

Below are the district requirements for C-4 zoned property and the uses that are allowed in C-4. This is what they could do without the Use and Development Commitment (UDC). Many of the uses have been excluded for the Heckel Road Property in the Final UDC.

This information was copied from the County Zoning Code Book from the Evansville – Vanderburgh County Area Plan Commission website, www.evansvilleapc.com.

17.16.130 General commercial (C-4) district.

A. Uses in “C-4” District. A building or land may not be used, and a building may not be erected or altered, except for one or more of the following uses:

1. Use group 5;
2. Use group 7;
3. Use group 8;
4. Use group 9;
5. Use group 10;
6. Use group 11;
7. Use group 19 if approved as SU No. 25;
8. Use Group 21 subject to the provisions of 17.20.240;
9. Special uses; and
10. Accessory uses to any of the above.

B. The uses permitted in C-4 are subject to the following requirements:

1. Maximum height and lot coverage and minimum lot size, width, and yard as shown in Table A;
2. Parking restrictions as provided in Chapter 17.24;
3. Restrictions on signs and off-premises advertising; and
4. The sale, display, preparation, or storage of materials must be conducted entirely within a completely enclosed building except for uses listed in use group 11.

(Added (A) (8), 7/15/2008)(Ord. dated 2/22/94 § 1(g); prior code § 153.052)

17.20.030 Restrictions on uses.

Uses enumerated in this title are subject to the restrictions in each district in which the use group is permitted and any restrictions in Table 17.20.030 following this chapter and other chapters in this code.

(Ord. dated 2/22/94 § 1(i); prior code § 153.067)

USE GROUPS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19*	20	21	
C-4					X		X	X	X	X	X								X		X	C-4

(17.20.030 Added Use Group 21, 7/15/2008)

17.20.080 Use group 5.

List of uses permitted in the CO-1, CO-2, C-1, C-2, C-4 and M-1 districts, which meet the requirements and restrictions of that zone: Business and professional offices, Child care center, Nursery or nursery school, Photographer studio.

(Ord. dated 2/22/94 § 1(k); prior code § 153.072)

17.20.100 Use group 7.

List of uses permitted in the C-1, C-2, C-4, M-1 and M-2 districts, which meet the requirements and restrictions of that zone:

A. Retail stores specializing in the sale or rental of any of the following: Art galleries, Bakery goods, Books, Candy, China, ceramics, and pottery, Clothing or shoes, Crafts, Drug stores-limited to stores with a total area less than 3,000 square feet, Film exchange, Flowers or plants, Fruits or vegetables, Gifts, Groceries-limited to stores with a total area less than 3,000 square feet, Hardware, Hobbies, Home appliances-small, Ice cream, Jewelry, Leather goods, Meal or delicatessen items, Musical items, Newspapers and magazines, Novelties and souvenirs, Optical goods, Photographic supplies, Radios

Sporting goods, Stationery supplies, Stereophonic equipment, Televisions, Variety items,

Video tapes and/or equipment,

B. Offices for the following businesses and professions: Broadcasting station, Financial institution,

C. The following service uses: Barber shop, Beauty shop, Catering service, Dry-cleaning and laundry pickup station, Duplicating and reproduction services, Letter service and mimeograph, Locksmith, Public utility business offices and exchange or repair facilities, Radio, television, stereo, small appliance repair, Restaurant and cafeteria-a building or a portion of a building where food is prepared and served for compensation and for consumption on the premises (including restaurants with drive-through windows), Seamstress or tailor, Shoe repair shop, Telegraph office, Watch and jewelry repair.

(Ord. dated 5/17/93 § 1(a); prior code § 153.074)

17.20.110 Use group 8.

List of uses permitted in the C-2, C-4, M-1 and M-2 districts, which meet the requirements and restrictions of that zone:

