

***Proposed text amendments to the B-7 District (DRAFT, 6/14/2017):***

**DIVISION 25.  
B-7 MIXED-USE BUSINESS DISTRICT**

**Sec. 30-446.1 Intent of district.**

Pursuant to the general purposes of this chapter, the intent of the B-7 district is to encourage a broad range of mixed land uses, including residential, commercial and compatible industrial and service uses. The district is intended to promote enhancement of the character of mixed use areas that are undergoing revitalization and adaptive reuse by providing for alternative economic use of existing structures, while enabling continuation of existing industrial and service uses. The district regulations are intended to encourage appropriate infill development on undeveloped land, promote adaptive reuse of vacant or underutilized buildings and enable redevelopment of properties where continuation of current uses or adaptive reuse is not feasible. The district regulations are also intended to safeguard the character of adjoining properties, to maintain the predominant existing streetscape character by providing continuity of building scale and setbacks, to enhance public safety and encourage an active pedestrian environment appropriate to the mixed-use character of the district by providing for windows in building facades along street frontages. Finally, the district regulations are intended to assure adequate accessible parking and safe vehicular and pedestrian circulation, to facilitate a streetscape with minimum setbacks along principal street frontages and to provide for limited interruption by driveways and vehicular traffic across public sidewalk areas along principal street frontages.

**Sec. 30-446.2. Permitted principal and accessory uses.**

The following uses of buildings and premises shall be permitted in the B-7 district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district, except as specifically authorized by conditional use permit pursuant to section 30-446.3.

A plan of development shall be required as set forth in article X of this chapter for: such uses as specified in this section; construction of any new building of greater than 50,000 square feet of floor area; and construction of any new building or of any addition to an existing building, other than a single-family detached or two-family detached dwelling, when such new building or addition occupies a cumulative total of more than 1,000 square feet of lot coverage and where vehicular circulation, including driveways, parking areas or loading areas, is to be provided on the site; provided that a plan of development shall not be required for any use, new building or addition that is subject to approval of a conditional use permit or subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

- (1) Adult day care facilities.
- (2) Art galleries.
- (3) Auto service centers, subject to the provisions of section 30-446.3 (8), and provided that:
  - a. No such use shall be located on a transitional site.
  - b. A plan of development shall be required as set forth in article X of this chapter.
- (4) Banks, savings and loan offices and similar financial services, including accessory ATM's accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any ATM accessible from the exterior of a building.
- (5) Breweries producing not more than 100,000 barrels of beer per year and distilleries producing not more than 250,000 cases of liquor per year, subject to the provisions of section 30-446.3 (8).
- (6) Building materials and contractors' sales and storage yards and similar uses involving outside storage of materials or products other than scrapped or junked materials, subject to the provisions of section 30-446.3 (8), and provided that:
  - a. No such use shall be located on a transitional site.
  - b. Areas devoted to storage shall be enclosed by opaque fences or walls not less than six feet in height.
  - c. A plan of development shall be required as set forth in article X of this chapter.
- (7) Catering businesses.
- (8) Communications centers and telephone repeater stations operated by public service corporations.
- (9) Contractors' shops, offices and display rooms.
- (10) Day nurseries licensed by and subject to the requirements of the state department of social services.
- (11) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight.

(12) Dwelling units, other than a single-family detached, a single-family attached or a two-family dwelling, provided that when dwelling units are located within buildings located on lots having street frontage on Hull Street or Commerce Road **or designated street-oriented commercial streets**, a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other principal uses permitted in this district, and such uses shall have a depth of not less than 20 feet along the entire Hull Street and Commerce Road **or street-oriented commercial** frontages, except for ingress and egress, provided that dwelling units shall not be located in any building devoted to a use that is prohibited on a transitional site. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units. (Ord. No. 2011-205-2012-1, 1-9-2012)

(13) Entertainment, cultural and recreational uses, including theaters, museums, bowling alleys, amusement centers, and other commercial recreation facilities located within completely enclosed buildings.

(14) Funeral homes.

(15) Furniture repair and upholstery shops.

(16) Greenhouses and plant nurseries, subject to the provisions of section 30-446.3 (8).

(17) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises.

(18) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that a plan of development shall be required as set forth in article X of this chapter.

(19) Hotels, provided that:

a. The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length.

b. The ground floor of portions of buildings adjacent to principal **or priority** street frontages shall be devoted to those uses specified in subsections (2), (4), (17), (30), (37) or (39) of this section, provided that not more than 30 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use. (Ord. No. 2011-205-2012-1, 1-9-2012)

c. A plan of development shall be required as set forth in article X of this chapter.

