ARTICLE II. COMMERCIAL DISTRICT REGULATIONS

Sec. 732-200. General commercial district regulations.

The following regulations and performance standards shall apply to all land within the commercial zoning districts:

(a) Applicability of regulations. After the effective date of this chapter:

(1) With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this chapter.

(2) A lot may be divided into two (2) or more lots, provided that all resulting lots and all buildings thereon shall comply with all the applicable provisions of this chapter. If such a lot, however, is occupied by a nonconforming building, such lot may be subdivided provided such subdivision does not create a new noncompliance or increase the degree of noncompliance of such building.

(3) No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this chapter.

a. Restoration of legally established nonconforming uses, structures, buildings. Legally established nonconforming uses and structures or buildings not located in any flood control district may be restored to their original dimensions and conditions if damaged or partially destroyed by fire or other naturally occurring disaster provided the damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the building or structure affected.

b. Established setback exception. In any block in which an existing front yard depth and setback is established (by legally established buildings within a commercial or industrial district) for more than twenty-five (25) percent of the linear frontage of the block (or a distance of two hundred (200) linear feet in either direction, whichever is the lesser), the minimum required front yard depth and setback for any new building or structure, except surface parking lots, shall be the average of such established yards if such dimension is less than the minimum required front setback established by this chapter. Provided, however, that in no case shall a building or structure:

1. Encroach upon any proposed right-of-way, as determined by the Official Thoroughfare Plan of Marion County, Indiana, unless subject to the provisions of section 732-214(a);

2. Encroach upon any existing right-of-way if no proposed right-of-way exists or if the existing right-of-way is greater than the proposed right-of-way; or

3. Encroach into a clear sight triangular area, as required in section 732-214(c).

c. Expansion along an existing legally established nonconforming front setback line. The minimum required front setback in any commercial district for any existing building, having a legally established front setback line which is less than the required front setback of the district, shall be modified to permit expansion of such building along the structure's legally established front setback, provided that:

1. Only a one-time expansion along the legally established nonconforming setback line shall be permitted; and

2. The linear front footage of the expansion does not exceed fifty (50) percent of the linear front footage of the existing building, and all other requirements of this chapter are maintained for the expansion.
Provided, however, that in no case shall a building or structure:

Encroach upon any proposed right-of-way, as determined by the Official Thoroughfare Plan of Marion County, Indiana, unless subject to the provisions of section 732-214(a);

Encroach upon any existing right-of-way if no proposed right-of-way exists or if the existing right-of-way is greater than the proposed right-of-way; or

Encroach into a clear sight triangular area, as required in section 732-214(c).

d. Expansion along an existing legally established nonconforming side setback line. The minimum required side setback in any commercial district for any existing building, having a legally established side setback line which is less than the required side setback of the district, shall be modified to permit expansion of such building along its legally established nonconforming side setback line between the established front setback line and the established rear setback line provided that:

1. Only a one-time expansion along the legally established setback line shall be permitted; and

2. The linear footage of such expansion does not exceed fifty (50) percent of the linear footage of the building along that side setback line, and all other requirements of this chapter are maintained for the expansion; and

3. This exception shall not apply to required side transitional yards.

e. Discontinuation of nonconformity. The lawful nonconforming use or occupancy of any lot, in a commercial district, existing at the time of the effective date of this chapter, may be continued as a nonconforming use, but if such nonconforming use is discontinued for one (1) year, any future use or occupancy of such land shall be in conformity with the use provisions of this chapter.

(4) Integrated center. Land uses permitted in a commercial district established by this chapter may be grouped together to create an integrated center in that district. Integrated centers are defined in section 732-217.

(5) Building or structural height exception. The following exceptions to the maximum vertical height of buildings and structures shall be permitted:

a. Parapet walls not exceeding two (2) feet in height from the roof line.

b. Roof structures for the housing of elevators, stairways, air conditioning apparatus, ventilating fans, skylights, or similar equipment to operate and maintain the building or structure.

c. Chimneys, flag poles, radio and television antennas, satellite dishes, and other similar structures, not exceeding twenty-five (25) feet in height from the roof line.

