

Section 400.290. "C-3" Commercial Zoning District. [R.O. 2005 §30-43; CC 1997 §30-43; Ord. No. 1872 §§6—7, 12-15-1993; Ord. No. 1905 §§11—12, 5-18-1994; Ord. No. 2138 §1, 2-5-1997; Ord. No. 2266 §3, 7-1-1998; Ord. No. 2481 §3, 2-6-2002; Ord. No. 2541 §1, 2-5-2003; Ord. No. 2932 §6, 2-4-2009; Ord. No. 2948 §4, 7-15-2009; Ord. No. 3095 §1, 12-19-2012]

A. *Purpose.* The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Section, are the regulations in the "C-3" Commercial Zoning District. The provisions contained in this Section are applicable only to "C-3" Commercial Zoning District uses unless specifically otherwise indicated. **[Ord. No. 3139 §1, 12-4-2013]**

B. *Permitted Uses.* No permitted use shall exceed fifty thousand (50,000) square feet in gross floor area. The following are permitted uses within this zoning district: **[Ord. No. 3139 §1, 12-4-2013; Ord. No. 3222 §1, 7-15-2015]**

Aerobic exercise facility.

Alarm monitoring service.

Animal clinic/hospital/grooming (excluding kennels or stables).

Appliance/building component sales or service.

Auto parts and accessory shops.

Barbershop, beauty parlor and cosmetic services.

Bicycle sales and repair.

Bookstore/newsstand.

Business clerical service.

Card and gift shop.

Christmas tree lot as defined in Section 400.090.

Computer hardware, software and supplies.

Dance lesson studio.

Diet/nutrition center.

Drive-through facilities (except drive-through for food and beverage).

Dry cleaning/laundry/dyeing establishment and service.

Electronic/radio and television sales and service.

Eye care facility.

Fabric store.

Florist.

Food/beverage specialty shop.

General office and medical office.

Grocery store.

Hardware store.

Heating and cooling sales office (excluding component fabrication).

Hobby/arts and crafts store.

Home and office maintenance services.

Lawn and garden shop, including equipment sales and service.

Massage therapy services.

Mini-shop as defined in Section 400.090.

Multitenant retail building.

Museum.

Musical instruments, sales and rental.

Outdoor dining (with and without table service).

Pet shop.

Pharmacy.

Photography studio/film processing, photo sales and service.

Print shop: an establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint or offset printing equipment, including publishing, binding and engraving.

Post office.

Public building, City.

Recreation facility, public or private.

Rental or leasing of passenger motor vehicles facility, as defined in Section 400.090.

Restaurant, cafeteria, catering service.

Sales of wall or floor coverings, fixtures, furniture and upholstering.

Sales of wearing apparel/jewelry.

School, college (other than public).

Shoe repair.

Shopping center.

Sporting goods store.

Tailoring.

Tanning, exercise facility.

Toy store.

Travel agency.

Videocassettes, rental and sales.

C. *Conditional Uses.* [Ord. No. 3139 §1, 12-4-2013; Ord. No. 3171 §4, 8-20-2014; Ord. No. 3210 §2, 2-18-2015; Ord. No. 3213 §1, 3-23-2015; Ord. No. 3222 §1, 7-15-2015]

All permitted uses exceeding fifty thousand (50,000) square feet in gross floor area.

Any retail sales business not specifically listed as "permitted" (exclusive of adult entertainment facility, and manufacturing or light industrial uses as determined by the Planning Director).

Automobile repair.

Automobile service.

Automobile wash.

Cell towers.

Church or other non-denominational place of worship.

Cigar bar.

Convenience store.

Day-care center.

Drive-through for food and beverage.

Dwelling, multi-family.

Dwelling, two-family.¹

Gasoline filling station (as per Section 400.333).

Hookah lounge.

Liquor sales in conjunction with permitted uses and conditional uses.

Microbrewery/winery boutique: an establishment where beer, ale or wine is produced and packaged for distribution, retail or wholesale, on or off premises, limited to fifteen thousand (15,000) barrels per year for beer and ale and five thousand (5,000) cases per year for wine.

Mortuary.

Motor vehicle sales with or without ancillary rental or leasing.

Nursing home and facilities.

Private, civic, fraternal or charitable club.

Retirement complex.

Utility facility or substation.

Vapor lounge.

D. *Accessory Uses.*

1. Editor's Note: The former conditional use of "fast-food restaurant," which immediately followed, was repealed 12-16-2015 by §5 of Ord. No. 3249.

1. Accessory buildings and uses customarily incidental to the above uses.
2. Any building used primarily for any of the above enumerated purposes may have not more than forty percent (40%) of the floor area devoted to storage purposes incidental to such primary use.

