

(6) The Plan Commission may grant the increase in density after reviewing the proposals requesting increased density as provided for under this Section. Issuance of building and occupancy permits shall be based in part on the conformance with the proposed amenities that the increased density was granted. Non-conformance shall be reason for revoking building or occupancy permits.

(7) The Plan Commission may also vary the density when dealing with proposed Planned Unit Development's possessing a special purpose or uncommon circumstances, such as public housing and housing for the elderly, low and moderate income housing, and said variation of density shall be at the discretion of the Plan Commission.

**Sec. 10-205 and Sec. 10-206 Reserved for Future Use.**

Division X. Commercial Districts.

**Sec. 10-207 Uses, Permitted.**

a. General.

The following uses of land or buildings are permitted in the districts indicated hereinafter under the conditions specified, with the exception of the following:

- (1) Uses lawfully established on the effective date of this Comprehensive Zoning Ordinance;
- (2) Special uses allowed in accordance with the provisions of Sec. 10-208;
- (3) Planned Developments because of their unique characteristics and nature shall be processed in accordance with Sections 10-257 and 10-262.

No building or tract of land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or tract of land shall be located. Uses already established on the effective date of this Zoning Ordinance and rendered non-conforming by the provisions thereof shall be subject to the regulations of Division VII governing non-conforming uses.

For the purpose of this Division X, uses lawfully established on the effective date of this Comprehensive Zoning Ordinance shall be deemed to include those lawfully established after such effective date under a building permit issued prior thereto in the manner prescribed in Sec. 7-9.

b. Preamble for the C-1 District.

The neighborhood commerce district is designed solely for use of persons residing in abutting residential neighborhoods to permit convenience shopping, and therefore such uses as

are necessary to those limited basic shopping needs which occur daily or frequently so as to require shopping facilities in close proximity to places of residence are permitted.

In order to limit the volume of vehicular and pedestrian traffic in and about neighborhood shopping areas to a level consistent with their purpose and location, business establishments are restricted to a gross floor area of five thousand (5,000) square feet each.

- c. Uses, Permitted - C-1 Neighborhood Commerce District.
  - (1) Uses permitted in the C-1 zone are subject to the following requirements:
    - (A) One-family dwelling unit shall not be permitted below the second floor and must be occupied by the owner or proprietor as accessory to the commercial ground floor permitted use.
    - (B) All business establishments shall be retail or service establishments dealing directly with consumers.
    - (C) Business establishments are limited to a gross floor area of five thousand (5,000) square feet each with the exceptions as listed in Sec. 10-136 h. reference\* "Gross Building Floor Area."
    - (D) All business, servicing, or processing, except for off-street parking, off-street loading, and service stations shall be conducted within completely enclosed buildings.
    - (E) Establishments of the "drive-in" type, offering goods or services directly to customers waiting in parked motor vehicles, are not permitted.
    - (F) Excludes professional dancing or live entertainment.
    - (G) Not more than ten (10) employees or twenty-five (25) mechanical horsepower may be employed.
  - (2) The following uses are permitted in the C-1 District:
    - (A) Accessory uses.
    - (B) Barber shops.
    - (C) Beauty shops.
    - (D) Branch banks.
    - (E) Business and professional offices.

- (F) Clothes pressing establishments.
- (G) Colleges and universities, but not business colleges or trade schools.
- (H) Drug stores.
- (I) Dry cleaning and laundry receiving stations where processing is to be done elsewhere.
- (J) Grocery stores, meat markets, bakeries, delicatessens, food stores.
- (K) Hardware stores.
- (L) Hobby, art, and school supply stores.
- (M) Ice storage for retail.
- (N) Launderettes, automatic, self-service only, employing not more than two (2) persons in addition to one (1) owner or manager, provided that laundry machines shall not exceed sixteen (16) pounds capacity each.
- (O) Nursery schools, non-boarding, in a single-story building.
- (P) Restaurants.
- (Q) Service stations.
- (R) Shoe and hat repair.
- (S) Signs as regulated by Sec. 10-141.
- (T) Soda fountains. (Ord. No. 1, 1967, § 1133.01, 7-6-67)
- (U) Temporary buildings or vehicles for construction purposes, for a period not to exceed the lawful duration of such construction.
- (V) Variety stores.
- (W) Animal emergency clinic and/or veterinary clinic - no outside pens permitted.
- (X) Convenience stores.
- (Y) Professional offices.
- d. Preamble for the C-2 District.

The Community Commerce Zone is designed for the residents of the nearby community consisting of more than one (1) of the neighborhoods in that section of the city, so as to permit a wider variety of both business uses and services. It is designed not for an abutting neighborhood, but for a relatively larger consumer population for both daily and occasional shopping. The development is characterized by a lack of “comparison shopping” and is limited to providing only one (1) store for each type of business.

In order to limit the volume of vehicular and pedestrian traffic in and about the community commerce areas to a level consistent with their purpose and location, business establishments are restricted to a (gross) floor area often ten thousand (10,000) square feet each. In order to preserve the character and purpose of and lessen vehicular traffic in neighborhood school park units, community commerce shall not be permitted to locate or expand unless they are located at the intersection of major streets, a major street and an expressway, or of expressways. No new community commerce areas shall be located along Federal highways or primary state highways (as this is contrary to the need creating community commerce zones).

e. Uses, Permitted - C-2 Community Commerce District.

