

## **1003.135 "C-3" Shopping District Regulations.**

### **1. Scope of Provisions.**

This section contains the district regulations of the "C-3" Shopping District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter which are incorporated as part of this section by reference. The "C-3" Shopping District encompasses areas wherein may be located such stores and service facilities as will provide a wide range of goods and services usually used, consumed, or needed in the home or by individuals. It is the purpose of these regulations to facilitate the establishment of conditions suitable for the operation of businesses catering to the general public.

### **2. Permitted Land Uses and Developments.**

The following land uses and developments are permitted in this District:

- (1) Adult day care centers. (O.No. 21012 - Adopted 7/17/02).
- (2) Auditoriums and other facilities for public assembly.
- (3) Child care centers, nursery schools, and day nurseries.
- (4) Churches.
- (5) Clubs, lodges, and meeting rooms.
- (6) Filling stations for automobiles.
- (7) Financial institutions.
- (8) Libraries and reading rooms.
- (9) Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
  - (a) adequately screened with landscaping, fencing or walls, or any combination thereof, or
  - (b) placed underground, or
  - (c) enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning.

- (10) Medical and dental offices.
- (11) Marijuana dispensary facility, provided no marijuana dispensary facility shall be located within one thousand (1,000) feet of any then-existing elementary or secondary school, childcare center, or place of worship, nor within five hundred (500) feet of any then-existing marijuana dispensary facility or any then-existing package liquor store (see Sec. 1003.167 "Miscellaneous Regulations" for measurement methods). O.No. 28729 – Adopted 3/23/23).
- (12) Mortuaries.
- (13) Nightclub. (O.No. 18064 - Adopted 6/13/96.)
- (14) Offices or office buildings.
- (15) Package liquor stores that are located 1,000 feet or more, when measured from nearest property line, to nearest property line of another package liquor store. (O. No. 22626 - Adopted 1/11/06.)
- (16) Parking areas, including garages, for automobiles, but not including any outdoor sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
- (17) Pet care facility (O. No. 26111 – Adopted 6/30/15)
- (18) Police, fire, and postal stations.
- (19) Recreational facilities, including indoor theaters, but not including drive-in theaters, golf practice driving ranges, and outdoor swimming pools.
- (20) Restaurants, including banquet facilities. (O.No. 19718 - Adopted 11/10/99.)
- (21) Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.

- (22) Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are offered for sale or hire to the general public within the interior of any authorized building or structure on the premises, or as otherwise permitted under Section 1003.167 Miscellaneous Regulations. (O.No. 17059 - Adopted 6/9/94).
- (23) Telecommunication towers up to one hundred (100) feet in height and co-used telecommunication towers or disguised support structures of one hundred twenty (120) feet in height or less. (O.No. 18420 - Adopted 3/20/97).
- (24) Vehicle wash facilities for automobiles, provided that no such facility shall be located within one mile of any then-existing vehicle wash facility for automobiles. (O.No. 28748 – Adopted 5/01/23).

### **3. Conditional Land Use and Development Permits Issued by the Commission.**

The following land uses and developments may be permitted under conditions and requirements specified in Section 1003.181 Conditional Use Permits:

- (1) Amusement parks for children.
- (2) Animal hospitals and veterinary clinics, not including open kennels and exercise yards.
- (3) Apartment dwelling units in buildings primarily designated for occupancy by commercial purposes. A minimum of 800 square feet of contiguous open space per dwelling unit, protectively screened from commercial activities and directly accessible to the dwelling units, shall be provided on the premises for the exclusive use of the occupants of such apartments.
- (4) Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly with capacity for over 1,500 persons.
- (5) Automatic Teller Machines (ATM), freestanding. (O.No. 21257 - Adopted 2/5/03).
- (6) Highway Department garages.
- (7) Hospitals.
- (8) Hotels, including swimming pools and customary services for guests.
- (9) Marijuana consumption facility, provided no marijuana consumption facility shall be located within one thousand (1,000) feet of any then-existing elementary or secondary school, childcare center, or place of worship (See Sec. 1003.167 "Miscellaneous Regulations" for measurement methods). (O.No. 28729 – Adopted 03/23/23.)
- (10) Marijuana dispensary facility that is not within one thousand (1,000) feet of any then-existing elementary or secondary school, childcare center, or place of worship, but is within five hundred (500) feet of a then-existing marijuana dispensary facility or any then-existing package liquor store (See Sec. 1003.167 "Miscellaneous Regulations" for measurement methods). (O.No. 28729 – Adopted 03/23/23.)
- (11) Outdoor sales, when no other related sales by the permitted primary use are occurring on site. (O. No. 17059 - Adopted 6/9/94).
- (12) Outdoor swimming pools.
- (13) Package liquor stores that are located 1,000 feet or less, when measured from nearest property line, to nearest property line of another package liquor store. (O. No. 22626 - Adopted 1/11/06.)
- (14) Pawn shops. (O.No. 18694 - Adopted 11/6/97).
- (15) Pool and billiard halls. (O.No. 18962 - Adopted 6/11/98).
- (16) Public utility facilities.
- (17) Sewage treatment facilities, not including individual sewage treatment facilities permitted as an accessory use.
- (18) Signs, (advertising). (O.No. 24117 – Adopted 9/9/09).
- (19) Small loan businesses located at least one mile (5,280 linear feet) from any existing small loan business and three hundred (300) feet from any residence, school or place of worship as such distances are determined by the Director of Planning. (O. No. 23314 - Adopted 8/8/07)
- (20) Tattoo parlors. (O.No. 18962 - Adopted 6/11/98).
- (21) Telecommunication towers up to two hundred (200) feet in height. (O.No. 18420 - Adopted 3/20/97).

