

# CITY OF INDIANAPOLIS ZONING ORDINANCE

## 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.

*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 subsection 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 subsection 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 subsection 732-203(b)(1)e., including:
  - a. Bar
  - b. Tavern
- (6) Eating place, any type of restaurant, subject to the provisions of subsection 732-203(b)(1)e.
- (7) Emergency shelter.
- (8) Gasoline service station (except truck stop), subject to the provisions of subsection 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

## **Sec. 732-215. Special exception provisions**

*Statement of purpose:* Because of the exceptional land use characteristics and locational impacts of certain commercial uses which, if inappropriately located within commercial zoning districts, may have a deleterious effect upon other land uses and values within the county, it is recognized that the further classification, subclassification or subdivision and regulation of such uses is essential in order to preserve property values, as well as to promote the public health, safety, comfort, morals, convenience and general welfare within Marion County.

(a) *Uses permitted by special exception.* The following uses shall be permitted in the applicable commercial zoning districts only upon the grant of a special exception by the Board of Zoning Appeals:

- (1) Amusement arcade; or similar amusement, recreation or entertainment center or facility (except any such arcade, center or facility having four (4) or less amusement machines).
- (2) Massage parlor, service, or facility (except any therapeutic, medical or surgical services or facilities or regularly licensed hospital or dispensary, or the professional services of a physician, osteopath or chiropractor duly registered with and licensed by the state).
- (3) Methadone clinic or treatment facility.
- (3) Tattoo parlor.

(b) *Special regulations for uses permitted by special exception.* In whatever commercial zoning district within Marion County the uses designated in section 732-215(a) are included as permitted uses, such uses shall be subject to the following special regulations. These special regulations shall be in addition to the applicable district's standards and requirements and, in case of any conflict, the more stringent regulations shall control:

- (1) No use of any land, structure, or premises, as designated in section 732-215(a), shall be permitted except upon the grant of a special exception by the Board of Zoning Appeals to permit such a use.
- (2) No use of any land, structure or premises, as designated in section 732-215(a), shall be permitted if any portion of the perimeter of the subject lot is located within five hundred (500) feet of the following zoning districts:
  - a. Dwelling districts.
  - b. Historic preservation districts.
  - c. Market square district.
  - d. Park districts.
  - e. University quarter districts.
  - f. SU-1 District (church).
  - g. SU-2 District (school).
  - h. SU-37 District (library).
  - i. SU-38 District (community center).

In addition to the zoning districts noted above, this regulation shall also apply to any portion of the perimeter of a lot containing an elementary school, junior high school or high school, as defined in IC 20-10.1-1, regardless of zoning classification. If such use is a part of or included within an integrated center, the perimeter of the portion thereof or leased spaces occupied by such use shall be deemed the perimeter of the lot for purposes of the above distance computation and as required for section 732-215(c)(2).

(c) *Grant of special exception.* The Board of Zoning Appeals is hereby authorized to grant special exceptions to permit uses designated in section 732-215(a), subject to the following requirements:

- (1) A petition for special exception to permit any use designated in section 732-215(a) shall be filed with the Board of Zoning Appeals in accordance with the Board's rules of procedure. In addition to the site plan and area map filing requirements of the Board's rules of procedure or special exception petition forms, the petitioner shall file with the special exception petition:

- a. An area map, drawn to scale, indicating the existing zoning classification of all land within five hundred (500) feet of the perimeter of the subject lot and any elementary school, junior high school, or high school, as defined in IC 20-10.1-1, located within such distance.
  - b. Proposed detailed findings of fact in support of the four (4) determinations by the Board (hereinafter specified in section 732-215(c)(2) of this chapter), required for the grant of a special exception. The petition, or evidence presented to the Board at the public hearing, may include any additional pertinent exhibits, such as photographs depicting the subject site or other land uses and properties in the subject area; neighborhood or community economic, social, land use or environmental impact statements; or other relevant evidence.
- (2) Findings of fact: A special exception shall be granted following public hearing of the petition and upon the Board's determination that:
- a. The proposed use will not be injurious to the public health, safety, comfort, morals, convenience or general welfare;
  - b. The perimeter of any portion of the subject lot is not located within five hundred (500) feet of the following districts:
    1. Dwelling districts.
    2. Historic preservation districts.
    3. Market square district.
    4. Park districts.
    5. University quarter districts.
    6. SU-1 District (church).
    7. SU-2 District (school).
    8. SU-37 District (library).
    9. SU-38 District (community center).In addition to the zoning districts noted above, this finding shall also apply to any portion of the perimeter of a lot containing an elementary school, junior high school or high school, as defined in IC 20-10.1-1, regardless of zoning classification.
  - c. The proposed use will not injure or adversely affect the adjacent area or property values therein; and
  - d. The proposed use will be consistent with the character of the district, land use authorized therein and the Comprehensive Plan for Marion County.
- (3) The grant of a special exception shall be subject to the following requirements:
- a. The proposed use shall conform to all performance and development standards of the applicable zoning district.
  - b. The proposed use shall conform to all conditions attached to the grant of the special exception by the Board. All such conditions shall be imposed by the Board to ensure compliance with standards a., c., and d. of section 732-215(c)(2) above. Such conditions may include any reasonable site, development, operational and performance standards, requirements and restrictions. The grant of the special exception may be for a limited period of time, as specified by the Board.

**FOR MORE INFORMATION, CONTACT THE CITY OF INDIANAPOLIS' DEPARTMENT OF CODE ENFORCEMENT AT (317) 327-8700 OR VISIT THEIR WEBSITE AT [www.indy.gov/egov/city/DCE](http://www.indy.gov/egov/city/DCE)**