

1003.131 "C-1" Neighborhood Business District Regulations.

1. Scope of Provisions.

This section contains the district regulations of the "C-1" Neighborhood Business District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in the Chapter which are incorporated as part of this section by reference. The "C-1" Neighborhood Business District encompasses areas located within or near residential communities wherein may be located certain limited sales and service facilities that constitute a convenience to residents in the immediate neighborhood.

2. Permitted Land Uses and Developments.

The following land uses and developments are permitted in this District:

- (1) Adult day care centers. (O.No. 21012 - Adopted 7/17/02).
- (2) Apartment dwelling unit in buildings primarily designated for occupancy by one or more of the commercial uses permitted in this subsection, wherein occupancy of the dwelling unit shall be limited to the owner, manager, or employee of the permitted use or uses and their respective families. A minimum of 800 square feet of contiguous open space for the dwelling unit, protectively screened from commercial activities and directly accessible to the dwelling unit, shall be provided on the premises for the exclusive use of the occupants of such apartment.
- (3) Barber shops and beauty parlors.
- (4) Child care centers, nursery schools, and day nurseries.
- (5) Dry cleaning drop-off and pick-up stations, not including drive-through facilities.
- (6) Film drop-off and pick-up stations, not including drive-through facilities.
- (7) Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
 - (a) adequately screened with landscaping, fencing or walls, or any combination thereof, or
 - (b) placed underground, or
 - (c) enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning.

- (8) Offices and office buildings for accountants, bookkeepers, architects, engineers, planners, financial consultants, income tax preparers, insurance salespersons, lawyers, real estate salespersons, real estate brokers, and real estate appraisers.
- (9) Police, fire, and postal stations.
- (10) Service facilities, studios, or work areas for artists, candy makers, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers. Goods and services associated with these uses may be sold or provided directly to the public on the premises.
- (11) Stores and shops in which food stuff, beverages, pharmaceutical, household supplies, and personal use items are sold directly to the public for consumption elsewhere than on the premises. Drive-through facilities or restaurants are not permitted.
- (12) Telecommunication towers of forty (40) feet or less in height and Telecommunication towers co-used or disguised support structures of sixty (60) feet in height or less. (O. No. 18420 - Adopted 3/20/97).

3. Conditional Land Use and Development Permits issued by the Commission.

The following land uses and developments may be permitted under conditions and requirements specified in Section 1003.181 Conditional Use Permits:

- (1) All Permitted Land Uses and Developments set forth in Subsection 2 which exceed one (1) story or twenty (20) feet in height, whichever is less, including roof top mechanical equipment attached to a structure.
- (2) Apartment dwelling unit in buildings primarily designated for occupancy by one (1) or more of the commercial uses allowed by Conditional Use Permits in this subsection, wherein occupancy of the dwelling unit shall be limited to the owner, manager, or employee of the use or uses allowed by Conditional Use Permit and their respective families. A minimum of 800 square feet of contiguous open space for the dwelling unit, protectively screened from commercial activities and directly accessible to the dwelling unit, shall be provided on the premises for the exclusive use of the occupants of such apartment.
- (3) Financial institutions, not including drive-through facilities.
- (4) Medical and dental offices.
- (5) Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
- (6) Public utility facilities.
- (7) Restaurants and shops in which food stuffs or beverages are sold directly to the public for consumption on the premises. Fast food restaurants, drive-through facilities or taverns are not permitted.
- (8) Sewage treatment facilities, not including individual sewage treatment facilities permitted as an accessory use.
- (9) Service facilities, studios, or work areas for antique salespersons, craftpersons, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with the above may be sold or provided directly to the public on the premises.
- (10) Telecommunication towers up to two hundred (200) feet in height. (O. No. 18420 - Adopted 3/20/97).

4. Accessory Land Uses and Developments.

Subject to compliance with the procedures of this section, accessory buildings, structures and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a conditional land use or development when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use, and serves only to further the successful utilization of the primary use. Accessory uses include the following:

- (1) Associated work and storage areas required by a business, firm, or service to carry on business operations.
- (2) Devices for the generation of energy, such as solar panels, wind generators, and similar devices.
- (3) Dwelling or lodging units, only for watchmen, caretakers, or other personnel whose residence on the premises is essential to the operation of a permitted or conditional use or uses.
- (4) Individual sewage treatment facilities serving an individual building or use, as approved by the appropriate regulatory agency. The sewage treatment facility shall not exceed 5,000 gallons per day flow.
- (5) Signs (business, directional, and information).

