected district.

(7) Use of required yards and required transitional yards. All required yards and required transitional yards shall be landscaped with grass, and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials, subject to the requirements of section 732-214, and shall remain as open space free from structures except where expressly permitted by this chapter including the following regulations:

a. Required front yards:

1. May include pedestrian walks, driveways, flag poles, fences, screening walls and similar appurtenant structures; and
2. Shall not include parking areas or interior access drives, unless subject to the provisions of section 732-214(a).

b. Required front, side or rear transitional yards:

1. May include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and
2. Shall not include parking areas or interior access drives, unless subject to the provisions of section 732-214(a).

(8) Maximum height of buildings and structures. Thirty-five (35) feet, subject to the exceptions noted in section 732-200(a)(5). Provided, however: The height of signs and sign structures shall comply with Chapter 734 of this Code.

(9) Signs. Signs and sign structures shall comply with Chapter 734 of this Code.

(10) Off-street parking. Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 732-211.

(11) Off-street loading. Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 732-212.

(12) Drive-through off-street stacking space requirements. Drive-through facilities shall be prohibited.

(13) Additional development requirements. Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, or screening, landscaping and grounds maintenance, shall be in accordance with section 732-214.

Sec. 732-205. C-4 Community-Regional Commercial District.

Statement of purpose: The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as department stores, bowling alleys and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.

(a) Permitted C-4 uses. Permitted uses in the C-4 District shall conform to the general commercial district regulations and performance of section 732-200, and the C-4 District development standards of section 732-205(b). The following uses shall be permitted in the C-4 District:

- (1) Any use permitted in the C-1, or C-3 districts (except convalescent or nursing home, day care center).
- (2) Adult entertainment business (as defined in section 732-217 and subject to the Special Regulations and the provisions of section 732-216) and when applicable, subject to the grant of a Special Exception and the provisions of section 732-215.
- (3) Auction rooms.
- (4) Automobile (car) wash, subject to the provisions of section 732-205(b)(1)h.
- (5) Automotive-related uses, including:
 - a. Air conditioning equipment (sale or installation)
 - b. Brake system repair or service
 - c. Detailing/trim shop
 - d. Supply store (tire, battery, parts or accessories, new or used)
 - e. Exhaust system (muffler) repair shop
 - f. Repair shop (except truck or bus)
 - g. Rust proofing (except truck or bus)
 - h. Speed shop
 - i. Tire: Alignment, Dealers, Retreading or repair shop
 - j. Temporary Sales Event for dealers of motor vehicles licensed under IC 9-23-2-1, subject to the provisions of section 732-205(b)(1)k.
- (6) Bed and breakfast inn.
- (7) Blueprinting.
- (8) Business and personal services, including:
 - a. Medical equipment rental or leasing
 - b. Music distribution system (except coin operated)
 - c. Recording studio
 - d. Security system services
 - e. Typesetting
 - f. Upholsterers
 - g. Animal: boarding, daycare, kennel, veterinarian
- (9) Commercial parking lot or structure.
- (10) Drinking places (tavern, bar, cabaret, night club), subject to the provisions of section 732-205(b)(1)d.
- (11) Engraving service for identification.

- (12) Fire station.
- (13) Fraternal lodge (nonresidential).
- (14) Hotel, motel or tourist court, including hotels operated by organizations for members only.
- (15) Indoor commercial amusement/recreation establishments, including:
 - a. Amusement arcade, subject to the grant of a Special Exception and the provisions of section 732-215
 - b. Ballroom
 - c. Bathhouse
 - d. Bingo establishment
 - e. Bowling alley
 - f. Firing (gun) range
 - g. Gymnasium
 - h. Instruction in: Baseball, Basketball, Gymnastics
 - i. Miniature golf
 - j. Shooting gallery/range
 - k. Skating rink, ice or roller (including instruction)
 - l. Slot car racetracks
 - m. Tennis court/club, membership
 - n. Trampoline center
- (16) Job printing.
- (17) Massage parlor, subject to the grant of a Special exception and the provisions of section 732-215. Special Exception required (see also section 732-216, adult entertainment business, if applicable).
- (18) Substance abuse treatment facility, subject to the provisions of section 732-205(b)(1)f. and i. and the provisions of section 732-215
- (19) Parking lot (as primary use).
- (20) Plasma (blood) center.
- (21) Post office.
- (22) Repair services, including:
 - a. Air conditioning service or repair, window units only
 - b. Antique repair or restoration
 - c. Furniture reupholstery or refinishing
 - d. Laboratory instrument repair
 - e. Lawn mower repair shop
 - f. Leather goods repair shop
 - g. Luggage repair shop
 - h. Sewing machine repair shop
 - i. Surgical instrument repair
- (23) Retail-type uses, including:
 - a. Air conditioner sales (window type only)
 - b. Appliance store (major household)
 - c. Firearms/gun sales
 - d. Fireworks sales
 - e. Flea market (indoor)
 - f. Garden shop/nursery, retail
 - g. Gymnasium equipment sales
 - h. Hot tub sales
 - i. Lawn and garden supply store
 - j. Lumber and other building materials (including home improvement center)
 - k. Orthopedic and artificial limb store
 - l. Playground equipment
 - m. Plumbing sales and service (excluding contractor)
 - n. Swimming pool sales
- (24) Rooming and boarding houses.
- (25) Temporary seasonal retail sales uses, subject to the provisions of section 732-214(f).

