

DIVISION 22. B-4 CENTRAL BUSINESS DISTRICT

Sec. 30-440.1. Permitted principal and accessory uses.

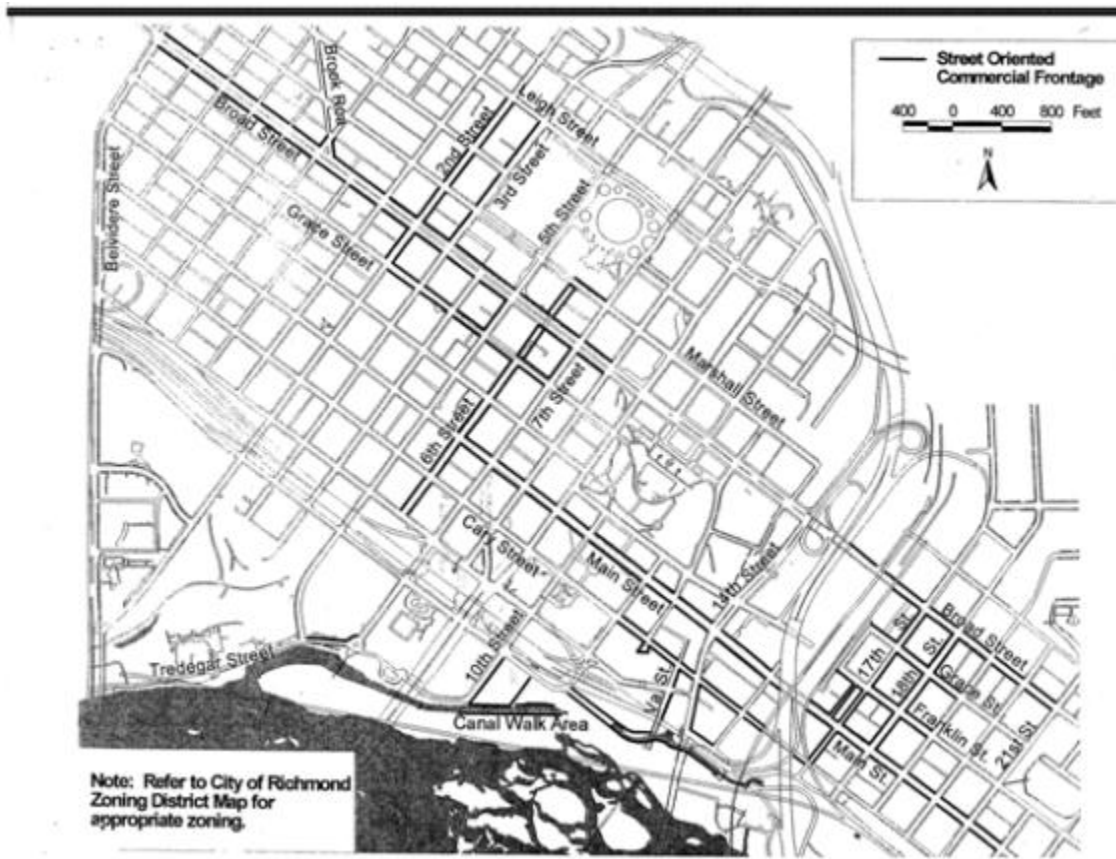
The following uses of buildings and premises shall be permitted in the B-4 district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district unless specifically set forth in this section.

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 addition to any existing building 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 that is 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) Adult entertainment establishments, adult book stores, adult motion picture theaters and massage parlors; provided that the property devoted to any such use shall not be situated within 1,000 feet of property in an R or RO district, nor within 1,000 feet of any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodginghouse, tourist home, day care center, nursing home, hotel, motel or other adult entertainment establishment, adult book store, adult motion picture theater or massage parlor;
- (3) Art galleries;
- (4) Auto rental establishments;
- (5) Banks, savings and loan offices and similar financial services, including drive-up facilities in conjunction therewith and accessory automated teller machines 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 such use with drive-up facilities or an automated teller machine accessible from the exterior of a building;
- (6) Catering businesses;
- (7) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use the temporary housing of not more than 30 homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year;
- (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 of Virginia 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, and provided further that no such use shall be located on a transitional site;