5. Performance Standards.

All uses in the "C-1" Neighborhood Business District shall operate in conformity with the appropriate performance standards contained in Section 1003.163 Zoning Performance Standard Regulations.

6. Height Limitations for Structures.

Other than telecommunication towers, the maximum height of structures in this district shall be as follows: (O. No. 18420 - Adopted 3/20/97).

- (1) Unless otherwise restricted by application of regulations in Section 1003.161 Air Navigation Space Regulations, the total height of any structure, including rooftop mechanical equipment attached to such structure, shall not exceed one (1) story or twenty (20) feet in height, whichever is less, above the average finished ground elevation at the perimeter of such structure unless authorized by Conditional Use Permit.
- (2) Unless otherwise restricted by application of regulations in Section 1003.161 Air Navigation Space Regulations, the total height of any structure authorized by Conditional Use Permit, including rooftop mechanical equipment attached to such structure, shall be authorized by specific conditions of the permit, but shall not exceed two (2) stories or thirty (30) feet in height, whichever is less, above the average finished ground elevation at the perimeter of such structure. A public utility tower authorized by Conditional Use Permit may be erected to any height not in conflict with the application of regulations in Section 1003.161 Air Navigation Space Regulations.

7. Minimum Lot Area Requirements.

Every lot or tract of land shall have an area comprising not less than 6,000 square feet. Sewage treatment facilities, not including individual sewage treatment facilities permitted as an accessory use, shall be situated on tracts of land at least 10,000 square feet in area.

8. Development Limitations.

- (1) Not more than thirty (30) percent of the total area of any lot or tract of land in this District shall be covered by structures.
- (2) The total gross floor area devoted to any single use or contained within any building shall not exceed 10,000 square feet.
- (3) Only one (1) free standing building shall be permitted on each lot or tract of land. This limitation shall not include buildings used for accessory uses.
- (4) Not more than one (1) apartment dwelling unit in buildings primarily designated for occupancy by commercial uses shall be permitted on each lot or tract of land. This limitation shall not include dwelling or lodging units permitted as accessory uses.

9. Minimum Yard Requirements.

- (1) Front Yard: General.

No structure is allowed within twenty (20) feet of any roadway right-of-way line.

- (2) Front Yard: Specific Regulations and Exceptions.
 - (a) Notwithstanding any other provision of this Chapter, on corner lots, no structure or plant material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the sight distance triangle.
 - (b) When the minimum front yard setback of one or more "R" Residence District zoned properties adjoining either side of a lot in this District is greater than twenty (20) feet, the required minimum front yard setback shall be the same as the most restrictive adjoining "R" Residence District.
 - (c) Boundary walls or fences, six (6) feet in height or less, are allowed within the minimum front yard setback.

- (d) Permitted information signs, six (6) feet in height or less, are allowed within the minimum front yard setback.
 - (e) Permitted directional signs, three (3) feet in height or less, are allowed within the minimum front yard setback.
 - (f) Light standards for parking lot lighting are allowed no closer than fifteen (15) feet from any roadway right-of-way line.
 - (g) Light standards for street lighting or at points of ingress and egress are allowed within the minimum front yard setback when approved by the Department of Planning.
- (3) Side and Rear Yards: General.

No structure is allowed within fifteen (15) feet of a property line adjoining property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" Residence District.

- (4) Side and Rear Yards: Specific Regulations and Exceptions.
- (a) Any structure exceeding thirty (30) feet in height which adjoins property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" Residence District, other than a public utility tower authorized by a Conditional Use Permit, must be set back from such property line an additional one (1) foot for every two (2) feet in height above thirty (30) feet.
 - (b) Boundary walls or fences, six (6) feet in height or less, are permitted within the minimum side and rear yard setbacks required from property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" Residence District.
 - (c) Light standards for parking lot lighting are allowed no closer than ten (10) feet of any side or rear yard line which adjoins property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" Residence District.
 - (d) Notwithstanding any other provisions of this Chapter, telecommunication towers shall not be closer to any "PS" Park and Scenic District, "NU" Non-Urban District, or "R" Residence District property than a distance equivalent to the height of the proposed telecommunication tower. A greater setback may be required by the conditions of a Conditional Use Permit. (O. No. 18420 - Adopted 3/20/97).

10. Off-Street Parking and Loading Requirements.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives are set forth in Section 1003.165 Off-Street Parking and Loading Requirements.

11. Sign Regulations.

Sign regulations are set forth in Section 1003.168 Sign Regulations.