

DIVISION 10. B-7 DISTRICT

Sec. 59-231. General.

The provisions of this division apply to all lands, uses and structures in the B-7 district. (Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-232. Description of district.

The district is intended to provide for and encourage the preservation and vitality of older areas that are significant because of their architectural, historical and economic value. A variety of land uses will be permitted in order to facilitate the reuse of existing structures without jeopardizing or reducing zoning standards promoting the public safety, convenience, health, general welfare and the preservation of the comprehensive plan. New residential development is encouraged. The design of new structures should recognize the style and character of adjoining building exteriors, i.e., cornice lines and building materials and colors should be similar wherever possible.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-233. Uses allowed in this district.

The following is a list of uses with notations as to whether they are permitted, limited, or have other requirements as listed in the matrix and the sections which follow. Uses not listed are not allowed in this district. Permitted uses are uses by right.

<i>Key:</i>	
<i>P = Permitted</i>	
<i>L = Uses permitted with limitations</i>	
<i>D = Uses permitted with distance requirements</i>	
<i>* = Need not be enclosed</i>	
<i>Use</i>	<i>B-7</i>
Residential	
Dwelling, multiple unit	P
Dwelling, single unit	P
Retail, service, office	
Adult establishment as follows:	
Adult amusement or entertainment	D1
Bookstore, adult	D1
Eating place with adult amusement	D1
Photo studio, adult	D1
Theater, adult	D1
Animal sales, service, care, household pets only	P
Automobile, motorcycle, light truck sales, leasing, rental*	L33
Banking and financial services	P
Bed and breakfast	P

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<i>Use</i>	<i>B-7</i>
Body art establishment	D4
Bookstore	P
Brewpub	P
Communications service	L41
Eating place	L43
Food preparation and sales, commercial	P
Food sales or market, large	L53
Food sales or market, small	L53
Furniture, furnishings, retail sale, large scale	P
Garden supply store	P*
Home building materials and supplies, sales, or rental	P
Hotel	P
Laboratory, research, development, technological service	P
Liquor store	D7
Motel	P
Office: nondental, nonmedical	P
Printing service, publishing, business support	P
Retail, service, repair, consumer, large scale	P
Retail, service, repair, consumer, medium scale	P
Retail, service, repair, consumer, small scale	P
Retail, service, repair, consumer, special	L77
Service, repair, commercial	P
Industrial, wholesale, transportation, utilities	
Assembly, without fabrication	L94
Manufacturing, fabrication, and assembly, custom	P
Manufacturing, fabrication, and assembly, general	L7
Manufacturing, fabrication, and assembly, light	P
Railroad facilities	L106
Railway right-of-way*	P
Terminal and service facility for bus system*	L114
Terminal, freight and air courier services	P
Terminal, public transportation, local*	P
Utility, major impact	L115
Utility, minor impact	P
Wholesale trade, general, and/or storage of toxic and/or hazardous materials	L125

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<i>Use</i>	<i>B-7</i>
Wholesale trade, light, and/or storage of nontoxic, nonhazardous materials	P
Arts, entertainment, recreation, institutions	
Ambulance service	P
Child care center	P
Church, religious institution	P
Clinic, office, laboratory, dental or medical	P
Club or lodge	P
Conference center, meeting hall	P
Fire station	P
Library	P
Museums, other special purpose cultural institutions	P
Police station	P
Postal facility, neighborhood	P
Recreation services, indoor	P
Recreation services, outdoor*	L151
School, elementary or secondary	P
School, vocational or professional	P
Studio, professional	P
Theater, indoor	P
University or college	P
Construction, mining, agriculture	
Contractors, special trade, general	P
Contractors, special trade, heavy, contractor yard*	L166
Uses allowed in all districts unless restricted by special limitations (See chapter 59, article III, division 2)	
Residential care uses (See § 59-82)	
Uses allowed by temporary permit (See § 59-86)	

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 909-05, § 4, eff. 12-16-05; Ord. No. 836-06, § 7, eff. 12-26-06)

Sec. 59-234. Distance requirements.

