

## **Fishers C3 Zoning Ordinance**

### **§ 151.075 COMMERCIAL DISTRICT C3.**

(A) The C3 district is established to provide for the development of a broad spectrum of commercial and business uses. These uses are expected to serve the regional area, for commercial, business, and service needs of the larger area. Consequently this zoning district is expected to cause more traffic demands, and is therefore to be located or situated only along or adjacent to thoroughfares, major thoroughfares or expressways at interchanges with thoroughfares.

(B) All uses permitted shall conform to the development standards as set forth in division (C) of this chapter, and all applicable sections, divisions and paragraphs of this chapter, the Comprehensive Plan and the Subdivision Control Code. The following uses are permitted:

(1) Preceding district. All uses allowed in the C1 and C2 districts.

(2) Shopping center. Shopping center, 750,000 square feet of gross floor area, providing a full range of retail shopping facilities and services, including durable goods and professional services, and typically including one or more full-time department stores.

(3) Retail convenience goods and service businesses.

(a) Fast food restaurant, dairy products and soft drinks or any place or premises used for the sale, dispensing or serving of food or beverages outdoors, or where customers may serve themselves or carry out and consume the food, refreshments or beverages on the premises. Provided, however, such establishments shall:

1. Provide adequate outdoor convenience trash container;

2. At the discretion of the Commission, the developer shall construct and maintain a decorative fence or wall of not less than 42 inches in height along the rear lot line and side lot lines to the required front setback line; and

3. Not be located within 200 feet of a residential district on the same side of the street, unless such establishment is separated from said residential district by an intervening street.

(b) Blueprinting, photocopying, job printing.

(c) Shopping or durable goods establishment, including: department store, discount store, major appliances, furniture and floor coverage stores.

(d) Indoor commercial amusement, recreation and entertainment, including: theater, bowling alley, billiard parlor, gymnasium, tennis facilities, roller or ice skating rink, nightclub, private club or lodge.

(e) Automobile sales, new or used, service and repair, auto parts sales, provided that the service activities are conducted within enclosed buildings.

(f) Car wash completely indoors, self-service car wash, automatic or semi-automatic car wash. Provided, however, self-service, automatic or semi-automatic car wash establishments shall:

1. Provide not less than ten auto waiting spaces at the entrance and five outdoor drying and finishing spaces at the exit to each wash bay of a self-service car wash establishment;

2. Provide not less than 20 auto waiting or storage spaces at the entrance and ten outdoor drying and finishing spaces at the exit of each wash bay of an automatic or semi-automatic car wash establishment;

3. Not conduct any drying, cleaning, polishing, dispensing of gasoline or other comparable operation within the required minimum front yard;

4. Meet the perimeter yard requirements of division (C) of this section;  
and

5. Not be located within 400 feet of a residential district fronting on the same side of the street.

(4) Miscellaneous.

(a) Commercial parking lots and structures.

(b) Temporary seasonal uses such as Christmas tree sales, nursery plants, fruit stands completely under shelter; provided, however, such uses and accessory off-street parking spaces therefor shall not reduce or encroach upon the minimum required off-street parking area of any commercial use. Provided further, the location of such use(s) on the lot shall be subject to approval of the Plan Commission.

(c) Post office, including storage of delivery vehicles, provided such storage area is screened by a solid decorative fence or wall not less than six feet in height.

(d) Veterinarian.

(e) Schools teaching photography, dance, music, art, language, trades, including barber and beauty schools.

(f) Mass transit terminals.

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

(5) Accessory uses and structures.

(a) Accessory uses, buildings and structures which are 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, provided no exterior signage announcing such services shall be permitted.

(b) Satellite television receiving-only antennas.

1. Satellite television receiving-only antennas shall be permitted as an accessory structure within the following standards subject to the setback requirements of the business zone.

2. In all business districts a satellite television receiving-only antenna may have a maximum height of 12 feet above the ground, and when located on the roof of a building in a business district shall not exceed the height limitation for the district in which it is located.

3. In a business district a satellite television receiving-only antenna shall not be located within 15 feet of any public right-of-way line.

4. A satellite television receiving-only antenna having printed matter on its surface shall be treated as a sign in conformance with the regulations of the zoning code.

5. An improvement location permit shall be required prior to the placement of all satellite television receiving-only antennas within a business district located on the ground of a building lot.