- (26) Theatre, including:
 - Dinner theatre
 - Legitimate
 - Motion picture (except drive-in)
- (27) Other uses similar and comparable in character to the above permitted uses.
- (28) Accessory uses and structures, subordinate, appropriate and incidental to the above permitted uses, including supportive services directly related to and located in the same building with the primary use, shall be subject to the requirements of section 732-205(b)(1)i.
- (29) Temporary structures, including fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction shall be subject to the requirements of section 732-214(e).

[G.O. 3, 2007]

(b) C-4 development standards.

(1) Use.

- a. All uses and operations shall be conducted completely within enclosed buildings except:
 - 1. Off-street parking and off-street loading; and
 - 2. Drive-through customer service windows, subject to the requirements of section 732-213, drive-through stacking space regulations; and
 - 3. Outdoor display or sale of merchandise is permitted, provided such display shall:
 - i. Be accessory to the primary use; and
 - ii. Have a total square footage not exceeding one (1) percent of the total gross square footage of the establishment. However, each establishment, regardless of size, shall be permitted a minimum of two hundred (200) square feet for outdoor display; and
 - iii. Be located immediately adjacent to the primary structure, but not within any required yard or required transitional yard; and
 - iv. Not utilize any required off-street parking space or area; and
 - v. Be screened in accordance with section 732-214(g) (landscaping, screening, and grounds maintenance); and
 - vi. Be maintained in an orderly manner.
- b. No outdoor storage shall be permitted, except:
 - 1. Trash containers. Trash container(s) exceeding six (6) cubic feet shall:
 - i. Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
 - ii. Be located behind the established front building line; and
 - iii. Not be located within a required yard or required transitional yard.

2. Recycling containers shall be permitted, subject to the requirements of section 732-214(d) (requirements for recycling containers).
- c. Vending machines shall be permitted, provided the machine(s) shall:
1. Be located within a building; or
 2. Be located on the exterior of a building abutting its exterior wall; and
 3. Not be located within a required yard or required transitional yard; and
 4. Not be used in the calculation of the square footage of minor displays of merchandise placed outdoors as noted in section 732-205(b)(1)a.3.
- d. Taverns, package liquor stores, night club establishments, and such establishments where alcoholic beverages may be carried out (except drug stores or grocery stores) shall:
1. Provide adequate outdoor convenience trash containers; and
 2. Erect and maintain a decorative fence or wall along the perimeter of any outdoor seating area; and
 3. Not be located within one hundred (100) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street (see section 732-217, Diagram J); and
 4. Not be located within five hundred (500) feet, measured in any direction, of any commercial amusement/recreation establishment which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the property line of the subject commercial amusement/recreation establishment.
- e. Fast food or drive-through restaurants, and such establishments where food may be carried out shall:
1. Provide adequate outdoor convenience trash containers; and
 2. Erect and maintain a decorative fence or wall along the perimeter of any outdoor seating area; and
 3. Not be located within one hundred (100) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street (see section 732-217, Diagram J).
- f. Any indoor commercial amusement/recreation establishment which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age shall not be located within five hundred (500) feet, measured in any direction, of any:
1. Substance abuse treatment facility;
 2. Tavern, package liquor store, night club establishment, or such establishment where alcoholic beverages may be carried out (except drug stores or grocery stores).