The following define the distance requirements enumerated in the use chart in section 59-233:

D1

- a. The following permitted uses shall not be established, operated or maintained within five hundred (500) feet of a residential district, a dwelling unit (single or multiple), a single unit dwelling, a church, a school meeting all the requirements of the compulsory education laws of the state, an arts education center, a learning center, an amusement/special interest park, a child care center, or a children's indoor play center, or within one hundred twenty-five (125) feet of a pedestrian and/or transit mall:
 1. Adult amusement or entertainment;
 2. Bookstore, adult;
 3. Eating place with adult amusement or entertainment;
 4. Photo studio, adult;
 5. Theater, adult.
- b. For the purposes of this limitation, D-1, only:
 1. Learning center shall mean a commercial business that regularly provides on site, specialized or intensive educational services or tutoring to persons under eighteen (18) years of age;
 2. Arts education center shall mean a place where instruction is regularly provided to persons under eighteen (18) years of age in the fields of painting, drawing, sculpture, etching, craft work, fine arts, dance, drama, photography, music, martial arts, or other similar fields of art.
- c. Not more than two (2) of the following permitted uses may be established, operated or maintained within one thousand (1,000) feet of each other:
 1. Amusement center;
 2. Adult amusement or entertainment;
 3. Bookstore, adult;
 4. Eating place with adult amusement or entertainment;
 5. Photo studio, adult;
 6. Theater, adult.

D4 Not more than two (2) of the following permitted uses may be established, operated or maintained within one thousand (1,000) feet of each other: Body art establishment.

D7

- a. No liquor store or drugstore licensed to sell package liquors, not existing or operating on August 31, 1997, shall be established, operated, or maintained within one thousand (1,000) feet of another liquor store or drugstore licensed to sell package liquors.

- b. No liquor store or drugstore licensed to sell package liquors, not existing or operating on July 31, 2000, shall be established, operated, or maintained within one thousand (1,000) feet of a community corrections facility.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-235. Limitations.

The following define the limitations enumerated in the use chart in section 59-233:

L7 Limited to the manufacturing, processing and/or fabrication, as enumerated and limited herein of any commodity except the following: abrasives, basic manufacture; alcoholic distillation; animal by-products, basic manufacture or processing; bone black, basic manufacture; brewery; carbon black and lamp black, basic manufacture; charcoal, basic manufacture; chemicals, heavy or industrial, basic manufacture or processing; cinder and cinder blocks, basic manufacture or fabrication; clay and clay products, basic manufacture or fabrication; coal or coke, manufacture or processing; concrete and concrete products, manufacture or fabrication; detergents, soaps and by-products, using animal fat, basic manufacture; electric power generator station; fermented fruits and vegetable products, manufacture; fertilizers, manufacture or processing; fungicides, manufacture; gases, other than nitrogen and oxygen, manufacture; glass, manufacture; glue and size, manufacture; grain milling; graphite, manufacture; gypsum and other forms of plaster base, manufacture; insecticides, manufacture; insulation, flammable types, manufacture or fabrication; junk processing; junkyards; matches, manufacture; meat slaughtering or packing; metals, extraction or smelting; metal ingots, pigs, castings sheets or bars, manufacture; oils and fats, animal and vegetable manufacture; paints, pigments, enamels, japans, lacquers, putty, varnishes, whiting and wood fillers, manufacture or fabrication; paper pulp and cellulose, basic manufacture; paraffin, manufacture; petroleum and petroleum products, manufacture or processing; portland and similar cements, manufacture; rubber, manufacture, processing or reclaiming; sawmill or planing mill; serums, toxins, viruses, manufacture; sugars and starches, manufacture; tannery, turpentine, manufacture; wax and wax products, manufacture; wood preserving by creosoting or other pressure impregnation of wood by preservatives; provided, however, that any manufacturing process hereby excluded may be operated as and subject to the limitations of an accessory use.

L17 [Limitation L17 was deleted by Ordinance 836-06, § 8, effective Dec. 26, 2006.]

L21 Limited to auctioneer for automobiles.

L24 Limited to emissions inspection station.

L31 Automobile laundry, including steam cleaning, if visible steam is not discharged directly into outside air. Need not have doors. Must comply with the following conditions:

- a. A minimum of five (5) parking spaces is provided on the same zone lot for each washing stall;
- b. All off-street parking areas shall be hard-surfaced and dust-free;

- c. All lights used to illuminate the area shall be directed away from adjacent residential properties.

L33 Must be totally enclosed with no outdoor displays, sales or storage.

L41 Limited to radio and television broadcasting, including transmitter.

L43 Need not be enclosed to the extent that tables and seats may be placed out of doors, and food served thereat, subject to all of the following conditions:

- a. The outdoor eating area shall be contiguous to the eating place to which it is accessory; and
- b. The eating area shall be clearly delimited.
- c. Any part of the serving area located outside of the completely enclosed structure shall have a hard, all weather surface.

L53 Fruit and/or vegetable store need not be enclosed.

L77 Firearms sales are limited to accessory use to a sporting goods store.

L106 Limited to passenger terminal.