(12) Dwelling units, provided that when such units are located within buildings fronting on streets designated as street oriented commercial frontage, as shown below, 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 street oriented commercial frontage, except for ingress and egress. 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) Funeral homes;

(14) Furniture repair and upholstery shops;

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

(16) 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;

(17) Hotels, provided that:

- a. No such use shall be located on a transitional site;
- b. The ground floor of portions of buildings adjacent to principal street frontages shall be devoted to those uses specified in subsections (3), (5), (15), (29), (39) or (40) of this section; provided that not more than 50 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use, except entrances or lobbies existing at the effective date of this provision that exceed 50 percent of such frontage shall be permitted, but shall not be expanded to occupy a greater percentage of such frontage. (Ord. No. 2010-177-173, § 1, 10-11-2010; 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.

(18) Janitorial and custodial service and supply establishments;

(19) 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;

(20) Laundromats and laundry and dry cleaning pick-up stations;

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

(22) Marinas, including facilities for dispensing motor fuels, provided that a plan of development shall be required as set forth in article X of this chapter for any marina; and boathouses, piers and docks;

(23) Nursing homes, provided that a plan of development shall be required as set forth in article X of this chapter;

(24) Office supply, business and office service, photocopy and custom printing establishments;

(25) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;

~~(26) Parking areas and parking lots, 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;~~

(27) Parking decks and parking garages, provided that:

- a. No portion of the ground floor of such structure located along a principal 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 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 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. Upper stories of such structure may be used for parking or related circulation of vehicles subject to the fenestration requirements set forth in section 30-440.7(2);

b. Except as provided in paragraph (a) of this subsection (27), 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. (Ord. No. 2010-177-173, § 1, 10-11-2010; Ord. No. 2011-205-2012-1, 1-9-2012)

(28) Personal loan and financial services;

(29) 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;

(30) 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;

(31) Postal and package mailing services, but not including package distribution centers;

(32) Printing, publishing and engraving establishments employing not more than 20 persons on the premises;

(33) Private elementary and secondary schools having curricula substantially the same as that offered in public schools;

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

(35) Public utilities installations, equipment buildings and passenger terminals for public transportation, including servicing of motor vehicles used in connection therewith when such servicing is conducted within a completely enclosed building, provided that no passenger terminal shall be located on a transitional site;

(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;

(37) Recreation and entertainment uses, including theaters, museums, amusement centers, lodges and clubs, meeting facilities, auditoriums and assembly halls, when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

(38) Repair businesses conducted within completely enclosed buildings;

(39) Restaurants, tearooms, 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, 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;

c. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises.

(40) Retail stores and shops, provided that not more than 70 percent of the floor area may be devoted to storage of merchandise to be sold at retail on the premises;

(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;

(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;

(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;

(44) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;

(45) 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;

(46) Social service delivery uses, provided that:

- a. A plan of development shall be required as set forth in article X of this chapter;
- b. No property devoted to such use shall be situated within 500 feet of property occupied by another social service delivery use or an adult care residence, group home, lodginghouse or shelter;
- c. A management program, addressing not less than the following elements shall be submitted as part of the plan of development application. The director of planning and development review may include as conditions, elements of the management program as part of the approval of a plan of development. If a particular element listed below is not applicable to a specific type of use because of the characteristics of that use, the management program shall include a statement of why the element is not applicable:
 - 1. Detailed description of the managing entity, including the organizational structure, names of the board of directors, mission statement, and any by laws;
 - 2. Detailed description of programs offered on the premises, including operating procedures and characteristics, the intent of the programs and a description of how the programs support a long term strategy for meeting the clients' needs;
 - 3. Detailed description of off-site programs offered, and/or description of linkages to programs operated by others;
 - 4. Detailed description of the number and type of clients to be served, including an outline of program objectives, eligibility criteria, and requirements for referrals to other programs;
 - 5. Operational details for on-site programs including: hours of operation, number and type of staff, staff qualifications, and typical hours worked by staff; method of client supervision; operating procedures including procedures for orienting a new client to the facility's programs; expectations for clients; prerequisites for continued client enrollment such as a requirement that the client participate in programs; rules of behavior for clients; the location and nature of any security features and arrangements; and names and telephone numbers of persons to contact in emergencies and any emergency procedures;
 - 6. Annual operating budget, including sources of funding.