The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the property line of the subject substance abuse treatment facility, tavern, package liquor store, night club, or establishment where alcoholic beverages may be carried out.

g. Gasoline service stations, convenience markets, service centers or functions, services, operation and sales shall not include the following:

1. Any outdoor operations (other than the dispensing or installation of gasoline, oil, antifreeze and other similar products and the performance of minor services for customers as related to such dispensing or installation);
2. The sale, rental, display or storage of vehicles, trailers, tractors, machinery or other similar equipment;
3. Commercial parking of motor vehicles;
4. Major servicing or motor or body repair such as, but not limited to, body or fender work, motor overhaul, major transmission repair, auto glass work, tire recapping; or
5. Dismantling or wrecking of any motor or other vehicles, or the storage of inoperable, damaged or wrecked vehicles, other than those awaiting immediate repair.

The exterior display, sale or storage of antifreeze, batteries, tires, oil, and other merchandise or products is permitted, provided, however, that the provisions of section 732-205(b)(1)a.3. are maintained.

h. Car wash establishments shall:

1. Be subject to the drive-through off-street stacking space regulations of section 732-213; and
2. Not conduct any drying, cleaning, polishing, dispensing of gasoline, or other comparable operation within any required yard or required transitional yard; and
3. Not be located within one hundred (100) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street (see section 732-217, Diagram J); and
4. Have exit drives that are a minimum of one hundred (100) feet in length, measured from the vehicle exit of the car wash establishment to the pavement edge of the street.
5. The surface and drainage treatment at the exit drive shall be designed so that no water accumulates on the surface or onto the public right-of-way as a result of the car wash operations.

i. Substance abuse treatment facility shall:

1. Not be located within five hundred (500) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated

center), to the zoning boundary of the protected district (see section 732-217, Diagram J); and

2. Not be located within five hundred (500) feet, measured in any direction, of any commercial amusement/recreation establishment which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the property line of the subject commercial amusement/recreation establishment.
- j. Accessory uses or structures shall have a total gross floor area which does not exceed twenty-five (25) percent of the total gross floor area of the primary structures or uses.
- k. Temporary Sales Event for dealers of motor vehicles shall:
1. meet the requirements of IC 9-23-2-6 and IC 9-23-2-7;
 2. be limited in duration to a total of ten calendar days per event, and no more than two events per calendar year per site (or integrated center);
 3. be limited to vehicles with a maximum one-ton load capacity;
 4. not be located within five hundred (500) feet, measured in any direction, of any protected district. The measurement shall be taken from the perimeter of the display or operations area of the Temporary Sales Event, to the zoning boundary of the protected district;
 5. comply with all setback requirements for a parking area on the site;
 6. not encroach upon any access drive or parking maneuvering area or otherwise inhibit the internal circulation of the remaining vehicle areas.

[G.O. 3, 2007]

- (2) **Required minimum street frontage.** Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to section 732-200(a)(6), lot frontage exception), and shall gain access from such street frontage.
- (3) **Required minimum front yards, minimum front setback.** The setback requirements of section 732-214(a) shall be provided along all street right-of-way lines, unless subject to the established setback provisions of section 732-200(a)(3)b. or c.
- (4) **Required minimum side yards, minimum side setback.** No side yard or side setback shall be required unless subject to the requirements for transitional yards of section 734-205(b)(6) or (8).
- (5) **Required minimum rear yards, minimum rear setback.** No rear yard or rear setback shall be required unless subject to the requirements for transitional yards of section 732-205(b)(6) or (8).
- (6) **Required transitional yards, minimum setbacks.** Minimum front, side and rear transitional yards and setbacks. Yards fronting upon or abutting a protected district are subject to the requirements of section 732-205(b)(7) or (8) in addition to the following requirements:
 - a. Where a front yard abuts a street on the opposite side of which is a protected district, a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of section 732-

200(a)(3)b. or c., or section 732-214(a). In the case where a proposed right-of-way does not exist or the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.

- b. Where a side or rear lot line abuts a lot line in an adjacent protected district, a required side or rear transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

1. Where a dedicated alley separates such side or rear lot line from the protected district, such required side or rear transitional yard and setback shall be not less than ten (10) feet.
2. Where the ground area required for required transitional yards exceeds twenty (20) percent of the lot area, the width of the side or rear transitional yards may be reduced by one-half (1/2), but to not less individually than six-foot planting areas, provided a six-foot opaque wooden fence or solid wall is erected.
3. The transitional yard requirements of section 732-205(b)(6) shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such property or abutting frontage property, although zoned as a protected district.

