

## **§ 155.120 PURPOSE.**

The purpose of the Neighborhood Commercial Zone is to provide for convenient shopping for certain goods and services. The stores and shops are intended to fit into the residential pattern of development and not be in disharmony with the surrounding residential areas nor create traffic conflicts. The regulations applying to this zone are intended to protect the residential character of the environment. ('64 Code, § 43.00)

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## **§ 155.121 PRINCIPAL PERMITTED USES.**

The following are the principal permitted uses in the C-1 Zone:

- (A) Retail establishments offering convenience and shoppers' goods for the local neighborhood including:
- (1) Bakeries, retail.
  - (2) Bookstores, rental libraries or newsstands, but not including adult bookstores.
  - (3) Cafes, coffee shops and restaurants, except those serving liquor.
  - (4) Camera stores.
  - (5) Candy stores.
  - (6) Chinaware and pottery stores.
  - (7) Clothing stores, but not including secondhand stores.
  - (8) Delicatessens.
  - (9) Dressmaking, custom.
  - (10) Drugstores.
  - (11) Flower shops.
  - (12) Gift or greeting card shops.
  - (13) Grocery, fruit, vegetable or meat markets, but excluding supermarkets.
  - (14) Hobby shops or toy stores.
  - (15) Jewelry stores.
  - (16) Shoe stores.
  - (17) Small appliance stores.
  - (18) Tobacco stores.
  - (19) Variety or 5¢ or 10¢ stores.
  - (20) Yardage and fabric shops.

(B) Retail service establishments and offices including:

- (1) Advertising agencies.
- (2) Barbershops.
- (3) Beauty shops.
- (4) Business offices.
- (5) Cleaning or laundry pick-up stations.
- (6) Detective and security guard services.
- (7) Medical or dental offices or clinics.
- (8) Optometrist or optical goods stores.
- (9) Photographers' studios.
- (10) Professional offices.
- (11) Public stenographers.
- (12) Real estate offices.
- (13) Repair shops for radio and television sets.
- (14) Repair shops for small appliances and fix-it shops.
- (15) Self-service laundries and self-service dry cleaning establishments.
- (16) Shoe repair or shoe shine shops.
- (17) Telegraph offices.
- (18) Travel bureaus.
- (19) Utility business offices.

(C) Cabstands.

(D) Commercial parking lots.

(E) Child care nurseries.

('64 Code, § 43.01) (Am. Ord. 358, passed 7-10-69; Am. Ord. 568, passed 10-25-79; Am. Ord. 834, passed 2-24-94)

**Cross-reference:**

*Business regulations; permits, see Title XI*

*Conditional use permits, see §§ 155.710 - 155.724*

## **§ 155.122 ACCESSORY USES.**

The following accessory uses are permitted in the C-1 Zone: accessory uses and buildings customarily appurtenant to a permitted use such as incidental storage facilities.

('64 Code, § 43.02)

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## **§ 155.123 CONDITIONAL USES.**

The following uses shall be permitted in the C-1 Zone only after a valid conditional use permit has first been issued:

- (A) Service stations.
- (B) Cocktail lounges and bars.
- (C) Restaurants or cafes serving liquor.
- (D) Clubs, lodges or similar organizations.
- (E) Employment agencies.
- (F) Trampoline centers and similar commercial amusement establishments.
- (G) Ice vending machines.
- (H) Churches.
- (I) Liquor stores (for consumption off the premises only), provided all requirements of § 155.628 are met.
- (J) Public and quasi-public buildings and uses of a recreational, educational, religious, cultural or public service nature, including electrical distribution substations; provided, that the Planning Commission first determines that there is a definite showing of necessity for such uses in the location requested. Storage yards, warehouses or similar facilities shall not be permitted.