(6) Lot frontage exception. Any lot recorded or any platted lot recorded prior to August 2, 1993 having less than the minimum frontage required by the applicable commercial district regulations of this chapter, shall be deemed an exception to such minimum frontage requirement, and a commercial establishment may be constructed thereon provided all other requirements of this chapter, unless specifically excepted in this section, shall be maintained.

(7) Outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas. The outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas shall be subject to the provisions of, and approved by the city controller in accordance with Chapter 961 of this Code, and shall not be subject to the provisions of this chapter.
(8) Legal establishment of nonconforming uses that were not legally initiated prior to April 8, 1969.

a. A nonconforming use in a district of this chapter (as adopted by the Metropolitan Development Commission under docket number 69-AO-1) shall be deemed to be legally established (relative to both use and development standards) if the use:

1. Existed prior to April 8, 1969; and
2. Has continued to exist from April 8, 1969, to the present; and
3. Has not been abandoned; and
4. Of the entire building has not been vacant voluntarily for any period of three hundred sixty-five (365) consecutive days.

A certificate stating the use and development of a property are legally established under this section shall be available from the Administrator on the presentation of sufficient evidence. The rules of procedure of the Metropolitan Development Commission shall outline the procedure to be followed in order to obtain an official certificate.

b. Any construction, erection, conversion (including, but not limited to, the addition of dwelling units), enlargement, extension, reconstruction or relocation occurring after April 8, 1969, must have been done in conformity with these regulations and have been done for uses permitted by this chapter. Any such future activity shall not be permitted except in conformity with these regulations and for uses permitted by this chapter.

c. This subsection (a)(8) shall:

1. Have no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof, or the Health and Hospital Corporation of Marion County, Indiana, to enforce other public health and safety laws and ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance).
2. Not relieve any property of the legal obligation to comply with conditions or commitments which lawfully apply to the property made in connection with any variance, rezoning, platting, or other zoning decision.
3. Not apply to a property if written records of:
   Health and Hospital Corporation of Marion County;
   Fire department having jurisdiction over the property;
   Local law enforcement agency or agencies having jurisdiction over the property; or
   Indiana Department of Environmental Management or Department of Natural Resources;

for the twenty-four-month period prior to October 1, 1996, reflect that there has been a significant violation of laws pertaining to public health or safety or ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance) for activities occurring on the property or the condition of the property.

d. Definition of "significant violation." For purposes of this provision, a violation is defined to be significant as:
Any outstanding violation or three (3) or more separate citations from any of the health and safety agencies referred to in subsection (a)(8)c.3.; or

Any citation or violation of Sections 302, 304, 310, 311, 313, and 701 of Chapter 10 of the Code of the Health and Hospital Corporation of Marion County, Indiana (Housing and Environmental Standards Ordinance); or

One (1) or more convictions of a tenant, owner or lessee for criminal activities occurring on the property.

(9) **Compliance with Chapter 731, Article III.** In compliance with IC-36-7-4-701, the Metropolitan Development Commission and city-county council have set forth the following zoning districts in which subdivision of land is required to comply with the provisions of Chapter 731, Article III of this Code:

Any commercial district, as noted in this chapter, which permits single-family or two-family dwellings. Specifically, the applicable district is the C-S (special commercial) classification, if single- or two-family dwelling development is approved as a permitted use.

Condominium development shall not be regulated by Chapter 731, Article III of this Code, but shall be regulated per IC 32-1-6.

(10) **Chapter 735, Article IX.** In any commercial district, a wireless communication facility (as defined in, and subject to the additional regulations of, Chapter 735, Article IX of this Code), is permitted.

(b) **Performance standards.** All uses established or placed into operation after April 8, 1969, shall comply with the following performance standards. No use in existence on the effective date of this chapter shall be so altered or modified as to conflict with these standards.

(1) Vibration. No use shall cause earth vibration or concussions detectable beyond the lot lines without the aid of instruments.

(2) Smoke, dust and particulate matter. Smoke, dust, particulate matter and any other airborne material shall be subject to the standards and regulations of Chapter 511 of this Code, which ordinance is on file in the office of the Division of Planning, Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof.

(3) Noxious matter. No use shall discharge across the lot lines noxious, toxic and corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.

(4) Odor. No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.

(5) Sound. No use shall produce sound in such a manner as to endanger the public health, safety or welfare, or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.

