

311 NEIGHBORHOOD COMMERCIAL DISTRICT - (NC)

311-1 Intent and Purpose

The purpose of the Neighborhood Commercial District is to allow small to medium sized shopping and service facilities and limited office use in Neighborhood Commercial Centers. This District is intended to provide for the shopping and service needs of the immediate urban neighborhood. Neighborhood Commercial locations should be easily accessible by car and foot from neighborhoods in the area. Centers should have minimal negative impact on surrounding residential properties.

311-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

311-2.1 Accessory Uses and Structures - Section 430-1.

311-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan map;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a telecommunication facility allowed through a Type II or III procedure.

311-2.3 Bus Shelter - Section 430-23.

311-2.4 Parks with up to a maximum total gross area of ten-thousand (10,000) square feet - Section 430-97.

311-2.5 Recycle Drop Box - Section 430-113.

311-2.6 Temporary Use - Section 430-135.1.

311-2.7 Facility 3 and 4 Communication Towers that:

- A. Do not exceed a maximum height of sixty-five (65) feet; and
- B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that

are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site- Section 430-109.

- 311-2.8 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 311-2.9 Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:
- A. Do not exceed a maximum height of sixty-five (65) feet; and
 - B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

311-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 311-3.1 Access to a manufactured dwelling park - Section 430-77.14.
- 311-3.2 Ambulance Service - Section 430-9.1.
- 311-3.3 Convenience Groceries, with a maximum gross floor area of five-thousand (5,000) square feet - Section 430-35.
- 311-3.4 Day Care Facility - Section 430-53.2.
- 311-3.5 Drive-In or Drive-up Establishments (includes beverage venders, film sales, locksmith and other similar uses.) - Section 430-41.
- 311-3.6 Dwelling units provided:
- A. The ground floor is used for neighborhood commercial uses;
 - B. Height and yard requirements are the same as the Neighborhood Commercial District requirements; and
 - C. Maximum density of fifteen (15) units per acre.
- 311-3.7 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:

- A. Clubhouse.
 - B. Meeting hall.
 - C. Day care facility - Section 430-53.2.
 - D. Recreation center.
 - E. Gymnasium.
 - F. Indoor swimming pool.
- 311-3.8 Eating and Drinking Establishments with a maximum gross floor area of three-thousand five-hundred (3,500) square feet. Those with a drive-in or drive up windows shall address Section 430-41.
- 311-3.9 Financial Institutions such as branch banks, insurance agents, real estate offices - with a maximum gross floor area of five-thousand (5,000) square feet per use.
- 311-3.10 Food Market with a maximum gross floor area of thirty-five thousand (35,000) square feet, limited to one (1) per Neighborhood Commercial Center.
- 311-3.11 Personal Service Establishments such as laundry, dry cleaners, barber and beauty shop, shoe repair, photographic studios - with a maximum gross floor area of five-thousand (5,000) square feet per use.
- 311-3.12 Professional Offices, including veterinary clinics or offices which do not include boarding facilities other than indoor boarding for immediate, critical care. There shall be a maximum floor area of five thousand (5,000) square feet per use.
- 311-3.13 Radio Station.
- 311-3.14 Retail Businesses such as variety, hardware, drug, dry goods, clothing, photography, hobby and similar retail uses - with a maximum gross floor area of ten-thousand (10,000) square feet per use.
- 311-3.15 Service Station - Section 430-123.
- 311-3.16 A Type I or Type II Home Occupation in a nonconforming residence as an interim temporary use subject to the standards of Section 430-63.1 - Type I Home Occupation or Section 430-63.2 - Type II Home Occupation.
- 311-3.17 Communication Towers greater than sixty-five (65) feet and up to two-hundred (200) feet in height - Section 430-109.
- 311-3.18 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 311-3.19 Uses Accessory and Incidental to an Allowed Use, not Otherwise Permitted by Section 311-2.2:

- A. Garages for storage and maintenance of motor vehicles used by the principal use;
 - B. Storage of motor fuels and lubricating oils for motor vehicles used by the principal use;
 - C. Central heating, air conditioning and refrigeration plants.
- 311-3.20 Nursery School - Section 430-121.
- 311-3.21 Parking not in conjunction with a Permitted Use - Section 430-91.
- 311-3.22 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.
- 311-3.23 Food and Service Catering.
- 311-3.24 Commercial School - such as vocational music, dance, martial arts.
- 311-3.25 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

311-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 311-4.1 Churches - Section 430-29.
- 311-4.2 Public Buildings - such as a post office, police and fire stations at a scale oriented to the surrounding neighborhood - Section 430-103.
- 311-4.3 Public Utility - Section 430-105.
- 311-4.4 Special Recreation Use - Section 430-131.
- 311-4.5 Food Market - with a maximum gross floor area of fifty-thousand (50,000) square feet, limited to one (1) food market greater than five-thousand (5,000) square feet per neighborhood commercial center.
- 311-4.6 Communication Towers greater than two-hundred (200) feet in height - Section 430-109.
- 311-4.7 Broadcast Towers – Section 430-109.

311-5 Prohibited Uses

- 311-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2.
- 311-5.2 Adult Book Stores - Section 430-3.
- 311-5.3 The use of a manufactured dwelling, except as provided in Section 430-135.1 A. - Temporary Uses and 430-1.2 D. - Accessory Use.
- 311-5.4 New residential uses except as provided in Sections 311-3.6 and 311-3.16.
- 311-5.5 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.
- 311-5.6 Auto wrecking yards.

311-6 Dimensional Requirements

311-6.1 Lot Area:

The minimum lot area shall be eight-thousand five hundred (8,500) square feet.

311-6.2 Yard Requirements:

The minimum yard requirements shall be as follows:

A. Twenty (20) foot front yard;

B. Side yards:

- (1) When abutting a Residential or Office Commercial District, the side yard shall be no less than required by the abutting district;
- (2) Except on corner lots, and as in one (1) above there is no required side yard;
- (3) On a corner lot, the side or rear yard abutting the street shall be twenty (20) feet;

C. Twenty (20) foot rear yard; and

D. Additional setbacks may be required as specified in Sections 411 and 418.

311-6.3 Height:

- A. The maximum height for structures shall be thirty-five (35) feet except as modified by other Sections of this Code.

- B. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty-five (65) feet.
- C. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

311-6.4 Lot Dimensions:

- A. The minimum average lot width shall be eighty-five (85) feet;
- B. The minimum average lot depth shall be eighty-five (85) feet; and
- C. The minimum lot width at the access point shall be forty (40) feet.

311-7 Article IV - Development Standards

In addition to the requirements of this district, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.