6. All cables and connections from an antenna to other equipment on the premises shall be buried underground when an antenna is located on the ground, or appropriately concealed when an antenna is located on a building.

7. Businesses selling or leasing satellite television receiving-only antennas may display antennas in the front yard of their businesses subject to the restrictions in divisions 1., 3., 5., and 6. of this section. Businesses shall take every precaution to safeguard the public from cables and connections to displayed antennas. All cables and connections shall be located out of the pedestrian walkways and vehicular parking areas and driveways adjacent to the respective business.

(6) Temporary uses and structures. Temporary uses and structures may include temporary signs, fences, walls, buildings, barricades and similar temporary structures incidental to the development of land during construction. These uses shall be shown and included in the plans and specifications and with the application for the Improvement Location Permit for the primary use. All temporary uses and structures shall be removed concurrently with the completion of construction of the primary use.

(7) Motel/hotel. A motel/hotel as defined in § 150.05 relating to permitted uses in C-4 Districts shall be a permitted use in a C-3 District subject to the following specific limitations: That such use shall be within 1250 feet of the right-of-way line of Interstate Highway 69 and within 2000 feet of the right-of-way line of 96th Street, all within the corporate limits of the town. Any real property located within the area established by the intersection of the extension of the lines established above, shall be eligible for a motel/hotel permitted use as defined above.

**C** Development standards — C3 district.

(1) The outdoor display, storage and parking of vehicles, equipment and merchandise for sale shall be allowed, providing all preparation, repair and maintenance shall be enclosed.

(2) The outdoor display, storage or parking of goods, materials, or the wholesaling, warehousing or distribution operations for said goods and materials is not allowed.

**3** Outdoor displays shall not be located in any required yards or off-street parking or loading areas.

(4) Display areas shall be of concrete, asphaltic pavement, brick flagstone or comparable material and shall be maintained in good condition.

(5) Outdoor displays shall be maintained in an orderly manner.

(6) Vehicular display areas shall be provided with bumper or wheel guards along any minimum required yard line or public right-of-way.

(7) Outdoor display of products for sale shall be located not less than 20 feet from the front lot line; provided a 20-foot wide strip of the required front yard, paralleling and measured from the front lot line, and extending the full length thereof (except for walks, access cuts and driveways) shall be landscaped in grass and shrubbery, trees and/or hedge.

(8) Any lighting used to illuminate an outdoor display area or any outdoor area where any service or activity is conducted shall be presented to the Plan Commission for approval.

(9) Further, it shall be prohibited to 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 to make use of attention-attracting lighting from apparatus of a type used by emergency vehicles.

(10) Vending machines on the exterior of any building on the premises shall be contained in a shelter, stall or other use so located as not to interfere materially with the use of adjacent properties.

(11) No outside storage of trash shall be permitted, except that trash containers exceeding six cubic feet, shall be located within a solid-walled stall behind or beside the primary structure.

(12) There shall be no required minimum lot or project area, other than the land area necessary to provide for the development requirements of this chapter, the Comprehensive Plan Code, and the Subdivision Control Code.

(13) There shall be no required minimum width of frontage for any use, except, however, any occupancy or use requiring more than one curb cut, entrance or exit, shall have at least a 200 foot frontage.

(14) No part of any structure or building, excluding an eave or cornice overhang, not exceeding four feet, or a canopy over an entrance, not exceeding 15 feet, shall be built closer to the right-of-way line of the following streets than:

(a) Front yard, building line:

1. 25 feet on local streets

35 feet on minor collector

50 feet on all others

20 feet back of sidewalk on private drives

15 feet back of sidewalks around or adjacent to parking areas

2. Frontage roads or drives paralleling any of the above roads or streets shall be considered a collector street requiring a setback or front yard of 35 feet.

(b) Side yards:

1. Minimum side yards of at least ten feet shall be provided along each side lot line, for adjacent lots of this same zoning district. If any portion of the side yard is used for a driveway, there shall be provided and maintained a five-foot landscape strip extending the full length of the side yard.

2. In projects containing two or more separate buildings, minimum side yards shall be equal to the combined total of the above required side yard, except that greater building separation may be required due to the type of construction or occupancy. Complexes or projects with more than one structure shall be approved by the State Fire Marshal's Office.

(c) Rear yards. A rear (back) yard of not less than 20 feet shall be provided along the entire rear lot line, between adjacent lots of this same zoning district.