- (7) Use of required yards and required transitional yards.** All required yards and required transitional yards shall be landscaped with grass, and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials, subject to the requirements of section 732-214(g) and shall remain as open space free from structures except where expressly permitted by this chapter.

a. Required front yards:

1. May include pedestrian walks, driveways, flag poles, fences, screening walls and similar appurtenant structures; and
2. Shall not include parking areas or interior access drives, unless subject to the provisions of section 732-214(a).

b. Required front, side or rear transitional yards:

1. May include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and
2. Shall not include parking areas, interior access drives, or outdoor display or storage areas, unless subject to the provisions of section 732-214(a).

- (8) Maximum height of buildings and structures.** Sixty-five (65) feet, subject to the exceptions noted in section 732-200(a)(5). Provided, however:

- a. Along any required front, side or rear transitional yard, as specified in section 732-205(b)(6), the minimum required setback for that portion of the building exceeding eighteen (18) feet shall be increased by one (1) foot for each one (1) foot, or part thereof, of building or structural height above eighteen (18) feet (see section 732-217, Diagram I).
- b. The height of signs and sign structures shall comply with Chapter 734 of this Code.

- (9) **Signs.** Signs and sign structures shall comply with Chapter 734 of this Code. Additional regulations specific to adult entertainment businesses are found in section 732-216.
- (10) **Off-street parking.** Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 732-211.
- (11) **Off-street loading.** Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 732-212.
- (12) **Drive-through off-street stacking space requirements.** Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of section 732-213.
- (13) **Additional development requirements.** Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, temporary seasonal retail sales uses, or screening, landscaping and grounds maintenance, shall be in accordance with section 732-214.
- (14) **Special regulations, adult entertainment business.** In addition to the requirements of this section, adult entertainment businesses shall be in accordance with section 732-216, special regulations - adult entertainment business.

Sec. 732-206. C-5 General Commercial District.

Statement of purpose: The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lighted, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, they should be grouped on heavy commercial thoroughfares and should avoid locating adjacent to protected districts.

(a) Permitted C-5 uses. Permitted uses in the C-5 District shall conform to the general commercial district regulations and performance of section 732-200 and the C-5 District development standards of section 732-206(b). The following uses shall be permitted in the C-5 District:

- (1) Any use permitted in the C-1, C-3, or C-4 districts (except convalescent or nursing home, day care center).
- (2) Automotive-related uses, including:
 - Automobile:
 - ◇ Dealers
 - ◇ Leasing, passenger
 - ◇ Rental, passenger
 - ◇ Body repair/paint shop
 - ◇ Glass replacement shop
 - Motorcycle:
 - ◇ Dealers
 - ◇ Rental
 - ◇ Repair shop
 - ◇ Paint shop
 - ◇ Recovery service
 - ◇ Repossession service
 - Tractor:
 - ◇ Dealers
 - ◇ Repair or service
 - ◇ Transmission repair shop
 - Truck or bus:
 - ◇ Dealers, one-half-ton load capacity or less (including servicing)
- (3) Business and personal services, including:
 - Bottle exchanges
 - Equipment rental or leasing:
 - ◇ Light
 - ◇ Tool
 - Repossession service, other than automotive
- (4) Caterer.
- (5) Commercial or recreational amusement establishments, including:
 - Boat or canoe rental
 - Fishing lake operation, commercial or private
 - Gocart raceways (including rental)
 - Golf uses, including:
 - ◇ Cart rental
 - ◇ Driving range
 - ◇ Miniature
 - ◇ Pitch-n-putt
 - Railroads, scenic
 - Sports, professional or semi-professional
- (6) Commissary restaurant.
- (7) Newspaper publishing and printing.
- (8) Repair services, including:
 - Antennas, household (installation and service)

- Gas appliance
- (9) Retail-type uses, including:
 - Flea market (outdoor)
 - Gravestones or monuments, finished
- (10) Theatre, drive-in.
- (11) Other uses similar and comparable in character to the above permitted uses.
- (12) Accessory uses and structures, subordinate, appropriate and incidental to the above permitted uses, including supportive services directly related to and located in the same building with the primary use, shall be subject to the requirements of section 732-206(b)(1)i.
- (13) Temporary structures, including fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction shall be subject to the requirements of section 732-214(e).

(b) C-5 development standards.

(1) Use.