(47) Tourist homes;

(48) 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;

(49) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30- 692.1 through 30-692.6;

(50) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of

buildings devoted to permitted principal uses other than individual dwelling units or lodging units **and including parking areas and parking lots, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter, the off-street parking improvement requirements and landscaping standards in sections 30- 710.10 through 30-710.16 shall be required, and 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.** (Code 1993, § 32-440.1; Ord. No. 2004-180-167, §§ 2, 4, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006)

Sec. 30-440.2. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the B-4 district by conditional use permit as set forth in article X of this chapter:

- (1) Adult care residences;
- (2) Group homes;
- (3) Lodginghouses;
- (4) Nightclubs; (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)
- (5) Retail sales of liquor;
- (6) Shelters;

(7) Parking areas and parking lots.

(Ord. No. 2004-180-167, § 4, 6-28-2004; Ord. No. 2011-29-150, § 12, 9-12-2011)

Sec. 30-440.3. Yards.

Yard regulations in the B-4 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, outdoor dining area as permitted by section 30-440.1 of this division or vehicular drop-off or pick-up area permitted by section 30-440.4:1 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 yards. No side yards shall be required except as provided in subsection (4) of this section, and except that where a side lot line abuts 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 as provided in subsection (4) of this section, and 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.

(4) Side and rear yards adjacent to shelters. Side and rear yards adjacent to newly constructed buildings or portions thereof devoted to shelters shall be not less than 15 feet in depth. (Ord. No. 2011-205-2012-1, 1-9- 2012)

(5) Spaces between buildings on same lot. Where two or more buildings, at least one of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than 15 feet. (Ord. No. 2010-177-173, § 1, 10-11-2010)

Sec. 30-440.4. Screening.

Screening regulations in the B-4 central business district shall be as follows:

(1) Where a side lot line abuts property in an R district, there shall be a continuous evergreen vegetative screen not less than 3 1/2 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 subsection shall be planted at such intervals that will result in a continuous visual screen within one year of planting.

(2) Where a use prohibited on a transitional site is situated across an alley from the side lot line of property in an R district, there shall be an opaque structural fence or wall not less than four feet in height erected along the alley line, but not within 15 feet of any street line.

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

Sec. 30-440.4:1. 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, this subsection shall apply only along the principal street frontage of the lot as defined in section 30-1220. This subsection shall not be construed to prohibit vehicular drop-off or pick-up areas serving hotels or hospitals when approved in accordance with the provisions of paragraph 30-440.3 (1) "d" of this division.

(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. For purposes of this subsection, principal street frontage shall be as defined in section 30-1220. This subsection shall not be construed to prohibit vehicular drop-off or pick-up areas serving hotels or hospitals when approved in accordance with the provisions of paragraph 30-440.3 (1) "d" of this division.

(c) Improvement requirements and landscaping standards. In addition to subsections (a) and (b) 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. [Ord. No. 2010-177-173, § 1, 10-11-2010]

Sec. 30-440.5. Floor area and usable open space.

In the B-4 central business district, the following floor area and usable open space ratios shall be applicable (see section 30-1220):

(1) Floor area ratio. The floor area ratio shall not exceed 6.0, provided that additional floor area for nondwelling uses shall be permitted as set forth in section 30-690.

(2) Usable open space ratio. A usable open space ratio of not less than 0.08 shall be provided for newly constructed buildings or portions thereof devoted to dwelling uses or shelters. 110 Sec. 30-440.6. Height. There shall be no maximum height limit in the B-4 central business district, provided that no portion of a building shall penetrate an inclined plane originating at the centerline of each abutting street and extending over the lot at an inclination of one foot horizontal for each four feet vertical and provided, further, that such inclined plane may be penetrated by a building wall adjacent to a street for a horizontal distance not exceeding 50 percent of the length of the property line along such street.

Sec. 30-440.7. Building facade fenestration. Fenestration requirements applicable to building facades along street frontages in the B-4 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.