- (22) Thrift stores. (O.No. 19718 - Adopted 11/10/99).
- (23) Vehicle repair facilities for automobiles.
- (24) Vehicle service centers for automobiles.
- (25) Vehicle wash facilities for automobiles when said facilities are located within one mile of any then-existing vehicle wash facility for automobiles. (O.No. 28748- Adopted 5/01/23).

#### **4. Accessory Land Uses and Developments.**

Subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a conditional land use or development when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use, and serves only to further the successful utilization of the primary use. Accessory uses include the following:

- (1) Associated work and storage areas required by any business, firm, or service to carry on business operations.
- (2) Devices for the generation of energy, such as solar panels, solar arrays, wind energy systems, and similar devices. (O. No. 26111 – Adopted 6/30/15).
- (3) Dwelling or lodging units, only for watchmen, caretakers, or other personnel whose residence on the premises is essential to the operation of a permitted or conditional use or uses.
- (4) Individual sewage treatment facilities serving an individual building or use, as approved by the appropriate regulatory agency. The sewage treatment facility shall not exceed 5,000 gallons per day flow.
- (5) Outdoor sales. (O. No. 17059 – Adopted 6/9/94).
- (6) Signs (business, directional, information, portable or temporary).

#### **5. Performance Standards.**

All uses in the "C-3" Shopping District shall operate in conformity with the appropriate performance standards contained in Section 1003.163 Zoning Performance Standard Regulations.

#### **6. Height Limitations for Structures**

Other than telecommunication towers and unless otherwise restricted by application of regulations in Section 1003.161, "Air Navigation Space Regulations," the total height of any structure, not including roof top mechanical equipment attached to such structure, shall not exceed two hundred (200) feet above the average finished ground elevation at the perimeter of such structures. A public utility tower authorized by conditional use permit may be erected to any height not in conflict with the application of regulations in Section 1003.161, "Air Navigation Space Regulations." (O. No. 18420 – Adopted 3/20/97).

#### **7. Minimum Lot Area Requirements.**

- (1) Every lot or tract of land shall have an area comprising not less than 12,000 square feet.
- (2) Advertising signs shall be situated on separate lots containing not less than 12,000 square feet; said lot shall contain no other use.
- (3) Churches shall be situated on tracts of land at least one-half (1/2) acre in area.
- (4) Hospitals shall be situated on tracts of land at least five (5) acres in area.
- (5) Any lot or tract of record on the effective date of this Ordinance, which contains less area than herein specified, may be used as a site for only one (1) use listed in Subsection 2 together with related parking areas and Accessory Land Uses and Developments.

#### **8. Development Limitations.**

- (1) Not more than twenty-five (25) percent of the total area of any lot or tract of land in this District shall be covered by structures.
- (2) Unless authorized by Conditional Use Permit, the capacity of auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly shall not exceed 1,500 persons.

## **9. Minimum Yard Requirements.**

- (1) Front Yard: General.

No structure is allowed within fifteen (15) feet of any roadway right-of-way line.

- (2) Front Yard: Specific Regulations and Exceptions.

- (a) Notwithstanding any other provision of this Chapter, on corner lots, no structures or plant material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the sight distance triangle.
- (b) Boundary walls or fences, six (6) feet in height or less, are allowed within the minimum front yard setback.
- (c) Permitted information signs, six (6) feet in height or less, are allowed within the minimum front yard setback.
- (d) Permitted directional signs, three (3) feet in height or less, are allowed within the minimum front yard setback.
- (e) Light standards for street lighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the minimum front yard setback when approved by the Department of Planning.

- (3) Side and Rear Yards: General.

No structure is allowed within fifteen (15) feet of a property line adjoining property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" Residence District.

- (4) Side and Rear Yards: Specific Regulations and Exceptions.

- (a) Any structure exceeding thirty (30) feet in height which adjoins property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" Residence District, other than a public utility tower authorized by a Conditional Use Permit, must be set back from such property line an additional one (1) foot for every two (2) feet in height above thirty (30) feet.
- (b) Boundary walls or fences, six (6) feet in height or less, are permitted within the minimum side and rear yard setbacks required from property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" Residence District.
- (c) Light standards for parking lot lighting are allowed no closer than ten (10) feet of any side or rear yard line which adjoins property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" Residence District.

- (5) Notwithstanding any other provisions of this Chapter, telecommunication towers shall not be closer to a "PS" Park and Scenic District, "NU" Non-Urban District or "R" Residence District property than a distance equivalent to the height of the proposed telecommunication tower. A greater setback may be required by the conditions of a Conditional Use Permit. (O. No. 18420 -Adopted 3/20/97).

## **10. Off-Street Parking and Loading Requirements.**

Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives, are set forth in Section 1003.165 Off-Street Parking and Loading Requirements.

## **11. Sign Regulations.**

Sign regulations are set forth in Section 1003.168 Sign Regulations.