('64 Code, § 43.03) (Am. Ord. 358, passed 7-10-69; Am. Ord. 568, passed 10-25-79; Am. Ord. 834, passed 2-24-94) Penalty, see § 10.97

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## **§ 155.124 PROPERTY DEVELOPMENT STANDARDS.**

The property development standards set forth in the following sections shall apply to all uses and structures in the C-1 Zone. These requirements are in addition to those set forth under §§ 155.445 through 155.463 of this chapter. ('64 Code, § 43.04) Penalty, see § 10.97

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## **§ 155.125 LOT AREA, WIDTH AND DEPTH.**

- (A) There shall be no minimum lot area in the C-1 Zone. However, no C-1 Zone district shall be created with less than 30,000 square feet. ('64 Code, § 43.05)
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(B) There are no requirements for lot width. ('64 Code, § 43.06)

(C) There are no requirements for lot depth. ('64 Code, § 43.07) Penalty, see § 10.97

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## **§ 155.126 POPULATION DENSITY.**

Residential uses are not permitted in the C-1 Zone. ('64 Code, § 43.08) Penalty, see § 10.97

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## **§ 155.127 BUILDING HEIGHT.**

Except as provided in §§ 155.385 to 155.598, no building or structure shall be erected in the C-1 Zone greater than 25 feet in height. ('64 Code, § 43.09) Penalty, see § 10.97

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## **§ 155.128 FRONT YARD.**

Each lot in the C-1 Zone shall have a front yard of not less than 15 feet extending across the full width of the lot.

('64 Code, § 43.10) (Am. Ord. 358, passed 7-10-69; Am. Ord. 746, passed 4-13-89) Penalty, see § 10.97

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## **§ 155.129 SIDE YARD.**

There shall be no side yard requirement except where the C-1 Zone adjoins a street, or a residential or agricultural zone, in which case, there shall be a side yard of not less than 15 feet on the side or sides adjoining said street or residential or agricultural zone. In the case of a reversed corner lot, the side yard adjoining the street shall be not less than the required front yard of the adjoining interior lot to the rear.

('64 Code, § 43.11) (Am. Ord. 358, passed 7-10-69; Am. Ord. 746, passed 4-13-89) Penalty, see § 10.97

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## **§ 155.130 REAR YARD.**

There shall be no rear yard requirement except where the C-1 Zone adjoins a street, a residential or agricultural zone, in which case, there shall be a rear yard of not less than 15 feet adjoining said residential or agricultural zone.

('64 Code, § 43.12) (Am. Ord. 358, passed 7-10-69; Am. Ord. 746, passed 4-13-89) Penalty, see § 10.97

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## **§ 155.131 PERMITTED ENCROACHMENTS IN REQUIRED YARDS.**

Certain encroachments shall be permitted in required yard areas. The type of encroachments and the distance they may extend into yard areas are set forth in §§ 155.385 to 155.598 of this chapter. ('64 Code, § 43.13) Penalty, see § 10.97

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## **§ 155.132 DISTANCE BETWEEN BUILDINGS.**

There are no requirements for the distance between buildings. ('64 Code, § 43.14)

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## **§ 155.133 MINIMUM SIZE OF BUILDING.**

There are no requirements for the minimum size of buildings. ('64 Code, § 43.15)

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## **§ 155.134 LOT COVERAGE.**

The area covered by buildings or structures shall not exceed 50% of the total lot area. ('64 Code, § 43.16) Penalty, see § 10.97

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## **§ 155.135 PERMITTED FENCES, HEDGES AND WALLS.**

Fences, hedges and walls shall be permitted; except, that in a required front yard or required side or rear yard, where adjoining a dedicated street, the height shall not exceed three and one-half feet. ('64 Code, § 43.16) (Am. Ord. 358, passed 7-10-69) Penalty, see § 10.97

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## **§ 155.136 REQUIRED WALLS.**

A solid masonry wall not less than six feet in height nor less than eight inches in thickness shall be built and maintained on those sides of property in a C-1 Zone which adjoins a residential or agricultural zone, school or park; except, that said wall shall be three and one-half feet where it adjoins the front yard setback area. The wall need not to be installed until the property is developed for C-1 uses.