(1) Street level story.

a. Nondwelling uses. For nondwelling uses, other than those listed in subsections 30-440.1 (1), (7), (8), (10), (13), (16), (19), (21), (33), (35), (47) and (48), and other than shelters, 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 façade along the street frontage of the lot, a minimum of 30 percent of the building façade 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, tourist homes and shelters, windows or glass doors or both that allow views out of the interior of the building space 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 or glass doors or both that allow views out of the interior building space shall comprise a minimum of 15 percent of the building facade above such mean grade level, 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) "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 30-440.7 (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, tourist homes and shelters, 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. Such 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. (Ord. No. 2010-177-173, § 1, 10-11-2010; Ord. No. 2011-205-2012-1, 1-9-2012)

DIVISION 23. B-5 CENTRAL BUSINESS DISTRICT

Sec. 30-442.1. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the B-5 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.

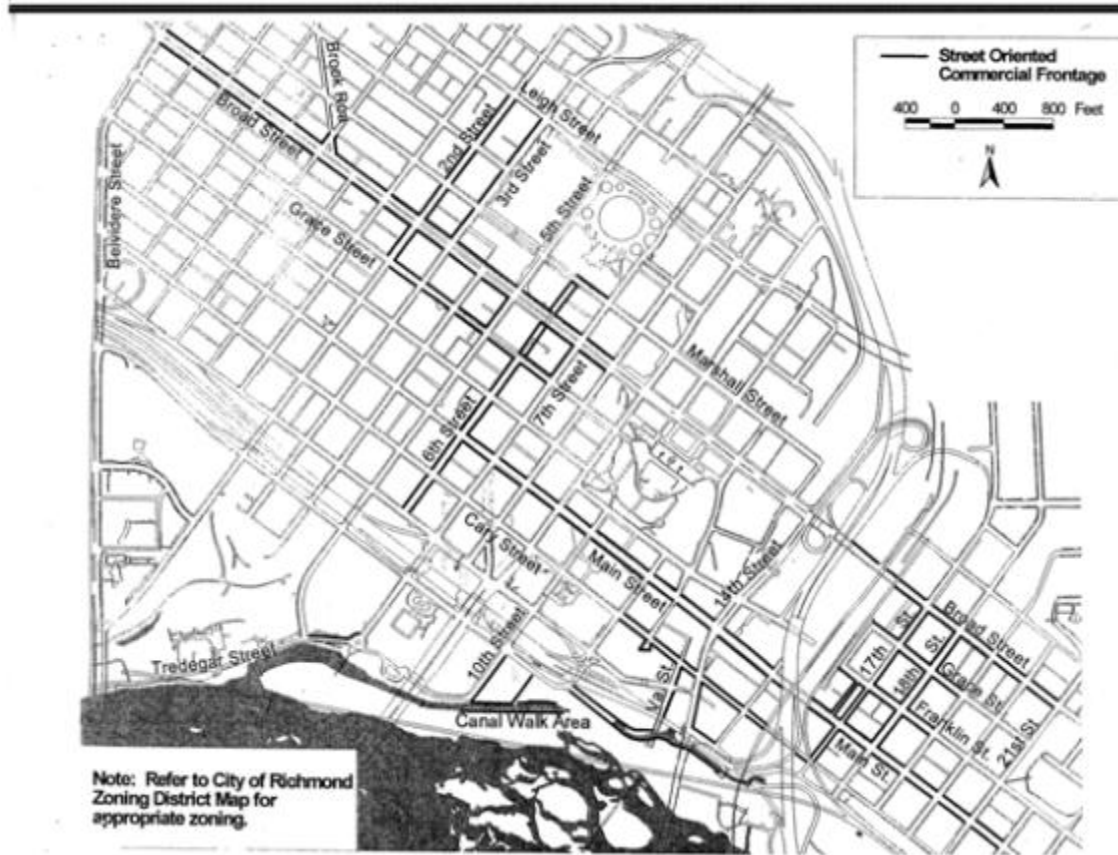
A plan of development shall be required as set forth in article X of this chapter for such uses as specified in this section and for any newly constructed building with greater than 50,000 square feet of floor area, provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Art galleries;

(2) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible only from the interior of buildings devoted to such uses;

(3) 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, and provided further that no such use shall be located on a transitional site;

(4) Dwelling units, provided that when such units are located within buildings fronting on streets designated as street oriented commercial frontage, as shown below, 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 street oriented commercial frontage, except for ingress and egress. 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)