(1) Uses permitted in the C-2 Zone are subject to the following requirements:

- (A) Dwelling units and lodging rooms are expressly prohibited, as this classification shall provide complete separation between living units such as dwelling units, hotels, motels, etc. Further, any area contingent or abutting a Residential District shall be buffered by an open space or off-street parking area with a minimum fifty foot (50’) width measured at right angles to the residential property line.
- (B) All business establishments shall be retail or service establishments dealing directly with consumers, except for wholesale establishments where storage of merchandise is limited to sample only. All goods produced on the premise shall be sold at retail on the premises where produced.
- (C) Business establishments are limited to a gross floor area of fifteen thousand (15,000) square feet each with the exceptions as listed in Sec. 10-136 h. reference\* “Gross Building Floor Area.”
- (D) All business, servicing, or processing except for off-street parking, off-street loading, and service stations, shall be conducted within completely enclosed buildings.
- (E) Establishment of the “drive-in” type offering goods or services directly to customers waiting in parked motor vehicles is not permitted.
- (F) All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods or products shall conform with the performance standards as set forth for the M-1 and M-2 Districts in Sec. 10-143 provided that

performance standards shall in every case be applied at the boundaries of the lot on which any such activities are conducted.

- (2) Uses, Permitted - C-2 Zone.
  - (A) The following uses are permitted in the C-2 Zone; and except as may be allowed for Planned Developments, uses designated with an asterisk (\*) shall not be located on the ground floor within fifty feet (50') of any street.
    - (1) Accessory uses.
    - (2) Amusement establishments, bowling alleys, pool halls, swimming pools, dance halls, and skating rinks.
    - (3) Any use permitted in the C-1 Zone except as otherwise provided in this Chapter.
    - (4) Antique shops.
    - (5) Art galleries, but not including auction rooms.
    - (6) Banks and financial institutions.
    - (7) Bicycle sales, rental, and repair stores.
    - (8) Blue-printing and photostatting establishments.
    - (9) Books and stationery stores.
    - (10) Camera and photographic supply stores.
    - (11) Candy and ice cream stores.
    - (12) Carpet and rug stores.
    - (13) Catering establishments.
    - (14) China and glassware stores.
    - (15) Clubs and lodges (non-profit and fraternal organizations).
    - (16) Currency exchange.
    - (17) Custom dressmaking.
    - (18) Department stores.

- (19) Dry goods stores.
- (20) Electrical and household appliance stores, including radio and television sales and repair.
- (21) Exterminating shops.
- (22) Feed stores.\*
- (23) Florist shops.
- (24) Frozen food stores, including locker rental in conjunction therewith.
- (25) Furniture stores, including upholstering when conducted as a part of the retail operations and subordinate to the principal use.
- (26) Furrier shops, including the incidental storage and conditioning of furs.
- (27) Garden supply and seed stores.
- (28) Gift shops.
- (29) Haberdasheries.
- (30) Interior decorating shops, including upholstering and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and is subordinate to the principal use.
- (31) Jewelry stores, including watch repair.
- (32) Laboratories, medical and dental, research and testing.\*
- (33) Leather goods and luggage stores.
- (34) Loan offices.
- (35) Locksmith shops.\*
- (36) Medical and dental clinics.
- (37) Meeting halls.\*
- (38) Millinery shops.
- (39) Municipal or privately-owned recreation buildings or community-center.

- (40) Musical instrument sales and repair.
- (41) Newspaper distributors for home delivery and retail sale.
- (42) Office supply stores.
- (43) Offices, business and professional.
- (44) Optometrists.
- (45) Paint and wallpaper stores.
- (46) Photography studios, including the developing of film and pictures when conducted as part of the retail business on the same premises.
- (47) Physical culture and health services, gymnasiums, reducing salons, masseurs and public baths.\*
- (48) Picture framing, when conducted for retail trade on the premises only.\*
- (49) Plumbing showrooms and shops.\*
- (50) Post offices.
- (51) Printing establishments.
- (52) Public libraries.
- (53) Radio broadcasting stations.
- (54) Restaurants. Liquor may be served if incidental to the serving of food as the principal activity. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07)
- (55) Restricted protection and repair limited to the following: art needle work, clothing-custom manufacturing and alterations, for retail only, jewelry, from precious metals and stones; watches; dentures; and optical lenses.\*
- (56) Schools, music, dance or business.\*
- (57) Secondhand stores and rummage shops.
- (58) Sewing machine sales and service, household machines only.
- (59) Shoe stores.
- (60) Sporting goods stores.

- (61) Tailor shops.
  - (62) Theatres, including drive-in theatres.
  - (63) Ticket agencies.
  - (64) Tobacco shops.
  - (65) Toy shops.
  - (66) Wearing apparel stores.
  - (67) Typewriter and adding machine sales and service.
  - (68) Undertaking establishment, funeral parlors.
  - (69) Automobile repair garages.
  - (70) Car washes.
  - (71) Vending machines.
  - (72) Taxi cab business, office and service.
  - (73) Live entertainment. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07)
- f. Preamble - C-3 District.

The Regional Commerce Zone is designated for all residents in the region of Terre Haute, Indiana, and is not a limited community commerce area (or shopping center); consequently, it shall permit a wide variety of business, commerce, and services with some degree of limited warehousing for those establishments allowed in area. It shall be a major shopping center, definitely limited to specific locations and characterized by large establishments generating large volumes of vehicular traffic. The development is characterized by its provision of some degree of comparison shopping and a complete lack of any attempt to draw pedestrian traffic.

There is no limitation placed upon the maximum size obtainable of any store.

In order to properly provide access to the shopping center and not violate neighborhood school park units and compound the movement of traffic on the thoroughfare system, it shall be located only along expressways, high-class major streets and secondary state highways, however, it may be located in close proximity to a Federal highway or primary state road where equal consideration is given to the protection of the character of the highways and the vehicular service to the shopping center. In all cases the access to the center shall be adequate but limited as recommended by the Planning Commission. No access to the shopping center shall be within one