(6) Heat and glare. No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.

(7) Waste matter. No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the division of public health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, the Stream Pollution Control Board of the State of Indiana.
and the Department of Public Works of Indianapolis, Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

(c) **Prohibited uses** (G.O. 92, 1994). Uses for which the following Special Use Districts are provided, under Chapter 735, Article VII of this Code, shall not be permitted in any commercial zoning district created under this chapter:

- **SU-8** Correctional and penal institution
- **SU-10** Cemetery
- **SU-13** Sanitary landfill
- **SU-18** Light or power substation
- **SU-23** Permanent gravel or sand processing plant, rock crushing, grinding or milling and stockpiling
- **SU-28** Petroleum refinery and petroleum products storage
- **SU-35** Telecommunication receiving or broadcasting tower and associated accessory buildings
- **SU-39** Water tank, water pumping station and similar structures not located on buildings
Sec. 732-201. C-1 Office-Buffer Commercial District.

Statement of purpose: The C-1 District is designed to provide specific areas where office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semi-public uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt this district's function as a buffer. Since these office, office-type and public and semi-public structures are typically much less commercial in appearance and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts. This district, with its offices and other buffer type uses, also is designed for use along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

(a) Permitted C-1 uses. Permitted uses in the C-1 District shall conform to the general commercial district regulations and performance of section 732-200, and the C-1 District development standards of subsection (b) of this section. The following uses shall be permitted in the C-1 District:

1. Assisted-living facility.
2. Auditorium, assembly hall.
3. Community, multiservice, neighborhood or senior citizens' center.
4. Day care center (adult, child or handicapped).
5. Health services, (excluding hospitals, plasma centers, or substance abuse treatment facility), including the following:
   - Blood donor stations
   - Convalescent or nursing homes
   - Immediate care facilities
   - Intermediate care facilities
   - Medical or dental laboratories
   - Nursing care (skilled) facilities
   - Offices and clinics of:
     - Chiropractors
     - Dentists
     - Optometrists
     - Osteopathic physicians
     - Outpatient clinics
     - Physicians (MD)
     - Podiatrists
6. Membership organization or club, any type. The following organizations, however, shall be limited to offices only:
   - Athletic club
   - Automobile owners' association or club
   - Condominium association (except property management)
   - Contractor's association
   - Farm bureau or grange
   - Fraternity or sorority
   - Homeowner's association (except property management)
   - Manufacturer's institute
   - Tenant association (except property management)
7. Mortuary, funeral home.
8. Office use, any type including:
   - Business or personal service
   - Financial (bank, savings and loan, credit union, etc.)
   - Governmental
   - Professional
   - Social services (office only)
(9) Office or studio of the following:
   - Radio station
   - Television station

(10) Public and semi-public uses, including:
   - Art gallery (excluding sales)
   - Civic clubs
   - Library
   - Museum
   - Planetarium

(11) Schools/educational services, shall include only the following:
   - Business and secretarial
   - Clerical
   - Correspondence
   - Data processing
   - Junior college
   - Language
   - Music
   - Nursery
   - Vocational or technical


(13) Accessory uses and structures, subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and in the same building with the primary use and accessory retail and service commercial uses as permitted below and subject to the provisions of subsection 732-201(b)(1)g.
   - Cafeteria (serving only employees and guests only)
   - Drug store/pharmacy
   - Florist (including florist telegraph service)
   - News dealers and newsstands
   - Office supplies
   - Optical goods
   - Photocopying and duplicating services
   - Restaurant (serving office employees and guests only)

(14) Temporary structures, including fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction shall be subject to the requirements of subsection 732-214(e).

(b) C-1 development standards.