- (5) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;
- (6) Hotels, provided that: [Ord. No. 2010-177-173, § 1, 10-11-2010]
 - a. No such use shall be located on a transitional site;
 - b. The ground floor of portions of buildings adjacent to principal street frontages shall be devoted to those uses specified in subsections (1), (2), (5), (13), (18) or (19) 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. 2010-177-173, § 1, 10-11-2010; 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.
- (7) Laundromats and laundry and dry cleaning pick-up stations;
- (8) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a governmental agency or a nonprofit organization; and other uses required for the performance of a governmental function and primarily intended to serve residents of adjoining neighborhoods;
- (9) Office supply, business and office service, photocopy and custom printing establishments;
- (10) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;

~~(11) Parking areas and parking lots, 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;~~

(12) Parking decks and parking garages, provided that:

a. No portion of such structure located along a principal 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 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 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;

b. Except as provided in paragraph (a) of this subsection (12), 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. (Ord. No. 2010-177-173, § 1, 10-11-2010; Ord. No. 2011-205-2012-1, 1-9-2012) 113 (13)

(13) 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;

(14) Postal and package mailing services, but not including package distribution centers;

(15) Printing, publishing and engraving establishments employing not more than 20 persons the premises;

(16) Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

(17) Recreation and entertainment uses, including theaters and museums, when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

(18) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses and 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, 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;
- c. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises.

(19) Retail stores and shops;

(20) 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;

(21) 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;

(22) 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;

(23) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30-692.1 through 30-692.6;

(24) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units; **and including parking areas and parking lots, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter, the off-street parking improvement requirements and landscaping standards in sections 30-710.10 through 30-710.16 shall be required, and 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.** (Code 1993, § 32-442.1; Ord. No. 2004-180-167, §§ 2, 4, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006)

Sec. 30-442.1.1 Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the B-5 district by conditional use permit as set forth in article X of this chapter:

- (1) Nightclubs; (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)
- (2) Retail sales of liquor. (Ord. No. 2011-29-150, 9-12-2011)

(3) Parking areas and parking lots.

Sec. 30-442.2. Nonconforming uses.

Alterations to buildings or structures devoted to nonconforming uses in the B-5 central business district shall be subject to section 30-800.1.

Sec. 30-442.4. Yards.

Yard regulations in the B-5 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 30-440.1 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. [Ord. No. 2010-177-173, § 1, 10-11-2010]

(2) Side yards. 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. 30-442.5. Screening.

Screening regulations in the B-5 central business district shall be as follows:

(1) Where a side lot line abuts property in an R district, there shall be a continuous evergreen vegetative screen not less than 3 1/2 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 subsection 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.

Sec. 30-442.5:1. 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, this subsection shall apply only along the principal street frontage of the lot as defined in section 30-1220.

(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. For purposes of this subsection, principal street frontage shall be as defined in section 30-1220.

(c) Improvement requirements and landscaping standards. In addition to subsections (a) and (b) 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. [Ord. No. 2010-177-173, § 1, 10-11-2010]

Sec. 30-442.6. Height.

Height regulations in the B-5 district shall be as follows:

(1) Maximum height. No building shall exceed five stories in height. For purposes of this section 30-442.6, 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) Minimum height. Every main building hereinafter constructed shall have a minimum height of not less than two stories, except that porches, porticos and similar structures attached to a main building may be of lesser height.

(3) Determination of number of stories. For purposes of this section 30-442.6, 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. [NOTE: Section (4) entitled, "Height measurement in case of floodplains" was repealed from the Ordinance on January 9, 2012, but was Reordained as Division 13 entitled, "Special Provisions in Floodplains" (See: 30-696 – 30-696.3)] (Ord. No. 2010-177-173, § 1, 10-11-2010; Ord. No. 2011-205-2012-1, 1-9-2012)

Sec. 30-442.7. Building facade fenestration.

Fenestration requirements applicable to building facades along street frontages in the B-5 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.

(1) Street level story.

a. Nondwelling uses. For nondwelling uses, other than those listed in subsection 30-442.1 (8), 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 a street level 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, 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 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 or glass doors or both that allow views out of the interior building space shall comprise a minimum of 15 percent of the building facade above such mean grade level, 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) "b" shall not apply. In all cases, windows shall be doublehung, 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 30-442.1 (8), 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, 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. Such 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. (Ord. No. 2010-177-173, § 1, 10-11-2010; Ord. No. 2011-205-2012-1, 1-9-2012)

ARTICLE VII.