- a. No outside storage shall be permitted except:
 - 1. The temporary and accessory storage of vehicles awaiting repair, provided such storage be located behind the established front building line.
 - 2. Trash containers shall be permitted, provided that container(s) exceeding six (6) cubic feet shall:
 - i Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
 - ii Be located behind the established front building line; and
 - iii Not be located within a required yard or required transitional yard.
 - 3. Recycling containers shall be permitted, subject to the requirements of section 732-214(d) (requirements for recycling containers).
- b. The outdoor display of goods or materials for sale, lease or rental may be conducted, provided that display areas shall:
 - 1. Not be located in any required yards, required transitional yards, off-street parking areas or off-street loading areas;
 - 2. Be of concrete, asphaltic pavement, brick, flagstone or comparable material maintained in good condition;
 - 3. Be maintained in an orderly manner;
 - 4. Be provided with bumper or wheel guards along the perimeter of any vehicular display area; and
 - 5. Not be located in any way which conflicts or interferes with walks, parking areas, loading areas, driveways, interior access driveways, interior access drives, or landscaped required yards.
- c. Vending machines shall be permitted, provided the machine(s) shall:

1. Be located within a building; or
 2. Be located on the exterior of a building abutting its exterior wall; and
 3. Not be located within a required yard or required transitional yard.
- d. Taverns, package liquor stores, night club establishments, and such establishments where alcoholic beverages may be carried out (except drug stores or grocery stores) shall:
1. Provide adequate outdoor convenience trash containers; and
 2. Erect and maintain a decorative fence or wall along the perimeter of any outdoor seating area; and
 3. Not be located within one hundred (100) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street (see section 732-217, Diagram J); and
 4. Not be located within five hundred (500) feet, measured in any direction, of any commercial amusement/recreation establishment which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the property line of the subject commercial amusement/recreation establishment.
- e. Fast food or drive-through restaurants, and such establishments where food may be carried out shall:
1. Provide adequate outdoor convenience trash containers; and
 2. Erect and maintain a decorative fence or wall along the perimeter of any outdoor seating area; and
 3. Not be located within one hundred (100) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street (see section 732-217, Diagram J).
- f. Any commercial amusement/recreation establishment which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age shall not be located within five hundred (500) feet, measured in any direction, of any:
1. Substance abuse treatment facility;
 2. Tavern, package liquor store, night club establishment, or such establishment where alcoholic beverages may be carried out (except drug stores or grocery stores). The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the property line of the subject substance abuse treatment facility, tavern, package liquor store, night club, or establishment where alcoholic beverages may be carried out.

- g. Gasoline services, stations, convenience markets, services centers or functions, shall be subject to the following regulations:
1. Gasoline service stations, convenience markets, service centers or functions, service operation and sales shall not include the following:
 - i Any outdoor operations (other than the dispensing or installation of gasoline, oil, antifreeze and other similar products and the performance of minor services for customers as related to such dispensing or installation); and
 - ii Commercial parking of motor vehicles;
 2. The exterior display, sale or storage of antifreeze, batteries, tires, oil, and other merchandise or products is permitted, provided, however, that the provisions of section 732-206(b)(1)b. are maintained.
 3. Any display, sale or rental of motor vehicles or trailers conducted in association with a service station shall be located in a specific area, not located in or in any way conflicting or interfering with pedestrian walks, off-street parking areas, driveways, required yards, required transitional yards, or public rights-of-way.
 4. There shall be no exterior displays which restrict traffic visibility in any way or which impede the movement of any vehicles on the service station or center driveways or public rights-of-way, or located in or in any way conflicting or interfering with walks, off-street parking areas or required landscaping yards. All exterior displays shall be maintained in an orderly manner.
 5. Any major servicing or motor or body repair work shall be conducted within an enclosed structure, and shall not include:
 - i The dismantling or wrecking of any motor or other vehicles; or
 - ii The storage of inoperable, damaged or wrecked vehicles, other than those awaiting immediate repair.
- h. Car wash establishments shall:
1. Be subject to the requirements of section 732-213, drive-through off-street stacking space regulations; and
 2. Not conduct any drying, cleaning, polishing, dispensing of gasoline, or other comparable operation within any required yard or required transitional yard; and
 3. Not be located within one hundred (100) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street (see section 732-217, Diagram J); and
 4. Have exit drives that are a minimum of one hundred (100) feet in length, measured from the vehicle exit of the car wash establishment to the pavement edge of the street.

