

## Chapter 26.40 - "F" NEIGHBORHOOD COMMERCIAL DISTRICT

**Sections:**

## 26.40.010 - District regulations.

The regulations set forth in this Chapter or set forth elsewhere in the Zoning Code when referred to in this Chapter are the district regulations in the "F" Neighborhood Commercial District.

(1994 C., § 26.40.010; Ord. No. 62588, § 5(part), 1992.)

## 26.40.015 - Purpose.

The purpose of the "F" Neighborhood Commercial District is to establish and preserve those commercial and professional facilities that are especially useful in close proximity to residential areas. The district is designed to provide convenient shopping and servicing establishments for persons residing in the immediate neighborhood to satisfy those basic home and personal shopping and service needs which occur frequently and so require retail and service facilities in relative proximity to places of residence, so long as such uses are compatible with and do not detract from adjacent residential uses.

(1994 C., § 26.40.015; Ord. No. 62588, § 5(part), 1992.)

**26.40.020 - Use regulations.**

A building or premises shall be used only for the following purposes:

- A. Any use permitted in the "E" Multiple-Family Dwelling District;
- B. Art galleries and studios;
- C. Bakery shops;
- D. Barber and beauty shops;
- E. Bed and breakfast guesthouse, subject to the provisions of Chapter 8.25;

- F. Bed and breakfast homestay, subject to the provisions of Chapter 8.25;
- G. Bed and breakfast inn, subject to the provisions of Chapter 8.25;
- H. Bookstores;
- I. Butchershops;
- J. Computer stores;
- K. Drug stores;
- L. Dry cleaning stations (not having on-site processing);
- M. Financial institutions;
- N. Florists;
- O. General offices;
- P. Grocery and other retail stores;
- Q. Hardware stores;
- R. Professional offices;
- S. Shoe repair shops;
- T. Video and record stores;
- U. Mixed uses which include any of the permitted residential and commercial uses;
- V. Accessory structure and uses customarily incidental to any of the above uses;
- W. Temporary buildings for use incident to construction work, which buildings shall be removed upon the completion or abandonment of the construction;
- X. Any permitted use exceeding 3,500 square feet provided it is not within a commercial structure to be erected, enlarged, structurally altered or moved.

(1994 C., § 26.40.020; Ord. No. 62588, § 5(part), 1992.)

#### 26.40.025 - Conditional uses.

The following conditional uses may be allowed in the "F" Neighborhood Commercial District, subject to the provisions of Chapter 26.80:

- A. Any use eligible to be a conditional use in the "E" Multiple-Family Dwelling District;
- B. Arcades, including coin-operated amusement devices, as defined and subject to the additional provisions of Chapter 8.16;
- C. Bar and taverns;
- D. Bathhouses, including massage establishment(s), as defined and subject to the additional provisions of Chapter 8.24;
- E. Billiards and pool rooms, as defined and subject to the additional provisions of Chapter 8.26;
- F. Package liquor stores;
- G. Parking lots;
- H. Pawnbrokers, as defined and subject to the additional provisions of Chapter 8.72;
- I. Private clubs or lodges;
- J. Restaurants and carry-out restaurants that meet the site requirements specified in Section 26.40.026;
- K. Tattoo parlors, as defined and subject to the additional provisions of Chapter 8.97;
- L. Theaters;
- M. Commercial uses similar to those permitted in Section 26.40.020;
- N. Any permitted use which exceeds 3,500 square feet within a commercial structure to be erected, enlarged, structurally altered or moved;
- O. Motor fuel pumping stations that meet the site requirements specified in Section 26.40.027;
- P. Any permitted or conditional use that utilizes a sales or service window or facility for customers who are in cars;
- Q. Any wireless facility not otherwise permitted under Section 26.24.020 unless prohibited by federal law, federal regulation, or a federal agency;
- R. Wireless support structures unless prohibited by federal law, federal regulation, or a federal agency.

(1994 C., § 26.40.025; Ord. No. 70942, § 4, 5-2-2019; Ord. No. 70812, § 2, 7-16-2018; Ord. No. 62588, § 5(part), 1992.)

#### 26.40.026 - Site requirements for carry-out restaurants.

Carry-out restaurants shall comply with the requirements of either of the following numbered paragraphs:

- A.

The carry-out restaurant is not a carry-out restaurant that sells to customers who are in cars or who consume the sold products in cars parked on the carry-out restaurants premises, nor is it a carry-out restaurant that sells products through a sales window, to customers who are in cars, for immediate consumption by the customer either on or off the premises provided that:

1. The carry-out restaurant does not have any free standing sign;
  2. The total square footage of all signs attached to the building does not exceed 150 square feet, nor do signs extend above the roof of the building or extend more than 15 feet in height above grade; and
  3. No sign shall have any moving part or be illuminated from any flashing or intermittent source; or
- B. The carry-out restaurant is a carry-out restaurant that sells to customers who are in cars or who consume the sold products in cars parked on the carry-out restaurant premises, or is a carry-out restaurant that sells products through a sales window to customers who are in cars for immediate consumption by the customers either on or off the premise provided that:
1. For lots that are contiguous with or directly across a street, alley, public or private easement from a dwelling district:
    - a. The lot contains a minimum of 20,000 square feet.
    - b. The carry-out restaurant does not have more than one freestanding sign. Said sign shall not exceed 25 feet in height nor exceed on all faces a total of 150 square feet of sign copy and shall be a minimum of 50 feet from any existing residential use or dwelling district.
    - c. The total square footage of signs attached to the buildings shall not exceed 100 square feet per side facing a street, nor shall signs attached to any one facade occupy more than one-tenth of the facade, nor shall signs extend above the roof of the buildings or extend more than 25 feet in height above grade. Buildings on corners facing two streets may have a sign facing each street.
    - d. A drive through menu board not exceeding 40 square feet per face nor more than 6 feet in height and a separate speaker post in the drive through area and behind the required front yard with a sound system not audible at the lot lines may be erected. Traffic direction signs shall not exceed 4 square feet per facing and 4 feet in height.
    - e. No sign shall have any moving part or be illuminated from any flashing or intermittent source.
    - f. A minimum of 15 parking spaces shall be provided on a lot. Parking areas shall be screened at all property line with a 10-foot landscaped strip contiguous with or directly across an alley or public or private easement, other than a public street, from any existing residential use or dwelling district. Parking area screens shall consist of a minimum 2-foot-high berm and

a masonry or wood barrier that is at least 70 percent opaque and not less than 6 feet in height and shall be maintained in good order.

- g. A landscape strip not less than 3 feet in width shall be provided along all public streets and shall contain 2-foot-high solid landscaping or a masonry wall not less than 2 feet in height except that these elements shall not be required in approved driveways. Street trees shall be installed in the tree lawn, between the public sidewalk and public street, when the tree lawn has sufficient width, or street trees with gates shall be installed in public sidewalks where the sidewalk has sufficient width and is on an earth base with a minimum of 25 feet between trees not including driveways. A minimum of 15% of the lot area shall be landscaped, including screening areas.
  - h. All parking stalls shall be provided with continuous secured curbing not less than 6 inches high and 18 inches wide to insure careful location of the parked cars.
  - i. Exterior refuse container enclosures shall have masonry walls not less than 5 feet high and latched doors. All trash disposal containers shall be located on the site in a manner which will establish their permanent location. At a minimum such trash containers shall be located at every entrance and exist to the premises.
  - j. There shall be no other carry-out restaurant along the same street (or streets in the case of a corner location) nearer than 600 feet unless the average weekday traffic volume along such street or streets is more than 7,500 vehicles per day per carry-out restaurant. However, in no case shall a carry-out restaurant as provided for herein be permitted nearer than 300 feet from another such use on the same side of the street and in no case shall an additional such use be permitted at an intersection if two such uses already exist at that intersection.
  - k. No vehicular access shall be allowed to any public alley abutting a residential zoning district.
  - l. Parking area light poles shall be metal or masonry with underground wiring and not exceed 22 feet in height and adjusted so that no more than 0.5 footcandle (measured at grade) falls on any abutting residential lot.
2. For lots that are not contiguous with or directly across a street, alley, public or private easement from any dwelling district:
- a. The lot contains a minimum of 20,000 square feet.
  - b. The restaurant does not have more than one freestanding sign except that carry-out restaurants on a corner facing two public streets may have one freestanding sign per street frontage provided that at least one such frontage is 200 feet or greater. Said sign shall not exceed 25 feet in height plus one foot in height for each additional 1,000 square feet of lot area in excess of 20,000 square feet nor exceed on all faces a total of 200 square feet of sign copy provided that said signs shall not exceed the maximum permitted height for the district.

- c. The total square footage of signs attached to the building shall not exceed 200 square feet per side facing a street nor shall signs attached to any one facade occupy more than one-tenth of the facade, nor shall signs extend above the roof of the buildings or extend more than 25 feet in height above grade. Building on corners facing two streets may have a sign facing each street.
- d. A drive through menu board not exceeding 40 square feet per face nor more than 6 feet in height and a separate speaker post in the drive through area and behind the required front yard with a sound system not audible at the lot line may be erected. Traffic direction signs shall not exceed 6 square feet per facing and 6 feet in height.
- e. No sign shall have any moving part or be illuminated from any flashing or intermitted source.
- f. A minimum of 15% parking spaces shall be provided on a lot.
- g. A minimum of 10% of the lot area shall be landscaped, including screening areas. A landscaped strip not less than 3 feet in width shall be provided along all public streets and shall contain a 2-foot-high solid landscaping or a masonry wall not less than 2 feet in height except that these elements shall not be required in approved driveways.
- h. All parking stalls shall be provided with continuous secured curbing not less than 6 inches high and 18 inches wide to insure careful location of parked cars.
- i. Exterior refuse container enclosures shall have masonry walls not less than 6 feet high with latched doors. All trash disposal containers shall be located on the site in a manner which will establish their permanent location. At a minimum such trash containers shall be located at every entrance and exit to the premises.
- j. There shall be no other carry-out restaurant along the same street (or streets in the case of a corner location) nearer than 600 feet unless the average weekday traffic volume along such street or streets is more than 7,500 vehicles per day per carry-out restaurant. However, in no case shall a carry-out restaurant as provided for herein be permitted nearer than 300 feet from another such use on the same side of the street and in no case shall an additional such use be permitted at an intersection if two such uses already exist in that intersection.
- k. Parking area light poles shall be metal or masonry with underground wiring and not exceed 22 feet in height.