OFF-STREET PARKING AND LOADING REQUIREMENTS

DIVISION 1. GENERALLY

Sec. 114-700. Applicability of article.

Off-street parking and loading spaces for uses permitted by this chapter shall be provided in such numbers, at such locations and with such improvements as required by this article.

DIVISION 2. OFF-STREET PARKING REGULATIONS

Sec. 114-710.1. Number of spaces required for particular uses.

- (a) Except as otherwise provided in this article, the minimum number of off-street parking spaces required for uses located in any district shall be as follows (if property is located in a parking overlay (PO) district, see article IX of this chapter:

	Use	Number of Spaces Required	
(1)	Dwelling, single-family detached	1	
(2)	Dwelling, single-family attached	1	
(3)	Dwelling, two-family	2	
(4)	Dwelling, multifamily:		
	a.	One main building on a lot of record	1 per dwelling unit
	b.	More than one main building on a lot of record	1.5 per dwelling unit containing 2 bedrooms or more; 1.25 per dwelling unit containing fewer than 2 bedrooms
	c. (Ord. No. 2008-2-55, § 2, 3-24-2008)	In R-63 district	1 per dwelling unit (Ord. No. 2008-2-55, § 2, 3-24-2008)

(4.1)	<p>Dwelling unit: (Ord. No. 2008-2-55, § 2, 3-24-2008)</p> <p>a. Ord. No. 2006-168-189, § 2, 7-10-06) (Ord. No. 2008-2-55, § 2, 3-24-2008)</p> <p><u>b.</u></p> <p><u>c.</u></p> <p>d. (Ord. No. 2008-2-55, § 2, 3-24-2008)</p> <p>e. (Ord. No. 2008-2-55, § 2, 3-24-2008; Ord. No. 2010-19-31, § 3, 2-22-2010)</p>	<p>In B-1, B-2, B-3, B-4, B-5 and UB districts where such units are contained within the same building as a non-dwelling use</p> <p>(Ord. No. 2006-168-189, § 2, 7-10-06) (Ord. No. 2008-2-55, § 2, 3-24-2008)</p> <p><u>In B-4 and B-5 districts</u></p> <p><u>In B-4 district where such units are contained within the same building as a non-dwelling use.</u></p> <p>In UB-2 district where such units are contained within the same building as a non-dwelling use.</p> <p>(Ord. No. 2008-2-55, § 2, 3-24-2008)</p> <p>In B-6, B-7, RF-1 and RF-2 districts</p> <p>(Ord. No. 2006-197-217, § 4, 7-24-06) (Ord. No. 2008-2-55, § 2, 3-</p>	<p>None for 1 to 3 units; otherwise, 1 per 4 dwelling units.</p> <p>(Ord. No. 2008-2-55, § 2, 3-24-2008)</p> <p><u>None for 1 to 16 dwelling units; otherwise, 1 per 4 dwelling units over 16 units</u></p> <p><u>None</u></p> <p>1 per 2 dwelling units (Ord. No. 2008-2-55, § 2, 3-24-2008)</p> <p>1 per dwelling unit (see section 114-446.3)</p>
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		24-2008) (Ord. No. 2008-36-57, § 3, 3-24-2008; Ord. No. 2010-19-31, § 3, 2-22-2010)	(Ord. No. 2008-2-55, § 2, 3-24-2008; Ord. No. 2010-19-31, § 3, 2-22-2010)
(5)	Dwelling, multifamily, where at least 90 percent of units are occupied by persons 60 years or more of age		1 per 2 dwelling units
(5.1) (Ord. No. 2006-197-217, § 4, 7-24-06)	Live/work unit		1
(6)	Mobile home		Average of 1.5 per unit
(7)	Tourist home, hotel or motel:		
	a.	RO-3, HO, B-4, B-5 , B-6, B-7, RF-1, RF-2, CM and DCC districts (Ord. No. 2006-168-189, § 2, 7-10-06; (Ord. No. 2010-19-31, § 3, 2-22-2010)	1 per guestroom up to 100 rooms, plus 1 per every 2 guestrooms over 100 rooms
	<u>b.</u>	<u>B-4, B-5</u>	<u>1 per every 4 guestrooms</u>
	c.	All other districts	1 per guestroom
(8)	Lodginghouse		1 per 2 occupants
(9)	Fraternity or sorority house		1 per 4 beds
(10)	Nursing home, adult care residence, group home, shelter		1 per 4 beds
(11)	Hospital		1 per 3 beds, plus 1 per 3 employees and staff
(12)	Church or other place of worship		1 per 8 seats in main auditorium

