

Martinsville, VA

SECTION XIV. - C-UB, UPTOWN BUSINESS DISTRICT

A. - Purpose and intent.

The C-UB, Uptown Business District (formerly C-2) is established to promote harmonious new development, redevelopment and rehabilitation of uses in the established uptown area of the city. The regulations of the C-UB District are intended to promote the goals of the comprehensive plan for thoughtful uptown revitalization, redevelopment and historic preservation while encouraging a balanced mix of uses in Martinsville's central business area.

Urban development priorities within the C-UB District are to be placed on:

1. Encouraging continued use and revitalization of historic buildings within the district;
2. Promoting opportunities for businesses and mixed-uses consistent with uptown marketplace objectives;
3. Reinforcing pedestrian circulation patterns in and around the central business area;
4. Minimizing vehicular/pedestrian access conflicts among uptown land uses;
5. Enhancing the character of the uptown streetscape;
6. Maintaining strong continuity with the city's historic architectural precedents;
7. Balancing the area's future parking needs with optimal development density; and
8. Encouraging land use creativity by employing flexible provisions available through the companion TND-O Overlay District for C-UB development activities.

No on-site parking is required for uses in the C-UB District. However, subject to determination by the planning commission, new and redevelopment activities may be required to contribute to public parking efforts and expansion plans. Centralized and coordinated public parking within the uptown is encouraged to serve local business, and tourism uses, while off-street and shared parking may be more appropriate for new institutional, residential, mixed-use and large commercial properties. High density residential development and mixed-used development is encouraged to establish residences convenient to places of shopping and work. Outdoor storage and display is tightly governed to promote an attractive and stable urban environment.

B. - Lot and building standards.

Regulated by Table 14.1; see following page.

LOT AND BUILDING STANDARDS

(Table 14.1)

C-UB

Density & Geometric Standards

By-Right Uses

Special Permit Uses*

Residential Uses*

Mixed Use*

Minimum District Size (Acres)

District Size to Conform with Official Zoning Map

Non-Residential FAR (Maximum)	4.0**	4.0**		
Lot Area (SF, Minimum)	nr*	nr*		
Lot Width (Minimum)				
Interior	nr			
Corner	nr			
Lot Depth (Minimum)	nr			
Building Height (Maximum)	90			
Front Setback (Minimum)				
w/parking in front setback	NP		Conventional Residential Not Permitted.	Mixed-Use Permitted in
w/relegated parking (side or rear)	nr		See SUP Provisions for Accessory Dwellings. See TND-O	TND Overlay,
Abutting R or T district	nr		Regulations for Mixed Use Development*	Subject to TND-O District Requirements*
		Regulations for Special Permit Uses Established by SUP Site Plan Process*		
Side Setback (Minimum)				
Interior, abutting ED or C district				
Interior, abutting R or T district	nr			
Corner, abutting any district	10*			
	5*			
Rear Setback (Minimum)				
Abutting ED or C district	nr			
Abutting R or T district	40***			
Maximum Lot Coverage (%)	nr			
Open Space (% , Minimum)	nr			

P = Permitted Use By Special Use Permit
NP = Not Permitted
nr = Not Regulated
SP = *** = See Additional Regulations**
**** = Conditioned on Parking Regulations**
***** = Modified Per Site Plan Approval**
Units in feet (!) unless otherwise noted

C-UB

C. - Uses permitted by right.

Permitted uses shall be those in the following categories which do not exceed a floor area ratio (FAR) of 4.0:

1. Accessory uses and structures.
2. Alcoholic beverage retail sales.
3. Apartments above commercial.
4. Artisan craft production.
5. Artist studio.
6. Assisted living facilities.
7. Automobile parking (as a stand-alone use).
8. Bakery or specialty food store.
9. Banks and financial services.
10. Bed and breakfast inn.
11. Catering establishment.
12. Churches and places of worship.
13. Coffee shop.
14. Commercial indoor entertainment.
15. Commercial indoor sports and recreation.
16. Commercial pool, tennis, or recreation facility.
17. Community gardens.
18. Conference center or performance venue.
19. Convenience store.
20. Data center or call center.
21. Day care, for children or adults.
22. Drug store or pharmacy.
23. Dry cleaning or laundromat.
24. Funeral home or mortuary.
25. Grocery store.
26. Gym or health club.
27. Home occupations.
28. Hotel or motel.
29. Library.
30. Medical or dental office or laboratory.
31. Micro-brewery or tap room.
32. Movie theater.
33. Multifamily dwelling.
34. Museum or historic site.
35. Nursing home.

36. Personal services establishment.
37. Pet grooming and boarding.
38. Private club, lodge, or fraternal organization.
39. Professional office space.
40. Public parks, playgrounds, and open space.
41. Radio or television station.
42. Research and development.
43. Residential dwellings as permitted by-right in Table 14.1 herein above.
44. Restaurant.
45. Restaurant, fast food.
46. Retail sales establishment.
47. Schools, colleges and academic institutions.
48. Tailoring, alterations or shoe repair.
49. Urgent care center.
50. Vocational or trade school.
51. Hydroponic agriculture.

(Ord. No. [2019-Z-1](#), 1-22-2019)

D. - Uses permitted by special use permit.

1. Automobile repair and service.
2. Cemetery or mausoleum.
3. Gasoline sales.
4. Heliport or helipad associated with a permitted use.
5. Hospital.
6. Outside storage.
7. Pawn shop.
8. Proprietor's residential apartment.
9. Plant nursery or landscape sales.
10. Public buildings, infrastructure, and other facilities.
11. Rail or bus transit terminal.
12. Repair services establishment.
13. Residential dwellings as permitted as a special use in Table 14.1 herein above.
14. Telecommunications equipment and towers.
15. Temporary marketing offices for new residential development.
16. Veterinary clinic.
17. Warehouse or self-storage facility.

18. Wholesale food and beverage production.

19. Wholesale sales and trade.

E. - Prohibited uses.

The specific uses which follow shall not be permitted in the C-UB District:

1. Adult entertainment establishments.
2. Any use, establishment or activity which in the opinion of the city council would be injurious, offensive, or noxious by reason of odor, fumes, dust, smoke, vibration, glare, noise or other cause which may be deemed as hazardous to the health, welfare and safety of the public.
3. Prohibited uses in the ED-G and ED-I District regulations.

F. - Additional regulations.

1. An environmental impact statement may be required for any permitted or special permit use. All uses shall conform to federal, state and city environmental regulations and performance standards and design criteria as related to:
 - a. Air pollution.
 - b. Fire and explosion hazards.
 - c. Radiation hazards.
 - d. Electromagnetic radiation and interference hazards.
 - e. Liquid, gas and solid wastes hazards.
 - f. Noise standards.
 - g. Vibration standards.
 - h. Illumination and glare.
 - i. Water quality.
2. In the evaluation of performance standards for any permitted or special permit use in the C-UB District, the city council, at its sole discretion, may impose other conditions and additional restrictions to that use for the purposes of ensuring the mitigation of impacts and promulgating the health, safety and general welfare of the citizens of Martinsville.
3. All uses shall be subject to site plan approval.
4. All refuse stored on-site shall be contained in completely enclosed and screened facilities.
5. A freestanding use shall have no more than two (2) curb cuts for commercial entrances on any single right-of-way, and such curb cuts shall have a minimum distance of one hundred (100) feet between them.
6. Outdoor storage shall be subject to a special use. The location and use of outdoor storage, loading and display areas shall be limited to the designated area(s) on the approved site plan. The outdoor area devoted to storage, loading and display of goods shall be limited to a maximum of fifteen (15) percent of the total lot area and as otherwise designated on an approved site plan. Outdoor storage, loading and display areas in excess of fifteen (15) percent may be approved under special circumstances when the applicant can demonstrate need and provide expanded and enhanced screening, buffers and landscaping.
7. Where a lot is contiguous to property located in an R- district, a landscaped buffer yard shall be provided, with landscape materials and placement subject to site plan approval. Fencing may be required in such cases with fence material and heights subject to site plan approval.