L114 Limited to terminal, no service facilities

L115 Limited to water reservoir, must be enclosed.

L125 Mail order house and the sale at wholesale, the warehousing and/or storage of any commodity except the following:

- a. Live animals;
- b. Commercial explosives;
- c. Above-ground bulk storage of flammable liquids or gases, unless and only to the extent that the storage of such liquids or gases is directly connected with energy or heating devices on the premises or to service railroad locomotives.

L151 Limited to swimming pool, need not be enclosed.

L166 Special trades contractor: a contractor specializing in one (1) or more trades of which the following are examples: plumbing, heating, refrigerator and air conditioning; painting, paper hanging and decorating; wiring and electrical work; glass and glazing work; damp proofing; fire proofing; tile, linoleum floor laying and other floor work; insulation, asbestos and acoustical work; carpentry and cabinet making; excavating; well drilling; masonry and stone work; ornamental iron work. Trucks having a manufacturer's capacity of more than two (2) tons shall not remain on the premises except as necessary to load and discharge contents.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-236. Limitations on external effects of uses.

External effects of uses, as regulated by section 59-92.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-237. Permitted structures.

Zone lot for structures. A separate ground area, herein called the zone lot, shall be designated, provided and continuously maintained for one (1) or more uses by right or for each structure or group of structures containing one (1) or more uses by right. Each zone lot shall have at least one (1) front line and may have for each principal structure no more than one (1) subordinate structure containing only accessory uses. Upon application to and approval by the department of zoning administration, the boundaries and area of a designated zone lot may be amended if full compliance with all requirements of this chapter can be maintained.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-238. Permitted signs.

The provisions of article V of this chapter on permitted signs shall be in full force and effect in this district.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-239. Off-street parking requirements.

(a) The provisions of section 59-585 (use and maintenance of off-street parking space) shall be in full force and effect in this district for any structure lawfully erected or altered in conformity with applicable municipal ordinances prior to March 1, 2002.

(b) Any structure lawfully erected or any additions to structures erected in conformity with applicable municipal ordinances on or after March 1, 2002, shall comply with the provisions of article VI (off-street parking requirements) with the exception that the parking classes listed in section 59-586 (required off-street parking) shall not apply and shall be replaced by the following:

- (1) There shall be no minimum off-street parking requirement for contributing buildings or residential additions to contributing buildings, as such buildings are designated in article III, (Lower Downtown historic district), of chapter 30, (landmark preservation);
- (2) One off-street parking space shall be provided for each residential unit of a new residential building or a residential addition to a noncontributing building; provided that, upon qualifying under the provisions of article IV, chapter 27 (workforce housing), a twenty (20) percent reduction in the total number of required parking spaces shall be granted;
(Ord. No. 459-06, § 11, eff. 7-21-06)
- (3) One (1) off-street parking space shall be provided for each seven hundred fifty (750) square feet of gross floor area for any nonresidential addition to a contributing or noncontributing building, or a new nonresidential building;
- (4) For zone lots with a mix of residential and any other use by right, off-street parking spaces shall be provided based on the requirements in subsections a through c above in proportion to the uses in the building provided that, upon qualifying under the provisions of article IV, chapter 27 (workforce housing), a twenty (20) percent reduction

in the total number of required parking spaces shall be granted. This shall be calculated by first calculating the number of parking spaces otherwise required, multiplying that figure by eight tenths (.8) and rounding up to the nearest whole number;

- (5) Additional parking is parking above the required minimums as set forth in subsections a through d above. All structures may provide up to an additional one-half (.5) parking space per residential unit and one (1) space per one thousand five hundred (1,500) square feet of gross floor area of nonresidential uses;
 - (6) Excess parking is any parking in excess of the required minimums and allowed additional parking. Excess parking may be granted only upon application to the lower downtown design review board in accordance with the provisions of article III, (Lower Downtown historic district), of chapter 30, (landmark preservation);
 - (7) Off-street parking requirements may be met off the zone lot upon approval of an off-street parking plan by the department of zoning administration after consultation with the lower downtown design review board and the planning director, and provided said parking is provided within the B-7 district or within one thousand (1,000) feet of the zone lot; and
- (Ord. No. 211-04, § 1, eff. 4-9-04)
- (8) All required off-street parking spaces shall be designed in accordance with article VI of this chapter 59.

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 625-05, § 12, eff. 9-2-05)

Sec. 59-240. Off-street loading requirements.

The provisions of article VII of this chapter on off-street loading requirements shall be in full force and effect in this district.

(Ord. No. 361-03, § 3, eff. 5-23-03)