(13)	Day nursery	1 per 2 employees
(14)	School: kindergarten through junior high (public or private)	1 per 10 seats in main auditorium or 1 per classroom, whichever is greater
(15)	School: high school, college or vocational (public or private)	1 per 8 seats in main auditorium or 3 per classroom, whichever is greater
(16)	Lodge, club or meeting facility	1 per 100 sq. ft. floor area in meeting or club rooms
(17)	Art gallery, library or museum	10, plus one per 300 sq. ft. of floor area in excess of 2,000 sq. ft.
(18)	Theater, auditorium, sports arena or stadium	1 per 5 seating capacity
(19)	Private park, recreational area or country club	1 per 5 members
(20)	Public golf course or miniature golf course	5 per hole
(21)	Golf driving range	2 per tee
(22)	Bowling alley	5 per lane
(23)	Office: general; medical or dental office or clinic; social service delivery use; animal hospital	1 per 300 sq. ft. of floor area for the first 1,500 sq. ft., plus 1 per 400 sq. ft. in excess thereof
(24)	Funeral home	1 per 4 seating capacity of chapel and funeral service rooms, plus 1 per 2 employees

(25)	Service station, auto repair		2 per service bay or repair stall plus spaces to accommodate all vehicles used in connection therewith
(26)	Restaurant, tearoom or similar food and beverage establishment		1 per 100 sq. ft. of floor area, plus 5 stacking spaces per restaurant drive-in window
(26.1)	Nightclub (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)		1 per 70 sq.ft. of floor area
(27)	Grocery store, convenience store, specialty food or beverage store, take-out restaurant:		
	(a)	Grocery or convenience store occupying not more than 5,000 sq. ft. of floor area; take-out restaurant with no patron seating	1 per 150 sq. ft. floor area
	(b)	Grocery or convenience store occupying more than 5,000 sq. ft. of floor area; specialty food or beverage store	1 per 300 sq. ft. floor area (Ord. No. 2008-36-57, § 3, 3-24-2008)
(28)	Retail or personal service establishment, financial service, retail bakery (unless otherwise specified herein)		1 per 300 sq. ft. floor area
(29)	Bank or savings and loan office, including drive-in		1 per 300 sq. ft. for the first 1,500 sq. ft. of floor area, plus 1 per 400 sq. ft. in excess thereof, plus 5 stacking spaces per drive-in teller

(30)	Furniture, appliance or hardware store; auto salesroom; tire repair and sales; clothing, shoe or other repair shop; machinery and equipment sales and service	1 per 500 sq. ft. of floor area
(31)	Wholesale establishments	1 per 800 sq. ft. of floor area, plus spaces to accommodate all vehicles used in connection therewith
(32)	Manufacturing, processing, fabricating, testing, research, bottling, warehousing and distribution establishments	1 per 2 employees, plus spaces to accommodate all vehicles used in connection therewith
(33)	Shopping centers	1 per 300 sq. ft. of gross leasable area, provided that for shopping centers with greater than 50 percent of the gross leasable area devoted to uses for which the number of spaces required is 1 per 100 sq. ft. of floor area or greater, required parking shall be as specified in section 114-710.3(e) (Ord. No. 2008-36-57, § 3, 3-24-2008)
(34)	Philanthropic, charitable or eleemosynary institution	Sum of spaces required for each component of the use, per the most similar use listed in this section

(35)	Flea market	1 per 300 sq. ft. of area devoted to sales and display
(36)	Marinas	1 per 3 boat slips, provided that parking for uses other than a marina shall be as specified in section 114-710.3(e)

(b) The minimum number of parking spaces required for a use not specifically mentioned in this section shall be as required for the most similar use listed as determined by the zoning administrator.

(Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2006-168-189, § 2, 7-10-2006; Ord. No. 2006-197-217, § 4, 7-24-2006; Ord. No. 2008-2-55, § 2, 3-24-2008; Ord. No. 2008-36-57, § 3, 3-24-2008)

Sec. 114-710.2. Off-street parking not required in certain districts.