(20) Janitorial and custodial service and supply establishments.

(21) Laboratories and research facilities which are not any more objectionable due to smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district, and which do not involve any manufacturing, processing or fabrication other than that incidental to testing or research activities conducted on the premises, subject to the provisions of section 30-446.3 (8).

(22) Laundromats and dry cleaning pick up stations.

(23) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a nonprofit organization.

**(24) Manufacturing uses of under 15,000 square feet of area, as listed in Sec. 30-452.1 (2) a. but not allowing (13), Sec. 30-452.1 (2) c., Sec. 30-452.1 (2) d., or (34) in Sec. 30-452.1 (2) e. A plan of development shall be required as set forth in article X of this chapter.**

~~(24)~~ **(25)** Marinas, provided that a plan of development shall be required as set forth in article X of this chapter; and boathouses, piers and docks.

~~(25)~~ **(26)** Nursing homes, provided that a plan of development shall be required as set forth in article X of this chapter.

~~(26)~~ **(27)** Office supply, business and office service, photocopy and custom printing establishments.

~~(27)~~ **(28)** Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the arts.

~~(28)~~ **(29)** Parking areas and parking lots, subject to the provisions of section 30-446.3 (8), and provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way, and provided further that a plan of development shall be required as set forth in article X of this chapter for construction of any parking area for five or more vehicles which is accessory to and located on the same lot as a use for which a plan of development is required.

~~(29)~~ **(30)** Parking decks and parking garages, provided that:

a. No portion of such structure located along a principal **or priority** street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal **or priority** street frontage or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available

for adequate access. In the case of a portion of a story located along a principal **or priority** street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this paragraph prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade. (Ord. No. 2011-205-2012-1, 1-9-2012)

b. Except as provided in paragraph (a) of this subsection (29), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity.

c. ~~Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and~~ Any card reader or other access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way.

d. A plan of development shall be required as set forth in article X of this chapter.

~~(30)~~ **(31)** Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments.

~~(31)~~ **(32)** Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building.

~~(32)~~ **(33)** Postal and package mailing services, but not including distribution centers.

~~(33)~~ **(34)** Printing, publishing and engraving establishments.

~~(34)~~ **(35)** Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith.

~~(35)~~ **(36)** Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 15 feet above ground level, or in the case of a building mounted antenna, 15 feet above the surface of the building on which it is mounted, and that a plan of

development as set forth in article X of this chapter shall be required for any ground-mounted antenna.

~~(36)~~ **(37)** Repair businesses conducted within completely enclosed buildings.

~~(37)~~ **(38)** Restaurants, tea rooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

a. No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district.

b. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with "Fence and Wall Design Guidelines" adopted by resolution of the planning commission, as amended, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines.

~~(38)~~ **(39)** Retail sales and food or beverage sales conducted in an open area or structure by one or more individual vendors operating from stalls, stands, carts or other spaces which are rented or otherwise made available to such vendors.

~~(39)~~ **(40)** Retail stores and shops.

~~(40)~~ **(41)** Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses, unless owned or operated by a government agency.

~~(41)~~ **(42)** Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site.

~~(42)~~ **(43)** Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household

or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building.

~~(43)~~ **(44)** Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith.

~~(44)~~ **(45)** Tourist homes.

~~(45)~~ **(46)** Uses owned or operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment or housing of persons who are currently illegally using or are addicted to a controlled substance as defined in section 54.1-3401 of the Code of Virginia.

~~(46)~~ **(47)** Uses permitted in the M-1 and M-2 districts and not otherwise listed as permitted uses in this division, when such uses are lawfully existing on the effective date of the ordinance to include the property in the B-7 district, and:

(a) Such uses shall not be considered nonconforming uses, shall not be subject to the limitations on nonconforming uses set forth in article VIII of this chapter and, subject to the provisions of section 30-446.3 (6), may be extended, expanded or enlarged to occupy any portion of the property devoted to the use at the time of its inclusion in the B-7 district.

(b) Any such use may be changed to another use that is permitted by right or by conditional use permit in the B-7 district, or to a use that is first permitted in the same district as or a more restricted district than the district in which such use is first permitted, subject to the provisions of section 30-454.1(2).

(c) In the case of a building or portion thereof that is vacant on the effective date of the ordinance to include the property in the B-7 district, the last lawful use, subject to the provisions of sections 30-800.4 and 30-800.5, to occupy such building or portion thereof shall determine the applicability of this subsection.

~~(47)~~ **(48)** Wholesale, warehouse and distribution establishments with not more than 30,000 square feet of floor area devoted to storage of goods, subject to the provisions of section 30-446.3 (8), and provided that a plan of development shall be required as set forth in article X of this chapter.