5. The surface and drainage treatment at the exit drive shall be designed so that no water accumulates on the surface or onto the public right-of-way as a result of the car wash operations.
 - i. Substance abuse treatment facilities shall:
 1. Not be located within five hundred (500) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district (see section 732-217, Diagram J); and
 2. Not be located within five hundred (500) feet, measured in any direction, of any commercial amusement/recreation establishment which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the property line of the subject commercial amusement/recreation establishment.
 - j. Accessory uses or structures shall have a total gross floor area which does not exceed twenty-five (25) percent of the total gross floor area of the primary structures or uses.
 - k. Any lighting used to illuminate an outdoor area where any service or activity is conducted shall comply with the requirements of section 732-211(h). Further, it shall be prohibited to:
 1. Light an area by the use of stringers or unshielded incandescent lamps in which the entire lamp envelope is designed to function as a light emitter; and
 2. Make use of attention attracting lighting from any apparatus of any type similar to that used by emergency vehicles.
- (2) **Required minimum street frontage.** Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to section 732-200(a)(6), lot frontage exception), and shall gain access from such street frontage.
- (3) **Required minimum front yards, minimum front setback.** The setback requirements of section 732-214(a) shall be provided along all street right-of-way lines, unless subject to the established setback provisions of section 732-200(a)(3)b. or c.
- (4) **Required minimum side yard, minimum side setback.** No side yard or side setback shall be required unless subject to the requirements for transitional yards of section 732-206(b)(6) or (8).
- (5) **Required minimum rear yards, minimum rear setback.** No rear yard or rear setback shall be required unless subject to the requirements for transitional yards of section 732-206(b)(6) or (8).
- (6) **Required transitional yards, minimum setbacks.** Minimum front, side and rear transitional yards and setbacks. Yards fronting upon or abutting a protected district are subject to the requirements of section 732-206(b)(7) or (8) in addition to the following requirements:
 - a. Where a front yard abuts a street on the opposite side of which is a protected district, a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way

line of the street, shall be provided unless subject to the regulations of section 732-200(a)(3)b. or c., or section 732-214(a). In the case where a proposed right-of-way does not exist or the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.

- b. Where a side or rear lot line abuts a lot line in an adjacent protected district, a required side or rear transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

- 1. Where a dedicated alley separates such side or rear lot line from the protected district, such required side or rear transitional yards and setback shall be not less than ten (10) feet.
- 2. Where the ground area required for required transitional yards exceeds twenty (20) percent of the lot area, the width of the side or rear transitional yards may be reduced by one-half (1/2), but to not less individually than six-foot planting areas, provided a six-foot opaque wooden fence or solid wall is erected.
- 3. The transitional yard requirements of section 732-206(b)(6) shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such property or abutting frontage property, although zoned as a protected district.

- (7) **Use of required yards and required transitional yards.** All required yards and required transitional yards shall be landscaped with grass, and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials, subject to the requirements of section 732-214(g) and shall remain as open space free from structures except where expressly permitted by this chapter.

- a. Required front yards:

- 1. May include pedestrian walks, driveways, flag poles, fences, screening walls and similar appurtenant structures; and
- 2. Shall not include parking areas or interior access drives, unless subject to the provisions of section 732-214(a).

- b. Required front, side or rear transitional yards:

- 1. May include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and
- 2. Shall not include parking areas, interior access drives, or outdoor display or storage areas, unless subject to the provisions of section 732-214(a).

- (8) **Maximum height of buildings and structures.** Sixty-five (65) feet, subject to the exceptions noted in section 732-200(a)(5). Provided, however:

- a. Along any required front, side or rear transitional yard, as specified in section 732-206(b)(6), the minimum required setback for that portion of the building exceeding eighteen (18) feet shall be increased by one (1) foot for each one (1) foot, or part thereof, of building or structural height above eighteen (18) feet (see section 732-217, Diagram I).
- b. The height of signs and sign structures shall comply with Chapter 734 of this Code.

- (9) **Signs.** Signs and sign structures shall comply with Chapter 734 of this Code. Additional regulations specific to adult entertainment businesses are found in section 732-216.
- (10) **Off-street parking.** Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 732-211.
- (11) **Off-street loading.** Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 732-212.
- (12) **Drive-through off-street stacking space requirements.** Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of section 732-213.
- (13) **Additional developments requirements.** Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, temporary seasonal retail sales uses, or screening, landscaping and grounds maintenance, shall be in accordance with section 732-214.
- (14) **Special regulations, adult entertainment business.** In addition to the requirements of this section, adult entertainment businesses shall be in accordance with section 732-216, special regulations - adult entertainment business.

Sec. 732-207. C-6 Thoroughfare Service Commercial District.

Statement of purpose: The C-6 District is designed to permit development of limited service uses related to freeway, expressway or other thoroughfare interchanges and other controlled access locations along major arterial thoroughfares. This district is appropriate for locations where more concentrated types of commercial uses would be incompatible with the other uses in the vicinity. In this district, food, lodging and certain automotive services can be conveniently available to the thoroughfare user without creating the traffic congestion and hazards commonly associated with interchanges or intersections where large commercial districts have developed. The limited availability of locations and limited uses permitted in this district provide for maximum compatibility with adjacent districts.

