

2.2.6. - C-3 general commercial district.

A.

General description. This commercial district is for personal and business services and general retail business. Districts in this category are intended to include areas where commercial development has displaced or is displacing residential development, or is moving in on vacant lands. Regulations are designed to guide future change so as to discourage formation of future commercial slums, to preserve the carrying capacity of the streets, and to provide for off-street parking and loading. It is not the intent of this district to encourage the extension of existing strip commercial areas, but rather to provide concentrations of general commercial activities.

B.

Uses permitted. The following uses shall be permitted in the C-3 general commercial district:

1.

Retail establishments including incidental manufacturing of goods for sale at retail on the premises; provided, however, that the space devoted to manufacturing does not exceed twenty (20) percent of the gross floor area of the establishment; sale and display rooms and lots, not including yards for storage of new or used building materials or yards for any scrap or salvage operations, or for storage or display of any scrap, salvage, or secondhand materials.

2.

Delicatessens and bakeries, eating and drinking establishments.

3.

Automobile service and repair establishments, including gasoline service stations, automatic car washing establishments, and repair garages; provided, however, that all major overhaul, body and fender work, upholstery and welding shall be conducted within a completely enclosed building and all spray painting, with the exception of minor touch-up with aerosol-type spray can of standard touch-up size, shall be conducted within an approved spray booth and, provided further, that no outdoor storage of automobile parts, discarded tires, or similar material shall be permitted. (See article V, section 11, for gasoline service station requirements.)

4.

Tire recapping or retreading within a completely enclosed building and with no outdoor storage of tires, discarded rubber, or similar materials.

5.

Personal service establishments, including barber and beauty shops, shoe repair shops, funeral homes, cleaning, dyeing, laundry, pressing, dressmaking, tailoring and garment repair shops with processing on the premises.

6.

Hotels, motels, rooming and boarding houses.

7.

Indoor commercial recreational structures and uses, such as theaters, bowling alleys, poolrooms.

8.

Commercial parking lots and garages.

9.

Offices, studios, clinics and laboratories.

10.

Financial institutions.

11.

Private clubs and lodges.

12.

Utility substations, easements, alleys and rights-of-way, and transportation easements, alleys, and rights-of-way.

13.

- Veterinary establishments, provided that all animals shall be kept inside soundproof air conditioned buildings.
14. Public buildings and grounds other than elementary schools.
15. Churches.
16. Business and vocational schools not involving operations of an industrial character.
17. Contractor's business offices such as building, electrical, paint or plumbing contractors, termite and pest control service, wholesale and distributing centers, with all activities within a completely enclosed building, except as provided below, designated as paragraph 22 [21].
18. On the same premises, and in connection with permitted principal uses and structures, dwelling units for occupancy only by owners or employees thereof, and other uses and structures which are customarily accessory and clearly incidental to permitted or permissible uses and structures that are not of a nature prohibited under "Prohibited uses and structures."
19. Any other store or shop for conducting retail trade or rendering personal, professional, or business service which, based on the criteria set forth in article V, section 1 of these regulations, in the opinion of the chief building official in concurrence with the staff of the metropolitan planning commission, does not produce more noise, dust, vibration, blast, or traffic more than those uses enumerated above.
20. Buildings, structures and uses accessory and customarily incidental to any of the above uses.
21. Open storage of material and equipment incidental to a permitted use, provided that all such open storage shall:
- a. Conform to the setback required for principal buildings in the C-3 district.
 - b. Be screened from all adjoining properties and public rights-of-way to a minimum height of six (6) feet with one (1) of the following:
 - (1) A chainlink fence with inserted lattice which blocks the vision.
 - (2) An evergreen hedge which blocks the vision.
 - (3) A masonry wall.
 - (4) Any other proposed screen which is approved by the metropolitan planning commission, as a "use permitted on review."
 - c. The above screening requirements do not apply to materials and equipment stored on a construction site where such materials or equipment are to be used, or to the storage of commercial vehicles.
22. Recycling collection facility as an accessory use only as regulated by article V, section 18.B.
23. Call centers.

24.