In CM, DCC, B-4 and B-5 zoning districts, off-street parking spaces shall not be required for uses other than dwelling uses, hotels and motels. In B, UB and UB-2 districts, off-street parking spaces shall not be required for two or fewer dwelling units where such units are contained within the same building as a nondwelling use.

(Code 1993, § 32-710.2; Ord. No. 2006-168-189, § 2, 7-10-2006; Ord. No. 2008-2-55, § 2, 3-24-2008)

DIVISION 5.1 CONDITIONAL USE PERMITS

Sec. 30-1045.5. Standards for approval.

A conditional use permit shall be approved by the city council only if it finds, after consideration of the recommendation of the planning commission, that the proposed use and related plans are appropriate at the location proposed based upon its consideration of the following standards and the specific conditions, where applicable, for the particular use in the district in which it is proposed to be located. No conditional use permit shall be approved by the city council unless it finds the proposed use and development:

- (1) Will not be contrary to the general purposes of this chapter as stated in section 30-100;
- (2) Will not be in conflict with the objectives and policies of the master plan for the city;
- (3) Will conform with all applicable sections of this article and other applicable requirements of the district in which it is proposed to be located;
- (4) Will not substantially diminish or impair the established property values in the neighborhood in which it is proposed to be located;
- (5) Will not have an undue adverse effect on the public health, safety or general welfare;
- (6) Will not adversely affect the character of the surrounding area or the continued use and development of surrounding property in a manner consistent with applicable zoning regulations or master plan objectives;
- (7) Will not cause undue traffic congestion on public streets or significantly increase traffic volumes on minor residential streets;
- (8) Will be adequately served by essential public services and facilities and will not cause an undue burden on such services and facilities;
- (9) Will not cause the destruction, loss or damage of significant natural, scenic or historic features to any greater degree than development of the property for uses permitted by right in the district;
- (10) Will ensure compatibility with surrounding property through existing and proposed landscaping, screening and buffering and the location, arrangement and character of existing and proposed buildings, structures, open spaces, parking areas, vehicular circulation, driveways, signage and lighting; and
- (11) Will not cause or result in any significant increase in negative cumulative impact when considered in conjunction with other conditional uses in the neighborhood in which it is proposed to be located.

Sec. 30-1045.6. Specific conditions applicable to particular uses.

The conditions set forth in this section shall be applicable to all the following uses as indicated when authorized by conditional use permit, provided that the city council may impose such additional or more stringent conditions as deemed necessary to ensure the use will comply with the standards set forth in this article and elsewhere in this chapter:

.....

(7) Parking areas and parking lots in the B-4 and B-5 district. The following conditions shall be applicable for parking areas or parking lots in the B-4 or B-5 district:

a. The access, landscaping, screening, and arrangement of the parking area or parking lot shall be reviewed by the Urban Design Committee prior to the review of the application for the conditional use permit by the Planning Commission. The Urban Design Committee may recommend to the Planning Commission approval of the conditional use permit or may recommend that additional conditions be imposed. In making its recommendation, the Committee shall consider at least the standards indicated in section 30-1045.5 and parking improvement requirements and landscaping standards in sections 30- 710.10 through 30-710.16.

Sec. 30-1045.7. Additional conditions.

The planning commission may recommend and the city council may impose such additional conditions and limitations on any conditional use, including its scale, intensity, site development, operation or general character, as deemed necessary or appropriate. Such conditions or limitations may be to prevent, minimize or mitigate potential adverse impacts on the surrounding area or on the city as a whole or to ensure compliance with any of the standards and conditions applicable to conditional uses and set forth in this article. Any such conditions or limitations shall be expressly set forth in the ordinance approving the conditional use.

Sec. 30-1045.8. Amendments after approval.

An approved conditional use permit may be amended only in accordance with the procedures and subject to the standards set forth in this article for review and approval of a new conditional use permit.

Sec. 30-1045.9. Expiration.

An approved conditional use permit shall become null and void if no application for a building permit to construct the authorized improvements has been submitted within two years of the date of approval by the city council. A conditional use permit for which no building permit is required shall become null and void if the use is not established within two years of the date of approval by the city council as evidenced by the issuance of a certificate of use and occupancy or a certificate of zoning compliance. The city council may, for good cause, specify a longer period in its approval of a conditional use permit.