

CHAPTER 11

C-1 District -- Neighborhood Commercial District

Sec. 11-1. Uses Permitted; C-1 District.

The following uses are permitted in all C-1 Districts:

- (1) All uses permitted in Residential Districts R-13, R-11, R-9, R-8, and MD-T, EXCEPT one family, two family and duplex dwellings.
- (2) Antique shops conducted within a completely enclosed building.
- (3) Appliance stores.
- (4) Art shops.
- (5) Automobile parking lots, public or private.
- (6) Bakeries, whose products are sold only at retail on the premises.
- (7) Banks, or savings and/or building and loan associations.
- (8) Barber shops.
- (9) Baths, Turkish or massage parlor.
- (10) Beauty shops.
- (11) Bicycle sales and repairs.
- (12) Books or stationery stores.
- (13) Business and private schools and schools of dance, operated as a business enterprise.
- (14) Business or professional offices.
- (15) Cleaning collection or pick-up station.
- (16) Clothing stores.
- (17) Confectionery or dairy products store.
- (18) Custom dressmaking, millinery, or tailor shops.
- (19) Delicatessen store.
- (20) Dental clinic.
- (21) Department stores.

- (22) Drapery shops.
- (23) Drug stores.
- (24) Dry goods, notion, or variety stores.
- (25) Florist shops.
- (26) Fruit or vegetable store.
- (27) Furniture and floor covering shops.
- (28) Gasoline supply station.
- (29) Grocery store or supermarket.
- (30) Haberdashery stores.
- (31) Hardware stores.
- (32) Interior decorating shops.
- (33) Jewelry stores.
- (34) Job printing shops not exceeding five hundred (500) square feet of floor area.
- (35) Launderette and/or hand laundry.
- (36) Marine supplies, including pleasure craft sales.
- (37) Meat, seafood, or poultry market, excluding the killing of livestock or poultry.
- (38) Medical clinic.
- (39) News stand.
- (40) Pet shops.
- (41) Photographic studio.
- (42) Promotional events subject to the following:
 - (a) That an operating permit be secured from the Zoning Administrator at a cost of fifty dollars (\$50.00) for each permit issued.
 - (b) That the event conform and comply with the guidelines following:
 - 1. All rides shall be inspected and

approved by the City Building Official for safety and soundness.

2. All rides shall be surrounded with a restraining barrier to limit access to the rides.
 3. All electrical wiring shall, to the greatest extent possible, be placed in areas generally not open to the public or protected from public contact.
 4. All facilities for the preparation or dispensing of food shall be approved by the City Health Official.
 5. The sponsors or operators of the event shall provide security forces adequate to maintain order at the site.
 6. The event, if held in a parking area, shall not occupy more than ten percent (10%) of the total parking area.
 7. The sponsor or operator of the event shall provide proof of liability insurance in an amount predetermined by Council.
 8. The hours of operation shall be established at the time of application. However, no such event shall extend beyond the normal operating hour of the establishment being promoted.
 9. The provisions of these regulations in no way exempts any such event from complying with all other state and local codes and ordinances.
 10. All animals in any event shall be inoculated as required and approved by the City Health Official.
 11. Enclosures, buildings, shelters, and/or related equipment that may present a fire hazard shall be inspected and approved for use by the Fire Marshal.
- (c) That any such event shall be limited to not more than thirty (30) consecutive calendar days.
- (d) That the Zoning Administrator shall not issue

any operating permit if the proposed event would violate any provisions of the Zoning Ordinance or any other city codes or ordinances.

(43) Restaurants, lunchrooms, or cafes, excluding drive-ins, having dancing or live entertainment only after securing a Conditional Privilege for such dancing or live entertainment. (amended 10/23/96)

(43.1) Outdoor cafés, directly adjoining and as an accessory use to a restaurant, with an approved Use Permit.

(43.2) Deleted.

(44) Small loan offices.

(45) Shoe stores or shoe repair shops.

(46) Tailor, clothing, or wearing apparel shop.

(47) Taxicab offices.

(48) Telegraph offices.

(49) Theater, excluding open-air theaters, subject to securing a Conditional Privilege. (amended 10/23/96)

(50) U. S. Post Offices.

(51) Virginia ABC package stores.

(52) Accessory structures and uses: (amended 7/9/97)

(a) No more than six (6) coin-operated amusement machines shall be allowed as an accessory use at any business establishment.

(53) Cleaning and pressing establishments using closed type cleaning or pressing equipment where non-flammable liquid is used for cleaning solvent, subject to securing a Conditional Privilege. (amended 10/23/96)

(54) Commercial communication tower/antenna, subject to securing a Use Permit. (10/27/99)

(55) Boarding house.

