

Section 404.040: - Commercial "C-2" District

- A. The uses permitted in a “C-2” Commercial District are as provided for in **Section 404.055** of this Chapter only if said property fronts directly on Manchester Road. Subject to the foregoing, only the following uses are permitted in this district
1. Adult entertainment business or establishment subject to the definitions of such business as contained in **Chapter 402** of this Code and subject to the requirements of **Chapter 406, Section 406.045**.
 2. Establishments for the retail sale of food at which no alcoholic beverages are sold and which: (a) are located completely within a single multitenant building; (b) are less than one thousand (1,000) square feet in total floor area; (c) contain seating for no more than ten (10) patrons; (d) have no customer access directly to the exterior of the building; and (e) have no signs on the exterior of the building or premises. Establishments satisfying the criteria specified herein shall not come within the definition of "restaurant" as used in **Section 404.035** of this Chapter and shall not be required to obtain a conditional use permit pursuant to that section.
- B. Qualifications and limitations on permitted uses:
1. Uses permitted in commercial "C-1" districts are permitted in the “C-2” district and therefore in this district, the qualifications and limitations set forth in **Section 404.030, Chapter 406, Section 406.035** and **Chapter 408, Section 408.015** apply here.
 2. No use other than a planned business center shall be permitted in this district unless approval has been granted with regard to the specific use by the Planning and Zoning Commission.
 - a. No approval shall be granted unless an application therefore [therefor] has been filed with the Planning and Zoning Commission in form and including such information as is required by the Planning and Zoning Commission.
 - b. Within sixty days after the submission of a complete application to the Planning and Zoning Commission, the Commission shall not grant its approval of the use unless it finds that:
 - 1) The use will not substantially and adversely affect the character of the neighborhood around it or on which it borders; and
 - 2) The use will not be of a quality below that of neighboring uses in any substantial way; and
 - 3) There is reasonable certainty that the use will continue neither to have a substantial and adverse effect on the character of the neighborhood around it or on which it borders, nor depart from its high quality.
 - c. If the Planning and Zoning Commission makes no determination within sixty days from the day on which the complete application has been submitted to it, and if the

delay has not been consented to, caused or contributed to by the applicant, the approval shall be deemed granted on the day after the end of the sixty days.

- d. If the Planning and Zoning Commission grants or denies approval under this section, it shall state its findings and conclusions and make them part of its official minutes.
3. Planned business centers in the Commercial "C-2" District shall contain at least twenty-five (25) acres of ground and may include all of the uses permitted in this district. Parking and common facilities shall be under unified control.
- C. No lot shall have a width of under one thousand feet.
 - D. The depth of the front yard shall be at least one hundred seventy-five (175) feet from the center line of the facing street.
 - E. The side yard shall be at least fifty (50) feet wide.
 - F. The rear yard shall be at least seventy-five (75) feet deep.
 - G. No building other than in a planned business center shall be erected or altered to exceed three stories or thirty-five (35) feet, whichever is higher.
 - H. Except in a planned business center, floor area of no more than thirty (30) square feet shall be had for every one hundred (100) square feet of lot area.
 - I. Buffer areas shall be provided for each commercially used lot and for each area used as a planned business center in addition to side and rear yard requirements.
 1. At the-rear of the lot or area, a buffer area of at least seventy-five (75) feet in width.
 2. At the side of the lot or area, wherever it adjoins a residential use, at least fifteen (15) feet of buffer area in width.
 3. Buffer areas are to be planted as required by the Planning and Zoning Commission, and the planting is to be maintained and when necessary, replaced by the owner or owners of the property.
 4. Fencing shall be provided where requested by adjacent residential property owners or if required for safety purposes.
 5. Buffer areas are to be kept free of trash and debris.

The regulations contained in this section shall be in addition to any and all regulations contained elsewhere in the Municipal Code or the Zoning Regulations.