(1994 C., § 26.40.026; Ord. No. 69198, § 2, 7-18-2012; Ord. No. 62588, § 5(part), 1992.)

26.40.027 - Site requirement for motor fuel pumping stations.

Motor fuel pumping stations shall comply with the requirements in either of the following numbered paragraphs:

- A. The motor fuel pumping station is wholly contained within the accessory to a parking facility, provided there are no exterior signs on the premises advertising the motor fuel pumping station location; or
- B. All other motor fuel pumping stations provided that:
  - 1. There shall be no other motor fuel pumping station along the same street (or streets in the case of a corner location) nearer than 600 feet unless the average weekday traffic volume along such street or streets is more than 7,500 vehicles per day per station. However, in no case shall a station as provided for herein be permitted nearer than 300 feet from another such use on the same side of the street and in no case shall an additional station be permitted at an intersection if two such stations already exist in that intersection;
  - 2. Not more than one free-standing sign shall be permitted; said sign shall not exceed 25 feet in height nor exceed on all faces a total of 150 square feet of sign copy and shall be a minimum of 50 feet from any existing residential use or dwelling district;
  - 3. The total square frontage of all signs attached to the building shall not exceed 100 square feet, nor shall signs attached to any one facade occupy more than one-tenth of the facade, nor shall signs extend above the roof of the buildings or extend more than 25 feet in height above grade. Two streets may have a sign facing each street;
  - 4. Not more than one sandwich board type sign shall be permitted which shall indicate the types of gasoline for sale and the price thereof. Said sign shall not be placed on or extend into any public right-of-way;
  - 5. All banners, pennants and similar devices designed for temporary outdoor display shall be prohibited. All graphics shall be exhibited as a permanent source or displayed from permanently mounted sign backgrounds;
  - 6. No sign shall have any moving part or be illuminated from any flashing or intermittent source;
  - 7. Stations shall be screened at all property lines contiguous with or directly across an alley or public or private easement, other than a public street, from existing residential uses and dwelling districts. Screens shall consist of a masonry or wood barrier that is at least 70 percent opaque and not less than 6 feet in height and shall be maintained in good order;
  - 8. A trash enclosure, 6 feet in height, constructed of masonry or wood and opaque, shall be provided. Said enclosure shall be enclosed on all sides, and have a solid gate 6 feet in height providing access to the trash area. Trash shall not exceed the height of the enclosure. No trash, including, without limitation, discarded oil cans, batteries, signs, and tires, shall be stored on any section of the site, except within an enclosed structure;
  - 9. All hoist, service racks, accessory sales rack and vending machines shall be maintained within an enclosed building;

10. No driveway shall be closer than 20 feet to any residential use or dwelling district; and

11. No pump island shall be nearer than 20 feet to a property line.

(1994 C., § 26.40.027; Ord. No. 69198, § 2, 7-18-2012; Ord. No. 62588, § 5(part), 1992.)

#### 26.40.030 - Parking regulations.

The parking in the "E" Multiple Family Dwellings District, except as modified by Section 26.40.040 shall apply.

(1994 C., § 26.40.030; Ord. No. 62588, § 5(part), 1992.)

#### 26.40.040 - Specific parking and loading regulations.

In addition, the following uses shall provide parking space within 1,000 feet of the main building:

- A. Retail stores within floor area of more than 3,000 square feet shall provide parking space sufficient to accommodate one motor car for each 700 square feet of floor area in excess of 3,000 square feet which is actually used for the selling of merchandise.
- B. Banks and office buildings with floor area of more than 7,500 square feet shall provide parking space sufficient to accommodate one motor car for each 1,250 square feet of floor area in excess of 7,500 square feet which is actually used for banking purposes or for offices.
- C. Restaurants, bars, taverns, and exhibition halls with more than 1,000 square feet of floor area shall provide parking space sufficient to accommodate one motor car for each 200 square feet of floor area in excess of 1,000 square feet which is actually used by patrons or customers for such purposes.
- D. Theaters shall provide parking space sufficient to accommodate one motor car for each 12 seats.
- E. Mortuaries and funeral homes shall provide parking space sufficient to accommodate three motor cars for each chapel or parlor.
- F. Dance halls shall provide parking space sufficient to accommodate one motor car for each 100 square feet of floor area used for dancing.
- G. Bowling alleys shall provide parking space sufficient to accommodate 2 motor cars for each alley.
- H. All hereinafter erected or enlarged retail stores, food markets, restaurants, bars, taverns, mortuaries, laundries and dry cleaning establishments having or to have more than 5,000 square feet of gross floor area shall provide one loading space, at least 10 feet by 25 feet and having a 14-foot clearance, which shall be located off the public street, alley and sidewalk and on the same lot of