8. Off-street parking. As of the date of adoption of this ordinance, there are no minimum off-street parking space requirements for existing uses in the C-UB District, provided that new and redevelopment uses may be required to provide off-street parking as determined by the zoning administrator and planning commission during the site plan review process.
9. All site development activities shall comply with the state stormwater management regulations in effect at the time of site plan application. The applicant shall be responsible for obtaining and providing the city with all requisite state and federal permits.
10. Refer to any city-adopted design and construction standards and policies for public infrastructure, transportation improvements, stormwater management, low impact development, and other site improvements requirements.
11. For properties located within a designated Historic Preservation District (HP-O), refer to the Martinsville Historic District Design Guidelines and the HP-O District regulations for additional design standards and criteria. For properties located within the HP-O District, no site plan shall be approved by the planning commission prior to the issuance of a certificate of appropriateness by the architectural review board. Conditions attached to the certificate of appropriateness shall be included with the site plan application and reflected on the site plan and building permit exhibits.
12. For properties located within a designated Traditional Neighborhood Development Overlay District, the applicant, at its option, may elect to pursue site plan and building approvals under the provisions and requirements of the TND-O District.
13. Condominiums. Any proposed condominium development shall be established to ensure full conformity with the Virginia Condominium Act, and shall be subject to the following provisions:
 - a. All setbacks, density, and other C-UB District provisions shall be met.
 - b. Minimum lot and yard requirements shall be met as if lot lines existed.
 - c. A site plan shall be required and shall govern the location of all site structures and improvements on final plans.
14. Child or adult day care centers shall comply with all applicable state regulations and requirements.
15. Additional requirements for pawn shops:
 - a. Establishment must maintain and file a daily report, as specified by the Code of Virginia § 54.1-4009, electronically with local law enforcement.
 - b. All of the items collected must be contained within the confines of the actual pawnshop.
 - c. An approved anti-crime security system must be installed to safeguard the premises.
 - d. Establishment shall not be located within one thousand (1,000) feet of a similar establishment
 - e. Establishment must be located at least one thousand (1,000) feet from churches, schools, playgrounds
 - f. Establishment cannot open for business prior to 10:00 a.m. and must close by 9:00 p.m.
16. Proprietor's residential apartment, first floor. A proprietor's apartment is a supplemental use that provides for residential living space limited to occupancy by the proprietor and proprietor's immediate family on the first floor of a commercial or business establishment. A proprietor's residential apartment may be permitted upon approval of a special use permit, provided the following:
 - a. The primary commercial or business establishment meets current zoning, building and other licensing or code requirements of the city.
 - b. The proprietor's residential apartment meets all applicable building code requirements for the applicable residential use category.

- c. Access to the proprietor's apartment from within the commercial or business first floor area is configured in such a way as to secure it from those other than the proprietor and proprietor's family.
 - d. The apartment shall not be larger than twenty-five (25) percent of the total first floor square footage of the building.
 - e. Only one proprietor's apartment shall be permitted on the first floor of any commercial or business establishment.
 - f. Additional parking and loading requirements may be established with the special use permit.
 - g. The apartment is restricted to residential use only. No commercial or business activities related to the primary commercial or business establishment shall be permitted within the proprietor's residential apartment.
 - h. A proprietor's apartment located on the first (or ground) floor level shall not have direct access to any permitted residential unit not associated with the proprietor's apartment that is located above the first (or ground) floor level, provided that the apartment may have access to an upper level where permitted by building code.
 - i. Conditions to the special use permit may be established that limit the continuation of the use of the proprietor's apartment in the event that the retail or business establishment ceases operations.
17. See section III.N. for requirements related to short-term rental occupancy.