- A. Retail stores specializing in the sale or rental of any of the following: Antiques, Automobiles new parts, equipment, and accessories, Bicycles or mopeds, Carpets, Drug stores-with a total area greater than 3,000 square feet, Electrical and plumbing fixtures, Household furnishings, including large appliances and furniture, Ice, Lawnmowers, Office equipment and furniture, Package liquor stores, Paint, Pawnshop, Pets or pet supplies, Rugs and floor coverings, Shrubbery or plants.
- B. The following service uses: Business school - a private school or college conducted as a commercial enterprise for teaching business or secretarial skills, Commercial trade school - a private school conducted as a commercial enterprise for teaching barber or beauty skills or industrial skills in which machinery is used in the instruction, Dance/theatrical school or studio, Furniture repair shop, Home appliance repair-large, Laundromats, Lawnmower repair, Lawnmowing service, Medical, dental, or research laboratory, Mortuary, Office equipment repair, Pet grooming, Taxidermist, Upholstery shop.
- C. Department store.
- D. Supermarket-retail stores with a total floor area of more than 3,000 square feet specializing in the sale of food and grocery items.
- E. The following recreational uses: Arcade, Indoor archery range, Bar, Bowling alley, Dancehall, meeting hall, or party house, Exercise or sports club, Health or reducing studio, Lodges and private clubs, Music conservatory, Nightclub, Pool and billiard room, Skating rink, Tavern and restaurants serving alcoholic beverages, Tennis courts (indoor), Theater, Trampoline center.
- F. Automotive service station-limited to the sale of gasoline, oil products, automobile accessories, and incidental services such as lubricating and minor repair.
- G. Shopping center-building designed to accommodate three or more business enterprises.
- H. Hotels and motels.
- I. Union hall/trade association meeting hall.

(Prior code § 153.075)

17.20.120 Use group 9.

List of uses permitted in the C-4, M-1 and M-2 districts which meet the requirements and restrictions of that zone: Auction house or gallery, Blueprinting and photostating, Lithographing and engraving, Parking lot or garage, off-track betting facility.

(Prior code § 153.076) (Amended 8/20/01)(17.20.120, Amended, 02/21/2002, Added off-track betting facility.)

17.20.130 Use group 10.

List of uses permitted in the C-4, M-1, M-2, M-3, AIR, and W-I districts, which meet the requirements and restrictions of that zone:

A. Retail stores specializing in the sale or rental of any of the following: Awnings, Dairy supplies, Feed, Restaurant and hobby supplies and equipment, Welding supplies and equipment.

B. The following service uses: Aluminum can collection/recycling center, Ambulance service, Automobile repair and specialized service, excluding overhauling, rebuilding, painting, and body work, Automobile seatcover installation, Automobile washing Awning and canvas shop, Battery repair and rebuilding, Bookbinding, Bottling plant, Cabinet or carpenter shop, Crating, packaging, or shipping service, Dairy or milk distribution station, Dry-cleaning, dyeing, laundry, or rug cleaning plant, Food vendor operation, Glass shop, Janitorial service, Linen service, Motorcycle repair, Pest control, Photographic development laboratory, Taxi service, Tool sharpening or grinding, Welding shop.

C. The following warehouse, wholesale, and storage uses: Cold storage or frozen food plant, Ice storage plant, Storage warehouse, Wholesale broker or establishment.

(Prior code § 153.077)

17.20.140 Use group 11.

List of uses permitted in the C-4, M-1, M-2, M-3, AIR, and W-I districts, which meet the requirements and restrictions of that zone, and which may require outside storage or display:

A. Retail stores specializing in the sale or rental of any of the following: Agricultural implements, Automobile, Boats and marine supplies, Building supplies, Construction equipment, Flea markets, Industrial equipment, Lawn and garden equipment, Lumber, Machinery, Monuments, Motorcycles, Shrubs and trees, Swimming pool supplies and equipment, Trailers, Trucks.

B. The following service uses: Boat repair, Contractor shops, Excavating contractor, Landscaping and tree trimming, Lawn and garden treatment service, Railroad transfer, storage and team tracks, Rental goods, Shrub and plant nursery, Sign shop, Tire recapping or retreading, Trailer repair, Truck repair.

C. The following outdoor recreational uses: Archery range, Drive-in/open air restaurant, Miniature golf and golf driving range, Tennis courts.

(Prior code § 153.078)

17.20.220 Use group 19.

List of uses permitted with Special Use No. 25 in the A, C-4, M-1, M-2, AIR and W-R districts, which meet the requirements and restrictions of that zone:

A. The following recreational and service uses: Amusement park or theme park

Animal or vehicle racetrack, Campground-premises used for temporary parking of trailers, campers, or recreational vehicles, Child care center, Drive-in theater, Permanent circus or carnival grounds

B. Use permitted in the A district only with Special Use No. 25.

Farm Products Processing and Sales - where fruits, vegetables, or other planted crops grown on site are processed including but not limited to cooking, mixing with other ingredients, bottling, packaging, etc. that transforms the fruits, vegetables, or other crops into higher valued farm products for human ingestion ("value added farm products"). Such processing may involve the making of wines, ciders, jams, jellies, and other consumable food or beverage products.