('64 Code, § 43.17) (Am. Ord. 358, passed 7-10-69) Penalty, see § 10.97

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## **§ 155.137 REQUIRED OFF-STREET PARKING AND LOADING.**

Off-street parking and loading facilities shall be provided in accordance with the provisions of §§ 155.475 through 155.502 of this chapter. ('64 Code, § 43.18) Penalty, see § 10.97

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## **§ 155.138 REQUIRED ACCESS.**

Access to off-street parking facilities shall be provided in accordance with the provisions of §§ 155.475 through 155.502 of this chapter. ('64 Code, § 43.19) Penalty, see § 10.97

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## **§ 155.139 SIGNS.**

No signs shall be permitted in the C-1 Zone except in accordance with the following provisions. The provisions of §§ 155.515 to 155.536 regarding signs shall also apply:

- (A) Signs shall contain only such subject matter or advertising which refers to the name of the establishment or to the goods and services sold on the premises on which the sign is located.
- (B) The total sign area allowed for any one store or building shall be limited to a size determined by the lineal foot of said store or building frontage or to the total lot area devoted to commercial use in accordance with the following: two square feet of sign area for each lineal foot of store or building frontage or one square foot of sign area for each 200 square feet of lot area devoted to commercial use, whichever is the greater. The total aggregate area of all signs on any one store or building shall not exceed 100 square feet regardless of the frontage of building or lot area.
- (C) Only wall signs or signs on the face of a marquee wall shall be permitted. No signs shall extend above the roof line or a parapet wall around the roof nor project more than one foot from the wall of the structure.
- (D) Signs which move, or which have moving parts or flashing lights shall not be permitted in this zone.
- (E) Architect's or builder's signs, or temporary tract signs, shall be permitted in accordance with the provisions of §§ 155.515 through 155.536.
- (F) Direction signs each not exceeding six square feet in area shall be permitted in connection with off-street parking and loading facilities.
- (G) Two signs each not exceeding 16 square feet in an area located not closer than 50 feet apart, shall be permitted pertaining to the sale, lease or rental of the site or structures on the site. Such signs shall be removed from the site upon occupancy of the site, structure or unit.

('64 Code, § 43.20) (Am. Ord. 358, passed 7-10-69; Am. Ord. 700, passed 9-11-86) Penalty, see § 10.97

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## **§ 155.140 LANDSCAPING.**

The following landscaping provisions shall apply in the C-1 Zone. In addition, the landscaping provisions of §§ 155.545 through 155.559 shall also apply:

- (A) Where a C-1 Zone adjoins a dedicated street, a minimum area equivalent to 10 square feet for each lineal foot of frontage on said street shall be suitably landscaped and maintained. In addition, all parking areas shall have landscaping installed equivalent to 6% of the total parking area. This landscaping shall be distributed so that 50% of the landscaping is located around the perimeter of the parking area, and the balance located within the parking area. The landscaped area shall be located on private property behind the planned street width line and shall be clearly visible from the street frontage.
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- (B) Where fences or walls, including building walls, are constructed adjacent to a public street within 20 feet of the front property line, or side property line in the case of a corner lot, the entire area between the fence or wall and the property line shall be landscaped.
- (C) The parkway portion of the adjoining dedicated street shall be improved with sidewalks and/or landscaping and street trees in accordance with the requirements of the Director of Public Works.
- (D) Concrete curbs shall be installed along the borders of all on-site landscaped areas where said landscaped areas interface with driveways, off-street parking and loading areas and other similar facilities.
- (E) The Planning Commission shall have the authority to grant a temporary waiver of required landscaping in accordance with the provisions of § 155.557.

('64 Code, § 43.21) (Am. Ord. 358, passed 7-10-69; Am. Ord. 367, passed 12-11-69; Am. Ord. 700, passed 9-11-86; Am. Ord. 746, passed 4-13-89) Penalty, see § 10.97

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## **§ 155.141 OTHER REQUIRED CONDITIONS.**

The following additional conditions shall apply in the C-1 Zone:

- (A) Any existing residential structure in this zone shall not be used for both residential and commercial purposes at the same time.
- (B) All roof-mounted mechanical equipment and/or duct work which projects above the roof or roof parapet of a building and is visible from adjacent property or a public street at ground level shall be screened by an enclosure which is consistent with the architecture of the building.
- (C) All exterior walls of buildings shall be either painted or surfaced with decorative materials. Gutters, downspouts, vents, louvers, exposed flashing, doors and other building elements shall be painted consistent with the color scheme of the building.
- (D) All uses shall be conducted within a completely enclosed building except as follows:
  - (1) Off-street parking and loading facilities.
  - (2) Outdoor uses permitted by conditional use permit.
- (E) All buildings and/or uses on property shall be provided with outdoor trash and refuse storage areas sufficient to provide adequate, safe, and efficient storage of waste and refuse expected to be produced. A minimum of one such outdoor trash and refuse area not less than four and one-half feet in width and six feet in length shall be provided for each building and/or use on property; however, the Director of Planning and Development may require additional storage areas if determined necessary to adequately service any building and/or use. All outdoor trash and refuse storage areas shall be screened from view on all sides by a solid fence, wall or structure a minimum of five feet in height and shall be located so as to be readily accessible to users and collection personnel.

('64 Code, § 43.22) (Am. Ord. 358, passed 7-10-69; Am. Ord. 700, passed 9-11-86; Ord. 822, passed 3-11-93) Penalty, see § 10.97

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## § 155.142 PRINCIPAL PERMITTED USES – TELEGRAPH ROAD CORRIDOR.

Notwithstanding the list of uses set forth in § 155.121, the following are the principal permitted uses in the C-1 Zone, for the properties with frontage on Telegraph Road:

(A) Retail establishments offering convenience and shoppers' goods for the local neighborhood including:

- (1) Bakeries, retail.
- (2) Bookstores, rental libraries or newsstands, but not including adult bookstores.
- (3) Cafes, coffee shops and restaurants (except those serving liquor which shall be subject to the requirements of § 155.628).
- (4) Camera stores.
- (5) Candy stores.
- (6) Chinaware and pottery stores.
- (7) Clothing stores, but not including secondhand stores.
- (8) Delicatessens.
- (9) Dressmaking, custom.
- (10) Drugstores and pharmacies.
- (11) Flower shops.
- (12) Gift or greeting card shops.
- (13) Grocery, fruit, vegetable or meat markets, but excluding supermarkets.
- (14) Hobby shops or toy stores.
- (15) Jewelry stores.
- (16) Shoe stores.
- (17) Small appliance stores.
- (18) Tobacco stores.
- (19) Yardage and fabric shops.

(B) Retail service establishments and offices including:

- (1) Advertising agencies.
  - (2) Barbershops.
  - (3) Beauty shops.
  - (4) Business, professional, financial, and utility business offices.
  - (5) Retail dry cleaning or laundry establishments.
  - (6) Detective and security guard services.
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- (7) Medical or dental offices or clinics.
- (8) Optometrist or optical goods stores.
- (9) Photographers' studios.
- (10) Real estate offices.
- (11) Repair shops for electronic equipment.
- (12) Repair shops for small appliances and fix-it shops.
- (13) Shoe repair or shoe shine shops.
- (14) Travel bureaus.

(Ord. 967, passed 3-24-05)

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## **§ 155.143 ACCESSORY USES – TELEGRAPH ROAD CORRIDOR.**

The following accessory uses are permitted in the C-1 Zone for properties with frontage along Telegraph Road: accessory uses and buildings customarily appurtenant to a permitted use such as incidental storage facilities. (Ord. 967, passed 3-24-05)

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## **§ 155.144 CONDITIONAL USES – TELEGRAPH ROAD CORRIDOR.**

Notwithstanding the list of uses set forth in § 155.123, the following are the conditional uses permitted in the C-1 Zone, for the properties with frontage on Telegraph Road, only after a valid conditional use permit has first been granted by the Planning Commission:

- (A) Cocktail lounges and bars (provided all requirements of § 155.628 are met).
- (B) Restaurants or cafes serving liquor (provided all requirements of § 155.628 are met).
- (C) Employment agencies.
- (D) Churches.
- (E) Liquor stores (for consumption off the premises only, provided all requirements of § 155.628 are met).
- (F) Public and quasi-public buildings and uses of a recreational, educational, religious, cultural or public service nature, including electrical distribution substations; provided, that the Planning Commission first determines that there is a definite showing of necessity for such uses in the location requested. Storage yards, warehouses or similar facilities shall not be permitted.

(Ord. 967, passed 3-24-05)