(56) Hospital, sanitarium, convalescent or nursing

homes subject to securing a Use Permit.
(10/27/99)

- (57) Mobile/manufactured home parks and subdivisions, subject to securing a Use Permit. (10/27/99)
- (58) Deleted. (8/15/07)
- (59) Private clubs and lodges, subject to securing a Conditional Privilege. (amended 10/23/96)
- (60) Rooming house.
- (61) Semi-detached dwellings.
- (62) Professional office building.
- (63) Commercial Building Mounted Antenna; provided the following:
 - (a) The building is not a single family dwelling;
 - (b) The minimum height of the building shall be no less than thirty five (35) feet;
 - (c) The height of the antenna (including support structures) shall not exceed twenty two feet above the highest point of the building;
 - (d) The antenna and support structures are painted so that they are compatible with the primary building structure, unless roof mounted; and (amended 7/9/97)
 - (e) Intermodulation testing is coordinated through the Hampton Police Division demonstrating that the proposed antenna operation is designed in a manner to eliminate interference with public safety communications. Such testing shall also be required from each subsequent operator prior to any building permits to add or modify antennae. Should any equipment associated with the antennae be found to interfere with public safety communications, the owner shall be responsible for the elimination of such interference. (Amended 1/23/02)
- (64) Adult care residences 1, 2 and 3. (10/27/99)
- (65) Day care 1. (10/27/99)
- (66) Day care 2, in detached single family homes with non-conforming status, subject to securing a Special Exception from the Board of Zoning Appeals. Unless it makes a factual determination

that the proposed DC2 would be incompatible with the quiet enjoyment of surrounding properties, the Board shall issue the requested Special Exception. It may impose conditions governing factors related to the operation of said home, such as, but not limited to:

- (a) hours of operation;
- (b) location of play area and equipment;
- (c) fencing of play area;
- (d) limitations on signage;
- (e) record-keeping requirements and inspection by authorized personnel.

If the Board denies an application for Special Exception, no further application for Special Exception pertaining to the same use on the same property will be accepted by the Board for one (1) year following the date of denial. (10/27/99)

- (67) Day care 3, subject to securing a Conditional Privilege. (10/27/99)
- (68) Detention facility. (10/27/99)
- (69) Group home 1 and 2. (10/27/99)
- (70) Halfway house. (10/27/99)
- (71) Juvenile residence 1, 2 and 3. (10/27/99)
- (72) Orphanage, subject to securing a Use Permit. (10/27/99)
- (73) Shelter, subject to securing a Use Permit. (10/27/99)
- (74) Tourist home/bed & breakfast, subject to securing a Conditional Privilege. (10/27/99)
- (75) Other retail uses which are of the same general character as those listed above; and provided further, that these and the above specified stores, shops, or businesses shall be retail establishments primarily selling new merchandise, and shall be permitted only as set forth in Section 11-2 hereof.

Sec. 11-2. Limitations on Permitted Uses in C-1 Districts.

- (1) Such permitted stores, shops, offices, or businesses in a C-1 District, except gasoline supply stations and parking lots, shall be conducted wholly within an enclosed building.
- (2) All products, whether primary or incidental, shall be sold at retail on the premises.
- (3) In a C-1 District, no wholesaling or jobbing shall be carried on and no merchandise shall be stored other than to be sold at retail on the premises; and provided further, that no more than fifty percent (50%) of the floor area of any building shall be used for the storage of merchandise.

Sec. 11-3. Height Regulations; C-1 District.

No building in a C-1 District shall exceed two and one-half (2 1/2) stories or thirty five (35) feet in height, provided that the height limit for any building may be increased to not more than forty five (45) feet, but not to exceed three (3) stories when side yards of not less than fifty (50) feet each are provided.

Sec. 11-4. Building Setback Regulations; C-1 District.

- (1) Front Yard.

No front yard shall be required in a C-1 District.

- (2) Side Yard.

No side yard shall be required in a C-1 District except as follows:

- (a) Where a lot in a C-1 District adjoins a lot in any residential district, at that line, a side yard of ten percent (10%) of the lot's width shall be provided, but in no case less than ten (10) feet.
- (b) The side yard along the side street of a corner lot in a C-1 District shall be not less than fifteen (15) feet in width.
- (c) Where dwelling accommodations are hereafter provided in conjunction with any commercial use in a C-1 District, and in which all rooms do not open onto a front or rear yard, there shall be provided side yards of not less than ten (10) feet in width.

- (3) Rear Yard.

There shall be a rear yard in a C-1 District having a depth of not less than ten percent (10%) of the depth of the lot, but such rear yard need not exceed thirty (30) feet, and shall have a minimum depth of twenty (20) feet.

Sec. 11-5. Lot Area Per Family; C-1 District.

- (1) Deleted.
- (2) Townhouses and multiple dwellings, when erected in a C-1 District, shall comply with all area regulations and the front, side, and rear yards provisions of the MD-T district.
- (3) Deleted.

Sec. 11-6. Accessory Structures; C-1 District.

In any C-1 District:

- (1) Accessory structures shall not cover more than twenty percent (20%) of the rear yard.
- (2) No accessory structure shall be located closer than five (5) feet to the rear property line.
- (3) No accessory structure shall be located closer than three (3) feet to the side property line. (amended 7/9/97)

Sec. 11-7. Off-Street Parking and Loading; C-1 District.

- (1) Uses permitted in any C-1 District shall provide garage or vehicle parking space as required in Chapter 19 hereof.
- (2) Commercial uses shall provide off-street loading space as required in Chapter 19 hereof.