(1) Use.

a. All uses and operations (except off-street parking, off-street loading and delivery, and drive-through customer service windows) shall be conducted completely within enclosed buildings. On-site vehicular circulation and traffic patterns for all drive-through facilities shall be subject to the requirements of section 732-213.

b. No outdoor storage shall be permitted, except trash containers. Trash containers exceeding six (6) cubic feet shall:
   1. Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
   2. Be located behind the established front building line; and
   3. Not be located within a required yard or required transitional yard.
Chapter 732 Commercial Zoning Ordinance – Section 201 C-1 Office-Buffer

c. **No vending machines** shall be permitted on the exterior of any building or structure on the premises. Vending machines may be located within a building.

d. **No merchandise** shall be produced, stored or handled on the premises for purposes of delivery or for sale at retail, wholesale, or discount to the public or other businesses unless minor and incidental to the function of the permitted primary use or as reasonably needed for the supportive services or permitted accessory retail and service commercial uses.

e. **No exterior display** windows or other exterior display displaying, promoting or advertising products, merchandise or services retailed, offered, promoted or advertised by the use occupying the premises, shall be permitted.

f. **Automated teller machines (ATM's)** are permitted accessory uses in this district, provided they are not freestanding. ATM's shall meet the requirements of section 732-213 if they are drive-through in nature.

g. **Accessory uses or structures**, if utilized, shall:
   1. Have a total gross floor area for accessory retail or service commercial uses which does not exceed ten (10) percent of the total gross floor area of the primary building in which the use is located; and
   2. Have accessory retail or services commercial uses for the primary purpose of serving the occupants or employees of the primary use structures; and
   3. Have a total gross square footage for all accessory structures which does not exceed ten (10) percent of the total gross square footage of all primary structures on the lot.

(2) **Required minimum street frontage.** Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to subsection 732-200(a)(6), lot frontage exception), and shall gain access from such street frontage.

(3) **Required minimum front yards, minimum front setback.** The setback requirements of section 732-214(a) shall be provided along all street right-of-way lines, unless subject to the established setback provisions of subsection 732-200(a)(3)b. or c.

(4) **Required minimum side yards, minimum side setback.** A side setback and landscaped side yard of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to the additional transitional yard requirements of subsection 732-201(b)(6) or (8).

(5) **Required minimum rear yards, minimum rear setback.** A rear setback and landscaped rear yard of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to the additional transitional yard requirements of subsection 732-201(b)(6) or (8).

(6) **Required transitional yards, minimum setbacks.** Minimum front, side and rear transitional yards and setbacks. Yards fronting upon or abutting a protected district are subject to the requirements of subsection 732-201(b)(7) or (8) in addition to the following requirements:

   a. Where a front yard abuts a street on the opposite side of which is a protected district, a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of subsection 732-200(a)(3)b. or c. or subsection 732-214(a). In the case where a proposed right-of-way does not exist or the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.
b. Where a side or rear lot line abuts a lot line in an adjacent protected district, a required side or rear transitional yard and setback of not less than fifteen (15) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

1. Where a dedicated alley separates such side or rear lot line from the protected district, such required side or rear transitional yard and setback shall be not less than ten (10) feet.

2. Where the ground area required for required transitional yards exceeds twenty (20) percent of the lot area, the width of the side or rear transitional yards may be reduced by one-half (1/2), but to not less individually than six-foot planting areas, provided a six-foot opaque wooden fence or solid wall is erected.

3. The transitional yard requirements of subsection 732-201(b)(6) shall not apply in those instances where a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although zoned as a protected district.

(7) Use of required yards and required transitional yards. All required yards and required transitional yards shall be landscaped with grass, and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials, subject to the requirements of subsection 732-214(g), and shall remain as open space free from structures except where expressly permitted by this chapter:

a. Required front yards:
   1. May include pedestrian walks, driveways, flag poles, fences, screening walls and similar appurtenant structures; and
   2. Shall not include parking areas or interior access drives, unless subject to the provisions of subsection 732-214(a).

b. Required side and rear yards:
   1. May include pedestrian walks, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and
   2. May include interior access drives and parking areas, unless subject to the transitional yard requirements of subsection 732-201(b)(6) or (8), provided a six-foot wide landscaped strip of the required yard, adjacent to the lot line while paralleling and extending the full length of such lot line, except when interrupted by interior access driveway(s), shall be maintained.

c. Required front, side or rear transitional yards:
   1. May include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and
   2. Shall not include parking areas or interior access drives, unless subject to the provisions of subsection 732-214(a).

