

ARTICLE 20

NEIGHBORHOOD BUSINESS C-1 DISTRICT REGULATIONS

Purpose

The Neighborhood Business C-1 District is primarily intended to serve the day-to-day needs of surrounding residential neighborhoods for retail goods and personal services. It is to be a restricted commercial district offering a limited range of convenience goods and services combined with low-intensity business and professional offices and upper story apartments.

The goal is to encourage the location of small scale businesses and to provide districts conducive to the establishment and growth of locally owned businesses. It is further the intent of these regulations that Neighborhood Business C-1 District zones be limited in size in order to best serve their intended purpose; to minimize the impact of noise, light, traffic, trash and other pollutants on nearby residents; and to encourage pedestrian use.

Landscaped buffer yards are required along the perimeters of the district to create a transitional area between residential and commercial uses, to shield nearby residents from the disruptions associated with commercial operations, and to upgrade the appearance of neighborhood shopping areas.

Within a Neighborhood Business C-1 District as shown on the official Zoning Maps of the City of Huntsville the following regulations shall apply:

20.1 - Uses Permitted

20.1.1 Land and buildings shall be used only for the following uses:

Accessory structures and uses.

Agricultural uses, excluding firewood sales and outdoor nurseries.

Antique stores and art galleries, excluding flea markets.

Apparel stores.

Assisted living facilities.

Bakeries, where not more than five (5) persons are employed on the premises and where the products made are sold exclusively at retail on the premises.

Banks and credit unions.

Barber shops, beauty parlors, reducing salons and fitness/exercise centers, excluding tattoo and body piercing parlors.

Book, map, card and stationery stores.

Cafes, delicatessens, coffee shops and restaurants without alcoholic beverages.

Car wash facilities, provided they are no larger than one bay and are operated as an accessory use to a service station.

Churches and similar places of worship.

Computer and telephone sales and service shops.

Confectionery stores.

Convenience stores.

Dancing and music academies.

Drug stores.

Dry cleaning establishments utilizing only non-flammable dry cleaning fluids.

Florist shops.

Grocery, health, and ethnic food stores.

Hardware stores, gift shops and variety stores.

Home furnishings stores.

Jewelry stores and watch repair shops.

Launderettes.

Medical, optical and dental offices and clinics for health professionals, excluding overnight care and ambulance services.

Multiple family dwellings, accessory structures, and uses—provided that such multiple family dwellings conform to the requirements set forth in Article 15 - Residence 2-B District and Section 20.2.1 hereof.

Municipal, county, state or federal uses, excluding off-premises liquor retailers.

Music and video stores.

Newsstands and hobby shops.

Notions and dry goods stores.

Nurseries, kindergartens or day care centers for children.

Office supply stores.

Offices for architects, attorneys and other professionals; consumer service offices such as real estate and insurance agencies; and administrative offices.

Pet supply stores, excluding the sale of live animals.

Photography studios and photo retail sales.

Pickup stations for laundry or dry cleaning; coin-operated dry cleaning establishments excluding steam presses of any type.

Quick copy print shops.

Radio, television and appliance stores and repair shops.

Residential dwelling units on the upper stories above commercial or office uses, provided such units are in compliance with all applicable regulations for habitable space. Such residential uses shall have an entrance separate from the non-residential uses unless the entrance to the building opens into a lobby from which access to each use originates.

Shoe stores, shoe repair shops and tailor shops.

Signs shall be permitted in accordance with the provisions of Article 72 - Sign Control Regulations.

Sporting goods shops.

Upholstering shops employing not more than five (5) persons.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof.

(06-730, 09-1053, 11-11, 14-576, 18-718, 19-355, 21-46)

20.1.2 Conditions on Uses

- (1) No outdoor loudspeaker, public address system, music or other form of entertainment shall be audible at any residential property line.
- (2) All businesses shall be conducted within an enclosed building except for agricultural uses, sidewalk/patio seating at restaurants, gasoline pumps, and playgrounds for child care centers.