~~(48)~~ **(49)** Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, subject to the provisions of section 30-446.3 (8), and in accordance with the additional requirements of sections 30-692.1--30-692.6, provided that a plan of development shall be required as set forth in article X of this chapter.

(49) **(50)** Accessory uses and structures, including ATM's accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

**Sec. 30-446.3. Principal uses permitted by conditional use permit.**

The following uses of buildings and premises may be permitted in the B-7 district by conditional use permit as set forth in article X of this chapter:

(1) Drive-up facilities in conjunction with principal uses permitted by section 30-446.2, provided that:

a. No such use shall be located on a transitional site.

**b. No such use shall be located on a priority street frontage or a street-oriented commercial street frontage.**

c. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length.

(2) Motor fuels dispensing in conjunction with principal uses permitted by section 30-446.2, provided that:

a. No such use shall be located on a transitional site.

**b. No such use shall be located on a priority street frontage or a street-oriented commercial street frontage.**

c. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length.

d. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor shall not be located within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands shall not extend within ten feet of any street line.

(3) Nightclubs; (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

(4) Required off-street parking consisting of less than one parking space per dwelling unit, but not less than one parking space per two dwelling units, serving multifamily dwellings located in buildings existing on February 22, 2010, when such off-street parking is located on the site of the dwelling units or off the premises.

**~~(5) Retail sales of liquor. (Ord. No. 2011-29-150, § 12, 9-12-2011)~~**



~~(6)~~ **(5)** Self-service auto washing facilities and automatic auto washing facilities operated by attendants, provided that:

- a. No such use shall be located on a transitional site.
- b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length.
- c. Doors, curtains or screens shall be installed as necessary to prevent water spray from blowing onto adjacent properties.

~~(7)~~ **(6)** Social service delivery uses.

~~(8)~~ **(7)** Uses listed in section 30-446.2 (3), (5), (6), (16), (21), (28), (47) and (48) and the extension, expansion or enlargement of a use listed in section 30-446.2 (46), when any such use is located on a lot having street frontage on Hull Street or Commerce Road.

#### **Sec. 30-446.4. Yards.**

Yard regulations in the B-7 district shall be as follows (see article VI, division 4, of this chapter):

(1) *Front yard.*

- a. Where no existing buildings are located on adjacent lots along the same street frontage, no front yard shall be required. In no case shall a front yard with a depth greater than ten feet be permitted, except as may be authorized pursuant to paragraph “d” of this subsection.
- b. Where an existing building is located on one adjacent lot along the same street frontage, the front yard shall be the same as the front yard provided for such existing building, but in no case greater than ten feet. Where the front yard of such existing building is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this paragraph may be authorized pursuant to paragraph “d” of this subsection.
- c. Where existing buildings are located on both adjacent lots along the same street frontage, the front yard shall be the same as the front yard provided for the existing building closest to the street, but in no case greater than ten feet. Where the front yard of the existing building closest to the street is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this paragraph may be authorized pursuant to paragraph “d” of this subsection.

d. A front yard with a depth greater than permitted by application of the provisions of paragraphs “a” through “c” of this subsection may be provided when such front yard is improved for purposes of a pedestrian plaza or outdoor dining area as permitted by section 30-446.2 of this division and is approved subject to a plan of development as set forth in article X of this chapter. Except where the property is within an old and historic district, the city urban design committee shall review the application and plans and submit a recommendation to the director of planning and development review prior to approval of such plan of development by the director.

e. A building entrance feature that is set back from the street a greater distance than the primary building façade along the street and that is no greater than two times the width of the building entranceway shall be permitted, and shall not be subject to the provisions of this subsection.

(2) *Side yard.* No side yards shall be required, except that where a side lot line abuts or is situated across an alley from property in an R or RO district there shall be a side yard of not less than ten feet in width.

(3) *Rear yard.* No rear yard shall be required, except that where a rear lot line abuts or is situated across an alley from property in an R or RO district there shall be a rear yard of not less than 20 feet in depth.

#### **Sec. 30-446.5. Screening.**

Screening regulations in the B-7 district shall be as follows:

(1) Where a side or rear lot line abuts property in an R district, there shall be a continuous evergreen vegetative screen not less than three and one-half feet in height at the time of installation or opaque structural fence or wall not less than four feet in height erected along such lot line, but not within 15 feet of any street line. Evergreen vegetative material intended to satisfy this provision shall be planted at such intervals that will result in a continuous visual screen within one year of planting.

(2) Screening of parking areas and refuse areas shall be provided as set forth in sections 30-660 and 30-710.12 of this chapter.