1. Written requests for temporary use of substitute crops grown off site may be submitted to and approved by the APC Director upon the review of documentation provided with the request of an unusually low on site crop harvest or other special circumstances.

2. The sale of these value added farm products is allowed as follows:

a. The sale of other foods and beverages is allowed as long as these items are associated with or commonly consumed with the value added farm product, are incidental to the primary farm use, and do not involve cooking or preparation on-site;

b. The sale of other incidental items commonly associated with the value added farm product or the farm use is also allowed.

3. Facilities for the on-site processing, retail display, sales, and sampling of value added farm products are allowed within the following parameters:

a. The facilities must be strictly ancillary and incidental to the primary farming use;

b. The facilities may include patio seating or other outdoor areas for picnics, agri-tourism gatherings, private noncommercial gatherings hosted by the property owner or the farm use operator, or other activities incidental to the farm use.

C. The following service uses (no special use required in agricultural zone-permitted use per use group 18): Boarding/breeding kennel: premises on which four or more small animals at least four months old are kept, Veterinarian or veterinarian clinic.

(Ord. 06-13-007 § 1, amended, 06/18/2013; prior code § 153.086)

17.20.240 Use group 21.

A. List of uses permitted in C-4, M-1, M-2 and M-3 which meet the requirements and restrictions of that zone:

Adult Arcade

Adult Bookstore, Adult Novelty Store or Adult Video Store

Adult Cabaret or Juice Bar or Bikini Bar

Adult Motion Picture Theater

Adult Theater

Nude Model Studio

Sexual Encounter Center

Peep Show Facility

B. In addition to all other requirements of the zoning code, these businesses shall comply with the following restrictions:

1. Shall not be located within 1,000 feet of any dwelling unit, duplex or other building used for any residential use or any recorded subdivision in the A zoning district;
2. Shall not be located within 1,000 feet of any property zoned for any residential use in the R-1, R-2, R-3, R-4 or R-5 zoning districts;
3. Shall not be located within 500 feet of any property permitted for use as a religious institution or public or private school containing any grade of kindergarten through grade 12;
4. Shall not be located within 500 feet of any public park; and
5. Shall not be located within 500 feet of any other use group 21 facility or pre-existing non-conforming use which is an Adult Bookstore, Adult Novelty Store, Adult Video Store, Adult Arcade, Adult Cabaret, Juice Bar, Bikini Bar, Adult Motion Picture Theater, Adult Theater, Nude Model Studio, Sexual Encounter Center or Peep Show Facility. However, more than one such facility may be located on the same parcel or property so long as it meets the other requirements of the Zoning Code.

C. The distances provided above shall be measured by following a straight line, without regard to intervening buildings, structures, other obstacles, from the nearest point of the property upon which the proposed use is to be located, to the nearest point of the property from which the proposed land use is to be separated.

D. The applicant for an Improvement Location Permit or Zoning Use Permit for Use Group 21 shall provide the Area Plan Commission staff with certified distance measurements as required above by a

land surveyor registered by the State of Indiana who shall certify that there are no residential properties, public or private schools with a grade kindergarten through 12th grade, public park or a pre-existing nonconforming use which is an Adult Bookstore, Adult Novelty Store, Adult Video Store, Adult Arcade, Adult Cabaret, Juice Bar, Bikini Bar, Adult Motion Picture Theater, Adult Theater, Nude Model Studio, Sexual Encounter Center or Peep Show Facility within the required distances. If the proposed adult use business meets the spacing distance requirement from such uses, is zoned for this use, and meets the other requirements of the Zoning Code, the Area Plan Commission staff shall issue the appropriate Improvement Location Permit or Zoning Use Permit after the approval of the permit by the Site Review Committee. The approval of the Site Review Committee shall expire if the permit is not obtained by the applicant within (180) calendar days of said approval.

(17.20.240 Added 7/15/2008)