(8) Maximum height of buildings and structures. Fifty (50) feet, subject to the exceptions noted in subsection 732-200(a)(5). Provided, however:

a. Along any required front, side or rear transitional yard as specified in subsection 732-201(b)(6), the minimum required setback for that portion of the building
exceeding thirty-five (35) feet shall be increased by one (1) foot for each additional one (1) foot, or part thereof, of building or structural height above thirty-five (35) feet (see section 732-217, Diagram I).

b. The height of signs and sign structures shall comply with Chapter 734 of this Code.

(9) Signs. Signs and sign structures shall comply with Chapter 734 of this Code.

(10) Off-street parking. Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 732-211.

(11) Off-street loading. Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 732-212.

(12) Drive-through off-street stacking space requirements. Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of section 732-213.

(13) Additional development requirement. Site and landscape plans, street requirements, temporary use structures or buildings, or screening, landscaping and grounds maintenance, shall be in accordance with section 732-214.

Statement of purpose: The C-2 District is designed to permit, in certain areas within the inner city along a few suitable arterial streets and in association with regional commercial complexes in the suburbs, the development of high-rise office uses or apartments intermixed, grouped in varying combinations or provided in the same building. The structural similarity and the possible functional interrelationship of living and working space can create an unusual compatibility of land use, especially in locations where access is particularly good. This type of district may represent a subordinate development to and near the Central Business District, the dominant function of an "uptown" location within the inner city or a major feature of a suburban, regional commercial focal point or planned community.

(a) Permitted C-2 uses. Permitted uses in the C-2 District shall conform to the general commercial district regulations and performance of section 732-200, and the C-2 District development standards of section 732-202(b). The following uses shall be permitted in the C-2 District:

1. Any use permitted in the C-1 District.
3. Attached multifamily dwellings, subject to, and conforming to, all standards, requirements, regulations and definitions of section 731-200 (general regulations), section 731-101 (definitions), and section 731-212 (D-8 dwelling district eight regulations) of Chapter 731, except for those pertaining to building height, yards and setbacks, in which case the regulations pertaining to those items found in section 732-202 of this chapter shall apply.
4. Accessory uses and structures, subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and in the same building with the primary use, and accessory retail and service commercial uses, as permitted below and subject to the requirements of section 732-202(b)(1)g.

- Art gallery (sales/rental of art)
- Bakery
- Barber shop (excluding schools/colleges)
- Beauty shop (excluding schools/colleges)
- Book store (new or used, excluding adult book stores)
- Cafeteria (for office employees or guests only)
- Candle shop
- Candy, nut or confectionery store
- Card shop
- Drug store, pharmacy
- Florist (including florist telegraph service)
- Gift, novelty or souvenir shop
- News dealers and newsstands
- Office supplies
- Optical goods (excluding optometrists)
- Photocopying and duplicating services
- Photographic studio, portrait
- Photographic supplies
- Pressing service, apparel
- Restaurant (for office employees or guests only)
- Shoeshine parlor
- Stationery store
- Tobacco store or stand

(5) Temporary structures, including fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction shall be subject to the requirements of section 732-214(e).
(b) C-2 development standards.

(1) Use.

a. All uses and operations (except off-street parking, off-street loading and delivery, and drive-through customer service windows) shall be conducted completely within enclosed buildings. On-site vehicular circulation and traffic patterns for all drive-through facilities shall be subject to the requirements of section 732-213.

b. No outdoor storage shall be permitted, except trash containers. Trash containers exceeding six (6) cubic feet shall:
   1. Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
   2. Be located behind the established front building line; and
   3. Not be located within a required yard or required transitional yard.

c. No vending machines shall be permitted on the exterior of any building or structure on the premises. Vending machines may be located within a building.

d. No merchandise shall be produced, stored or handled on the premises for purposes of delivery or for sale at retail, wholesale, or discount to the public or other businesses unless minor and incidental to the function of the permitted primary use or as reasonably needed for the supportive services or permitted accessory retail and service commercial uses.

e. No exterior display windows or other exterior display displaying, promoting or advertising products, merchandise or services retailed, offered, promoted or advertised by the use occupying the premises, shall be permitted.

f. Automated teller machines (ATM's) are permitted accessory uses in this district provided they are not freestanding. ATM's shall meet the requirements of section 732-213 if they are drive-through in nature.

g. Accessory uses or structures, if utilized, shall:
   1. Have a total gross floor area for accessory retail or service commercial uses which does not exceed ten (10) percent of the total gross floor area of the primary building in which the use is located; and
   2. Have accessory retail or service commercial uses for the primary purpose of serving the occupants and/or employees of the primary use structure; and
   3. Have a total gross square footage for all accessory structures which does not exceed ten (10) percent of the total gross square footage of all primary structures on the lot; and
   4. Not erect or maintain exterior signs announcing accessory uses or structures.