#### **Sec. 30-446.6. Requirements for areas devoted to parking or circulation of vehicles.**

(a) *Location of parking and circulation areas.* Areas devoted to the parking or circulation of vehicles shall not be located between the main building on a lot and the street line, nor shall such areas be located closer to the street than the main building on the lot. On a lot having more than one street frontage, the provisions of this paragraph shall apply ~~only along~~ **to the** principal street frontage of the

lot as defined in article XII of this chapter **as well as any priority street frontage.**

(b) *Driveways from streets.* No driveway intersecting a street ~~which constitutes the principal street frontage of a lot~~ shall be permitted when ~~other street frontage or~~ alley access is available to serve such lot. **No driveway intersecting a street which constitutes the principal street frontage of a lot shall be permitted when other street frontage is available to serve such lot.** For purposes of this provision, principal street frontage shall be as defined in article XII of this chapter.

(c) *Improvement requirements and landscaping standards.* In addition to the provisions of this section, parking areas and parking lots shall be subject to the applicable improvement requirements and landscaping standards set forth in article VII, division 2.1 of this chapter.

### **Sec. 30-446.7. Height.**

Height regulations in the B-7 district shall be as follows:

(1) *Maximum height in general.* No building shall exceed five stories in height. For purposes of this section, story height as defined in article XII of this chapter shall be not less than ten feet and not greater than 15 feet, except that the ground floor of a building may be of greater height. (Ord. No. 2011-205-2012-1, 1-9-2012)

(2) *Maximum height in special cases.* Where there are no buildings existing on an entire block at the time of development, or where there are existing buildings to be retained and vacant land to be developed on an entire block, and where the entire block is to be developed under the same ownership or control pursuant to an overall development plan, the maximum permitted height shall be six stories.

(3) *Determination of number of stories.* For purposes of this section, the number of stories in a building shall be determined by application of the definition of "story" set forth in article XII of this chapter and shall be measured at the building facade along the street frontage of the lot or, in the case of a corner lot, shall be measured at the building facade along the principal street frontage of the lot.

### **Sec. 30-446.8. Building facade fenestration.**

Fenestration requirements applicable to building facades along street frontages in the B-7 district shall be as set forth in this section. In the case of a corner lot, the requirements shall be applicable along the principal street frontage of the lot **as well as any priority street frontage.**

(1) *Street level story.*

a. *Nondwelling uses.* For nondwelling uses, other than those listed in subsections 30-446.2 (1), (3), (5), (6), (8), (10), (14), (16), (18), (21), (23), (24), (25), (29), (44), (45), (46) and (47), a minimum of 60 percent of the

building facade between two and eight feet in height along the street frontage shall be comprised of windows or glass doors or both that allow views into and out of the interior building space. Windows used to satisfy this requirement shall have a minimum height of four feet. In the case of a street level story having less than its full height above the mean grade level at the building facade along the street frontage of the lot, a minimum of 30 percent of the building facade above such mean grade level shall be comprised of windows or glass doors or both that allow views into and out of the interior building space, provided that in the case of any portion of a story having less than five feet of its height above the grade level at the building facade along the street frontage of the lot, the requirements of this subsection (1)a shall not apply.

b. *Dwelling uses.* For dwelling uses, other than single-family and two-family dwellings, windows shall comprise a minimum of 30 percent of the building facade between two and eight feet in height along the street frontage. In the case of a street level story having less than its full height above the mean grade level at the building facade along the street frontage of the lot, windows shall comprise a minimum of 15 percent of the building facade above such mean grade level, provided that in the case of a street level story having less than five feet of its height above the mean grade level at the building facade along the street frontage of the lot, the requirements of this subsection (1)b shall not apply. In all cases, windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

(2) *Upper stories.*

a. *Nondwelling uses.* For nondwelling uses, other than those listed in subsection (1)a of this section, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height above the floor level of each story above the street level story.

b. *Dwelling uses.* For dwelling uses, other than single-family and two-family dwellings, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height above the floor level of each story above the street level story. The types of permitted windows shall be as specified in subsection (1)b of this section.

(Div. 25, §§ 30-446.1-30-446.3-9; Ord. No. 2010-19-31, § 1, 2-22-2010; Ord. No. 2011-205-2012-1, 1-9-2012)

**[Editor's Note:** Ord. No. 2004-180-167, § 3, adopted June 28, 2004, repealed Div. 24, §§ 30-444.1-30-444.5, and Div. 25, §§ 30-446.1-30-446.3 which pertained to B-6 central business district and B-7 central

business district, respectively, and derived from Code 1993, §§ 32-444.1-32-444.5; Code 1993, §§ 32-446.1-32-446.3, respectively.]