E. *Parking Requirements.*

1. No motor vehicle licensed in excess of eighteen thousand (18,000) pounds gross vehicle weight may be parked or allowed to otherwise stand or idle in this zoning district unless said vehicle is owned, leased or controlled by the entity authorized to operate at the location where said vehicle is to be parked. No trailer, storage or hauling portion of a truck or of any other motor vehicle may be parked or allowed to otherwise stand or operate in this zoning district unless said vehicle is owned, leased or controlled by the entity authorized to operate at the location where said vehicle is to be parked.

Within the Town Center, as defined in Section 400.090, parking shall be located behind the front building line.

F. *Area Requirements.*

1. *Minimum lot area.* One-half (½) acre twenty-one thousand seven hundred eighty (21,780) square feet].
2. *Minimum front building setback line.* One hundred ten (110) feet from the center line of the road right-of-way along Manchester Road, Clarkson Road, Clayton Road, Old State Road and Kiefer Creek Road. Where the front of a commercial lot and/or use abuts a residential side street, the minimum front yard setback from the residential street shall be consistent with the residential setback. **[Ord. No. 3210 §2, 2-18-2015; Ord. No. 3222 §1, 7-15-2015]**

Exception. The front building setback for properties within the Town Center, as defined in Section 400.090, shall be twenty (20) feet from the front property line, or as may be approved by the City Council. However, to make use of this exception, all parking shall be located behind the front building line. Pedestrian accommodations and amenities, including, but not limited to, sidewalks, street furniture, pedestrian level lighting, and landscaping, shall be provided within the front setback, between the building facade and street, as required by the City Council.

3. *Minimum width side yard.* Ten (10) feet, except on the side of a lot abutting a residential zoning district in which case there shall be a side yard of not less than twenty-five (25) feet. **[Ord. No. 3213 §1, 3-23-2015]**

Exception: When the side yard of a lot upon which a gasoline filling station use is conducted abuts residentially zoned lot(s) and/or residential use(s), the minimum side yard width [on the side abutting the residentially zoned lot(s) and/or residential use(s)] shall be one hundred fifty (150) feet.

4. *Minimum depth rear yard.* Twenty-five (25) feet. Landscaped buffer areas required by Section 400.480 may be within the rear yard. [**Ord. No. 3213 §1, 3-23-2015**]

Exception: When the rear yard of a lot upon which a gasoline filling station use is conducted abuts residentially zoned lot(s) and/or residential use(s), the minimum rear yard width [on the side abutting the residentially zoned lot(s) and/or residential use(s)] shall be one hundred fifty (150) feet.

5. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot. In no case shall the front yard depth be less than established for that street.
6. *Building/structure height setback.* A building or structure shall be set back from the property line at least one (1) foot for each foot of height when abutting a residential zoning district or in conformance with other applicable provisions, whichever is greater.
7. *Exception.* The area requirements for the Clarkson Clayton planned unified shopping center are set forth in Ordinance No. 876, as amended. In the event of a conflict with this area requirements Subsection, the site-specific provisions of Ordinance No. 876, as amended, shall control and prevail over any inconsistent provision in this area requirements Subsection. [**Ord. No. 3264 §1, 3-16-2016**]

G. *Height Requirements.*

1. The maximum height for any structure in this district is two (2) stories or thirty (30) feet. Any structure in excess of two (2) stories or thirty (30) feet will not be allowed except as a conditional use.
2. The maximum height of church and temple spires and steeples is seventy-five (75) feet, provided that the building is set back from all yard lines at least one (1) foot for each foot of height or in conformance with applicable provisions, whichever is greater.

H. *Exterior Finish Requirements.*

1. When a structure is constructed, enlarged or remodeled in this zoning district, such a structure shall be approved by the Architectural Review Board.
2. Any exterior wall construction material must be approved by a majority vote of the Architectural Review Board. Presentation of alternative construction

materials as provided by the Section shall include renderings, photos, blueprints and other graphic aids as may be required to define the appearance of the finished product as well as its durability as to exterior wall construction.

I. *Site Design Requirements.*

1. All new construction within this zoning district shall require the dedication of road right-of-way or other improvements as prescribed by the City.
2. All development, improvements and uses in this district shall comply with all applicable regulations contained in Article VIII, Site Design and Parking Requirements of this Code.

- J. When the rear or side yard of a residential use lot abuts any commercial use lot and no landscaped buffer area complying with the provisions of Section 400.170 of this Chapter exists or is required on the commercial use lot abutting the residential use lot, a minimum of a twenty-five-foot landscaped buffer area shall be established and maintained along all rear and side property lines or as is required by specific zoning district requirements, whichever is greater. The buffer area shall contain evergreen plant material, as specified by the City Planner, with a minimum height of six (6) feet, planted on ten-foot centers. A fence located within the buffer shall be provided and maintained as required by Section 400.360 unless otherwise specified by the Council. Landscaped buffer areas required by this Section may be located within the rear yard where allowed. **[Ord. No. 3210 §2, 2-18-2015]**