(2) Required minimum street frontage. Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to section 732-200(a)(6), lot frontage exception), and shall gain access from such street frontage.

(3) Required minimum front yards, minimum front setback. The setback requirements of section 732-214(a) shall be provided along all street right-of-way lines, unless subject to the established setback provisions of section 732-200(a)(3)b. or c.
(4) Required minimum side yards, minimum side setback. A side setback and landscaped side yard of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to the additional transitional yard requirements of section 732-202(b)(6) or (8).

(5) Required minimum rear yards, minimum rear setback. A rear setback and landscaped rear yard of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to the additional transitional yard requirements of section 732-202(b)(6) or (8).

(6) Required transitional yards, minimum setbacks. Minimum front, side and rear transitional yards and setbacks. Yards fronting upon or abutting a protected district are subject to the requirements of section 732-202(b)(7) or (8) in addition to the following requirements:

   a. Where a front yard abuts a street on the opposite side of which is a protected district, a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of section 732-200(a)(3)b. or c., or section 732-214(a). In the case where a proposed right-of-way does not exist or the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.

   b. Where a side or rear lot line abuts a lot line in an adjacent protected district, a required side or rear transitional yard and setback of not less than fifteen (15) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

      Exceptions:

      1. Where a dedicated alley separates such side or rear lot line from the protected district, such required side or rear transitional yards and setback shall be not less than ten (10) feet.

      2. Where the ground area required for required transitional yards exceeds twenty (20) percent of the lot area, the width of the side or rear transitional yards may be reduced by one-half (1/2), but to not less individually than six-foot planting areas, provided a six-foot opaque wooden fence or solid wall is erected.

      3. The transitional yard requirements of section 732-202(b)(6) shall not apply in those instances where a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although zoned as a protected district.

(7) Use of required yards and required transitional yards. All required yards and required transitional yards shall be landscaped with grass, and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials, subject to the requirements of section 732-214(g), and shall remain as open space free from structures except where expressly permitted by this chapter:

   a. Required front yards:

      1. May include pedestrian walks, driveways, flag poles, fences, screening walls and similar appurtenant structures; and

      2. Shall not include parking areas or interior access drives, unless subject to the provisions of section 732-214(a).

   b. Required side and rear yards:
1. May include pedestrian walks, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and

2. May include interior access drives and parking areas, unless subject to the transitional yard requirements of section 732-202(b)(6) or (8), provided a six-foot wide landscaped strip of the required yard, adjacent to the lot line while paralleling and extending the full length of such lot line, except when interrupted by interior access driveway(s), shall be maintained.

c. Required front, side or rear transitional yards:

1. May include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and

2. Shall not include parking areas or interior access drives, unless subject to the provisions of section 732-214(a).

(8) Maximum height of buildings and structures. There shall be no height limitation for buildings and structures provided that:

a. Minimum required front, side and rear yard setbacks shall be increased by one (1) foot for each three (3) additional feet, or part thereof, of building or structural height above thirty-five (35) feet to a maximum front, side or rear building setback requirement of thirty (30) feet; and

b. Minimum required setback along any required front, side or rear transitional yard as specified in section 732-202(b)(6), the minimum required setback for that portion of the building exceeding thirty-five (35) feet shall be increased by one (1) foot for each additional one (1) foot, or part thereof, of building or structural height above thirty-five (35) feet (see section 732-217, Diagram I).

c. The height of signs and sign structures shall comply with Chapter 734 of this Code.

(9) Signs. Signs and sign structures shall comply with Chapter 734 of this Code.

(10) Off-street parking. Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 732-211.

(11) Off-street loading. Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 732-212.

(12) Drive-through off-street stacking space requirements. Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of section 732-213.

(13) Additional developments requirements. Site and landscape plans, street requirements, temporary use structures or buildings, or screening, landscaping and grounds maintenance, shall be in accordance with section 732-214.