

### **36-524 C-1, Local Commercial District**

- (a) *General description.* This commercial district is intended for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of the people of adjacent residential areas. It is anticipated that this district will be the predominately used commercial district in the community. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational, and educational elements, more restrictive requirements for light, air, open space, and off-street parking are made than are provided in other commercial districts.
- (b) *Uses permitted.* Property and buildings in a C-1, Local Commercial District shall be used only for the following purposes:
- (1) Any use permitted in CO, except for medical marijuana testing laboratories, as set forth in NCC 36-523(a)(4).
  - (2) The following uses shall be permitted, provided that no individual use shall exceed a gross floor area of 35,000 square feet and that no outdoor storage or display of materials or goods is permitted:
    - a. Antique shop.
    - b. Appliance store.
    - c. Artist materials supply, or studio.
    - d. Automobile parking lots.
    - e. Automobile supply store.
    - f. Baby shop.
    - g. Bakery goods store.
    - h. Bank.
    - i. Barber shop, or beauty parlor.
    - j. Book or stationery store.
    - k. Camera shop.
    - l. Candy store.
    - m. Catering establishment.
    - n. Childcare establishment.
    - o. Clothing or apparel store.
    - p. Dairy products or ice cream store.
    - q. Delicatessen store.
    - r. Dress shop.
    - s. Drug store or fountain.
    - t. Dry-cleaning and laundry plant with no more than three dry-cleaning machines and/or laundry pick-up station.
    - u. Dry goods store.
    - v. Fabric or notion store.

- w. Florist.
- x. Furniture store.
- y. Gift shop.
- z. Grocery or supermarket.
- aa. Hardware store.
- ab. Hotel or motel.
- ac. Interior decorating store.
- ad. Jewelry shop.
- ae. Key shop.
- af. Leathergoods shop.
- ag. Medical marijuana dispensary, as allowed by State law.
- ah. Messenger or telegraph service.
- ai. Office business.
- aj. Outdoor or indoor courts for handball, racquet ball, tennis, or sports activity of a similar nature (lighted outdoor courts shall not to be operated later in the evening than 10:00 p.m. and lighting must be arranged to direct light away from any adjoining property in a residential district).
- ak. Painting and decorating shop.
  - al. Pet shop.
- am. Pharmacy.
- an. Photographer's studio.
- ao. Radio and television sales and service.
- ap. Restaurant. A restaurant may include live entertainment and/or a dance floor, (all such activity fully within an enclosed building) provided the kitchen remains open with full food service whenever live entertainment is offered.
- aq. Retail spirits store.
  - ar. Self-service laundry.
- as. Sewing machine sales.
  - at. Sporting goods sales.
- au. Shoe store or repair shop.
- av. Tailor shop.
- aw. Theater (excluding drive-in theaters), including one that sells alcoholic beverages in compliance with State law.
- ax. Tier I medical marijuana processor, as allowed by State law.
- ay. Tier II medical marijuana processor, as allowed by State law.
- az. Toy store.

- (3) Any other retail store, shop or establishment serving the neighborhood in the manner Stated above which in the opinion of the Planning Commission is similar in character to those above-enumerated and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property.
- (4) Name plate and sign relating only to the use of the store and premises or products sold on the premises.
- (5) Accessory buildings used primarily for any of the above-enumerated purposes may not have more than 40 percent of the floor area devoted to purposes incidental to such primary use.
- (6) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 "Restrictions on Tobacco and E-cigarette Retailers.

Note: The following uses are specifically prohibited: Laundry and dry-cleaning establishments where cleaning or laundering is done on premises, major auto repairs, and manufacturing.

(c) *Special use.* The following uses may be permitted, after review, in accordance with NCC 36-560:

- (1) Emergency medical transportation services.
- (2) Funeral parlor, mortuary, and crematorium so long as the crematorium is attached to the funeral parlor or mortuary and complies with the following conditions and requirements:
  - a. Any building which incorporates a crematorium use shall meet the setback requirements of the underlying zoning district.
  - b. Facilities shall meet all applicable State and federal requirements for incineration equipment and shall be licensed at all times.
  - c. All storage shall be inside.
  - d. Incinerator stacks shall not be located on the front side of the roof of any structure facing the street.
- (3) Mixed building in which one or more dwelling units may be located on the second floor, provided that:
  - a. First floor use is a permitted use in the district;
  - b. Only two-story structures are involved;
  - c. The minimum area of a lot shall be 6,000 square feet;
  - d. The ratio of floor area to lot area shall not exceed six-tenths (0.6).
- (4) Automobile service station.
- (5) Any use listed in subsection (b)(2) of this section which exceeds a gross floor area of 35,000 square feet.
- (6) Liquefied petroleum gas sales and storage when such use is clearly subordinate and accessory to the primary usage of the property.
- (7) Municipal use, public buildings and public utility.

- (8) Medical marijuana education facility, as allowed by State law.
- (9) Medical marijuana research facility, as allowed by State law.
- (10) Medical marijuana testing laboratory, as allowed by State law.
- (11) Tier III medical marijuana processor, as allowed by State law.

(d) *Area requirements.*

(1) *Front yard.* A 25-foot setback is required for all buildings. Across the entire front of all lots (and the street side of any corner lot) in plats filed after November 7, 2005, a minimum ten-foot landscape strip shall be installed, which may not be encroached upon by parking. One eight-foot-tall shade (canopy) tree per each 20 feet of lot frontage and one three-gallon shrub per five feet of building frontage shall be installed within this landscape strip. Clustering of these required plantings may be allowed, if approved by the City Forester or his designee. Such planting should be covered by the three-year maintenance bond required when new landscaping is installed with the parking lot on the same tract. All species are to be approved by the City Forester.

(2) *Side yard.*

- a. For uses other than dwelling, no side yard shall be required except on the side of a lot adjoining a dwelling district in which case there shall be a side yard of not less than five feet.
- b. Whenever the rear lot line of a corner lot of a local business district abuts a dwelling district, the side yard setback adjacent to the street shall be 15 feet.

(3) *Rear yard.* Rear yard shall not be required for retail establishments; except where a rear lot line abuts upon a dwelling district and the commercial building is designed to be serviced from the rear, there shall be provided a rear yard of not less than 30 feet for lots without alleys and 20 feet for lots with alleys; and further, provided that in no case where the rear lot lines abut a dwelling district shall the commercial building be erected closer than three feet to the rear lot line.

(e) *Height regulations.* Except, as provided in NCC 36-546, no building shall exceed 2 1/2 stories or 35 feet in height.

(Ord. No. O-8485-62, 2-5-1985; Ord. No. O-8485-89, 6-11-1985; Ord. No. O-9192-17, 11-12-1991; Ord. No. O-9192-18, 11-12-1991; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-9697-51, 6-10-1997; Ord. No. O-0102-26, 3-12-2002; Ord. No. O-0102-51, 6-25-2002; Ord. No. O-0203-46, 5-27-2003; Ord. No. O-0304-29, 10-28-2003; Ord. No. O-0405-60, 9-27-2005; Ord. No. O-1314-13, 11-22-2013; Ord. No. O-1617-31, 5-23-2017; Ord. No. O-1718-51, 8-23-2018; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020; Ord. No. O-1920-45, 7-23-2020; Ord. No. O-1971)

HISTORY

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