- (3) No exterior display of goods or merchandise shall be permitted in parking and vehicular use areas, required yards, or landscaped areas.
- (4) No exterior storage of any type shall be permitted unless it is totally contained, the containers are screened from public view, and such storage is located in a rear or side yard.
- (5) Trash collection facilities and dumpsters shall be located away from residential districts and shall be concealed by solid wood and/or masonry walls for their full height. Where wood is used as the screening material, it shall be securely attached to an all metal support structure; if the wood is not pressure treated, it shall be cedar, redwood or cypress; and no wood member shall exceed 12 inches in width. The gates shall be of metal, shall be at least 80% opaque, and shall be self closing. (02-196, 03-285)
- (6) No primary or accessory non-residential building or structure with a footprint in excess of one thousand (1000) square feet shall be allowed to use aluminum, steel, or other metal siding or cladding as an exterior finish, except as a special exception in accordance with Section 92.5.3(39). This requirement shall not include window framework, doors, roofs and walkway covers. (15-758)

20.2 - Density Controls

The following yard, density, and height of building requirements shall be observed except as provided in Article 73 hereof.

20.2.1 Multiple family dwellings: The requirements set forth in Article 15 - Residence 2-B District Regulations shall be applicable except that maximum height shall be regulated by Section 20.2.2(5); building setbacks from rights-of-way shall be regulated by Section 20.2.2(1); setbacks from side lot lines shall be 15 feet and from rear lot lines shall be 20 feet; and internal spacing shall be as required by Section 73.13.4(2).

20.2.2 Business structures and other permitted uses:

- (1) Minimum required depth of front yard:

From major arterials: 50 feet
(see Section 73.15)

From other streets: 5 feet

For areas that have frontage along a road indicated by the adopted Long Range Transportation Plan (LRTP) and/or the

Transportation Improvement Program (TIP) the setback shall be determined by measuring from the centerline of the Right-of-Way classification dictated by the adopted Major Street Plan of the road plus 10 feet. (19-355)

- (2) For corner lots the front yard requirements of Section 20.2.2(1) shall be observed from both streets upon which the land abuts.
- (3) Rear yards are not required except where the rear lot line abuts on a residential district; in such cases, there shall be provided a rear yard of not less than 20 feet.
- (4) Side yards are not required except where the side lot line abuts a residential district then a minimum side yard of 15 feet shall be provided. Where buildings are not contiguous, the space between them shall be at least ten feet and shall be improved for use by pedestrians or vehicles or be landscaped.
- (5) Maximum height is 50 feet; however, wherever a C-1 district abuts a residential district (except across a street) the maximum height shall be 30 feet at the required setback line for the C-1 district: height limit shall increase one foot for every 4-foot increase in distance from the setback line up to a maximum height of 50 feet. (02-196, 19-355)

20.3 - Off-Street Parking and Loading Requirements

For single tenant developments, off-street parking and loading requirements shall be provided as set forth in Article 70 hereof. (19-355)

For multi-tenant, mixed use, and multi-family developments, shared parking and loading requirements shall be provided as set forth in the Shared Parking Factor matrix of Article 27 hereof. (19-355)

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

20.4 - Off-Street Parking and Vehicular Use Area (PVA) Landscaping and Lighting

Landscaping and lighting of off-street parking and vehicular use areas are required in accordance with Article 71 - Off-Street Parking and Vehicular Use Area Landscaping Requirements, except for multifamily dwellings which must comply only with Section 71.6 – PVA Lighting Requirements, when applicable. Where the requirements of Article 71 are in conflict with Article 20, then the more stringent shall apply. (02-196)