(d) Use of required yards. All yards shall be landscaped and planted in grass, shrubs, trees, hedge and the like, to provide adequate ground cover and aesthetic amenities, except:

1. Required front yards may be used for driveways, sidewalks, fountains, flagpoles, and the like;

2. Front and rear yards, except for easements, may be used for off-street parking areas, provided that a 15-foot wide planting strip be maintained between the lot line and the parking area.

3. An easement shall be clear and free of any plantings or obstacles and shall be planted in grass. All planting strips shall be behind the easement for all front, side, and rear yards.

(15) Yards on the perimeter of the zoning district.

(a) Front yards. Where a front yard abuts a street, on the opposite side of which lies one of the following residential districts, RR, R1, R2, R3, R4 or R5, either zoned or occupied, the minimum front yard shall be the same as that residential district. If the district is occupied, the front yard shall be equal to the average depth of the residential yards. Further, the front yard shall not be used for parking, unless the street is designated as an expressway (interstate), major thoroughfare or thoroughfare.

(b) Side and rear yards. Where a side or rear yard abuts either the side or rear lot lines of an adjacent residential district, the side yard shall be not less than 30 feet, exclusive of any driveway or parking area, and the rear yard shall be not less than 50 feet. The rear yard may be used for off-street parking, provided that a planting, landscape strip 30 feet wide be maintained along the entire length of the yards.

(c) Screening, planting of perimeter yards.

1. Front yards shall be landscaped in an open pattern, in grass and shrubbery, trees and/or hedge to provide a partial screening of the use.

2. Provided, however, along any portion of said front yard in which an off-street parking area is located, there shall be provided and maintained along the front line of the parking area a buffer screen of either:

a. A wall or fence of ornamental, block, brick, solid wood fencing, or combination thereof. Said wall or fence shall be at least 42 inches in height and shall be so constructed to such minimum height to restrict any view therethrough; or

b. A compact hedge of evergreen or deciduous shrubs, at least 36 inches in height at the time of plantings.

3. If there is an easement abutting the street right-of-way it shall be kept clear of all landscaping and other obstacles, except grass. The off-street parking requirements for screening shall be met outside the easement. Ground area between such wall, fence or hedge and the front lot line shall be planted and maintained in grass or other suitable ground cover. All shrubs and trees shall be planted with a ball of earth and shall meet the standards of the American Association of Nurserymen.

4. Side and rear yards abutting a different zoning district shall be screened and landscaped in conformance with § 151.093 of this chapter.

5. If any rear portion of a lot is to be used for a driveway, off-street parking area and/or loading, there shall be provided and maintained along the entire length of the lot and drive and/or parking or loading area, at the lot line, a landscape screen, wall or fence of opaque landscape materials, ornamental block, brick, solid wood fencing or combination thereof. Said screen, wall or fence shall be constructed to a height of six feet and shall be designed and constructed to restrict any view therethrough. The yard shall be landscaped and maintained for its length in grass with shrubbery and/or trees planted and maintained at intervals of ten feet on center and to a minimum height of 36 inches for shrubbery and six feet for trees at time of planting, or comparable treatment.

6. To provide maximum flexibility in the landscape design of said screen and ground area, a variety of plant material may be used, provided, however, that plans indicating the species, variety, size, spacing and location of all plants shall be filed with the development plans.

(d) Maximum structure height. Maximum height of buildings and structures shall be 65 feet. Provided, however, within 200 feet of any residential district, the maximum height shall be 35 feet.

(e) Off-street parking. Off-street parking facilities shall be provided in accordance with § 151.090 of this chapter.

(f) Off-street loading. Off-street loading shall be provided in accordance with § 151.091 of this chapter.

(g) Access, ingress-egress. All entrances and exits shall be designed in a manner conducive to safe traffic flow and standards. In no case shall commercial drives be located closer than 250 feet from the intersecting centerline of major streets, nor closer than 125 feet for minor collectors and local streets. All access and entrances shall be approved by the Town Engineer.

(h) Signs. Signs shall be allowed in accordance with Chapter 158.

(Ord. 110380, passed 11-3-80; Am. Ord. 090285, passed 8-14-85; Am. Ord. 08-16-89, passed 9-6-89; Am. Ord. 110691, passed 11-20-91) [Penalty, see § 151.999](#)