Tattoo and/or body piercing establishments.

25.

Halfway houses with maximum capacity of five (5) persons subject to the following standards:

a.

No other halfway house located within one (1) mile of this site.

b.

A site cannot be located within three hundred (300) feet of a park, school, or day care center.

c.

The use shall comply with all applicable city, state, and federal codes and regulations.

d.

The site shall be within one thousand (1,000) feet of an established transit route.

e.

Signs identifying a use as a halfway house are not permitted.

f.

The city police department must be provided with a written notification of the use prior to its occupancy.

C.

Uses permitted on review. The following uses may be permitted on review by the planning commission in accordance with provisions contained in article VII, section 5:

1.

Fabrication and sale of light sheet metal products such as heating, air conditioning and ventilating ducts and equipment.

2.

Private day nurseries and kindergartens, including day care centers, as regulated in article V, section 3.

3.

Marinas, subject to the requirements set forth in article V, section 3.F.

4.

Commercial telecommunications towers.

5.

Halfway houses with greater than five (5) persons subject to the following standards:

a.

A site cannot be located within three hundred (300) feet of a park, school, or day care center.

b.

The use shall comply with all applicable city, state, and federal codes and regulations.

c.

The site shall be within one thousand (1,000) feet of an established transit route.

d.

Signs identifying a use as a halfway house are not permitted.

e.

The city police department must be provided with a written notification of the use prior to its occupancy.

D.

Prohibited uses and structures. The following uses are prohibited in the C-3 general commercial district:

1.

All residential uses, except as provided under "permitted uses" and special exceptions permissible by the planning commission.

2.

Manufacturing of goods except as provided under "permitted uses."

3.

Public or private elementary schools.

4.

Yards for storage, display or sales of scrap, or for any scrap or salvage operations.

5.

Outdoor storage of any number of motor vehicles whether or not such vehicles are operable, inoperable, [or] awaiting repair, or damage appraisal.

6.

Truck terminals, storage warehouses containing over five thousand (5,000) square feet.

7.

Bulk petroleum products storage and distribution.

8.

Outdoor displays of merchandise.

9.

All uses and structures not of a nature specifically permitted herein.

10.

Any uses which the planning commission, upon appeal and after investigating similar uses elsewhere, shall find to be potentially noxious, dangerous, or offensive to adjacent occupancies in the same or neighboring districts or to those who pass on public ways, by reason of odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio or television reception, or radiation, or likely for other reasons to be incompatible with the character of the district.

11.

Outdoor commercial recreational uses.

E.

Area regulations. The following requirements shall apply to all uses permitted in this district:

1.

Front yard. All buildings shall [be] set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.

2.

Side yard. No side yard is required, except that the width of a side yard which abuts a residential district shall be not less than twenty-five (25) feet.

3.

Rear yard. Where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet in depth. The depth of a rear yard which abuts a residential district shall be not less than fifteen (15) feet. In all other cases no rear yard is required.

4.

Maximum lot coverage. Main and accessory buildings shall cover not more than seventy-five (75) percent of the lot area.

F.

Height regulations. No building or structure, except office buildings, shall exceed forty-five (45) feet in height, except as provided in article V, section 5. Office buildings shall not exceed or ninety (90) feet.

(Ord. No. 5050, 8-4-70; Ord. No. 5152, 3-30-71; Ord. No. O-204-78, §§ 1, 2, 12-12-78; Ord. No. O-121-83, § 1(C), 8-2-83; Ord. No. O-44-84, § 1, 3-13-84; Ord. No. O-483-92, § 1(C)(6), 11-24-92; Ord. No. O-338-95, § 1, 6-20-95; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-320-99, § 1, 8-24-99; Ord. No. O-371-99, § 1, 9-21-99; Ord. No. O-439-99, § 1, 10-19-99; Ord. No. O-338-00, § 2, 7-25-00; Ord. No. O-215-06, § 1, 10-24-06; Ord. No. O-40-08, § 1, 2-26-08; Ord. No. O-111-08, § 1, 5-20-08; Ord. No. O-70-09, § 1, 5-5-09)