(a) Permitted C-6 uses. Permitted uses in the C-6 District shall conform to the general commercial district regulations and performance of section 732-200 and the C-6 District development standards of section 732-207(b). The following uses shall be permitted in the C-6 District:

- (1) Adult entertainment business (as defined in section 732-217 and subject to the Special Regulations and the provisions of section 732-216).
- (2) Automobile leasing or renting, passenger.
- (3) Automobile (car) wash, subject to the provisions of section 732-207(b)(1)d.
- (4) Bed and breakfast inn.
- (5) Convenience market, subject to the provisions of section 732-207(b)(1)c.
- (6) Dinner theatre.
- (7) Drinking places (tavern, bar cabaret, night club), subject to the provisions of section 732-207(b)(1)b.
- (8) Eating places (any type of restaurant), subject to the provisions of section 732-207(b)(1)b.
- (9) Gasoline service stations (except truck stops), subject to the provisions of section 732-207(b)(1)c.
- (10) Hotel, motel, tourist court, including such uses operated by organizations for members only.
- (11) Outdoor advertising signs, subject to Chapter 734 of this Code.
- (12) Parking, automobile (as primary use).
- (13) Rooming and boarding house.
- (14) Accessory use structures, subordinate, appropriate and incidental to the above permitted uses, including supportive services directly related to and located in the same building with the primary use, shall be subject to the requirements of section 732-207(b)(1)f.
- (15) Temporary structures, including fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction shall be subject to the requirements of section 732-214(e).

[G.O. 3, 2007]

(b) C-6 development standards.

(1) Use.

- a. All uses and operations shall be conducted within completely enclosed buildings, except:

1. Off-street parking and off-street loading; and
 2. Drive-through customer service windows, subject to the regulations of section 732-213; and
 3. Minor displays of merchandise may be placed outdoors provided such displays are:
 - i Accessory to the primary use; and
 - ii Located immediately adjacent to the primary structure, but not within a required yard; and
 - iii Not more than two hundred (200) square feet in total area; and
 - iv Maintained in an orderly manner; and
 - v Not illuminated; and
 4. Trash containers shall be permitted, provided the container(s) exceeding six (6) cubic feet shall:
 - i Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
 - ii Be located behind the established front building line; and
 - iii Not be located within a required yard or required transitional yard; and
 5. Recycling containers shall be permitted, subject to the requirements of section 732-214(d) (requirements for recycling containers); and
 6. Vending machines shall be permitted, provided the machine(s) shall:
 - i Be located within a building; or
 - ii Be located on the exterior of a building abutting its exterior wall; and
 - iii Not be located within a required yard or required transitional yard; and
 - iv Not be used in the calculation of the square footage of minor displays of merchandise placed outdoors as noted in section 732-207(b)(1)a.3.iii.
- b. Fast food or drive-through restaurants, night club establishments and such establishments where food or alcoholic beverages may be carried out or may likely be consumed on the premises shall:
1. Provide adequate outdoor convenience trash containers; and
 2. Erect and maintain a decorative fence or wall along the perimeter of any outdoor seating area; and
 3. Not be located within one hundred (100) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street (see section 732-217, Diagram J).
- c. Gasoline service station, convenience market, service center or functions, services, operation and sales shall not include the following:

1. Any outdoor operations (other than the dispensing or installation of gasoline, oil, antifreeze and other similar products and the performance of minor services for customers as related to such dispensing or installation); and
2. The sale, rental, display or storage of vehicles, trailers, tractors, machinery or other similar equipment; and
3. Commercial parking of vehicles; and
4. Major servicing or motor or body repair such as, but not limited to, body or fender work, motor overhaul, major transmission repair, auto glass work, tire recapping, muffler repair or installation, auto body painting or trim shops; and
5. Dismantling or wrecking of any vehicle, or the storage of inoperable, damaged or wrecked vehicles, other than those awaiting immediate repair.

The exterior display, sales or storage of antifreeze, batteries, tires, oil, and other merchandise or products is permitted, provided, however, that the provisions of section 732-207(b)(1)a.3. are maintained.