20.5 – Landscaping Requirements

20.5.1 Front Yards:

- (1) On local streets contained wholly within a C-1 district the first 5 feet of the required front yard shall be landscaped with a minimum of one small Type 3 or Type 4 tree per each fifty linear feet of yard or portion thereof, and the area shall be planted with a permanent evergreen ground cover or turf grass.
- (2) On local streets that extend into other zoning districts and on collector and arterial streets the following landscaping is required:
 - (a) Whenever 80% of the length of a building's street façade is located at the minimum building line, then the first 5 feet (10 feet on major arterials) of the required front yard shall be landscaped with a minimum of one small Type 3 or Type 4 tree per each fifty linear feet of yard or portion thereof, and the area shall be planted with a permanent evergreen ground cover or turf grass.
 - (b) If more than 20% of a building's street façade is set back farther than the minimum building line, then the first 15 feet of the required front yard shall be landscaped with a minimum of one large Type 1 or Type 2 shade tree per each fifty linear feet of yard or portion thereof, and the area shall be planted with a permanent evergreen ground cover or turf grass.

20.5.2 Side and Rear Yards: Where side or rear yards are required adjacent to residential districts, the first 15 feet shall be landscaped with a Buffer of Screen Planting as defined herein. However, if the proposed development is apartments and the adjacent residentially zoned property is already developed with, or has a building permit for, apartments, then that side or rear yard may be landscaped with a minimum of one large Type 1 or Type 2 shade tree per each fifty linear feet of yard or portion thereof in place of the Buffer of Screen Planting.

Dumpsters and other structures are not permitted in any required rear or side yard.

Pedestrian paths are permitted through Buffers of Screen Planting to connect residential areas with neighborhood businesses so long as they do not intrude on nor cross any private property without the owner's permission.

- 20.5.3 Lots in Use without Buildings: In the event that a parcel is put to use without a building, then the first ten feet along all lot lines shall be landscaped with a minimum of one large Type 1 or Type 2 shade tree and 8 shrubs per each fifty linear feet of yard or portion thereof, and the area shall be planted with a permanent evergreen ground cover or turf grass. If the parcel abuts a residential district, then Section 20.5.2 shall apply along the side and/or rear lot lines.
- 20.5.4 Installation and Maintenance of Landscaping:
- (1) Trees and shrubs shall be well distributed, though not necessarily evenly spaced and shall meet the Minimum Size Standards as set out in Table 1 of Section 71.5.1(2).
 - (2) All landscaping shall be installed in accordance with Section 71.5.3 - Installation Requirements (1), (2), (3), (4), (7) and (8) and with Section 73.19 - Installation of Landscaping.
 - (3) The owner, lessee, or his agents shall be responsible for providing, maintaining, and protecting all landscaping in a healthy and growing condition and for keeping it free from refuse and debris. All unhealthy and dead materials shall be replaced within one year after notification or during the next appropriate planting period, whichever comes first. (02-196)

20.6 - Designation of New C-1 Districts

The designation of a new Neighborhood Business C-1 district or the enlargement an existing C-1 district after the adoption of this ordinance shall not create a C-1 district that exceeds 200 feet in depth from a local street right-of-way, 400 feet in depth from a collector street right-of-way, or 500 feet in depth from an arterial street right-of-way except where a pre-existing condition would make such limitations unworkable or unreasonable in the opinion of the Planning Commission. When enforcing these depth limitations, no remainder piece of land shall be created that would be rendered unusable by the regulations of this Zoning Ordinance. (02-196)

20.7 - Alcoholic Beverage Establishment Regulations

Alcoholic beverage establishments shall be permitted in accordance with Section 75.3 - Permitted Establishments by Districts, subsection 75.3.1, and shall be regulated by Article 75 - Alcoholic Beverage Establishment Regulations. (11-11)

*63-93, 66-88, 69-7, 73-171, 79-417-A, 80-395, 85-4, 85-643, 86-522, 86-700, 87-177, 91-79, 95-498, 96-1008, 99-1020

*02-196, 03-285, 06-730, 08-429, 09-430, 09-1053, 10-507, 11-11, 14-576, 15-758, 18-718, 19-355, 21-46