- d. Car wash establishments shall:
 1. Be subject to the drive-through off-street stacking space regulations of section 732-213; and
 2. Not conduct any drying, cleaning, polishing, dispensing of gasoline, or other comparable operation within any required yard or required transitional yard; and
 3. Not be located within one hundred (100) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street (see section 732-217, Diagram J); and
 4. Have exit drives that are a minimum of one hundred (100) feet in length, measured from the vehicle exit of the car wash establishment to the pavement edge of the street.
 5. The surface and drainage treatment at the exit drive shall be designed so that no water accumulates on the surface or onto the public right-of-way as a result of the car wash operations.
- e. Any lighting used to illuminate an outdoor area where any service or activity is conducted shall comply with the requirements of section 732-211(h). Further, it shall be prohibited to:
 1. Light an area by the use of stringers or unshielded incandescent lamps in which the entire lamp envelope is designed to function as a light emitter; and
 2. Make use of attention attracting lighting from any apparatus of any type similar to that used by emergency vehicles.
- f. Accessory uses or structures shall: have a total gross floor area which does not exceed ten (10) percent of the total gross floor area of the primary structures or uses.

- (2) **Required minimum street frontage.** Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to section 732-200(a)(6), lot frontage exception), and shall gain access from such street frontage.
- (3) **Required minimum front yards, minimum front setback.** The setback requirements of section 732-214(a) shall be provided along all street right-of-way lines, unless subject to the established setback provisions of section 732-200(a)(3)b. or c.
- (4) **Required minimum side yards, minimum side setback.** No side yard or side setback shall be required unless subject to the requirements for transitional yards of section 732-207(b)(6) or (8).
- (5) **Required minimum rear yards, minimum rear setback.** No rear yard or rear setback shall be required unless subject to the requirements for transitional yards of section 732-207(b)(6) or (8).
- (6) **Required transitional yards, minimum setbacks.** Minimum front, side and rear transitional yards and setbacks. Yards fronting upon or abutting a protected district are subject to the requirements of section 732-207(b)(7) or (8) in addition to the following requirements:
 - a. Where a front yard abuts a street on the opposite side of which is a protected district, a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of section 732-200(a)(3)b. or c. or section 732-214(a). In the case where a proposed right-of-way does not exist or the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.
 - b. Where a side or rear lot line abuts a lot line in an adjacent protected district, a required side or rear transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

 1. Where a dedicated alley separates such side or rear lot line from the protected district, such required side or rear transitional yards and setback shall be not less than ten (10) feet.
 2. Where the ground area required for required transitional yards exceeds twenty (20) percent of the lot area, the width of the side or rear transitional yards may be reduced by one-half (1/2), but to not less individually than six-foot planting areas, provided a six-foot opaque wooden fence or solid wall is erected.
 3. The transitional yard requirements of section 732-207(b)(6) shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although zoned as a protected district.
- (7) **Use of required yards and required transitional yards.** All required yards and required transitional yards shall be landscaped with grass, and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials, subject to the requirements of section 732-214(g), and shall remain as open space free from structures except where expressly permitted by this chapter:

- a. Required front yards:
 - 1. May include pedestrian walks, driveways, flag poles, fences, screening walls and similar appurtenant structures; and
 - 2. Shall not include parking areas or interior access drives, unless subject to the provisions of section 732-214(a).
 - b. Required front, side or rear transitional yards:
 - 1. May include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and
 - 2. Shall not include parking areas or interior access drives, unless subject to the provisions of section 732-214(a).
- (8) Maximum height of buildings and structures.** Sixty-five (65) feet, subject to the exceptions noted in section 732-200(a)(5). Provided, however:
- a. Along any required front, side or rear transitional yard, as specified in section 732-207(b)(6), the minimum required setback for that portion of the building exceeding eighteen (18) feet shall be increased by one (1) foot for each additional one (1) foot, or part thereof, of building or structural height above eighteen (18) feet (see section 732-217, Diagram I).
 - b. The height of signs and sign structures shall comply with Chapter 734 of this Code.
- (9) Signs.** Signs and sign structures shall comply with Chapter 734 of this Code. Additional regulations specific to adult entertainment businesses are found in section 732-216.
- (10) Off-street parking.** Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 732-211.
- (11) Off-street loading.** Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 732-212.
- (12) Drive-through off-street stacking space requirements.** Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of section 732-213.
- (13) Additional development requirements.** Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, temporary seasonal retail sales uses, or screening, landscaping and grounds maintenance, shall be in accordance with section 732-214.
- (14) Special regulations, adult entertainment business.** In addition to the requirements of this section, adult entertainment businesses shall be in accordance with section 732-216, special regulations - adult entertainment business.